

Council Meeting
April 7, 2014

Members Present: Mayor Richard C. Barr, members Jody Greene, Chandler Hill, Buddy Duke, Greg Paige and Butch Fausett.

Others Present: John Flythe, Rhonda Rowe, Tim Tanner, Chad Castleberry, Wayne Giddens, members of the public and a member of the press.

Invocation was given by Councilman Hill.

Approval of Minutes: Councilman Paige made a motion to approve the minutes of March 17, 2014 as presented. Councilman Hill seconded. All were in favor.

Public Hearing (Wal-Mart Variances): Councilman Fausett made a motion, followed by a second from Councilman Paige, to enter into a public hearing to gain input on the variance requests filed by Wal-Mart. All members voted in favor. Mr. David Kirk, an attorney with the firm of Troutman Sanders LLP and representing the proposed Wal-Mart retail establishment to be located on Alabama Road, came before the council to speak in support of the variance requests. Mr. Kirk explained this would be a Wal-Mart Supercenter consisting of approximately 124,000 square feet and would employ more than 200 people. They are requesting (1) a reduction in the required length on the parking stalls from 20' to 18.5'. This would allow for 9'x 18.5' spaces instead of the currently minimum required size of 8.5' x 20'. They have also requested (2) to increase the allowable size of the main wall sign on the front of the building from 96 sq. ft. to 298 sq. ft and to increase the overall allowable total area of signage on the front of the building from 96 sq. ft. to 363 sq. ft. to allow for the smaller signs on each end of the building as well. There was no one else present to speak either for or against the application and the public hearing was declared closed.

Variance Requests (Wal-Mart): Councilman Fausett made a motion to approve the variances on both the parking stalls and signage requests. Councilman Paige seconded. All were in favor.

Adel-Cook Tourism Authority Board Member Appointments: Councilman Fausett made a motion to reappoint Dr. Mary Sue Ward, Cook County Council for the Arts, and Sharon Harnage, Quick Consulting, for a four year term that will expire March 2018. The decision was unanimous.

Roof Repair Bids (Fire Station #2): Bids were received for roof repairs at Fire Station #2 and were as follows:

Brown Construction Company	\$24,600.00
Morey Construction Company	\$28,064.99
Heath Sellars Construction & Roofing, LLC	\$31,780.00

Councilman Fausett made a motion to approve the low bid of Brown Construction Company. Councilman Paige seconded. The decision was unanimous.

Dress Code Ordinance: Attorney Tim Tanner brought a collection of ordinances for review that includes addressing “sagging pants”. He also provided articles on recent court decisions. He advised the council to review these and determine how they would like to proceed.

Resolution #14-02: This resolution, approving the supplemental contract for the gas portfolio IV project between the City of Adel and the Municipal Gas Authority of Georgia and authorizing the execution, delivery and performance of the supplemental contract for the gas portfolio IV project was presented to the council. (MGAG provides certain municipalities and other political subdivisions for the provision of an adequate and dependable wholesale supply of gas to meet the needs of the gas distribution systems.) Councilman Duke made a motion to approve the resolution. Councilman Fausett seconded. Members Hill and Greene voted in favor with Councilman Paige opposing.

Councilman Greg Paige: Councilman Paige addressed the Mayor and Council stating that he had received phone calls Saturday regarding a city vehicle. He prefaced his comments by stating that he felt sure there was already an extensive policy on police cars. He stated that officers work long hours and may never get a chance to eat on their shift. He stated that they were justified in being somewhere to eat or at the banks getting their checks cashed. Furthermore, anytime they are in that car with a light bar on it, he wants them on the road. He stated that he travels, and it might just be that when the officers are coming to court, or going home, they might see him and just might save his life. He added, when we start talking about police officers, let’s get an understanding as to why they are there and what they are doing. On the other hand, we have other city vehicles such as public works and electric vehicles. There was a public works employee who had his child in the vehicle with him Saturday at the ATM between 4:45pm and 5:15 pm and then appeared to be on a “joy-ride” around the city. He has a problem with this and it provides for a lot of liability if someone t-boned that vehicle and hurt this child. He added this is our tax payers’ money. Not to jump on the city manager, but he has been on him over a year about coming up with a comprehensive vehicle policy. One time is enough to ask. The policy should have already been written and approved and shouldn’t go home this weekend without one. He added that he gets angry every time he pays board of education taxes when he has no kids in school. “We can do better by our vehicles.” You might think I can’t write the policy, but if I write it, it will be to military standards.

Secondly, he added that military people don’t like grass. They can’t walk on it. You never see a military person walk on grass. They always walk around it. He stated that his district is sad. The grass is grown up and water is everywhere because we don’t clean our ditches. We need to develop a quarterly plan. We want our ditches cleaned and our grass cut. He’s doing the best he can to make his district look good but he can’t do it if he doesn’t have the help to do it.

Thirdly, he stated that the railroad tracks, especially at 9th and Oak are in sad shape. He was almost thrown off while riding his motorcycle and if that happens he is going to sue somebody. We need to get Norfolk Southern to fix them or stop the trains from coming through the city.

He stated he shouldn't have to be doing this. He added the city manager works for me. That's why I like evaluations. If he's not evaluated he's going to do what he wants to do. If you have it on paper and at the end of the year he hasn't done what he should, he can be fired. I don't mind firing anybody. He worked for 20 years where he was consistently evaluated. Let's get to work, clean up, and get these policies written. He added that he would share the tag # of the vehicle with the city manager and this employee needs to be disciplined.

Mega Mart Alcohol License Hearing: Attorney Tim Tanner reminded the council that Manchar One Corporation, d/b/a Mega Mart has been selling alcoholic beverages under a temporary license beginning January 1, 2014. His understanding is that one of the reasons this was done was because we were waiting on the final disposition of a pre-trial diversion program from a case regarding the sale of synthetic marijuana which is a felony. If the defendant completes this program, there is no offense recorded on his record. He further clarified to the council that a recent case made by the Department of Revenue concerning the sale of alcohol to underage persons was against another store, not Mega Mart. Mr. Tanner stated there was a representative from the store here tonight to plead his case. He further added that what the council is deciding tonight is an administrative action, not whether any criminal action has been committed.

Mr. Ullah Irshad, representing Mega Mart, located at 100 N. Hutchinson Avenue, then came before the council. Mr. Tanner explained to Mr. Irshad that the council scheduled the hearing for him to show cause as to why his license shouldn't be denied. Mr. Irshad was advised he could present witnesses, have the meeting transcribed, cross-examine and have an attorney present to represent him. He could waive these rights if he so wishes. He further stated that the purpose for tonight was for him to tell why his license should be granted. Mr. Irshad responded that he doesn't have any problems, he doesn't have any crime in his life. He said it was one of his employees. He never sales underage. The selling underage was before he got the store. He just does his job and never does anything wrong. Councilman Duke then asked the chief he wanted to expound on the comment that "he never does anything wrong" or if the city attorney would like to address this. Mr. Tanner then asked about the charges of selling the synthetic marijuana. Mr. Irshad stated that it was one of his employees and that employee is no longer with him. Chief Castleberry reminded Councilman Duke that a question he had at one time was why this particular store changed hands so many times. Councilman Duke then asked Mr. Irshad why this takes place. Mr. Irshad responded that he doesn't want to pay whatever he is told the store is making so he has to look for 3 or 4 months. If they want to pay him they can but if they don't want to that's no problem. He looks at the store for about 6 months before he pays the money. Mr. Duke responded that was a good sly answer, but he still hasn't answered the question. Councilman Duke asked if there were any current violations of him selling to underage. There is not for this corporation. Mr. Irshad said he has owned this store for 2 years. Councilman Duke confirmed that since this offense took place there had not been any action against the store. Councilman Duke then confirmed that Mr. Irshad had been

on probation. Mr. Irshad stated that he was on probation for one year and that has been completed. Councilman Duke verified again that the store itself had not suffered any consequences for this offense while other stores that are found guilty of violating the alcohol ordinance have their license suspended and have to pay a reinstatement fee. Mr. Tanner advised he has confirmed the pre-trial conversion with the district attorney but he does not know when his probation was to end. Mr. Tanner then reiterated the decision before them is an administrative action against the license itself. When questioned again by Councilman Duke, Mr. Irshad replied that his store had never sold synthetic marijuana. Councilman Paige asked and it was verified that the Adel Police Department had made the synthetic marijuana case. Councilman Hill asked Mr. Irshad if he had proof as to when his probation had ended. Mr. Irshad replied that his attorney had this. Mr. Irshad had no other information he wanted to provide. Councilman Paige stated that his problem with this is that our officers made a case and if he lets him walk out that door, because he was a police officer at one time, he could understand them saying that was wrong and they would never make another case against him. He stated that his chair is going to vote to fine him. He's not going to let our officers be placed in harm's way and let somebody just walk out the door. Councilman Duke read the guidelines for 1st through 3rd offenses. He stated the council is of the opinion that he has done something wrong and violated our ordinances in their respect. It's been documented that the council has given a suspension of licenses for 1st offense violations of 7 days suspension on the license with a \$500 reinstatement fee and he is making that in the form of a motion. Councilman Paige seconded. Councilman Hill then wanted to verify whether Mr. Irshad owned the business when the charge was made. Chief Castleberry stated that it was his best understanding that the items were already in the store when he purchased it but the sale took place during his ownership. He confirmed the employee had been terminated and that Mr. Irshad had completed his probation. Councilman Hill then stated that he was not in the business of hurting businesses in the City of Adel. His opinion was that Mr. Irshad had paid his debt by the probation. He felt they were setting a dangerous precedence. Councilman Duke stated that Mr. Irshad paid his debt but the store didn't. Councilman Hill asked if other businesses were done the same way. He was advised that they were. The person who committed the crime had to pay and then the store owner had to suffer the consequences of not being able to sale along with the fine. That is what is being done here. It's the response of the store owner. Otherwise, all they have to do is fire the employee. After a call of the votes, all were in favor of the license suspension for 7 days with a reinstatement fee of \$500 with the exception of Councilman Hill who cast an opposing vote.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Richard C. Barr, Mayor
