

Council Meeting
December 5, 2022

Members Present: Mayor Buddy Duke, members Terry McClain, Greg Paige, Walter Cowart, Celestine Hayes and Jody Greene.

Others Present: Rhonda Rowe, Tim Tanner and several members of the public.

Invocation was given by Councilman McClain.

Pledge of Allegiance

Approval of Minutes: Councilman Paige made a motion to accept the minutes of November 7, 2022 and November 18, 2022 as presented. Councilman McClain seconded. All were in favor.

Public Hearing (James L. & Kourtnei T. Traylor): Councilman Cowart made a motion to enter into public hearing to gain input on the rezoning application filed by James L. & Kourtnei T. Traylor. Councilman Greene seconded the motion with all in favor. The application requests that property located at the corner of 16th Street and Richard Circle (Map 0040G Parcel 071) be rezoned from R8M (Residential) to GB (General Business). Kourtnei Traylor spoke in favor of the application stating that it will not be an actual car lot where cars will be placed onto the property. When they went into a business class they are required to sell the cars from another property or building besides their home. She added that they own a majority of the property in the area and she did not know if the members were aware what it looks like now, but they have part of the cleanest property on Richard Circle. Councilman Greene asked where the cars she will be selling will be stored? Mrs. Traylor replied that they are hoping to sell them as soon as they get them. She stated they may hold one or two but are hoping to get rid of them as soon as they get them. Altheia Paige then addressed the council stating the purpose for the rezoning is to be able to sell vehicles online; however, the state requires a separate address for titling purposes, so it will be just a small building they will be using. She stated if you go out to Richard Circle, there are 3 trailers out there with one of those facing 16th Street. Kourtnei and James owns all of the other property. They are in the process of buying the two trailers that are facing their house so most of that property is their property. In order for another business to come there, they would have to bull-doze the trailers on the other side where the dirt road is and bull-doze the small huts around the curve in order for another business to come there. Mrs. Paige stated she is on the planning board and they voted in favor of it since it was not going to be an actual car lot. If you drive down Hwy 41 and you see the little building, that's what it will be like except no cars will actually be parked there. There was no one further to speak either for or against the rezoning application and the public hearing was then declared closed.

Ord. #22-04: This ordinance, rezoning property of James L. and Kourtnei T. Traylor from R8M to GB located on the corner of 16th Street and Richard Circle, was read for the first time.

Alabama Road Land Swap: City attorney Tim Tanner advised the language of the agreement is worked out but the city manager wants to look at the final map, which does control a lot, before it is acted upon. Councilman Greene made a motion to table any action until the next meeting. Councilman Paige seconded with all in favor.

Alcohol License Renewals: The council was presented with a list of applicants who have completed their 2023 renewal applications and paid the renewal fees. Those applicants include the following:

D & L Gaskins Enterprises, LLC
Heny Enterprises, Inc.
Krishna & Krishna 1, LLC
Mahaganapati, LLC
Shree Verai Mata, LLC
Wal-Mart Home Office
J Mar Industries, LLC
Reynolds IGA Foodliner, Inc.
Happy Management, LLC
Gunny's Ale House, Inc.

Councilman Greene made a motion to approve issuance of the renewals. Councilman Paige seconded with all in favor.

Bank Account Closure Authorization: Mayor Duke advised the council that First Commerce Credit Union is needing action in the minutes authorizing the closing of all accounts with the city clerk, city manager and mayor having authorization to effectuate the closing of the accounts. He noted we did authorize approval at a prior meeting to transfer those accounts to another bank. Councilman Greene made a motion authorizing the city manager, city clerk and mayor to close the accounts at First Commerce. Councilwoman Hayes asked where the accounts were going to go once they are closed? She was advised some are transferring to Renasant Bank and some to Cook Community Bank. Councilwoman Hayes asked about the amounts of the accounts. The city clerk explained that First Commerce is now a credit union and there are differing opinions about public funds being held in an institution that is a credit union because they are no longer backed by FDIC insurance, which is not agreeable with state law. Councilwoman Hayes asked to get the amounts in the accounts. There was no further discussion and the decision was unanimous to close the accounts.

Resolution #22-09: This resolution, authorizing expenditure of ARPA funds to remedy the effects of the pandemic on households and provide for the provision of government services, was presented to the council. City attorney Tim Tanner noted that a date needed to be determined for existing customers that would receive the credit for Section 1. For instance, if someone came in yesterday and opened an account should they be given the credit too, so a date needed to be defined concerning this. The date of December 31, 2022 was presented as a consideration. Hopefully, billing will be caught up with around the end of March. If someone opened an account in January they should only receive very little of the delay. They would certainly also have the option to do a pre-payment if they chose. Depending on the timing of when a customer opens an account, it could be two months anyway before they receive their first bill. Councilman Cowart stated that December 31st sounded good to him. Councilwoman Hayes stated she talked with a gentleman that moved here in June and he has just now received a bill so she didn't think someone who just moved here in June; she would think it would have to deal with everyone that it affected from the time that it started. Mayor Duke stated he felt the same way but it would be a bookkeeping nightmare to figure out (a pro rata amount for what she's making reference to). How could you decide what is fair for those that did come in versus those who have been here the whole time. The city attorney stated that obviously it's for Adel customers, but what does that mean; that's easy sitting here today but customers come and go sometime. For instance, in Valdosta when they used some of the ARPA funds for non-profits and businesses they had a range. Some were declined because they didn't start a business until after they were in a qualified census tract or they didn't start the business until after the range (they had a set range of dates). Mayor Duke stated whereas those people that have left will not be able to take advantage of it and they might have left last month. It goes both ways. Mr. Tanner noted that was a good point, you might want to think that Adel customers that existed on this date, what if they had left, do you say if they existed on this date, do they still remain a customer? Mayor Duke stated the date of December 31st was mentioned today. It will be up to the council to decide but you've got to decide what point is the cut-off? Most of the people in here tonight have been affected by it. He doesn't keep up with the number of customers that come in but anybody who is a resident as of December 31st will be eligible for it. Altheia Paige addressed Mayor Duke and stated it appears he is ignoring her but she has a question; Mayor Duke stated we are still having a conversation but he will address her in a second. He advised her she did not have the floor. He will be with her in a minute but he wants to get the council's understanding concerning the date. We've established the amount of money, the time that it came and we need to establish the time of which it can be awarded. Councilman Greene stated that for some customers they may get some advantage over those who have been here a lot longer but there is really almost no way to separate them. For somebody that opened an account today, it will still be another 3 or 4 months before their final bill comes out. Mayor Duke addressed Mrs. Paige and she questioned that the ARPA funds were only going to be used for the paving of those 3 streets along with the \$400 credit for the customers, is that what she understands? He advised that is what was presented. She verified that nothing else has been added to it for the ARPA funds to which she was advised no. Another question, if you do December 31st, she understands it might be hard for the staff, but because some have been here so long and they have suffered the most, if someone comes in and they have been here since July, they are going to be able to take advantage of what older residents have already been dealing with and struggling to pay. To her it wouldn't be fair if I moved in July 31st and I got money to my account. I wouldn't feel obligated to that

because it didn't affect me during the time that it has affected everybody else for those 7 or 8 months. Mayor Duke stated he agreed 100%. Councilwoman Hayes stated she felt the same way as Mrs. Paige but at the same time, we don't need to keep delaying this. It will just push it out further as far as it being done and it may take a while to do all this. Mayor Duke added that we're establishing the amount and time frame to cut it off. The amount is not going to change to the recipients that have been here. All you're really discussing is whether the new residents are deserving of the full amount. There may be a handful of those people, I don't really know how many. The amount is a guaranteed amount for the residents that have been here for the duration. We're not changing that at all. Councilman Cowart made a motion to approve the resolution with a date of December 31, 2022 inserted for the date of existing customers. Councilman Greene seconded. Mr. Tanner added that the way he's written it is in a way that the \$400 for customers is a top priority and then it moves down to the street paving. The decision was unanimous.

Res. #22-10: This resolution, addressing arrearage repayment on utility accounts, was presented to the council. The attorney asked if we were confident the billing software would be up to date by April 15th? He stated his latest version reads in Section 1, "whichever comes last". This way, we wouldn't have to come back in case we couldn't determine the aggregate by April 15th. Councilman McClain made a motion to approve the resolution with the wording changed from "first" to "last" in section 1. Councilman Greene seconded. All were in favor.

Other Business:

Celestine Hayes – At the last meeting, we talked about the alley being closed on W. 5th Street and was tabled. She asked when this would be brought back to the council? Mayor Duke advised it would not be before the next meeting; it would be dependent upon the land owner and at his request we would put it back on the agenda.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke III, Mayor
