

Virtual Council Meeting
October 4, 2021

Members Present: Mayor Buddy Duke, members Jody Greene and Vivian Sharpe. Members Greg Paige, Terry McClain and Walter Cowart joined by telephone.

Others Present: John Flythe, Rhonda Rowe, Tim Tanner, Chad Castleberry and Randy Lane.

Invocation was given by Councilman McClain.

Pledge of Allegiance

Approval of Minutes: Councilman Paige made a motion to approve the minutes of September 20, 2021 as presented. Councilwoman Sharpe seconded. All were in favor.

Res. #21-06: This resolution, submitting an application to obtain OneGeorgia equity program grant funds for public infrastructure improvements, was presented to the council. This grant will be used for street paving and drainage improvements in the proposed expansion of the South Cook Industrial Park. Councilman Greene made a motion to approve the resolution. Councilwoman Sharpe seconded. All were in favor.

Res. #21-07: This resolution, submitting an application to the economic development administration to obtain American Rescue Plan Act Economic Adjustment Assistance (EDA-2021-ARPAEAA) grant funds for public infrastructure improvements, was presented to the council. This grant will be used to address the need for street paving and drainage improvements in the proposed expansion of the South Cook Industrial Park. Councilman Greene made a motion to approve the resolution. Councilwoman Sharpe provided the second. The decision was unanimous.

Audit Report: The audit report for the fiscal year ending September 30, 2020 was presented to the council for their review.

Pastor Lisa Griffith: Pastor Griffith, of Christian Fellowship Church located on Bill Street, addressed the council. She stated that grass has been extending into the roadway and they have experienced flooding issues. She felt that paving the road would help diminish the problem as well as relieve damages to vehicles. She added that three churches are in the area as well and that the neighbors would need to be accountable to help keep the area up. She would like to continue outreach in the area and paving would help. Mayor Duke advised Pastor Griffith that the council has heard other requests as well for paving of this area. The council is being active/proactive to see if funds can be located as this is not a budgeted item at this time. He stated that it is on the radar and hopefully can be accomplished within the next few months.

Dr. Treva Gear: Dr. Gear addressed the council stating that she was reaching out to follow up on the nuisance filed on April 5, 2021, which goes back to March 2020, where a petition was filed concerning the violation of the nuisance ordinance concerning the release of ethyl mercaptan by Advanced Cylinder

and Tank. She stated that Mr. Bruce Roberts produced a mitigation plan on July 30, 2021 to reduce the odor, which has not been effective and the smell continues to be super strong. She asked the council to enforce the law and section #30-6-66. It doesn't have to be illegal; nuisances can be obnoxious and offensive odors. She asked the council to follow the ordinance that they are leading us with and in the charter. She further added that they do want businesses in Adel that build, not kill the community. That location is set as Wholesale Light Industry, and should not be emitting odors. Nobody is acting on ordinances and zoning issues related to the community adjacent to it, which happens to be a predominantly African American community and happens to be a high poverty area. Her question is why, why has nothing been done. Why has it gone on for so long? There are some conflicts of interest based on the personal financial disclosures. She stated that Councilman Cowart's wife is a business manager at the site of Advanced Cylinder and Tank. They hope that is not holding up any justice for the people. Justice delayed is justice denied. We're asking for you to act now, act today, do something, fulfill the letter of the ordinances of the state, 41-1-1 for the state nuisance law. The people are suffering. Fulfill the letter of the law. What are you going to do? She stated they are requesting an answer within the week as to why and what are you going to do since nothing has been done and the smell is still a strong smell that keeps people in their houses, that's still assaulting the people on the west side and the smell spreads depending on the way the wind is blowing. The smell must stop. This is not the industrial revolution period. They will not be poisoned any further. Stop the poisoning of the people by Advanced Cylinder and Tank. Please enact and fulfill the ordinances on the books and the state law. She hopes they can have an answer by next week.

Mayor Duke reported he contacted Mr. Roberts last Friday and had a discussion. His mitigation system has been in place since the date he was asked to put it in place. Mr. Roberts didn't know exactly how long his product was going to last in the container, which was a 35 gallon drum. The odor was strong over one weekend and it was found on Monday that the drum had emptied over the weekend. He immediately had his employees and himself put in another tank to mitigate the odor. They did have that hiccup but they're doing their best to be sure his process is in place. He felt that for the most part he hadn't had any more hiccups since then and he would be glad to entertain any comments or complaints because he wants to comply with the wishes of the citizens. He stated his process also places a citrus smell in the air to help perfume the air as much as possible.

Dr. Gear stated the hiccups started on the very day of the odor mitigation plan. Why is the council so beholden to this business not to move them to an industrial park, not next to their community? Mayor Duke thanked her for her concern.

Councilman Cowart then stated he had a question for Ms. Gear. He asked what she had said about him because he could hardly hear her. Dr. Gear advised that what she said was that based on the personal financial disclosure he filed with the campaign finance committee that he has a spouse who is employed with Advanced Cylinder and Tank, based on the latest disclosure. She hoped that was not a conflict of interest on why they can't get anything done to get anything moved, which she thinks is a viable concern. He stated "well, your concern is a lie, it's not true". She replied, "Councilman Cowart, I'm not stating that, I did not say that was, that's why we can't get anything done, my question is, is that why?" It is a viable concern that it is a potential conflict of interest sir. That's why I noted it, hoping that's why the council is not dragging their feet on fulfilling the ordinance. Only you all can answer that. Mayor

Duke interjected to Ms. Gear that he felt she was making personal accusations against a councilmember and he did not think doing so in this manner was the most professional way to do that. Councilman Cowart's wife is not employed at that place of business so; therefore, he thinks her accusations are not in line with the current situation. She stated that was good information and she stated that based on the recent personal financial disclosure. All he had to say was that was no longer the case, I didn't say that is what was going on, I just begged to question whether it was. Thank you for the clarification.

Altheia Paige: Mrs. Paige then addressed the mayor and council. She understands the issue at hand with the Advanced Cylinder and Tank; however, the smell has been going on ever since the mitigation was laid out. It got so bad she called all of the council she could get in touch with. The only one she couldn't get in touch with was Councilwoman Sharpe. She left a message for the others she could or she didn't get to talk with. On that day she called, Mayor Duke stated he had smelled it also earlier and he was going to talk with Bruce Roberts. The problem we're having is that we want to take up for each other. It's time that everybody fulfill their own needs on the city council. If it's a problem, it's a problem whether it's a problem for me or whether it's a problem for you. You can't get into "something just happens over the weekend", because that's not true. That is a lie in itself that we had a hiccup and it was a weekend and he came out, etc.. We've been fighting this for a very long time. Not one has come out and said we hear you, we understand, let's see what we can do. It's like yall are passifying Bruce Roberts in the fact that you can keep on sending this odor out. I'm not the only one that's having health issues from this; it's several. I told the ones I talked to, ride by, ride on my street and you can smell it. "Councilman Cowart, the last time we had a conversation at the city council, your response to me is that they was the only one, Bruce Roberts was the only one that gave your wife a job. Now I didn't ask for that, you told me that when I was complaining about the smell." Councilman Cowart interjected "Mam, I don't appreciate anybody bringing up my wife, anything to do with this. Mr. Mayor, do you mind stepping in here, please?" Mayor Duke asked Mrs. Paige to take the personalities and the accusations on your personal vendetta's away from the council meeting and get to the point at hand. She stated there was no vendettas, the only thing she said was what he had said, and if you know and I know, if a person works at certain places, for all the city council, it's like yall don't want to do anything because it will interfere with them. I didn't call any names. I'm not calling nobody a name, the only thing I'm saying is information that I was given by him. That's why I relayed it back to that. The problem I have is that you told me "I'll go and speak with Bruce", is what you told me. We have still smelled that since the day I called you. It would be a problem if we had that business there and the people were complaining about it. I think something would have been done way before now, however, its continuing on. I would appreciate if each of the council would take what we have asked, with the nuisance and the smell, and move it somewhere else where no one has to put up with the odor. Thank you.

Utility Billing System: City manager John Flythe noted that with problems with the software conversion, we still have not mailed bills that should have been sent 9/14 or 9/30. He is going to call the Adel News and ask Charles Shiver to do an article about what we're doing and what we're facing. It's a slow go. The program was not completed when it was transferred over so we're having to restructure a lot of information. We are sorry for what has happened. We are not going to double bill. We will send out bills for each month and work with those as needed. They will not be penalized. Hopefully, it will be solved shortly. Councilwoman Sharpe asked if we could send a letter in the mail to the customers as well as placing it in the paper. Mr. Flythe explained that we don't have a way to mass mail right now

since the customer information is part of the new program. We've had a lot of concern but we will get it solved over a period of time. He further noted this also affects our operations, cash flow, etc. Mayor Duke noted that maybe a resolution would be come to in a short period of time.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke III, Mayor
