

Council Meeting
April 18, 2022

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

Others Present: Rhonda Rowe, Randy Lane, Tim Tanner, Chad Castleberry, members of the public and a member of the press. City Manager John Flythe was present by telephonic access.

Invocation was given by Councilman Cowart.

Pledge of Allegiance

Approval of Minutes: Councilman Paige made a motion to approve the minutes of April 4, 2022 as presented. Councilman Cowart seconded with all in favor.

Appointment to Southern Georgia Area Agency on Aging Advisory Council: Councilman Greene made a motion to reappoint Vivian Sharpe to the Southern Georgia Regional Commission's Area Agency on Aging Advisory Council. Councilman McClain seconded. The reappointment will be for a three year term that begins on July 1, 2022. The decision was unanimous.

Alcohol License Application: The council was presented with an alcohol license application from Adel SAI 1995, LLC located at 711 W. 4th Street. All fees have been paid and there was no criminal history record found during the background check. Councilman Greene made a motion to approve the issuance of the license. Councilman McClain seconded. All were in favor.

Ordinance #22-01: This ordinance, amending Section 15-1 of the 1986 Code of Ordinances, was read for the first time. City Attorney Tim Tanner explained the ordinance will strike section 15-1 *Opposing, Obstructing Officers* of the 1986 Code of Ordinances and substitute a new Section 50-8 entitled *Interference*. City Attorney Tim Tanner explained this creates an alternative to the state obstruction offense, which is a fingerprinting offense. Instead of it being a more serious state charge, this would be a local violation. It creates an option for not being on a person's record forever.

Update on Billing: City Clerk Rhonda Rowe advised the council that as of 4:30 this afternoon the programmer was processing the bills and staff is currently printing the bills. They will be placed in the mail tomorrow as long as no problems are encountered tonight. (This will be for the bills that would have normally been sent out on 9/30/2021.)

Celestine Hayes (Response to Letter from Advanced Cylinder & Tank): Councilwoman Hayes wanted to comment on the letter received from Advanced Cylinder & Tank and presented at the last meeting. She stated that it seemed he had a choice on what he wanted to do instead of what we want him to do. Councilwoman Hayes wanted to make a motion that we send Bruce Roberts a citation. Mayor Duke asked what would be the offense? Councilwoman Hayes replied it would be all the complaints that have gone out against it and she also pointed out it was a violation of the city code as well as the city

ordinance. Attorney Tim Tanner stated that whether it be in the form of a citation or lawsuit, the council needs to decide which way they want to go. He would need direction. He could bring a citation in municipal court; however, it would be almost like a lawsuit in municipal court since it alleges a public nuisance. Whether it's called a citation or action, he just needs direction as how to proceed. It's not like issuing a citation for keeping the grass too high. It would need to be a citation backed up by a complaint for a nuisance to move forward for an injunctive relief from the perpetrator. It would take 1 to 2 weeks to prepare. Mayor Duke clarified that we would need this in the form of a motion to proceed and the city attorney concurred that he would need direction from the council. Councilwoman Hayes then restated that she wanted to make a motion to send a citation to Advanced Cylinder and Tank. Councilman Paige seconded. Mr. Tanner stated he would prepare the citation but it would be like a lawsuit. He has to prepare it. For instance, he needs to state the individuals that filed a complaint, so he would be contacting the council to get more additional information. In discussion with the city attorney, Councilwoman Hayes expanded her motion to include moving forward with the prosecution of the nuisance claim along with the city code violation and city ordinance violation. After a call of the votes, Councilwoman Hayes and Councilman Paige voted in favor of the motion. Members McClain, Cowart and Greene cast opposing votes. The motion failed.

There was no further business and the meeting was adjourned.

Rhonda P. Rowe, City Clerk

Luther L. Duke III, Mayor
