

Council Meeting
July 3, 2023

Members Present: Mayor Buddy Duke, members Greg Paige, Walter Cowart, Celestine Hayes and Jody Greene. Member Terry McClain was present by audio conference due to his being out of town.

Others Present: City Manager Mark Barber, City Clerk Rhonda Rowe, Attorney Tim Tanner, Chief Chad Castleberry and members of the public.

Invocation was given by Councilman Cowart.

Pledge of Allegiance

Approval of Minutes: Councilman Paige made a motion to approve the minutes of June 19, 2023 as presented. Councilman Cowart seconded with all in favor.

Public Hearings: Councilman Paige made a motion to enter into public hearing to gain input on two rezoning applications. Councilwoman Hayes seconded with all members voting in favor.

Sherlene Johnson (210 N. Martin Luther King Drive): This application, filed by Sherlene Johnson, requests that property located at 210 N. Martin Luther King Drive be rezoned from R-8 (Residential) to R-8M (Residential). The application states that the rezoning is being requested in order that a mobile home may be placed on the parcel. The Greater Cook County Planning Advisory Commission met on June 20, 2023 and received a unanimous vote to deny the request. Mayor Duke asked if there was anyone in the audience to speak either for or against the application. No one initially spoke in favor of the request. Ms. Louise Allen spoke against the application stating that she lives across the street from the property location. She stated there are no trailer there and don't need any trailers. There are places for trailers, in the trailer parks. She has been in her location for 53 years and trailers are not good to have in residential areas. Ms. Fairy Gear also spoke in opposition stating that the proposed location is close to her area in which she owns her home. Trailers bring down property values. There are already some there. If they keep coming, there won't be a residential area. They own their home and want it to keep its value. Treva Gear, Fairy Gear's daughter, added that there are 3 or 4 on the adjacent street that are not well kept. This would open the door for more to come and will be a problem. Sherlene Johnson then stated she wanted to speak in favor of the application. She stated this was her mother's land and you should be able to do what you want with your land. It has already gone down if you look around. The trailer will make a difference, its their land and they need to do something with it. The school around it is going down. She doesn't think it's just because of bringing it down that its not wanted there. Ella Kusack also spoke in favor stating they do not want it to sit and not be used. They have considered selling the property. It used to be a spot where people hung out. They would rather have a trailer there in case someone needs it. They will be very particular about who they let live there. There was no one else present to speak either for or against the application.

Artis Bailey and Cynthia Folsom Bailey (827 N. Elm Street): This application, filed by Artis Bailey and Cynthia Folsom Bailey requests that property located at 827 N. Elm Street be rezoned from WLI

(Wholesale Light Industrial) to GB (General Business). The purpose of the rezoning is to allow for a childcare learning center, preschool, afterschool, summer day camp and an all-purpose event space to be placed on the parcel. The Greater Cook County Planning Advisory Commission met on June 29, 2023 and unanimously approved the request. Andrell Durden spoke on behalf of the applicant stating that the property has been in the family for over 100 years. It hasn't been utilized in many years. The construction of a building would beautify the area. It will be used mainly by the kids in that area. It will be beneficial for the city, community, and parents in the area. There was no one else present to speak either for or against the application. The public hearings were then declared closed.

Ord. #23-03: This ordinance, rezoning property of Sherlene Johnson located at 210 N. Martin Luther King Drive from Residential (R-8) to Residential (R-8M), was read for the first time.

Ord. #23-04: This ordinance, rezoning property of Artis Bailey and Cynthia Folsom Bailey located at 827 N. Elm Street from Wholesale Light Industrial (WLI) to General Business (GB), was read for the first time.

City Paid Holidays: Following a discussion at the last meeting concerning the Juneteenth holiday, this item was asked to be placed on the agenda. The council was provided a packet containing the federal holidays and the holidays the city currently takes. City Manager Mark Barber stated that we are also trying to sync holidays with Cook County; they do have a few more than the City right now. When they're observing a holiday and we are not, the County has to make accommodations for the landfill to be open. He noted that Good Friday is another holiday for the council's consideration that the County observes and the City does not. That would leave us 1 difference between the two, which is Columbus Day. The County does not observe Juneteenth at this time. If we do pass to add Juneteenth tonight, that will not interfere with what we're trying to do to coordinate the two schedules between the organizations. Mr. Barber also noted that with any holiday, there is a cost associated because of public safety and the holiday pay they receive; that amount is anywhere between \$6000-\$7000 per holiday. He also included in their packet a list of the holidays neighboring communities are observing as paid holidays. Right now, Cook County pays for 12 holidays; the City of Adel has 10. The Mayor asked if there was any interest in adding the additional Juneteenth holiday. Councilwoman Hayes stated that on June 17, 2021 President Biden declared Juneteenth as a federal holiday. Governor Kemp signed legislation that makes the federal Juneteenth holiday commemorating the end of slavery a paid day off for Georgia employees. HB 1335 expanded the number of paid holidays for Georgia employees from 12 to 13. It updates the law to stay in line with the federal government to designate Juneteenth as a holiday. Councilwoman Hayes made a motion to make Juneteenth a holiday for the City of Adel. Councilman Paige seconded. All were in favor. The staff was asked if there was any further discussion on this to which Mr. Barber replied only if the council wanted to consider adding Good Friday to help the holiday schedule align with the County. We could bring this back at another time if the council wished. It was the consensus of the council to go ahead and take action tonight. Councilwoman Hayes made a motion to accept Good Friday as a paid holiday for city employees. Councilman Paige seconded. The decision was unanimous.

Brandy Wilkes: Ms. Wilkes addressed the council concerning an issue with her utility account. She stated that "she had relocated from Adel 1 & 1/2 years ago; she recently accepted a position and will be coming back to Adel. A power payment in the amount of \$1000 is a new payment from bills and

adjustment of power billing in the area.” She’s asking for a division of the payment over a period of 1 to 2 years as a new resident rather than paying the entire \$1000 to relocate. Mr. Barber asked for clarification if she owed an outstanding balance when she left? She replied no, the final payment upon leaving was \$200; however, upon returning it is \$1000. She stated there was apparently an adjustment in billing after she relocated in the City of Adel. City Clerk Rhonda Rowe added that Ms. Wilkes left in May 2022 and the \$200 she is referring to is the last bill she received prior to her leaving. Ms. Wilkes stated the payments of the \$1000 are for 2021. The city clerk added that due to the problems experienced with the utility billing, the bill issued April 19, 2022 was for the September 2021 usage period. Ms. Wilkes would have the additional bills that went out as they were processed that would have covered her usage up to the time she left, which was May 27, 2022. Ms. Wilkes stated that after she left she received a \$200 payment and a month following received a \$1000 payment; she was unaware of the \$1000 or she would have paid extra each month to pay the additional prior to relocating. Mr. Barber questioned if she is asking to set up a payment plan for the \$1000? She replied yes, rather than paying the \$1000 at one time. Councilwoman Hayes asked if the delay in utility billing is the reason she didn’t get the rest of the billing, other than the \$200? The city clerk stated that at the time she left, which was May 2022, she had received a bill which was for the 9-30-2021 billing. After that, as the following bills were processed, they were mailed and added to her account. She is aware that she owed the additional balance. The council was advised the practice is that if someone leaves and does not pay their utilities, that if they do return to re-establish utilities, they are required to pay the balance in full before we connect. Ms. Wilkes stated she was asking for a division of the payment due to the fact she was unaware it was owed until returning. The city clerk stated that Ms. Wilkes may want to share what she had previously stated, that she had been making some payments? Ms. Wilkes stated that she knew for several months that a utility bill never arrived. She drives to the City of Adel and they state an error in utilities and the payment to be processed will arrive later; however, months passed and she received a payment, payment, payment. After relocating she received a bill for the entire amount. She was paying as she received a payment to pay. Councilwoman Hayes asked if we are saying that if we give her the divisions, we can’t turn the power on until she pays the full amount? Ms. Wilkes then added she was asking to restore the power to her new residence and just add the amount to her regular bill; the same as for the residents in Adel continuing to pay an amount for the utility glitch. Councilwoman Hayes asked her how much of a division she was speaking of? Ms. Wilkes replied, maybe a year or two years, \$50 per month? She added she had signed a one year lease so she will be here for a year to pay the payments. Mayor Duke asked if there were any recommendations from staff? The City Manager stated that he would like to address city attorney Tim Tanner. Does this tend to be more of an operational, day to day decision for staff to make? I would not want the council to make a vote tonight, whatever that would be, that would go against our ordinance. Attorney Tanner stated that if it goes against our ordinance we can’t do it. He stated you could readdress the ordinance possibly, but you can’t go against the ordinance. Ms. Wilkes stated she knew the residents were allowed to make a division of the \$1000 back payment. A friend of hers is paying \$25 per month until the payment processes. Mr. Tanner stated she was probably referring to the ordinance the council passed about giving everyone 24 months to pay arrearages. She stated she was asking for the same leniency. Mayor Duke asked if that was in effect now? Mr. Barber stated its not in effect now but some people are paying an extra amount until it does come into effect. Mr. Tanner noted there was a provision in there that stated you had to be a customer as of a certain date, with that date being December 31, 2022. Mayor Duke stated we can’t vote against our ordinance of what we have in place at this time. Ms. Wilkes stated she was asking for an

amendment to the ordinance to extend to relocating customers. The reality of it is people relocating and, ethical will pay payments; however, people relocating and receiving a \$1000 bill not knowing the antecedent to the bill are the majority of Adel is not going to pay payments. I want to pay payments; however, \$1000 prior to relocating to Adel this month is outside of my budget. An amendment allowing new residents the same leniency as the current residents achieves payments in the outstanding bills more than staying in Sparks, or Hahira, rather than paying the \$1000. If you do not have the \$1000 you're residing in a near-by town, leaving the payment unpaid for the City of Adel. Mayor Duke stated it would be up to the council to make a change and would leave it to the advice of the city attorney, along with the city manager. The city attorney stated he would act as to the city's direction or they could table the issue and think about it. Mayor Duke stated he thought they needed to gather more information. He stated the 24 months are not set up yet; those people are just making payments on their own. She stated payments are arranged for the current residents according to the tenants at Stone Ridge. Mayor Duke stated it is not set up. They are just voluntarily making a payment. She stated she would voluntarily make a payment. Responding to a question from the Mayor about moving into town owing an amount of money, Ms. Wilkes stated no, that she relocated and the final power payment arrives; however, relocating to Adel from where she was teaching in Valdosta a \$1000 payment is owing. She's asking to pay smaller payments than the \$1000. The Mayor asked her who sent the \$1000 bill, the City? She replied no, a \$200 bill is her final bill; however, a \$1000 is owing in addition to the bill she received prior to relocating from Stone Ridge. He asked where that got generated from? She stated she currently learned the \$1000 inquiring about utilities for a new residence. She was not aware of the \$1000 until relocating. Mayor Duke asked her what generated the \$1000? She replied, an error in utility billing. The city clerk advised it was for the billings she incurred from September 2021 until she moved out in May 2022. The city clerk stated the bill she received in April 2022 stated on the bill that it was for the 9-30-2021 billing so she should have been aware she had not received all of her billings. Ms. Wilkes stated she never received a bill for those and every month she would drive to Adel and inquire. The city clerk questioned her that didn't she originally say she had made payments? Ms. Wilkes stated the receptionist had stated that only if a payment is owing can they accept a payment; nothing was owed so she told me to wait until the next month. She stated that some months she received a payment, some months she didn't. She added that every month she received a bill she made a payment. This city doesn't allow owing \$1000 and continuing utilities. Mayor Duke stated he thought they needed to have some conversation about it. He didn't want her to go out raw about it but they can't just hypothetically make a payment plan to fit her needs and not do it for everyone else. The council needs to get a full understanding from staff as to the process that has brought us to here. We can make a decision based on that. Mr. Barber asked her when she was trying to get into her new residence to which she replied August 1st. Councilman Paige made a motion to table this item. Councilman Greene seconded with all in favor. Mayor Duke stated we would get back in touch with her.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke, III – Mayor
