

Council Meeting

June 16, 2014

Members Present: Mayor Richard 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, and members of the public.

Invocation was given by Councilman Fausett.

Approval of Minutes: Councilman Hill made a motion to accept the minutes of June 2, 2014 as presented. Councilman Fausett seconded with all in favor.

Public Hearing (Variance Request): Councilman Fausett made a motion to enter into a public hearing to gain input on the variance request filed by Donald Quick for property located at 215 W. Fifth Street. Councilman Hill seconded the unanimous decision. The request is for a 1.43 acre reduction from the 2 acre required lot size for the location of a church. In addition to church services, the facility would be utilized for the operation of a food and clothes pantry. Roger Quick, representing Grace Community Church, spoke in favor of the request. He stated the church has operated a food pantry for the past 10 years, servicing approximately 320 families per month and 550 people with meals. They also have a burn-out room and other ministries. He indicated that several other local churches also partner with them to provide these services. He understood that the main issue is adequate parking. He stated there would be no public parking in and around the facility. They will have parking across the street; citizens can walk in the front door, obtain items and then proceed down the alley one way to then stop and pick up their items. It would be a one-way out onto 5th Street. They have been advised they could not have a church in this location. He has spoken with the owner of Blue Tassel and TGGA Fastpitch; both have indicated there would be no problem from their aspect. However, Mr. Fulghum of Fulghum Well & Pump Service is concerned with the traffic. He has explained to him how they will handle this. As far as the location for the church, it is needed to be in the same location for finance purposes. They have to be thrifty with the small amount of cash they have and if this is not approved, it may not be feasible to continue. They have to be as efficient as possible with their resources. He further stated they only have around 15 cars for any designated services and would guarantee things would be handled correctly. Councilman Duke asked what days the food pantry is in operation. Mr. Quick explained Thursday and Thursday night. The clothes pantry is open on Fridays.

Ms. Roseanne Burr spoke in favor regarding the ministry the church offers to residents of Cook Senior Living Center. They provide a birthday gift to each resident of the retirement and nursing homes. She added it helps to have one centralized church in which to work to prepare the gifts. She added that one resident receiving a gift for her 104th birthday had written a card expressing how important the receipt of a gift was to her.

Phillip Merwin, who attends New Lift Baptist Church, addressed the council stating this church helps provide financial support to Grace Community Church and several of their members also volunteer to help at Grace with the ministry projects. He has been amazed by the number of people who are ministered to at this facility. He further stated that many consumers do not have vehicles; therefore, location is vital. He has been impressed with the ministry this small church provides.

Mr. Kevin Lerlerc, who owns K & A Yard Services, spoke in favor. Through the church, they help people who are very sick. They help repair roofs, siding and other things. He donates most of his time and materials to help those in need. He stated the church helps a lot of people in this town.

Joel Fulghum, owner of Fulghum Well & Pump Service, then addressed the council. He stated that he knows what the church is doing is a very good thing. However, he also knows the congestion of traffic in this area. Some of his trucks are 18 wheelers, and with no turn lanes, he has witnessed the backing up of traffic. He is also concerned about the dangers of walking in this area. He stated that Mr. Quick had given his word that they will take care of any traffic problems but he doesn't feel this is the right location. Mayor Barr asked Mr. Fulghum if he owns ½ of the alley to which he replied that he did. Councilman Duke then asked if the portion he owns extends about halfway into the property. Mr. Fulghum stated he owns ½ of the south quadrant with TCCA Fastpitch owning the other half. Councilman Fausett then asked if the consumers would be exiting across his property? Mr. Fulghum stated they would; however, he had agreed when he purchased the property from Donnie Quick that he would leave it as an alley-way for both directions. "If ya'll agree to do this, I will stand to that and you can still enter or exit either way on 4th or 5th Street. I'm a man of my word and that's what I will continue to do."

Elske McCardell, owner of TGGA Fastpitch, stated that when they came to talk with her she thought it was a great idea; however, she is concerned about the parking as well. She doesn't have the same flow of traffic every day. She understood the pantry is open on Thursdays and normally that is a busy day for her. She doesn't mind others parking there as long as none of her clients will be there and need a parking spot. She also stated she doesn't care if they exit beside her location.

Jerry Connell, President of the Adel-Cook County Chamber of Commerce and Chairman of the Downtown Development Authority, addressed the council. He first stated that Grace Community Church has been a loyal member of the chamber for many years and commended them for the great service they do. He stated he does not have a position on this; however, he has to put his hat on as Chairman of the Downtown Development Authority. The downtown business district designated by the DDA runs from the railroad tracks on the west side to Parrish Avenue on the east side down to about 3rd Street on the North and 6th Street on the South. He explained this proposed location is not in the downtown geographical area and knows other churches have been turned down in the designated downtown area for mostly good, sound business decisions. This location is adjacent to the area just as The First Baptist Church is; however, should the council decide to change the existing ordinance, example to no longer require 2 acres, that he is recommending the DDA area to be exempt from this and the ordinance stay the same for that designated area. If the proposed location were in the DDA

zone, that group would have to oppose the variance. With that in mind, he is neither for or against, just wanted to make those comments. There was no further input and the public hearing was declared closed.

Attorney Tim Tanner then advised the council that it is his understanding the applicant is requesting a variance for size requirements. They will have to receive other variances, if they decide to locate a church, other than for lot size. He doesn't want them to ask for just one variance when in fact they may need four. From what he has read, a church requires (1) a lot size no less than 2 acres (2) minimum side and rear yard of 50 feet (3) must front on a major or secondary street and (4) must comply with section 7-8 regarding parking; 1 parking spot for every 4 seats in an assembly area. This needs to be factored in. If the variance is granted, it will only get them partially approved. Councilman Duke questioned the setbacks if they're not building anything. The attorney advised but they are changing the use to a non-conforming use. There were no further comments and the public hearing was declared closed. Councilman Duke made a motion to table any action until further investigation. Councilman Paige seconded. All were in favor. Councilman Hill stated that he understands the amount of hard work that goes into providing the food pantry ministry and expressed his appreciation to those church members for their efforts.

Public Hearing (Rezoning Request): Councilman Hill made a motion to enter into a public hearing to gain input on a rezoning request filed by Larry Harrell for property located at 201 N. Elm Street. Councilman Fausett seconded with all in favor. The application requests that the property be rezoned from R-8 to GB with the intent to develop the property into an office and retail building. Larry Harrell spoke in favor of the application. He stated he has submitted this request before and this lot has been vacant for 10 years. He would like to place something there that he, along with the city and county, can benefit from. Mr. Harrell stated that Heath Sellars would like to construct an office building on the property. Mr. Sellars was also present and advised the council that as a business owner (Heath Sellars Construction and Roofing), he has been wanting to expand. He currently has a home based business and understands that to reach the next level he needs to put his name in front of people. He stated that Adel appears to be growing and anytime we can put up a new structure and do it the right way, we can enhance the skyline. While the property is not large enough for a restaurant, it would be for a small business. He understands he has to go through a series of steps with the 1st one being to change the zoning in order to erect a nice structure. Councilman Greene asked if he would be storing any equipment or material at this location to which Mr. Sellars replied no, he would not. Councilman Duke asked what size the structure would be. Mr. Sellars advised that has not been decided yet, he would have to get with the zoning department to determine what size can be placed there.

Ms. Fairy Gear then addressed the council and asked what kind of office this would be? Mr. Sellars stated it would be a storefront with a place to process paperwork and to bring clients into for reviewing house plans. Ms. Gear stated that it might start out as this and end up as something else. We don't need nothing else over there, no more congestion. The west side is full. It might be an office now but the next thing she knows, she'll be smelling something and blow flies will be coming in her door. She stated it was nothing against Mr. Sellars but there are much more suitable areas in her opinion.

Councilman Paige asked Ms. Gear if she was not in favor of having an office there instead of a restaurant? No, we don't a restaurant over there. We have enough over there. We can handle the Dollar Store and Wal-Mart but we don't need anything else. There are also more suitable places for an office. Councilman Duke asked with the current zoning, what are some examples of what could be built there now? Attorney Tanner stated it is zoned R-8 which would allow for a church, single family residence, multi-family residence, home business, personal care home, family day-care (6 children). Councilman Duke stated there are some things that could be placed there now that would be more harmful than an office space. If you can have a home business, he could build a house and make an office in the house now. Mr. Tanner added there are also some things you can do to place some limitations on what could be placed there as per Section 12-3; it would become conditional zoning for that parcel. The public hearing was then declared closed.

Rezoning Request: Councilman Fausett made a motion to approve the recommendation of the Greater Cook County Planning and Advisory Commission and proceed with the rezoning of this property from R-8 to GB. Councilman Duke seconded with Councilman Greene voting in favor. Members Paige and Hill opposed. The 1st reading of an ordinance will be held on July 7th.

Res. #14-07: This resolution, authorizing the City of Nashville to compile, complete, and execute the information and forms necessary to support their application for loan funds under the Rural Economic Development Loan and Grant Program (REDLG) through USDA, was presented to the council. It was noted that the City of Adel is one of the first cities in the country to be approved as an intermediary for REDLG funds. The City of Nashville will put up 100% of the cost and the City of Adel will be protected by a certificate of deposit; therefore, we will have the money in the bank. It will not cost the City of Adel anything. This will place the City of Adel in a position to utilize this funding for future economic purposes. Councilman Duke made a motion to approve the resolution. Councilman Fausett seconded. All were in favor.

Library Board Appointment: Councilman Fausett made a motion to approve the appointment of Jeff Taylor to the Cook County Library Board. Councilman Paige seconded. This request was made following the resignation of Jack Atkinson. This appointment would be for one year to complete the term of Mr. Atkinson. All members voted in favor.

Bridge Repair Bids: Bids were received to undercoat the bridge on 6th Street following a mandate by the DOT after inspection. This item is budgeted and bids are as follows:

Southern Concrete Construction Co., Inc.	\$5000.00
Reames & Son Construction Company, Inc.	\$6120.24

Councilman Paige made a motion to approve the low bid. Councilman Duke seconded. All were in favor.

Lift Station 18 Repairs: City Manager John Flythe advised the council that one of the three motors at lift station 18 has burned up and there are no spares on hand. This is the last lift station before reaching the treatment plant; therefore, all wastewater received by the city passes through this one. If we lose an additional motor, we would be in trouble. A new motor would cost \$43,000 or we can rewind and repair the existing motor for \$16,470.68. Councilman Greene questioned what success we have had with rebuilding these motors and was advised that so far they have worked well. The rebuilt motor will also have a warranty issued. Councilman Fausett made a motion to rebuild the existing motor. Councilman Hill seconded. The decision was unanimous.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Richard C. Barr, Mayor
