

Council Meeting

July 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 and members of the public.

Invocation was given by Councilman Hill.

Approval of Minutes: Councilman Fausett made a motion to approve the minutes of June 16, 2014 as presented. Councilman Paige seconded with all in favor.

Sharon Harnage (Depot Use Request): Ms. Harnage addressed the council concerning a revival event for women that she and Pete Moore are in the beginning stages of planning and would like to request use of the depot. Testimonies will be provided and a Christian comedian will be speaking. They would like to have the event either the 2nd or 3rd Saturday in October and it should last only a couple of hours. When asked if they would be using loud speakers, Ms. Harnage replied the speaker would be using some form of microphone but it would not disrupt the surrounding community. Councilman Fausett made a motion to approve the request. Councilman Hill seconded. Members Greene and Duke voted in favor with Councilman Paige opposing.

Public Hearing: Councilman Fausett made a motion to enter into public hearing to gain input on the rezoning request filed by Adel Industrial Development Authority requesting that property located on N. Hutchinson Avenue between Talley and West Mitchell Street be rezoned from Wholesale Light Industrial (WLI) to General Business (GB). Councilman Duke seconded with all in favor. Mr. Howard McClain, member of the Adel Industrial Development Authority, spoke in favor of the application stating this property was part of where the old Talley Corbett Box Company was located until approximately 10 years ago. The AIDA acquired all of that property with the exception of about two acres on the north end. They would like to have the property that extends southward from their northernmost boundary to the point where the dialysis clinic currently is rezoned from WLI to GB. This would allow for the placement of any retail or medical type facilities. Councilman Fausett confirmed the property would also extend from Hwy 41 westward to the railroad tracks. There was no one present to speak against the application and the public hearing was declared closed.

Ord. #14-02: This ordinance, rezoning property of the Adel Industrial Development Authority located on North Hutchinson Avenue from WLI to GB, was read for the first time.

Ord. #14-01: This ordinance, rezoning property of Larry Harrell on N. Elm Street from R-8 to GB, was read for the first time.

Variance Request (Grace Community Church): This item, having been tabled at the last meeting, was brought back before the council. Mayor Barr advised that it appears the parking issue has been resolved and they do have enough spaces. They will not need the depot parking lot or Mr. Barr's personal lot located on 4th Street. They will, however, need a variance on the side setback requirements. They are asking for approval of this to allow them to begin church services. In addition to the church services, they will be having a food pantry and clothes closet. He stated the parking along the sides and in the alley way would allow for adequate parking and had been resolved with the owners of the adjoining owners in the back of the property. When Mayor Barr asked for clarification from one of the property owners, Joel Fulgum, he stated it had not been resolved. Councilman Paige stated the food pantry in his opinion is a good thing. However, the church, in his opinion, is not a good thing. He stated his chair would vote for the food pantry but it could not, in good conscience, vote for the church. He added that he has read every stitch of e-mails that have come out about this and some that said the city council may have acted unethical. He wanted the citizens to know this chair didn't do one thing unethical and he stated to the city attorney that he thought it may be in order to conduct an investigation to see who those councilmen were that may have made those statements. With the way this has been handled he cannot vote for it. Someone came to see him last Thursday and he apologized that he couldn't see them, but he was too sick to speak with them. He added that to say the least, Thursday was not the day to come see him, you should have come to see me before this whole thing happened. With this being said, his chair would have to vote no. Councilman Duke then questioned for verification that the parking spaces had been worked out and Mayor Barr stated they had. City Manager John Flythe then read a statement from Chris Davis, building and zoning official, that stated Mr. Roger Quick had come by his office today and discussed the parking requirements. They have 50 chairs and by the ordinance it requires 13 parking stalls. He had marked out on site 23 stalls. They do meet the size requirements set by the ordinance; therefore, he would not need a variance on the parking nor would he need a letter from the City of Adel or Mayor Barr. The only thing left in question would be a variance on the side yard requirements for a church. He would need a 50 ft. variance on the east side and a 17ft variance on the west side. The ordinance requires him to have 50 ft side yards. In the plats he brought adjacent to the building, it shows 16 spaces without including anything south of the building. This would resolve the parking issue. He's got a total of 23 marked out but he thought some of those are in question. Councilman Paige then asked the city manager to read the e-mail concerning unethical actions by some of the council. He replied that he did not have that with him. He then asked the city attorney who replied he did not have that. He stated that he didn't think any action should be taken until it was presented. He thought the city manager or attorney would have had theirs. He knew it was floating around and stated that he had received a copy of it about some council members acting unjustly. With that being said, he has stated tonight that he has not done or said anything unethical and as far as he is concerned, anyone that does not state tonight they have not done anything unethical is just as guilty until such time as they present it to the people. Councilman Fausett stated this is a variance, not an ordinance, so this is totally different. We can't treat it like an ordinance. Councilman Paige stated if someone is acting unethical it needs to be brought out, we need to know. If I'm sitting here on this council with someone who is doing something contrary to the law I don't want to be sitting here with him. Mayor Barr asked Councilman Paige if he had the e-mail and the name. He stated that yes sir, he had it but he doesn't have the name. He does have the e-mail from Chris Davis stating that some city

councilman done something unethical. Until that is resolved the church needs to be on hold. I will ask in good conscience and in good order that this be investigated and we find out who the councilmember is among us is that is doing these unethical things and it needs to be brought to the attention of the public because we serve at the disposal of the public. Mayor Barr stated it may be in the best interest to table this. Councilman Paige agreed and stated to the city attorney that he expected him to do a good investigation into this to find out who they are and they need to be admonished. Councilman Paige then made a motion to table this item. Councilman Hill seconded. All were in favor.

Dress Code Discussion: Councilman Paige addressed the council stating that that tonight we are trying to get our 1st reading on an ordinance. It is not called a sagging pants ordinance. We are trying to bring back decency and respect. We have wives and kids that need to be respected. It refers to men and women. He encouraged others to get a copy of the proposed ordinance. We are not trying to tell people how and what to wear. If you look good and present yourself in the spirit of looking good, you feel good and when you feel good, you do good things. That is what the law and the spirit of this is trying to do. He asked the other members to support this. Councilman Fausett stated he would like to hear from the city attorney on this subject about the ordinance in a nutshell. City attorney Tim Tanner stated the ordinance presented is one that was passed largely by the City of Brunswick. He has not spoken with anyone from Brunswick but has spoken with someone from Dublin and they have issued a few citations. It has been handled by the police asking people to cooperate. In addition, this regulates indecent exposure, which covers everything from exposing one's genitals, buttocks, or breasts down to acts of sexual intercourse and the one that gets the most attention, sagging pants. The offenses are prosecuted separately and differently. Some offenses are more severe than others. For the sagging pants offense, a citation can be issued but the violator will not be subject to arrest or jail time. There is no case in Georgia where this ordinance has been overturned.

Ordinance #14-03: This ordinance, adopting section 50-8 "Indecent Exposure" of Article I, in General of Chapter 50 "Offense and Miscellaneous Provisions" of the Code of Ordinances was read for the first time.

Budget: City Manager John Flythe advised the council he would like to schedule a work session sometime between now and the first of August to discuss the budget.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Richard C. Barr, Mayor
