

Council Meeting  
February 1, 2016

Members Present: Mayor Buddy Duke, members Butch Fausett, Greg Paige, Michael Purvis, Chandler Hill and Jody Greene.

Others Present: John Flythe, Rhonda Rowe, Tim Tanner, Chad Castleberry and members of the public.

Invocation was given by Councilman Purvis.

#### Pledge of Allegiance

Approval of Minutes: Councilman Fausett made a motion to approve the minutes of January 19, 2016 as presented. Councilman Paige seconded. All were in favor.

Road Construction (S. Hwy 41): It was brought to the council's attention that an industrial prospect of the economic development commission needs to start construction of their building immediately in order to meet their sales opportunity. If they wait until the potential funding of an EIP grant is approved for road construction, they will miss their opportunity for sales this year. If this happens, they could postpone locating their facility here or move it somewhere else. The engineered estimate is around \$147,000. In order to move this project forward, the city manager has proposed asking The Scruggs Company to provide the cost and, if reasonable, adding the cost as a change order to the Alabama Road Project that is still underway. Scruggs has agreed and estimated the cost to be about one half of the engineering estimate. We should have a firm price next week. The city manager is asking that the City of Adel agree to add this change order to our Alabama Road contract and make the improvements with the stipulation that the Adel Industrial Development Authority and/or EDC would pay 100% of all costs for this project. This property and the road are located in the City of Adel. Councilman Fausett made a motion to approve the city manager's recommendation. Councilman Greene seconded. All were in favor.

Shopping Carts Discussion: City Manager John Flythe stated that this item had been requested to be placed on the agenda. He read the minutes concerning this issue that was discussed on April 6, 2015 and advised the City has not picked up any carts. Mayor Duke stated that he had spoken with Councilman Paige and agreed that something needs to be done. We don't have an ordinance in place to fine people concerning grocery carts. Mayor Duke went to the grocery stores and two dollar stores to see if they had signs posted concerning non-removal of the carts. There is a sign at Harveys. He advised those merchants that the city wants to be as proactive as possible concerning the carts. He asked them to place a sign near the exit door stating that the removal of the carts from the premises is illegal and such persons could be arrested. He then asked the city attorney if there is anything on the books that allows our officers to act if they see a cart in someone's possession off of store premises. Could they be charged with stealing? The city attorney stated the ordinance we previously adopted was mainly directed toward the stores themselves and the assessment of penalties. He stated he could draft an

ordinance but feels the officers can question for reasonable suspicion based on the insignia on the carts. Mayor Duke asked the city attorney to review this as well as the other council members over the next two weeks and then come back together at the next council meeting for a final decision. He felt the first step was the store posting signs regarding the removal of the carts, which then gives the city some leverage to do something. The city attorney then stated the first ordinance dealt with abandoned carts, when we were finding them left in various locations; therefore, we were putting the emphasis on the stores. Mayor Duke said the question is whether we want our people to pick up and house the abandoned carts and then contact the store owner? The two grocery stores said they would be happy to pick them up. Or, do we want to leave them and contact the store and advise them where their carts are? Councilman Paige stated we need to leave them there and call the store to let them where they are. Piggly Wiggly has said they would go weekly or whenever they were called to pick them up. Mayor Duke stated that for now, we would continue to leave the carts as is. Our personnel can advise where the carts are located and we will contact the store owner. The attorney stated that if we get a call from a merchant that someone has stolen their cart, we need to prosecute. If we're going to get onto the merchant, we've got to help them with this problem also. Each buggy cost them about \$100. Councilman Fausett added that he didn't want the liability placed on the merchant, it should be on the person who stole the cart. Attorney Tanner added that the thought process behind the previous ordinance was in situations where we had collected a large number of carts and the store owners wouldn't come pick them up. Then we added a storage cost. It was the consensus to table this item until the next meeting.

Bear Creek Village: The city manager advised that funding had been approved for the Bear Creek Village project and will consist of 56 apartment units to be constructed on James Street behind North Gordon Avenue.

Fireman of the Year Banquet: The banquet will be held on February 8, 2016 at the Delle Beamguard center. Anyone planning to attend was asked to notify the city clerk.

There was no further business and the meeting was adjourned.

---

Rhonda P. Rowe, City Clerk

---

Buddy Duke, Mayor