



CITY OF WALNUT GROVE
August 10th, 2023 7pm
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Meeting Agenda

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA APPROVAL

VI. CONSENT AGENDA

- 1. Minutes**
- 2. Financials**
- 3. Invoices over \$5000**

Georgia Interlocal Risk Management Agency \$23,082.00

VII. COMMITTEE REPORTS

- 1. Community Involvement Committee - Linda Pilgrim**
- 2. DDA Report – Erica Miles**
- 3. Education Involvement Committee – Stephanie Moncrief**

VIII. PLANNING AND ZONING COMMISSION – Chairman Don Cannon

IX. LIBRARY REPORT – DANA SEGERS

X. PUBLIC COMMENT

XI. OLD BUSINESS

1: EMERALD COVE CORRECTIVE PAVING – BIDS

2: REZONING APPLICATION FOR FOREST GLEN

3: CASE #WGRZ-23-02; Kippy Clark C/O Alexander Brock, Applicant; William Paul Jones Jr. And Bobby L Jones, Owners Parcels #Wg010024 And #Wg010023 – 1071/0 Walnut Grove Parkway Request to Rezone 9.4 Acres From Ag To PUD For A Mixed-Use Development

4: APPOINTMENT OF CITY CLERK AS OFFICIAL RECORDS KEEPER – SECOND READING

5. WALNUT GROVE GAS STATION – REVIEW OF EXTERIOR

6. ETHICS ORDINANCE – SECOND READING

7. TEXT AMENDMENT – The City of Walnut Grove proposes to amend the text of the 2012 Zoning Ordinance for the City of Walnut Grove with proposed amendments to Article III (Definitions) and to Article IX

XII. NEW BUSINESS

1. MILLAGE RATE ROLLBACK – PUBLIC HEARING

2. NUISANCE ORDINANCE

3. COUNCIL PROCEDURE ACT CONCERNING PARLIAMENTARY PROCEDURE AND MEETING RULES

XIII. REPORTS

1. PUBLIC WORKS

2. CITY CLERK

3. MAYOR

XIV. TOWN HALL

XV. COUNCIL COMMENTS

XVI. EXECUTIVE SESSION- If necessary

XVII. ADJOURN

City of Walnut Grove
Budget vs. Actuals: FY 2023 - FY23 P&L Class
 July 2023 - June 2024

Account	1100 - Legislative			6000 - Administration			2400 - Municipal Court			4000 - Public Works			4500 - Wastewater Treatment		
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget
Income															
31.1000 Property Taxes			0.00	387.88		387.88			0.00			0.00			0.00
31.1310 Title Ad Valorem - TAXT			0.00	3,916.00		3,916.00			0.00			0.00			0.00
31.1316 Motor Vehicle Tax			0.00	287.45		287.45			0.00			0.00			0.00
31.1340 Intangible Tax			0.00	258.19		258.19			0.00			0.00			0.00
31.1600 Real Estate Transfer Tax			0.00	178.93		178.93			0.00			0.00			0.00
31.1700 Franchise Tax - Telephones			0.00	234.08		234.08			0.00			0.00			0.00
31.1710 Local Option Sales Tax			0.00	24,848.82		24,848.82			0.00			0.00			0.00
31.2200 Alcohol Excise Tax			0.00	7,844.80		7,844.80			0.00			0.00			0.00
31.4000 Penalties and Interest on Delinquent Taxes			0.00	772.02		772.02			0.00			0.00			0.00
31.5000 Business License			0.00	100.00		100.00			0.00			0.00			0.00
31.5200 Building Permits and Inspections			0.00	100.00		100.00			0.00			0.00			0.00
32.2000 Other Permits			0.00	0.00		0.00			0.00			0.00			0.00
34.0200 Beverage Charges			0.00	0.00		0.00			0.00			0.00			0.00
34.7000 Recession Income			0.00	0.00		0.00			0.00			0.00			0.00
35.1000 Fees and Penalties			0.00	0.00		0.00			0.00			0.00			0.00
35.1200 Sales and Permits			0.00	0.00		0.00			0.00			0.00			0.00
Total Income			0.00	43,113.92		43,113.92			0.00			0.00			0.00
Cost of Goods Sold			0.00	0.00		0.00			0.00			0.00			0.00
Total Cost of Goods Sold			0.00	0.00		0.00			0.00			0.00			0.00
Gross Profit			0.00	43,113.92		43,113.92			0.00			0.00			0.00
Expenses															
61.1100 Salaries and Wages	900.00		300.00	4,987.95		4,987.95			0.00			0.00	9,278.80		0.00
61.2200 Payroll Taxes - Social Security	34.08		34.08	662.66		662.66			0.00			0.00	633.33		0.00
62.1100 Court Costs			0.00					160.00	100.00			0.00			0.00
62.1500 IT Services			0.00	341.88		341.88			0.00			0.00			0.00
62.1710 Solid Waste Collection			0.00	278.00		278.00			0.00			0.00			0.00
62.2200 Repairs and Maintenance			0.00	278.00		278.00			0.00			0.00			0.00
62.2241 Professional Services - Engineering			0.00	3,702.00		3,702.00			0.00			0.00	1,435.79		0.00
62.2244 Professional Services - Legal			0.00	78.00		78.00			0.00			0.00			0.00
62.2250 Facility and Grounds Maintenance			0.00	23,082.00		23,082.00			0.00			0.00			0.00
62.2260 Liability Insurance			0.00	300.00		300.00			0.00			0.00			0.00
62.2290 Communications - Wireless Telephone			0.00	1,191.00		1,191.00			0.00			0.00			0.00
62.3300 Advertising			0.00	581.82		581.82			0.00			0.00			0.00
62.3900 Travel	1,251.75		1,251.75	1,191.00		1,191.00			0.00			0.00			0.00
62.3900 Dues and Fees			0.00	875.00		875.00			0.00			0.00			0.00
63.1110 Office Supplies			0.00	300.00		300.00			0.00			0.00			0.00
63.1210 Utilities - Water			0.00	224.48		224.48			0.00			0.00			0.00
63.1220 Utilities - Gas			0.00	31.51		31.51			0.00			0.00			0.00
63.1230 Utilities - Electricity			0.00	1,195.07		1,195.07			0.00			0.00			0.00
63.1270 Gas, Oil, Diesel			0.00	0.00		0.00			0.00			0.00			0.00
67.3300 Finance Officer Annuity/Death Fund			0.00	497.70		497.70			0.00			0.00			0.00
67.3308 Local Victim Assist. Fund			0.00	204.18		204.18			0.00			0.00			0.00
67.3309 Sheriff's Retirement Fund of CA			0.00	24.00		24.00			0.00			0.00			0.00
67.3303 CSCCA Payments			0.00	943.70		943.70			0.00			0.00			0.00
68.1000 Debt Service - Principal			0.00	2,040.85		2,040.85			0.00			0.00			0.00
68.1000 Debt Service - Interest			0.00	44,372.88		44,372.88			0.00			0.00			0.00
Total Expenses			0.00	48,854.44		48,854.44			0.00			0.00	1,168.17		0.00
Net Operating Income			0.00	4,259.48		4,259.48			0.00			0.00	1,168.17		0.00
Net Income			0.00	4,259.48		4,259.48			0.00			0.00	1,168.17		0.00

	4500 - Books/Wisdom			6100 - Parts & Recreation			6800 - Library			Not Specified			TOTAL		
	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget	Actual	Budget	% of Budget
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	387.08	0.00	387.08
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,910.00	0.00	3,910.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	287.65	0.00	287.65
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	258.16	0.00	258.16
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	178.89	0.00	178.89
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	234.08	0.00	234.08
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,840.82	0.00	24,840.82
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,844.00	0.00	7,844.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	772.82	0.00	772.82
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	100.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	0.00	100.00
	0.00	0.00	0.00	220.00	0.00	0.00	220.00	0.00	0.00	0.00	0.00	0.00	230.00	0.00	230.00
	0.00	0.00	0.00	220.00	0.00	0.00	220.00	0.00	0.00	0.00	0.00	0.00	4,871.83	0.00	4,871.83
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	220.00	0.00	220.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,174.00	0.00	1,174.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,313.98	0.00	4,313.98
	0.00	0.00	0.00	440.00	0.00	0.00	440.00	0.00	0.00	0.00	0.00	0.00	48,918.28	0.00	48,918.28
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	440.00	0.00	0.00	440.00	0.00	0.00	0.00	0.00	0.00	48,918.28	0.00	48,918.28
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,598.75	0.00	17,598.75
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,850.07	0.00	1,850.07
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	0.00	180.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	341.88	0.00	341.88
	7,140.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,140.00	0.00	7,140.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,760.78	0.00	1,760.78
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,880.04	0.00	1,880.04
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4,802.00	0.00	4,802.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	78.00	0.00	78.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	128.00	0.00	128.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	23,082.00	0.00	23,082.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	742.11	0.00	742.11
	0.00	0.00	0.00	0.00	0.00	0.00	240.00	0.00	0.00	0.00	0.00	0.00	840.00	0.00	840.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,432.34	0.00	2,432.34
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	878.00	0.00	878.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	888.85	0.00	888.85
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	388.18	0.00	388.18
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31.51	0.00	31.51
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,718.09	0.00	1,718.09
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,184.07	0.00	1,184.07
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	703.28	0.00	703.28
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	487.79	0.00	487.79
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	284.18	0.00	284.18
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.00	0.00	24.00
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	843.70	0.00	843.70
	0.00	0.00	0.00	0.00	0.00	0.00	2,894.81	0.00	0.00	0.00	0.00	0.00	2,894.81	0.00	2,894.81
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,229.82	0.00	5,229.82
	7,140.00	0.00	0.00	0.00	0.00	0.00	2,894.81	0.00	0.00	0.00	0.00	0.00	74,008.88	0.00	74,008.88
	7,140.00	0.00	0.00	440.00	0.00	0.00	2,894.81	0.00	0.00	0.00	0.00	0.00	23,398.23	0.00	23,398.23
	7,140.00	0.00	0.00	440.00	0.00	0.00	2,894.81	0.00	0.00	0.00	0.00	0.00	23,398.23	0.00	23,398.23



Georgia Interlocal Risk Management Agency

GIRMA
PO Box 105377
Atlanta, GA 30348

City of Walnut Grove
Kimberly Whitlow
City Clerk
2581 Leone Ave
Loganville, GA 30052-4560

STATEMENT

Date	Account #
7/5/2023	511

Date	Reference	Description	Amount	Payments	Balance
5/1/2023	334252	GIRMA 2023-24 Premiums	\$25,827.00		
		GIRMA 2023-24 Premiums	(\$2,745.00)		
		GIRMA 2023-24 Renewal Credit	\$23,082.00	\$0.00	\$23,082.00
Total for Invoice 334252:					
Total for ALL Invoices:					\$23,082.00

Volkert, Inc.
1720 Peachtree Street, NW
Suite 405
Atlanta, Georgia 30309
404.239.2138
www.volkert.com

VOLKERT

February 20, 2023

Mayor Mark Moore
2581 Leone Avenue
Loganville, GA 30052

Re: Gutter Resurfacing for Emerald Cove Subdivision

Dear Mayor Moore:

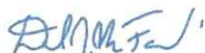
Thank you for the opportunity to provide a proposal for the Emerald Cove Gutter Resurfacing Services for the City of Walnut Grove.

Our services are oriented to the correction of the subpar driveway and street connection resulting from the resurfacing of Emerald Drive. Our solution would be to fill in the space between the edge of the pavement, which was raised by the overlay, and the existing driveway, thereby providing a smooth and consistent surface transition as residents use their driveways to access the street.

Our services are outlined in the included Attachment A- Scope of Services. The total cost of our effort will be \$10,000 plus expenses not to exceed \$2000 as a lump sum contract.

If you have any questions, please contact John Palm at 404.403.4545.

Sincerely,



David McFarlin, PE
Sr. Vice President

Accepted by:

Mark Moore
City of Walnut Grove

GENERAL CONDITIONS FOR LETTER AGREEMENT

This Agreement made and entered into this ____ day of _____, 20__ by and between The City of Walnut Grove, Georgia, hereinafter referred to as the OWNER, and Volkert, Inc., hereinafter referred to as the CONSULTANT;

WHEREAS, the OWNER desires to retain the CONSULTANT to perform certain professional engineering services as outlined in the Scope of Work.

SECTION I – SCOPE OF WORK

CONSULTANT'S Scope of Work hereunder is finite and limited to only those items explicitly stated or enumerated herein or attached hereto. Any work or services desired by OWNER that are not stated herein or attached hereto shall be considered Extra Work and shall entitle CONSULTANT to mutually agreed-upon additional compensation. "Scope of Work" may be interchangeably referred to herein as the "Project". See included Attachment A.

SECTION II – TERMS OF PAYMENT

- A. Partial payments for all services performed by the CONSULTANT under the terms of the Agreement shall be made no more often than monthly to the CONSULTANT by the OWNER upon receipt of invoices and other evidence of performance as may be deemed necessary by the OWNER based upon percentage completed. Payments shall be due and payable within thirty (30) days of the date of invoice.
- B. The OWNER will pay the CONSULTANT for special services performed by Subconsultants at the actual invoice amount times a factor of 1.10 for assisting and coordinating the Subconsultant's services.
- C. Reimbursable expenses are defined as:

Travel and subsistence costs, printing and reproduction, computer services, advertising costs, mail distribution costs, permit fees, application fees or deposits, and all other costs incidental to performing the assignment.
- D. The OWNER, as purchaser of the services described herein, shall pay any applicable sales tax in the manner and in the amount as required by law.
- E. The total fee for professional services shall not exceed \$10,000, plus expenses not to exceed \$2000 Lump Sum unless authorized by OWNER.
- F. Payment shall be made payable to Volkert, Inc. and submitted to the following address: *Dept. #2042, Volkert, Inc., P.O. Box 11407, Birmingham, AL 35246-2042.*

VOLKERT

SECTION III – MISCELLANEOUS

- A. **Extra Work:** It is mutually understood and agreed that the OWNER will compensate the CONSULTANT for services resulting from changes in the scope of a project or its design, including but not necessarily limited to, change in size, complexity, project schedules, or character of construction; revisions to previously accepted studies, reports, design documents, or contract documents; and preparation of documents for separate bids, when such revisions are due to causes beyond the CONSULTANT'S control and when requested or authorized by the OWNER. Compensation for such extra work when authorized by the OWNER shall be mutually agreed upon prior to beginning work.
- B. **Ownership and Reuse of Documents:** All Project documents, including but not necessarily limited to reports, drawings, studies, findings, correspondence, specifications, survey notes, estimates, maps, computations, calculations, computer files, Computer Assisted Design and Drafting (CADD) files (electronic and hard copy), and other data, as well as any and all other documents and other materials prepared, generated, or furnished by or for CONSULTANT and/or its Subconsultant(s) for the Project pursuant to this Agreement (hereinafter referred to in this Section B. as "Documents"), are instruments of service with respect to the Project, and CONSULTANT shall retain an ownership and intellectual property interest therein regardless whether the Project is completed. OWNER is hereby granted a royalty-free, non-exclusive, limited-use license therein, and may make and retain copies thereof for information and reference in connection with the use and/or occupancy of the Project by OWNER and others. However, such Documents are not intended for reuse or future use by OWNER or others for any purpose whatsoever or on any other project, and the limited-use license granted hereunder does not apply to any future use. No representation is made that such Documents are or will be suitable for reuse or future use by OWNER or others for any purpose whatsoever or on any other project. Any use of such Documents by OWNER or others on any project other than the project which is the subject of this Agreement is not advised and shall be done without warranty, representation, or liability to any extent whatsoever on the part of CONSULTANT. OWNER shall defend, indemnify, save and hold harmless CONSULTANT, its officers, directors, employees, agents, successors, and assigns against any and all liability for any and all claims, demands, fines, fees, damages, actions, causes of action, lawsuits, expenses (including attorneys' fees), mediations, and arbitrations arising out of, resulting from, or relating in any way to the OWNER'S use of such Documents.
- C. **Exclusivity of Remedies:** To the fullest extent permitted by law, the total liability, in the aggregate, of CONSULTANT and CONSULTANT'S officers, directors, employees, agents and independent professional associates and Consultants, and of any of them, to OWNER and anyone claiming by, through or under OWNER, for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to CONSULTANT'S services, the project, or this Agreement from any cause or causes whatsoever, including but not limited to the negligence, errors, omissions, strict liability, or breach of contract by CONSULTANT or CONSULTANT'S officers, directors, employees, agents or independent professional associates or Consultants, or any of them, shall be limited to and shall not exceed the total compensation received by CONSULTANT under this Agreement, but in no event shall exceed the amount of available insurance proceeds

D. Insurance & Indemnification: CONSULTANT shall procure and maintain the types and amounts of insurance as are set forth below. CONSULTANT shall cause OWNER to be an additional insured on CONSULTANT's policy of commercial general liability and automobile liability insurance.

<u>TYPE OF COVERAGE</u>	<u>LIMITS</u>
I Worker's Compensation	State – Statutory
Employer Liability	\$1,000,000 Per Accident
	\$1,000,000 Disease/Each Accident
	\$1,000,000 Disease/Policy Limit
II Comprehensive or Commercial General Liability	\$1,000,000 Per Person Bodily Injury
	\$1,000,000 Per Occurrence Bodily Injury
	\$1,000,000 Property Damage
	\$2,000,000 Policy Aggregate
III Automobile Liability	\$1,000,000 Combined Single Limit
IV Professional Liability	\$2,000,000 Each Claim
	\$2,000,000 Annual Aggregate

Indemnification by CONSULTANT. To the fullest extent permitted by law, and up to the limits of the Exclusivity of Remedies provision contained herein, CONSULTANT shall indemnify OWNER and OWNER's officers, directors and employees for costs, losses, judgments, damages and expenses (including reasonable attorneys' fees) to the extent caused by the negligent acts, errors and omissions of CONSULTANT in the performance of its professional services hereunder. In any matters involving allegations of negligent performance of professional services by CONSULTANT, CONSULTANT's defense duties under this Indemnification provision (which are expressly disclaimed) shall include only reimbursement of reasonable defense costs to the extent incurred as a proximate result of CONSULTANT's actual negligent performance.

Indemnification by OWNER. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless CONSULTANT and its officers, directors, members, partners, agents, employees, and subconsultants from and against any and all claims, costs, losses, and damages (including, but not limited to, all fees and charges of engineers, architects, attorneys, and other professionals,

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and all court, arbitration, or other dispute resolution costs) arising out of or relating to the Project, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by any negligent act, omission, or willful misconduct of OWNER or OWNER officers, directors, members, partners, agents, employees, consultants, or others retained by or under contract to the OWNER with respect to this Agreement or to the Project.

E. Termination:

1. For cause,

(a) By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

(b) By CONSULTANT:

(1) upon seven days written notice if OWNER demands that CONSULTANT furnish or perform services contrary to CONSULTANT's responsibilities as a licensed professional; or

(2) upon seven days written notice if the CONSULTANT's services for the Project are delayed or suspended for more than 90 days for reasons beyond CONSULTANT's control.

(3) CONSULTANT shall have no liability to OWNER on account of such termination.

(c) Notwithstanding the foregoing, this Agreement will not terminate under Paragraph III.E.1 if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience,

(a) By OWNER effective upon CONSULTANT's receipt of notice from OWNER.

3. Effective Date of Termination. The terminating party may set the effective date of termination at a time up to 30 days later than otherwise provided to allow CONSULTANT to demobilize personnel and equipment from the Project site to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

4. Payments upon Termination

(a) In the event of any termination, CONSULTANT will be entitled to invoice OWNER and to receive full payment for all Services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

(b) In the event of termination by OWNER for convenience, or by CONSULTANT for cause, CONSULTANT shall be entitled, in addition to invoicing for those items identified in Paragraph III.E.4(a), to invoice OWNER and to payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with CONSULTANT's subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth herein.

F. Time of Completion: In accordance with the Standard of Care set out herein, all services under this Agreement will commence upon authorization to proceed from the OWNER.

G. Successors and Assigns:

1. OWNER and CONSULTANT each is hereby bound and the partners, successors, executors, administrators and legal representatives of OWNER and CONSULTANT (and to the extent permitted by Section III.G.2, the assigns of OWNER and CONSULTANT) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this Agreement.

2. Neither OWNER nor CONSULTANT shall assign, sublet or transfer any rights under or interest in (including but without limitation, monies that may become due or monies that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent CONSULTANT from employing such independent professional associates and Consultants as CONSULTANT may deem appropriate to assist in the performance of services hereunder.

3. Nothing under this Agreement shall be construed to give any right or benefits in this Agreement to anyone other than OWNER and CONSULTANT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of OWNER and CONSULTANT and not for the benefit of any other party.

H. Dispute Resolution: If a dispute arises out of or relates to this Agreement or its alleged breach, the OWNER and CONSULTANT shall direct their representatives to endeavor to settle the dispute first through direct discussions. If the dispute cannot be resolved through direct discussions, the OWNER and CONSULTANT shall participate in mediation before recourse to litigation. The OWNER's and CONSULTANT's representatives shall attend all mediation sessions. Engaging in mediation is a condition precedent to litigation. Only after the parties have exhausted direct discussions AND mediation in accordance with the foregoing shall either of them be entitled to initiate litigation. Should either party initiate litigation prior to engaging in direct discussions,

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good faith mediation, and arbitration, it shall pay all attorneys' fees and expenses and other costs incurred by the other party in responding to said litigation. Any provisions herein to the contrary notwithstanding, OWNER and CONSULTANT hereby agree that any disputes between them will be tried to the Bench and not to a jury, and each of them willfully and voluntarily waives its right to trial by jury for any dispute arising out of this Agreement.

- I. Right of Entry: OWNER shall arrange for safe access to, and make all provisions for, CONSULTANT to enter upon public and private property as may be required for CONSULTANT to perform Services hereunder. CONSULTANT shall take reasonable precautions to minimize damage to the property during its Services. OWNER acknowledges that a certain amount of damage, wear and tear, and depreciation is likely to result from CONSULTANT's operations on the property in furtherance of CONSULTANT's Services under this Agreement. The cost for restoration or remediation of damaged property which may result from CONSULTANT's operations is not included in CONSULTANT's compensation hereunder unless explicitly stated otherwise in this Agreement. If the property is damaged during CONSULTANT's operations and if OWNER desires CONSULTANT to restore or remediate the property to its former condition, CONSULTANT will do so for additional compensation.
- J. Standard of Care: CONSULTANT shall endeavor to perform its services hereunder consistent with the professional skill and care ordinarily exercised by similarly situated professional consultants practicing under similar conditions at the same time in the same or similar locality. No warranty, express or implied, is made or intended related to the services provided herein, and CONSULTANT guarantees no particular result.
- K. Disclaimer of Third-Party Benefits: OWNER and CONSULTANT expressly disclaim third-party beneficiaries hereunder and no one not a Party to the Agreement shall be entitled to seek enforcement against OWNER and/or CONSULTANT of any provision herein, or to otherwise seek damages from either Party for the alleged breach of any provision contained herein or purported duty or standard created or conferred hereunder. It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof a third-party beneficiary hereunder, or to authorize anyone not a Party to the Agreement to maintain a claim, cause of action, lien or any other damages or any relief of any kind pursuant to the terms and provisions of this Agreement.
- L. Waiver of Consequential Damages: Notwithstanding any other provision of this Agreement, and to the fullest extent permitted by law, neither OWNER nor CONSULTANT, their respective officers, directors, partners, employees, contractors or subconsultants shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of or connected in any way to the Project or to this Agreement. This mutual waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation, or any other consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both OWNER and CONSULTANT shall require similar waivers of consequential damages protecting all of the entities and persons named herein in all contracts and subcontracts with others involved in this Project.

- M. Waiver of Subrogation: Owner and CONSULTANT hereby mutually waive all rights of subrogation, as well as all claims and other rights they may have against each other for loss of and/or damage to (a) the Work and any Project therein, (b) all materials, machinery, equipment and other items used in the Project and/or to be incorporated into the Project, while the same are in transit, at Project sites, during erection and otherwise, and (c) all property owned by or in the custody of OWNER and its affiliates, however such loss or damage shall occur, except such rights as they may have to the proceeds of such instance held by the OWNER as trustee. If OWNER is not the sole owner of the Project sites and all property at and adjacent thereto, OWNER shall obtain an undertaking from the other owners thereof sufficient to provide CONSULTANT the same protection from liability for loss or damage as would be afforded to CONSULTANT under this Agreement if OWNER were the sole owner. OWNER shall cause all policies of property insurance relating to the Project to contain a provision or endorsement to the effect that in the event of payment of any loss or damage, the insurers will have no rights of recovery against CONSULTANT or its subconsultants, or any insureds, additional insureds, or loss payees thereunder.
- N. Jurisdiction/Venue: This Agreement shall be governed by the laws of the State of Georgia and any disputes related to or arising out of this Agreement or its alleged breach shall be brought in the appropriate courts of the State of Georgia, exclusive of its choice of law provisions.

Attachment A- Scope of Services

1. Community meeting - Consultant shall develop a presentation for the benefit of the residents of Emerald Cove Subdivision explaining the proposed solution to the paving issue and present it to the residents at a public information meeting. The Owner (City of Walnut Grove) shall notify the residents of the meeting and provide the location. Consultant shall provide the staff for the meeting and answer any questions.
2. Plans and Specifications - Consultant will develop plans, specifications, and a bid package for the project. The Owner will distribute the bid package to contractors utilizing its normal procedures and accept the bids.
3. Bid Analysis - Consultant will analyze the bids technically and make a recommendation to the Owner, City of Walnut Grove.



February 17, 2023

Mr. Mark Moore
City of Walnut Grove
2581 Leone Avenue
Walnut Grove, GA 30052

RE: Emerald Cove Subdivison, City of Walnut Grove, GA (Gutter Paving)

Dear Mr. Moore:

Falcon Design Consultants is pleased to submit this proposal for your consideration for the referenced project. The scope of work for this project will contain the following:

Project Scope & Fees

1. Bid Documents: \$5,000.00

- Prepare Contract Documents and Technical Specifications for the project.
- Conduct Pre-Bid meeting for the project.
- Oversee questions and answers.
- Process project addendums as required.
- Assist City with bid opening.
- Assist City in issuing the contract.
- Review bidder's references and provide recommendation of award to the city.
- See the attached exhibit.

2. Project Management: \$2,500.00

- Project Management includes construction review, limited site visits, pay request, change orders.

Reimbursable Expenses:

In addition to the Professional Fees described above, we will invoice for Reimbursable Expenses. This is usually referred to "Out-of-Pocket" expenses. The following items will be considered Reimbursable Expenses:

- Blue Printing – Reproduction of Drawings or Documents
- U.S. Mail Messenger, Messenger and Overnight Delivery Services

Additional Services

Only those services specifically described above, are included within the scope of this proposal. Additional Services are further explained in each consultant's contract and shall be made a part of the Standard Agreement between Owner and Design Firm. Examples of Additional Services, which may be required as the project develops, includes but is not limited to the following:

- Modifications to previously approved work "Change of Scope"
- Submittal Fees (Review/Recording)

All work will be performed in accordance with the Contract Conditions.

Contract Conditions

If, during the course of work, the Client finds it necessary to terminate the work, the work will stop by the Consultant upon written notification from the Client. The Client will pay for the services and expenses incurred to the point of termination based on the Consultant's estimate of the percentage of work complete.

Invoices for work completed will be submitted at the beginning of each month for work performed the previous month. All invoices are net due in 30 days. In the event that an invoice is not paid within 30 days the Consultant reserves the right to stop work after notifying the client in writing, until such outstanding invoices are paid in full.

The Consultant reserves the right to terminate or suspend all work for the Client with verbal or written notice if unpaid undisputed invoices are greater than 30 days past due.

Additional services, which are not included in this task order as defined by the scope of work, will be treated as extra work. The Owner will be given notice of any additional services requested by the Owner's Staff to complete the project. All additional services provided by the Consultant directly will be paid based upon the hourly rate schedule attached to this agreement without additional contract modifications. The Owner must approve additional Subcontractor/Subconsultant work in writing before the work is begun.

It is agreed that the Consultant's professional services do not extend to or include the review or site observation of the Construction Contractor's work or performance. To the extent allowed by law, it is further agreed that the Client will defend, indemnify, and hold harmless the Consultant from any claim or suit whatsoever, including but not limited to all payments and expenses, including all attorney fees and costs of defense or other costs involved arising from or alleged to have arisen from the Contractor's performance or the failure of the Contractor's work to conform to the design intent and the Contract Documents. The Consultant agrees to be responsible for the negligent acts, error or omissions of the Consultant's own employees. The Client agrees that the liability of Falcon Design Consultants, LLC resulting from any negligent acts, errors and/or omissions of Falcon Design Consultants, LLC is limited to the total fees actually paid by the Client to Falcon Design Consultants, LLC for services rendered.

While all work will be performed with professional care, the Consultant cannot guarantee the actions of government officials and agencies to grant the desired approvals.

This agreement shall be null and void if not executed within 60 days from the date of preparation unless otherwise indicated by the Consultant.

If you are in agreement with the terms of this proposal, please execute the agreement by signing below and returning one copy for our files.

Sincerely,
Falcon Design Consultants, LLC



Adam L. Price, P.E.
Managing Partner



John Palmer
President

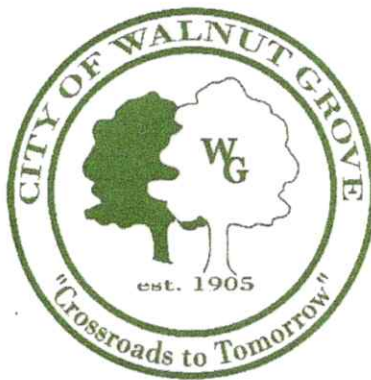
Accepted and Agreed:

Signature

Title

Date

REZONING APPLICATION



CITY OF WALNUT GROVE, GA
2581 LEONE AVE
LOGANVILLE, GA 30052
770-787-0046
info@walnutgrovegeorgia.com

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF WALNUT GROVE, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>CITY OF WALNUT GROVE</u>	NAME: <u>CITY IS THE APPLICANT</u>
ADDRESS: <u>2581 LEONE AVE</u>	ADDRESS: _____
CITY: <u>LOGANVILLE</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30052</u>	STATE: _____ ZIP: _____
PHONE: <u>770-787-0046</u>	PHONE: _____
CONTACT PERSON: <u>JOE WALTER, ZONING ADMINISTRATOR</u> PHONE: <u>770-338-8108</u>	
APPLICANT'S E-MAIL: <u>jwalter@ppi.us</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary)

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-2</u> REQUESTED ZONING DISTRICT: <u>R-3</u>		
PARCEL ID NUMBER: _____ - _____ - _____ ACREAGE: <u>50.39 ACRES</u>		
ADDRESS OF PROPERTY: <u>FOREST GLEN SUBDIVISION</u>		
PROPOSED DEVELOPMENT: <u>EXISTING SUBDIVISION</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>96 LOTS (EXISTING DEVELOPMENT)</u>	NO. OF BUILDINGS/LOTS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>1,400</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>1.9 UNITS/ACRE</u>	DENSITY: _____
NET DENSITY: <u>1.9 UNITS/ACRE</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

CASE: _____

DATE RECEIVED: __

REZONING APPLICANT'S RESPONSE

STANDARDS OF REVIEW

PURSUANT TO SECTION 1608.OF THE CITY OF WALNUT GROVE ZONING ORDINANCE, THE CITY COUNCIL FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

THE EXISTING LAND USE PATTERN

THE EXISTING LAND USE PATTERN IN AND AROUND THE SUBDIVISION IS SINGLE FAMILY RESIDENTIAL.

THE POSSIBLE CREATION OF AN ISOLATED DISTRICT UNRELATED TO ADJACENT AND NEARBY DISTRICTS;

THE EXISTING SUBDIVISION HAS BEEN IN PLACE SINCE 1970. THE PROPOSED REZONING WILL ALLOW THE CURRENT RESIDENTIAL DEVELOPMENT TO CONTINUE AND NO LONGER BE NON-CONFORMING.

THE POPULATION DENSITY PATTERN AND POSSIBLE INCREASE OR OVER-TAXING OF THE LOAD ON PUBLIC FACILITIES INCLUDING, BUT NOT LIMITED TO, SCHOOL, UTILITIES, AND STREETS;

THE SUBDIVISION IS EXISTING AND ALL INFRASTRUCTURE IS IN PLACE. NO NEW DEMANDS ARE ANTICIPATED.

THE COSTS TO THE CITY AND OTHER GOVERNMENTAL ENTITIES IN PROVIDING, IMPROVING, INCREASING OR MAINTAINING PUBLIC UTILITIES, SCHOOLS, STREETS, LAW ENFORCEMENT, FIRE PROTECTION AND OTHER PUBLIC SERVICES;

THE SUBDIVISION IS EXISTING AND ALL INFRASTRUCTURE IS IN PLACE. NO NEW DEMANDS ARE ANTICIPATED.

THE POSSIBLE IMPACT ON THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO DRAINAGE, SOIL EROSION AND SEDIMENTATION, FLOODING, AIR QUALITY AND WATER QUALITY;

THE PROPERTY HAS BEEN DEVELOPED FOR 50+ YEARS. ALL DRAINAGE AND EROSION ISSUES HAVE BEEN STABILIZED. ANY DRAINAGE ISSUES ARE LOT SPECIFIC

WHETHER THE PROPOSED ZONING AMENDMENT WILL ALLOW USES WHICH WILL BE A DETRIMENT TO THE VALUE OF ADJACENT PROPERTY IN ACCORDANCE WITH EXISTING REGULATIONS;

THE SUBDIVISION WAS DEVELOPED FOR MANUFACTURED HOUSING AND SINGLE FAMILY (SITE BUILT) HOUSES. REZONING THIS PROPERTY WILL ALLOW THESE USES TO CONTINUE.

WHETHER THERE ARE SUBSTANTIAL REASONS WHY THE PROPERTY CANNOT BE USED AND DEVELOPED IN ACCORDANCE WITH THE EXISTING REGULATIONS;

NO, THE CURRENT ZONING DOES NOT PERMIT MANUFACTURED HOUSING OR INDUSTRIALIZED DWELLINGS.

THE AESTHETIC EFFECT OF THE EXISTING AND PROPOSED USE OF THE PROPERTY AS IT RELATES TO THE SURROUNDING AREA;

THE SUBDIVISION HAS BEEN IN PLACE SINCE 1970. ALLOWING NEW MANUFACTURED HOUSING UNITS TO BE INSTALLED TO REPLACE SUBSTANDARD UNITS WOULD IMPROVE THE AESTHETICS OF THE AREA.

THE EXTENT TO WHICH THE PROPOSED ZONING AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE LAND USE PLAN;

THE COMPREHENSIVE PLAN ENCOURAGES SINGLE FAMILY RESIDENTIAL USES IN THIS SUBDIVISION.

THE POSSIBLE EFFECTS OF THE PROPOSED ZONING AMENDMENT ON THE CHARACTER OF THE ZONING DISTRICT, A PARTICULAR PIECE OF PROPERTY, NEIGHBORHOOD, A PARTICULAR AREA OR THE COMMUNITY AS A WHOLE;

ALLOWING NEW MANUFACTURED HOUSING UNITS TO BE INSTALLED WHEN SUBSTANDARD UNITS NEED REPLACING WILL PROVIDE POSITIVE EFFECTS ON THE SURROUNDING AREA.

THE RELATIONSHIP THAT THE PROPOSED ZONING AMENDMENT BEARS TO THE PURPOSE OF THE OVERALL ZONING SCHEME, WITH DUE CONSIDERATION GIVEN TO WHETHER THE PROPOSED ZONING WILL CARRY OUT THE PURPOSES OF THESE REGULATIONS;

THE PROPOSED REZONING WILL CONTINUE TO ALLOW THE RESIDENTS OF THE SUBDIVISION TO LIVE IN THE CITY AND SEND THEIR CHILDREN TO LOCAL SCHOOLS, WHILE BEING ABLE TO HAVE REASONABLE HOUSING COSTS.

ANY APPLICATION FOR A ZONING MAP AMENDMENT WHICH DOES NOT CONTAIN A SPECIFIC SITE PLAN CARRIES A REBUTTABLE PRESUMPTION THAT SUCH REZONING SHALL ADVERSELY EFFECT THE ZONING SCHEME;

THE AREA TO BE REZONING IS AN EXISITNG DEVELOPMENT AND ALL LOTS HAVE BEEN PLATTED SINCE 1970.

THE CONSIDERATION OF THE PRESERVATION OF THE INTEGRITY OF RESIDENTIAL NEIGHBORHOODS SHALL BE CONSIDERED TO CARRY GREAT WEIGHT;

THE PROPOSED REZONING WOULD ALLOW THE SUBDIVISION TO CONTINUE THE PURPOSE OF PROVIDING AN AREA FOR WORKFORCE HOUSING AND WOULD RETAIN THE INTEGRITY OF THE NEIGHBORHOOD.

IN INSTANCES WHEN PROPERTY FRONTS ON A MAJOR THOROUGHFARE AND ALSO ADJOINS AN ESTABLISHED RESIDENTIAL NEIGHBORHOOD, THE FACTOR OF PRESERVATION OF THE NEIGHBORHOOD SHALL BE CONSIDERED TO CARRY GREAT WEIGHT;

THE PROPSOED REZONING IS NOT ON A MAJOR THOUROUGHFARE.

WHETHER THE PROPERTY AFFECTED BY THE DECISION HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED; AND

WHETHER OTHER CONDITIONS EXIST THAT AFFECT USE AND DEVELOPMENT OF THE PROPERTY IN QUESTION AND SUPPORT APPROVAL OR DENIAL.

THE CURRENT ZONING DOES NOT PERMIT MANUFACUTRED HOUSING AN/OR INDUSTRIALIZED DWELLINGS (MODULAR HOMES).

CASE: _____

DATE RECEIVED: _____

REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT IF THE APPLICATION IS DENIED BY THE MAYOR AND COUNCIL OF THE CITY OF WALNUT GROVE, THEN NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF THE DENIAL.

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

DATE

NOTARY SEAL

CASE: _____

DATE RECEIVED: _____

NOT APPLICABLE - CITY IS
THE APPLICANT

REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW ACKNOWLEDGES THAT THEY ARE THE OWNER(S) OF SAID LAND TO BE CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND COUNCIL OF THE CITY OF WALNUT GROVE.

SIGNATURE OF OWNER

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

DATE

NOTARY SEAL

CASE: _____

DATE RECEIVED: _____

NOT APPLICABLE - CITY IS THE APPLICANT

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR REZONING, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA SECTION 36-67A-1, ET. SEQ, CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC DATE NOTARY SEAL

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

HAVE YOU, WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE FILING OF THIS APPLICATION, MADE CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE TO THE MAYOR AND/OR COUNCIL MEMBERS AND/OR PLANNING COMMISSION MEMBERS OF THE CITY OF WALNUT GROVE?

_____ (YES / NO)

YOUR NAME

IF THE ANSWER IS YES, PLEASE COMPLETE THE FOLLOWING SECTION:

Table with 3 columns: NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL, CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250 OR MORE), DATE CONTRIBUTION WAS MADE (WITHIN LAST TWO YEARS)

ATTACH ADDITIONAL SHEETS IF NECESSARY TO DISCLOSE OR DESCRIBE ALL CONTRIBUTIONS.

CASE: _____

DATE RECEIVED: _____

NOT APPLICABLE - CITY IS THE APPLICANT

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL WALNUT GROVE CITY AND COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF WALTON COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL ID. NUMBER: _____
(MAP REFERENCE NUMBER) DISTRICT LAND LOT PARCEL

SIGNATURE OF APPLICANT DATE

TYPE OR PRINT NAME AND TITLE

TAX COMMISSIONERS USE ONLY

PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW.

NAME TITLE

DATE

CASE: _____

DATE RECEIVED: _____

REZONING CHECKLIST

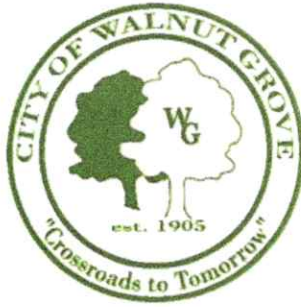
THE FOLLOWING IS A CHECKLIST OF INFORMATION REQUIRED FOR SUBMISSION OF A REZONING APPLICATION. THE CITY OF WALNUT GROVE RESERVES THE RIGHT TO REFUSE ANY INCOMPLETE APPLICATIONS.

- X Application Form
- X Legal Description
- X Boundary Survey
- N/A Site Plan (Seven (7) copies and one (1) 8-1/2" X 11" reduction)
- X Standards of Review
- X Letter of Intent
- X Applicant Certification with Notarized Signature
- N/A Property Owner Certification with Notarized Signature
- N/A Conflict of Interest Certification/Campaign Contributions
- N/A Verification of Paid Property Taxes (most recent year)
- N/A Availability of Water/Sewer Utilities
- N/A Application Fee -- make checks payable to City of Walnut Grove
(see fee schedule for correct amounts)

Additional Exhibits (if required):

- N/A Additional Exhibits as Required for PUD rezoning requests (Applicant will need to coordinate with the Zoning Administrator for review if the information meets the intent of the Zoning Ordinance).
- N/A Review Form for Development of Regional Impact
- N/A Building Compliance Inspection

PLEASE BRING THIS CHECKLIST WHEN FILING FOR REZONING.



February 24, 2022

Walnut Grove Planning Commission
c/o Mr. Don Cannon, Chairman
2581 Leone Avenue
Walnut Grove, Ga 30052

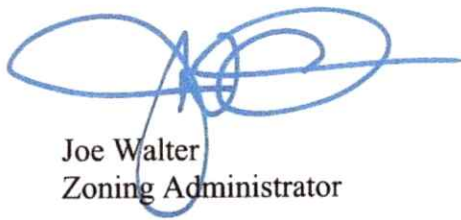
Re: Letter of Intent for Rezoning Application Forest Glen Subdivision

Commission Members:

The Mayor and Council of the City of Walnut Grove formally requests to rezone the property in Forest Glen Subdivision from R-2 (Medium Density Single Family Residential District) to R-3 (Medium Density Single Family Residential District). Attached to this letter are several exhibits to describe and identify the property for the record. **Exhibit A** contains an excerpt from the Tax Assessor's website showing the outline of the subdivision and the approximated acreage. **Exhibit B** is the Future Land Use Map from the Walnut Grove Comprehensive Plan showing the neighborhood as Residential for future uses and **Exhibit C** is the Official Zoning Map for the City showing the neighborhood.

The request is based upon two factors: (1) R-3 is the only zoning district within the City that permits manufactured housing and industrialized dwellings and (2) by rezoning the neighborhood to R-3, as existing manufactured houses are replaced, the owners would not have to obtain a number of variances to permit a manufactured home on the lots. Forest Glen Subdivision was established as a manufactured housing neighborhood in 1970 and provides opportunities for workforce housing for residents. The residents are able to send their children to the excellent schools in the area and enjoy the convenience of living in Walnut Grove. It is unclear how the property was not assigned the R-3 zoning designation when the Official Zoning Map was updated several years ago, but rezoning this property will correct that matter and permit the residents of the area to continue to live in this community and improve their housing when needed without additional administrative burden on them or the City.

Sincerely,



Joe Walter
Zoning Administrator

Attachments: Exhibits A through C, Land Description

2581 LEONE AVE LOGANVILLE, GA 30052
770-787-0046 info@walnutgrovegeorgia.com

LAND DESCRIPTION

FOREST GLEN MOBILE HOME SUBDIVISION

All that land or property lying and being in the Forest Glen Mobile Home Subdivision, as shown on Plat Book 14, Page 267 Walton County, Georgia Records, recorded 2/9/1970, less and except any lots not wholly within the municipal boundaries of the City of Walnut Grove.

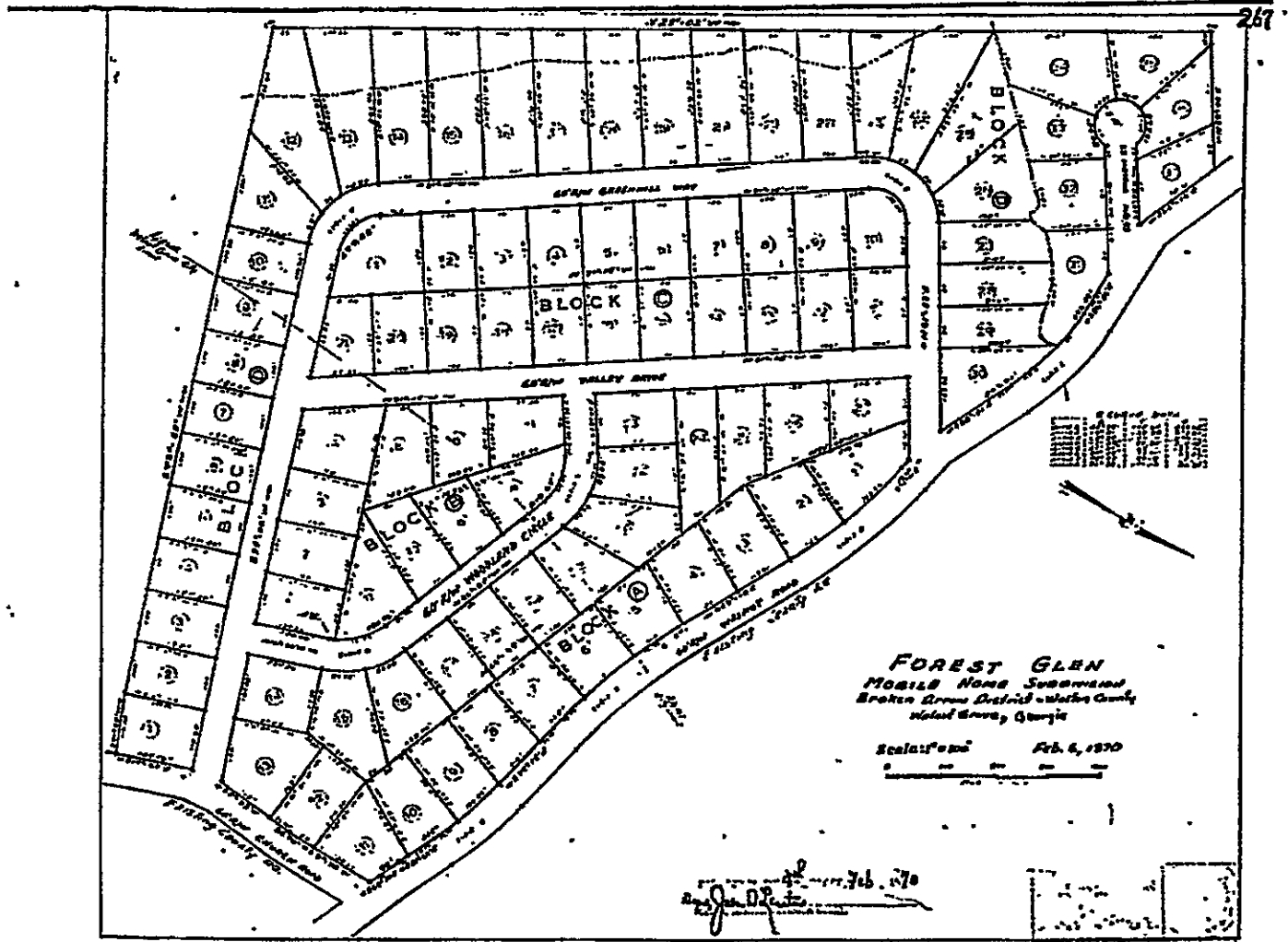


EXHIBIT A

Excerpt from Walton County Assessor's Website

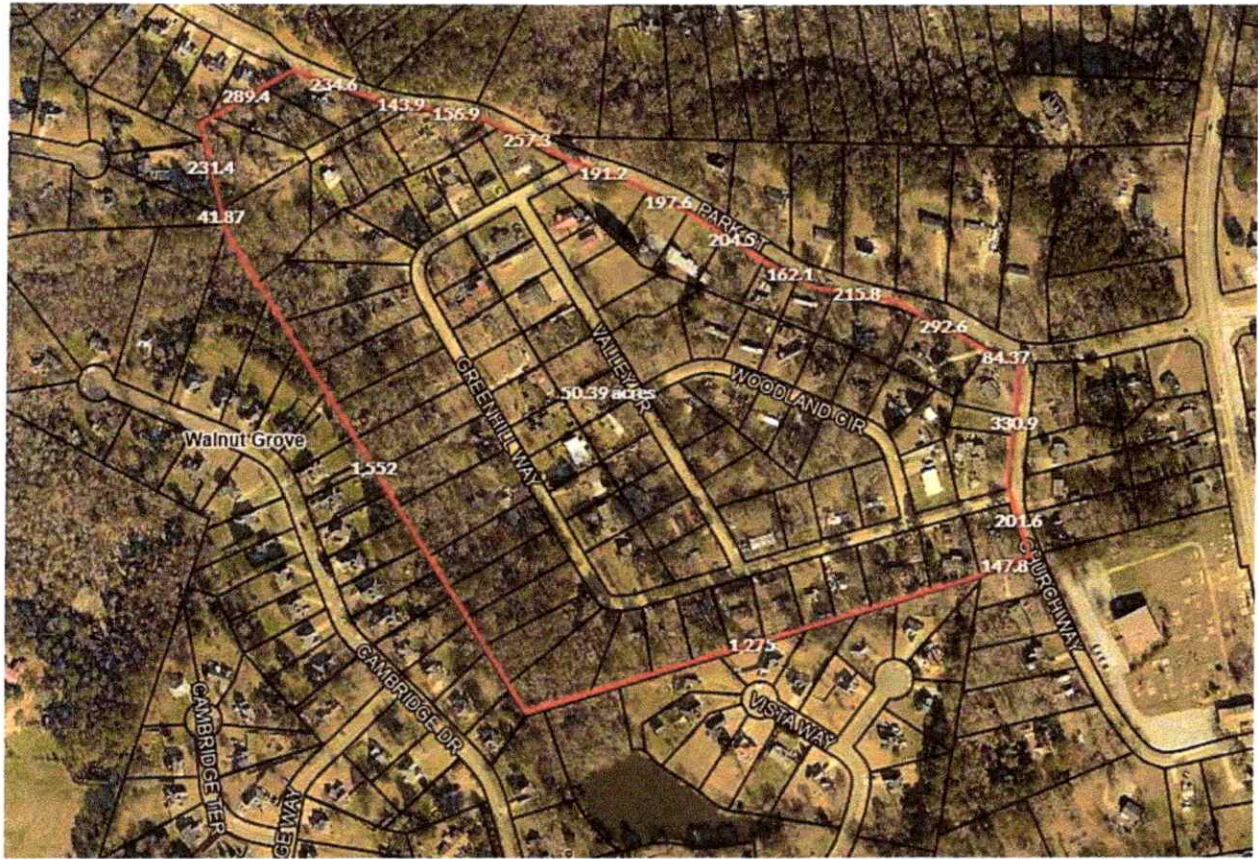


EXHIBIT B

Excerpt from Walnut Grove Comprehensive Plan

Future Land Use Map

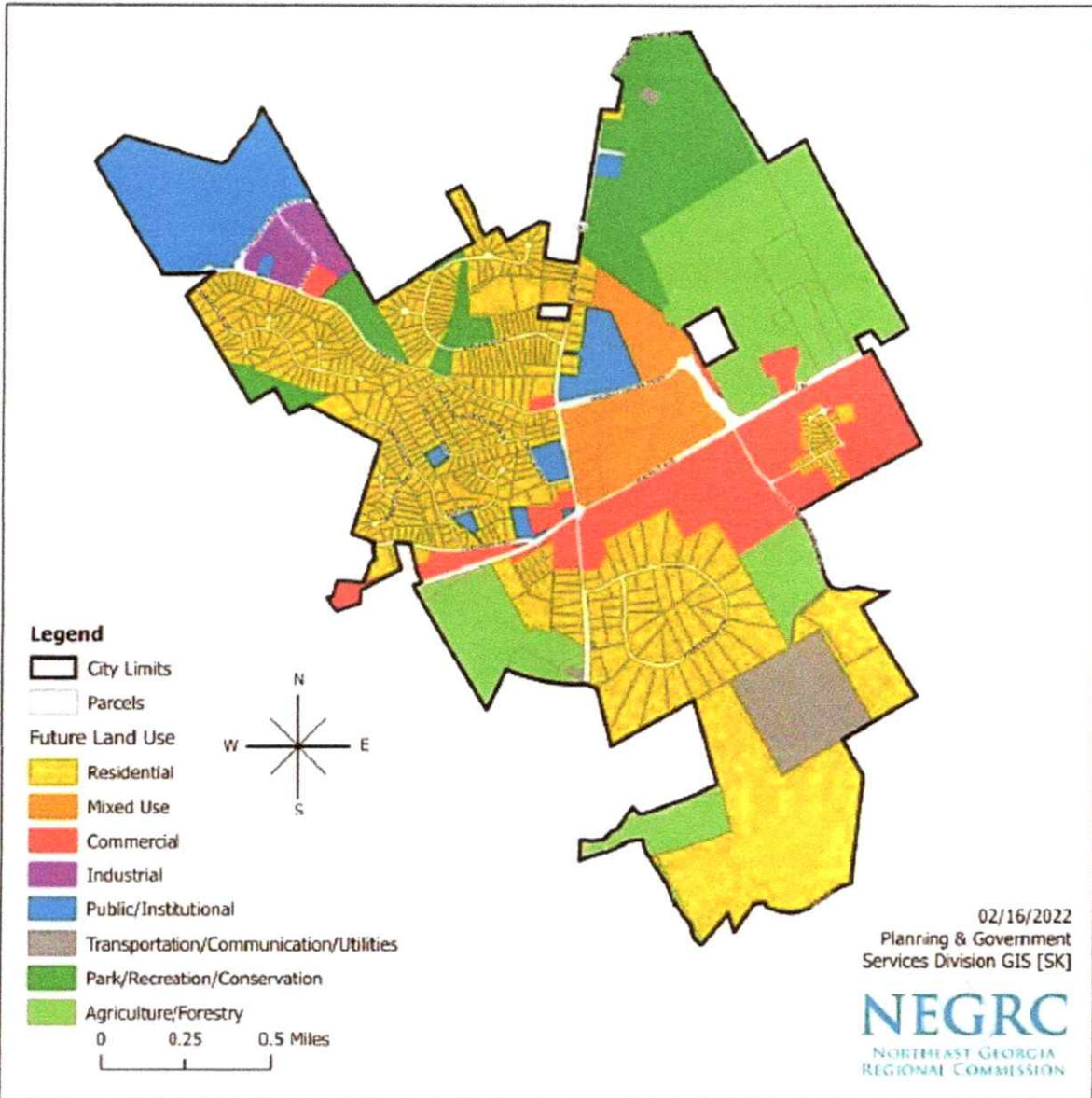
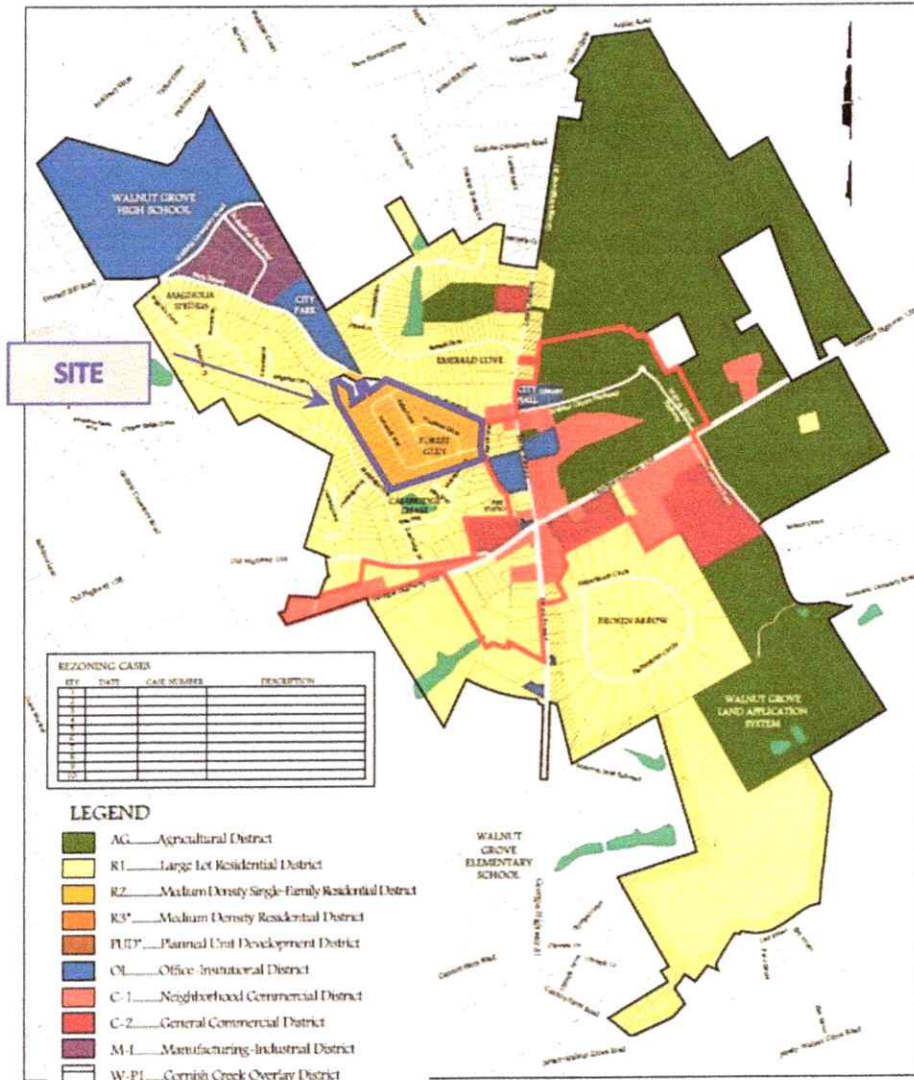


EXHIBIT C

WALNUT GROVE ZONING MAP



REZONING CASES

REF.	DATE	CASE NUMBER	DESCRIPTION

- LEGEND**
- AG Agricultural District
 - R1 Large Lot Residential District
 - R2 Medium Density Single-Family Residential District
 - R3 Medium Density Residential District
 - PUD Planned Unit Development District
 - OL Office-Institutional District
 - C-1 Neighborhood Commercial District
 - C-2 General Commercial District
 - M-I Manufacturing-Industrial District
 - W-PI Cornish Creek Overlay District
 - Downtown Overlay District

*There are currently no properties within this district.
 This map is based upon Waldo County, Georgia Tax Assessor Mapping, Inc.
 Adopted: August 18, 2016
 Revised: September 22, 2017

I certify that this is the Official Zoning District Map, adopted August 18, 2016, referred to in Article 37 of the 2012 zoning Ordinance for the City of Walnut Grove.

Mason, City of Walnut Grove Date
 Mayor Date

The Official Zoning District Map for Walnut Grove, Georgia



Walnut Grove

Town Center



SITE INFORMATION
 ALL RIGHTS RESERVED BY THE DESIGNER
 THIS PLAN IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.
 THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.
 THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE DESIGNER.
 THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE DESIGNER.
 THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY THE DESIGNER.

LEGEND
 1" = 10' (VERTICAL)
 1" = 10' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (HORIZONTAL)
 1" = 10' (VERTICAL)
 1" = 10' (HORIZONTAL)

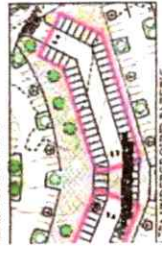
BOUNDARY LINE CHART

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT
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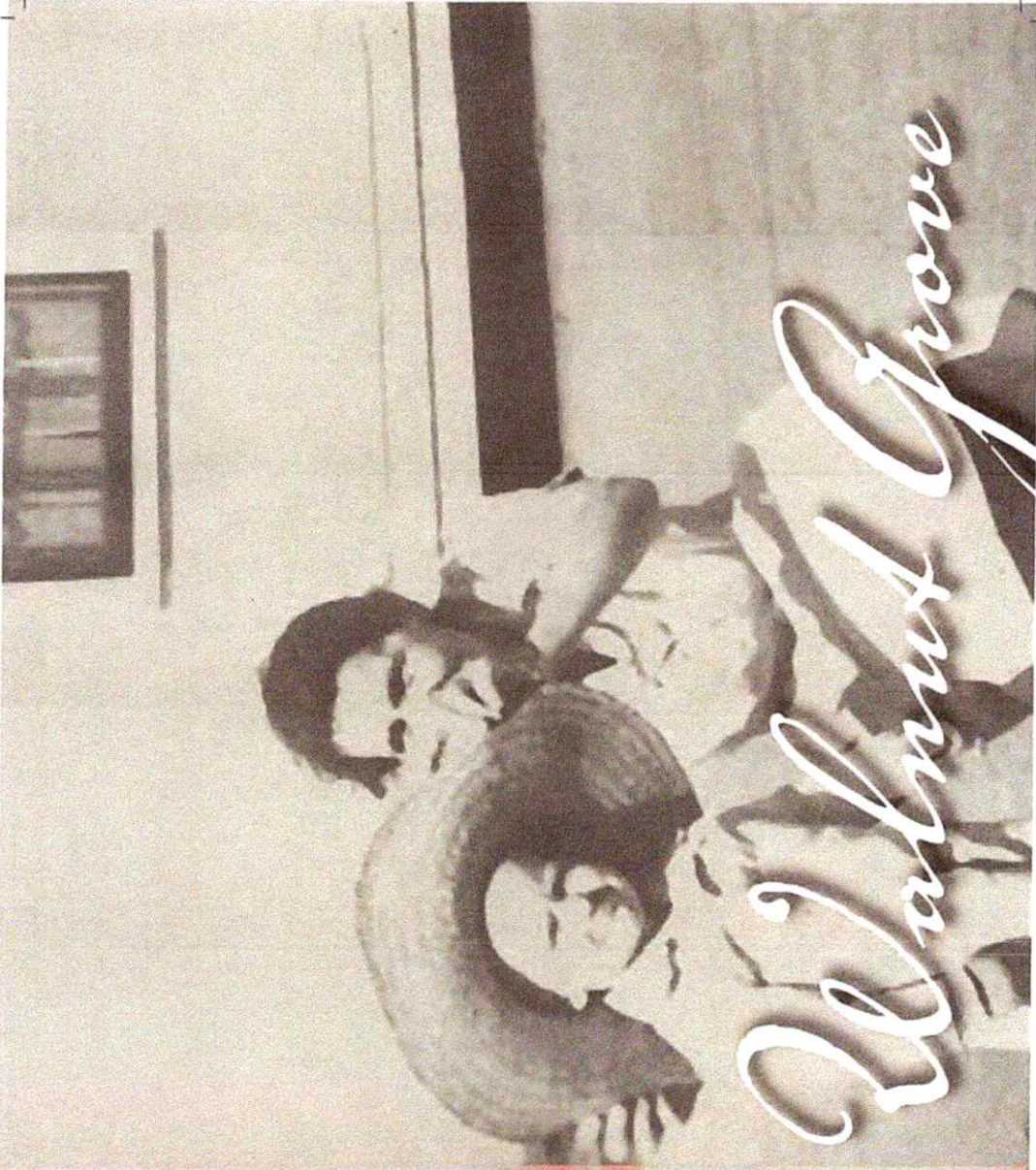
BULLARD LAND PLANNING, INC.
 1000 ...
 ...
 ...

BOUNDARY LINE CHART

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT
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UNDERGROUND PARKING



Walnut Grove

CROSSROADS TO TOMORROW

Community
Design
Charrette

Spring 2006

Produced by
University
of Georgia,
Center for
Community
Design and
Preservation

GROW A TOWN CENTER FOR WALNUT GROVE



Do This

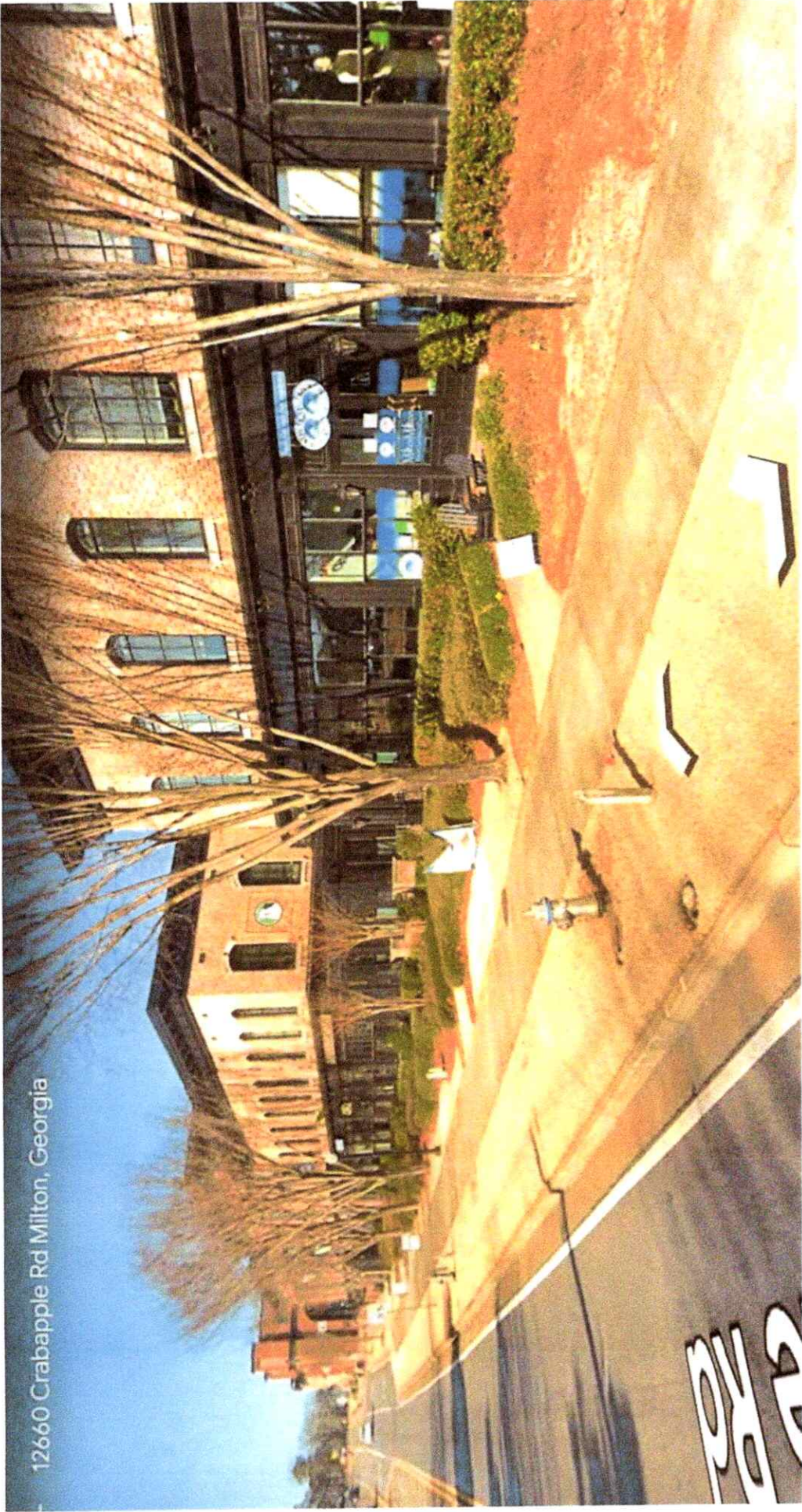
The U.C. Chavarrin Team's Proposal for an interconnected network of streets as the basis for Walnut Grove's new town center.



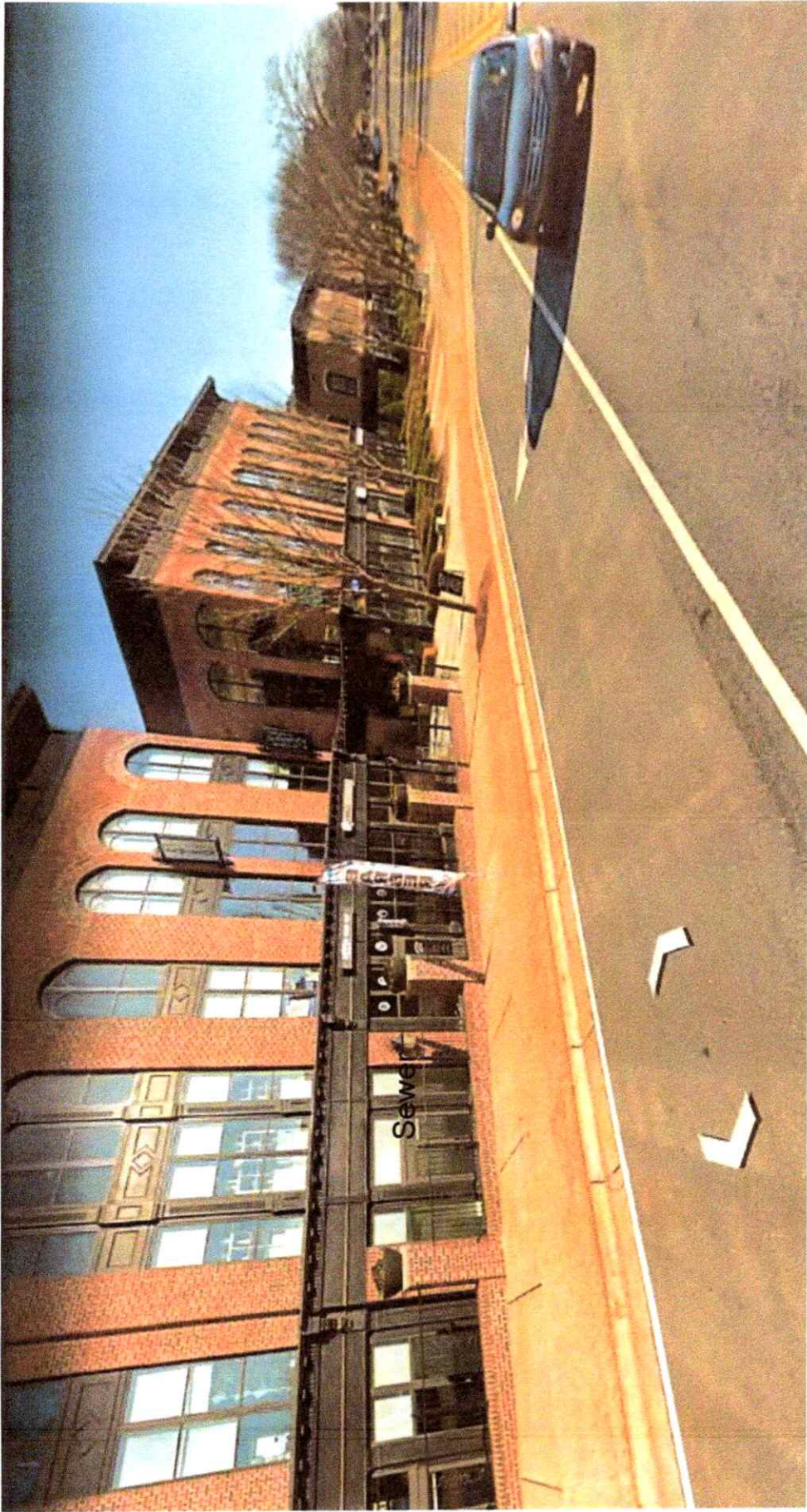
Street parking provides a buffer between moving traffic and pedestrians.



Street trees provide an added amenity to a traditional streetscape.



12660 Crabapple Rd Milton, Georgia



CONCEPT PLAN FOR:
WALNUT GROVE TOWN CENTER

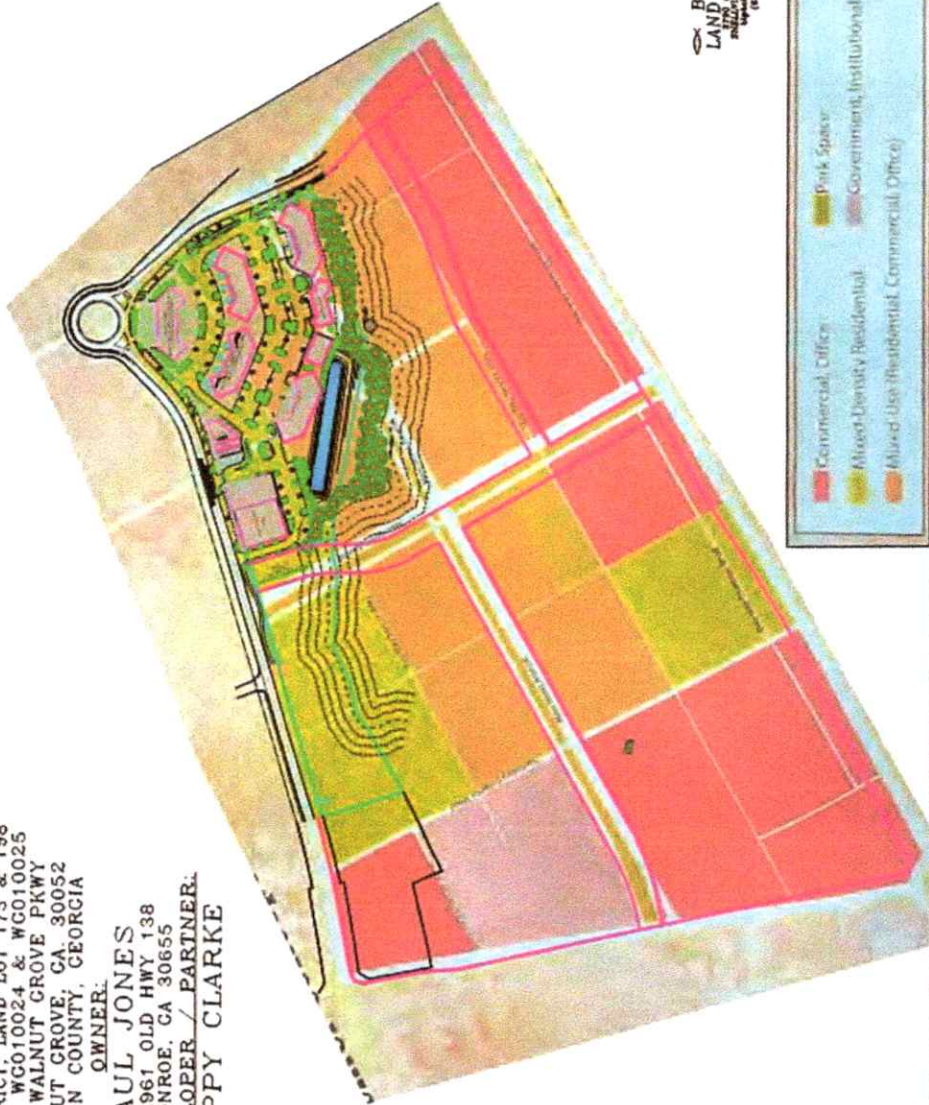
4TH DISTRICT, LAND LOT 175 & 198
 PARCELS WG010024 & WG010025
 1071 WALNUT GROVE PKWY
 WALNUT GROVE, CA 94092
 WALTON COUNTY, GEORGIA
 OWNER:

PAUL JONES
 1071, 2961 OLD HWY 138
 MONROE, CA 94025

DEVELOPER / PARTNER:
KIPPY CLARKE

SITE INFORMATION

PARCELS WG010025 & WG010024
 TOTAL AREA: 9.40 ACRES
 RESIDENTIAL: 60 UNITS
 OFFICE: 25,000 SF
 RESTAURANT: 500 SEATS
 EVENT CENTER: 19,400 SF

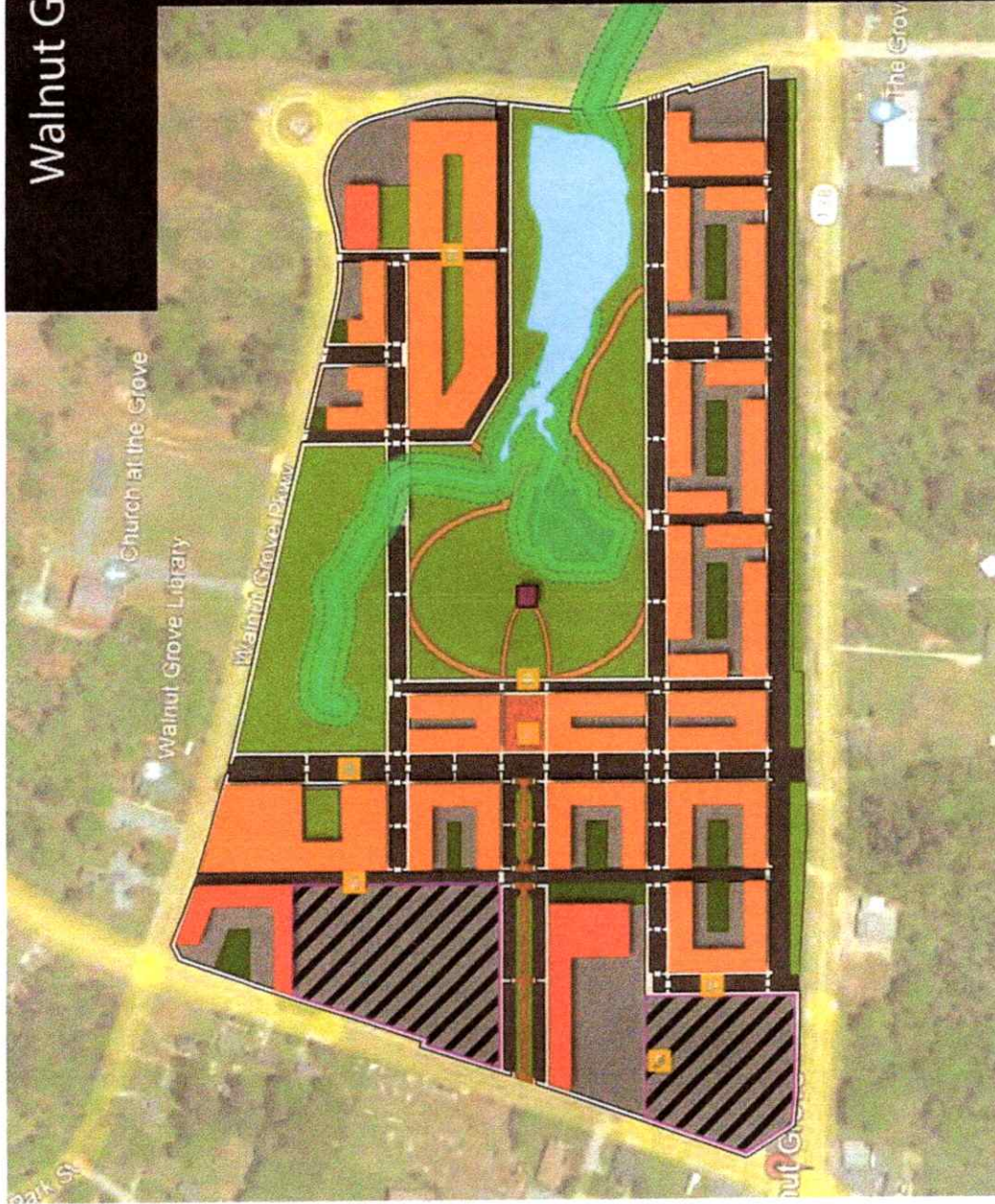


BULLARD
 LAND PLANNING
 1000 12TH STREET, SUITE 200
 OAKLAND, CA 94612
 (415) 864-1200



DATE: 11.11.15
 DRAWING: 11-007

Walnut Grove Downtown Concept Plan



BUILDINGS

- Mixed-Use (Commercial, Office, Residential)
- Commercial
- Amphitheatre

ROADWAY & BUILDING INFRASTRUCTURE

- Sidewalks
- Interior Paved Areas
- Road
- Bridge
- Crosswalks
- Brick Path
- Green Stormwater Infrastructure

PARK AREAS

- Park Space
- Park Path
- Pond & Streams
- Wetlands
- Stream & Wetland Buffers (25 ft & 50 ft)

OTHER

- Lots Not Included in Plan

Sewer

**Submitted Plan to
City on June 2, 2021**

From: [City Mayor](#)
Sent: Wednesday, August 18, 2021 10:58 AM
To: [Robert Bullard](#); [Code Office](#); [klopp.clarke@gmail.com](#); [Candace Clarke](#)
Cc: [City Clerk](#); [joerker@ppl.us](#)
Subject: RE: Walnut Grove Town Center Master Plan

Good morning Bobby,
Sorry for the delay in getting back to you, been a bit backed up. We are in the process of expanding our sewer plant and plan on having it in operation by the end of 2022. Our plant utilizes a spray field technology and is limited to the number of residential taps available.

Here are where we stand now and what is in the expansion process on our sewer availability:
Total Residential Taps:
Currently 150 residential taps that are all either sold or committed. After expansion, 150 more residential taps will be added with 42 committed which leaves 108 available.
Total Commercial capacity:
Currently 12,500 gal with 11,000 GPD available. The expansion will add an additional 12,500 GPD which will give us 23,500 GPD of total commercial.

We are in the research and design stage of a phase 3 sewer plant expansion which will provide a minimum of 500,000 GPD for the City of Walnut Grove, but I would not be able to give a timeline on this project at this time.

I hope this gives you the information you are looking for.

Thank you Bobby,

Mark Moore
Mayor



City of Walnut Grove
770-787-0045
Mobile: 678-983-9323

2581 Leone Avenue
Loganville, GA 30052

www.CityOfWalnutGrove.com



1,500 SF RESTUARANT PHASE 1
1,200 SF RETAIL
1,800 SF PHASE 1 RESTAURANT

EVENT CENTER
19,400 SF

BLDG 4 2 STORY 24,000 SF
12,000 SF RETAIL / OFFICE / RESTAURANT
1 LEVEL UNDERGROUND PARKING (32 SPACES)

WALNUT GROVE PARKWAY
PROP. RIGHT TURN LANE

DRIVE THRU

DIRECT ACCESS
HWY 138
PER MASTER PLAN

8,000 SF
12,000 SF

SEATING AREA
BPC-BOP
TYP

ATM

27.5'

PROP. RIGHT TURN LANE

373-29
576-4500

10

12

8

9

7

6

10

17

5

5

5

2

3

CA

UNDERGROUND PARKING ACCESS

UNDERGROUND PARKING ACCESS

DIRECT ACCESS HWY 138 PER MASTER PLAN

Executive Summary

Project Description

Walnut Grove Town Center is a proposed mixed-use development in Walnut Grove, Georgia. The development is located north of SR 138 and east of SR 81 and is proposed to consist of the following:

- 29,200 SF of undefined retail,
- 16,000 SF of office space,
- 12,000 SF of fine dining restaurants,
- 5,500 SF of high-turnover restaurants,
- 1,800 SF of fast-food restaurants,
- A 4,000 SF indoor farmers market,
- A Bed and Breakfast
- 36 multifamily residential units, and
- a 19,400 SF event center.

The site will have four full-access driveways to Walnut Grove Parkway.

The City of Walnut Grove requested this study to examine the impacts of development to nearby intersections and determine the need for improvements on Walnut Grove Parkway.

Trip Generation

The proposed new development is expected to generate 144 entering trips and 94 exiting trips in the AM peak hour, and 162 entering and 133 exiting trips in the PM peak hour. This site will also experience internal capture trip reductions, which have been included in the driveway analysis.

Turn Lanes

Right-turn lanes are proposed at each driveway as part of development. Analysis shows that projected volumes will be below thresholds for left-turn lanes.

Traffic Impacts

At SR 81 & Walnut Grove Parkway, the eastbound and westbound approaches are projected to see LOS F in the PM peak hour. It is recommended to monitor traffic volumes and implement signalized control when volumes meet warrants.

At SR 138 & Walnut Grove Parkway, the northbound and southbound approaches are expected to see LOS F in both peak hours. It is recommended to monitor traffic volumes and implement signalized control when volumes meet warrants.

The project driveways are projected to function acceptably for the Full Build scenario.

Walnut Grove Parkway is projected to function acceptably as a two-lane roadway with right-turn lanes at each development driveway.

Recommended Improvements

The following summarizes recommended improvements:

SR 81 & Walnut Grove Parkway (Full Build 2024)

- Monitor traffic volumes and implement signalized control when volumes meet warrants.

SR 138 & Walnut Grove Parkway (Full Build 2024)

- Monitor traffic volumes and implement signalized control when volumes meet warrants.

Table 3.1 contains the summary of the land uses and sizes used for trip generation estimates.

Table 3.1 - ITE Trip Generation								
Average Weekday Driveway Volumes					AM Peak Hour		PM Peak Hour	
Land Use	ITE Code	Size		Daily Trips	Enter	Exit	Enter	Exit
Multifamily Residential (Low-Rise)	220	36	Dwelling Units	243	3	11	11	7
Hotel	310	10	Rooms	80	3	2	3	2
General Office Building	710	16	Th.Sq.Ft.GFA	236	31	4	6	30
Strip Retail Plaza (<40k)	822	29.2	Th.Sq.Ft.GFA	1590	41	28	84	83
Supermarket	850	4	Th.Sq.Ft.GFA	375	6	5	18	18
Fine Dining Restaurant	931	16	Th.Sq.Ft.GFA	1006	9	0	63	31
High-Turnover (Sit-Down) Restaurant	932	5.5	Th.Sq.Ft.GFA	590	29	24	31	19
Fast Food Restaurant with Drive-Through Window	934	1.8	Th.Sq.Ft.GFA	841	41	39	31	28
Unadjusted Peak Hour Trips				4961	163	113	247	218
Internal Capture Reduction - from NCHRP No 684								
Internal Capture Reduction	<i>Office</i>				-6	-3	-4	-7
	<i>Retail</i>				-5	-5	-41	-36
	<i>Restaurant</i>				-8	-8	-32	-37
	<i>Residential</i>				0	-2	-7	-4
	<i>Hotel</i>				0	-1	-1	-1
Total New Peak Hour Trips to Adjacent Network					144	94	162	133

This retail/office/residential development generates “internal capture” trips summarized in the table above. Internal capture trip reduction estimates interaction between different uses within the same development. While each land use in a development generates vehicle trips, some people will visit more than one land use within the development. This phenomenon of multiple land uses adjacent to each other ultimately results in fewer vehicle trips to the external road network, and less impact, than free-standing retail, office, or residential areas. This reduction was calculated in accordance with the *NCHRP Report No. 684, Enhancing Internal Trip Capture for Mixed-use Development*.

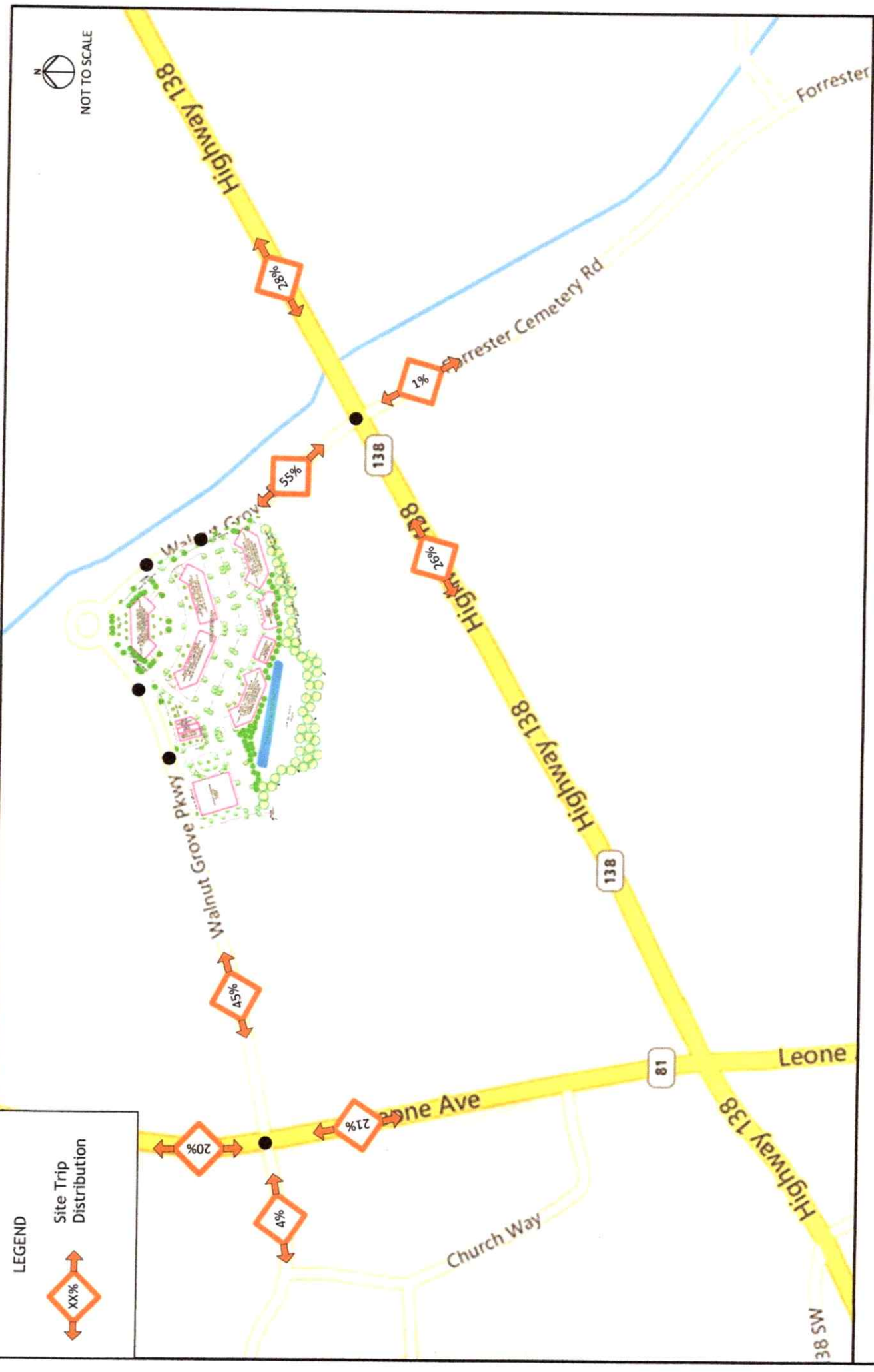
D. Trip Distribution

Trips for this proposed development were assigned to the surrounding roadway network based on existing traffic patterns. The proposed trip distribution for this project can be found in **Figure 4**, and the projected site trips are shown in **Figure 5**.

Full Build 2024 volumes are shown in **Figure 6**.



NOT TO SCALE



LEGEND



Site Trip Distribution

Trip Distribution

Figure 4

Walnut Grove Town Center

Date: 13 July 2023

RESOLUTION NO. 2023-XX

**A RESOLUTION TO DESIGNATE AN OPEN RECORDS OFFICER FOR
THE CITY OF WALNUT GROVE, GEORGIA.**

WHEREAS, the City of Walnut Grove is a Municipal Corporation of the State of Georgia;
and

WHEREAS, the Walnut Grove is an agency subject to the Open Records Act of the State
of Georgia; and

WHEREAS, the Walnut Grove is comprised of various departments, boards, authorities
and commissions; and

WHEREAS, the Open Records Act of the State of Georgia permits an agency to designate
Open Records Officers to receive requests for the inspection or copying of records; and

WHEREAS, the Mayor and Council of the Walnut Grove believe that designating an
Open Records Officers will centralize the open records process and will permit the City to more
effectively and efficiently track and complete responses to open records requests;

IT IS HEREBY RESOLVED that the Mayor and Council of the Walnut Grove, in
accordance with the provisions of the Open Records Act found in O.C.G.A. 55-18-71 designate
the following Open Records Officers to receive requests on behalf of the City and all of its
departments:

- (1) City Clerk
- (2) In the absence of the City Clerk, the Mayor

shall serve as the Open Records Officers.

IT IS FURTHER RESOLVED that the City requires that all written requests under the
Open Records Act shall be made upon the Open Records Officers designated in this Resolution,
and that a copy of the Request be sent by the Open Records Officer to the City Attorney.

IT IS FURTHER RESOLVED that the City Clerk shall notify the Walton County
Tribune and the Covington News, as the legal organs of the City and Walton County, that the City
has so designated the Open Records Officers contained herein.

IT IS FURTHER RESOLVED that the City Clerk shall ensure that the designated Open
Records Officers and their contact information are prominently displayed on the City's website.

IT IS SO RESOLVED this _____ day of _____, 2023.

Mark Moore, Mayor

_____, Mayor Pro Tem

ATTEST:

_____, Council Member

Dawn Lummus, City Clerk

_____, Council Member

APPROVED AS TO FORM:

_____, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, P.C.

ORDINANCE NO. 2023-_____

A ORDINANCE OF THE CITY OF WALNUT GROVE TO DECLARE A RECORDS CUSTODIAN AND AMEND THE CITY CLERKS DUTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHEREAS, the Georgia Records Act and the regulations thereto mandate certain record keeping practices; and

WHEREAS, record keeping is a duty of the City Clerk; and

WHEREAS, the Mayor and Council of the City of Walnut Grove believes it in the best interest of the public to amend its ordinances to reflect the laws of this State.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1. That the Code of Ordinances of the City of Walnut Grove, Georgia is hereby amended by deleting Section 3-404 and Section 3-1301 of the City Ordinances and replacing it with the following:

"Section 3-404 Duties of City Clerk

The City Clerk shall have the following duties in his capacity as City Clerk:

1. To attend all meetings of the City Council;
2. To keep correct and full minutes of the proceedings of City Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the City and to place them before the Mayor and City Council at the meeting of the City Council next succeeding the receipt thereof;

4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the City Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this code or other rules, regulations, and ordinances of the City Council;
8. To be the custodian of the City seal and affix its impression on documents whenever required, and;
9. To be the custodian of records and carefully preserve the records and documents belonging to the City which are not assigned to the custody of some other office in accordance with the Georgia Records act and the regulations thereto, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.
10. To receive all money due the City Council, including taxes, licenses, fees, and other moneys belonging to the City and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in his absence, the Mayor pro tempore;
11. To keep a book of accounts showing all money received on behalf of the City and the source and disposition thereof, which book shall be open for inspection by the public and members of the City Council;
12. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;

13. To furnish the City Council with quarterly statements detailing all receipts and payments of funds for the quarter; and

14. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the City.

Section 3-1301 City Records

City records shall be maintained in accordance with the Georgia Records Act (O.C.G.A. §50-18-91 et seq)) and the regulations thereto including the Local Government Records Retention Schedules of the Georgia Archives composed by the University System of Georgia. All minutes shall be kept in physical notebooks. All other records may be digitalized as the City Clerk sees fit, so long as it is in compliance with the Georgia Records Act and the regulations thereto.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

Section 4. The effective date of this Resolution shall be August ____, 2023.

It is so ordained on this ____ day of August, 2023.

City of Walnut Grove, Georgia

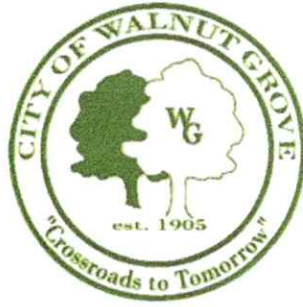
Mark Moore, Mayor

ATTEST:

Dawn Lumus, City Clerk

APPROVED AS TO FORM:

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.



July 26, 2023

Mayor and Council
City of Walnut Grove
2581 Leone Ave
Loganville GA 30052

Re: Architectural Elevation of Commercial Exterior – Condition #7 of RZ-18-03

Members:

Please see the attached updated information from Sawtooth Construction for Council review to satisfy Condition #7 of #RZ-18-03 (Enclave PUD Commercial Acreage).

Sincerely,

A handwritten signature in blue ink, appearing to be 'Joe Walter', is written over the typed name and title.

Joe Walter
Zoning Administrator

Attachments: Updated Information from Sawtooth Construction

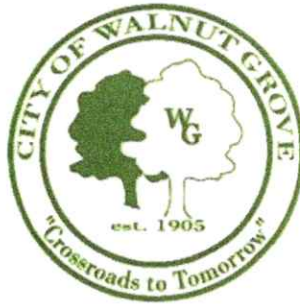
SAWTOOTH CONSTRUCTION
BUILDING ELEVATIONS—HWY 138 RETAIL BUILDING



FRONT ELEVATION



SIDE ELEVATION SHOWING CANOPIES



February 21, 2022

Walnut Grove Planning Commission
c/o Mr. Don Cannon, Chairman
2581 Leone Avenue
Walnut Grove, Ga 30052

Re: Proposed Amendments to the 2012 Zoning Ordinance for the City of Walnut Grove related to Article III (Definitions) and Article IX (Table of Uses)

Commission Members:

The City of Walnut Grove has been discussing amending the Zoning Ordinance to permit the manufactured housing in the Forest Glen Subdivision to be replaced and improved without having to a variance for house size, house width, roof pitch or other factors. R-3 is the only zoning district in the City which allows manufactured housing or industrialized homes (modular houses). The following amendments will be heard in conjunction with a map amendment to rezone Forest Glen Subdivision from R-2 to R-3. The following are specific items to be amended to accommodate this request:

Roof Pitch - Currently, all new dwellings in Walnut Grove, whether site built or manufactured, must have a minimum pitch of 5:12 and twelve inch overhangs on all roofs. A 5:12 pitch for a manufactured house would require the roof to be hinged for transport and the roof is unfolded and set up on site. A 4:12 pitch would allow for shingled roofs and a better appearance, but would also allow the roof to be fabricated at the factory at the proper pitch and transported without any modifications on site.

Proposed Fix – Amend Article III (Definitions) for Dwelling, Single Family, Industrialized Home and Manufactured Home to reduce the minimum roof pitch (See Exhibit A).

Roof Overhangs – The current requirement for a roof overhang is 12". A 12" overhang is not a standard feature on a manufactured dwelling. Reducing the requirement to 8" would allow more flexibility in the dwelling design but also keep the cost reasonable while providing protection against sun and rain.

Proposed Fix – Amend Article III (Definitions) for Dwelling, Single Family, Industrialized Home and Manufactured Home to reduce the minimum roof overhang from 12" to 8" (See Exhibit A).

Minimum Width for Industrialized Homes and Manufactured Homes – Currently, the definitions for these two dwellings require a minimum width in excess of 28 feet, which would require 32' wide dwellings, which poses problems with lot placement and affordability.


Proposed Fix – Amend Article III (Definitions) for Dwelling, Single Family, Industrialized Home and Manufactured Home to remove the words “in excess of” to permit a 28’ wide industrialized or manufactured dwelling.

Minimum Dwelling Size in R-3 – The current minimum dwelling size in the R-3 district is 1,800 square feet, which is the same minimum square footage as the R-1 and R-2 districts. In order to meet the minimum square footage, a manufactured home would need to be a 32’ by 56’ double wide, given the current requirement for dwellings in excess of 28’ in width. Due to the small size of many of the lots in the Forest Glen Subdivision, variances would be needed for setbacks. Additionally, the larger double wide units are out of the price range of many of the residents in the community. Reducing the minimum square footage would permit a 28’ by 50’ unit, which would fit on the lot without a need for a setback variance in most cases.

Proposed Fix – Amend Article IX (Table of Uses) to reduce the minimum dwelling size in the R-3 district from 1,800 to 1,400 square feet (See Exhibit A).

These items have been discussed for several meetings, but these amendments will be discussed in a public hearing setting and formally recommended to the City Council at your March 16, 2023 meeting. Please let me know if you have any questions.

Sincerely,



Joe Walter
Zoning Administrator

Attachment: Exhibit A

~~Strikethrough~~ – original text to be removed

Highlighted – next text to be added

EXHIBIT A

PROPOSED AMENDMENTS TO ARTICLE III

42. Dwelling, Single-Family. A dwelling containing one and only one dwelling unit, detached, with a minimum roof pitch greater than ~~4~~ **5**:12, and a roof overhang of at least one-foot ~~eight~~ **(8) inches** measured from the vertical side.
62. Industrialized Home. A dwelling unit manufactured per the Industrialized Building Act (O.C.G.A. § 8-2-1 et seq.), and the Rules of the Commissioner of the Georgia DCA issued pursuant thereto, and meeting the following development standards:
- a) A minimum width ~~in excess~~ of twenty-eight (28) feet.
 - b) A minimum roof pitch of ~~4~~ **5**:12, which means having a pitch equal to at least ~~five~~ **four** inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
 - c) A minimum roof overhang of ~~eight~~ **8** inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
 - d) Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, or stone, comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.
 - e) A curtain wall, un-pierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
 - f) The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the Zoning Administrator. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
 - g) Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
 - h) A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Building Code.
 - i) The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq., and the rules promulgated thereunder.
77. Manufactured Home. A dwelling unit, meeting the definition of "manufactured home" contained in O.C.G.A. § 8-2-160, fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., and meeting the following development standards,

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Highlighted -- next text to be added

rendering it a Type A Manufactured Home:

- a) A minimum width ~~in excess of~~ **twenty-eight (28)** feet.
- b) A minimum roof pitch of ~~5:12~~, which means having a pitch equal to at least ~~five~~ **four** inches of vertical height for every ~~twelve~~ inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
- c) A minimum roof overhang of ~~eight~~ **12** inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
- d) Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site-built dwellings.
- e) A curtain wall, un-pierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of ~~four~~ **(4)** inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
- f) The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the Zoning Administrator. Installation shall be in accordance with the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.
- g) Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
- h) A landing must be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Building Code.
- i) The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq., and the rules promulgated thereunder.

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Highlighted – next text to be added

PROPOSED AMENDMENTS TO ARTICLE IX (TABLE OF USES)

DISTRICT	SPACE DIMENSIONS							MAXIMUM LIMITATIONS		
	Area (sq. ft.)	Area per Dwelling Unit (Sq. ft.)	Minimum Dwelling Unit Size (Sq.ft.)	Minimum Width (ft.)	Setback from Right of Way (ft.)		Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Height (Stories)	
					Major Road	Interior Street				
AG	130,680 (3 ac.) ^[1]		2,000	200	60	50	25 ^[4]	25	3	
R-1	40,000 (0.92 ac.) ^[1]		1,800	125	45	35	15 ^[4]	20	2	
R-2	20,000 (0.46 ac.)		1,800	100	45	35	15 ^[4]	20	2	
R-3	15,000 ^[1] (0.34 ac)		1,000/ 1,400^[5] 1,800 ^[5]	100	45	35	15 ^[4]	20	2	
PUD	10 acres	See Section 906		100	See Section 906					
	Area (sq. ft.)	Max. Area per Structure (Sq. ft.)	Minimum Structure Size (Sq. ft.)	Minimum Width (ft.)	Setback from Right of Way (ft.)		Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Height (Stories)	Max. Lot Coverage ^[2]
					Major Road	Interior Street				
OF	None	None	1,000	60	50	25	10 ^[4]	15	2	40%
C-1 ^[6]	6,000	10,000 ^[3]	1,000	50	50	25	10 ^[4]	15	2	45%
C-2	None	None	1,000	50	50	25	None ^[4]	15	3	45%
M-1	9,000	None	None	None	100	50	30 ^[4]	15 ^[4]	3	35%

Notes

[1] All of said required acreage must be contiguous, not surrounded by any flood area, and must be above flood elevation. All dwelling units must have located on the subject property a garage containing no less than 420 s.f. and designed to contain no less than two automobiles.

[2] Includes principal and accessory buildings but not pavement areas.

[3] No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.

[4] Buffer zones are required along the side and rear yard where an Office-Institutional, business, or manufacturing use abuts a residential district and where a multi-family use abuts a single-family residential district. SEE SECTION 1204

[5] 1,000 square feet of minimum floor area are required for each unit of a duplex unit; ~~1,400~~ 1,800 square feet are required for a single family dwelling, manufactured home or industrialized dwelling.

[6] C-1 District is intended for small commercial (neighborhood) uses. Larger commercial building and uses are intended for the C-2 Zoning District.

PT-32.1 - Computation of MILLAGE RATE ROLLBACK AND PERCENTAGE INCREASE IN PROPERTY TAXES - 2023

COUNTY: **WALTON** TAXING JURISDICTION: **WALNUT GROVE**

ENTER VALUES AND MILLAGE RATES FOR THE APPLICABLE TAX YEARS IN YELLOW HIGHLIGHTED BOXES BELOW

DESCRIPTION	2022 DIGEST	REASSESSMENT OF EXISTING REAL PROP	OTHER CHANGES TO TAXABLE DIGEST	2023 DIGEST
REAL	50,986,704	8,502,659	8,019,941	67,509,304
PERSONAL	2,757,827		236,306	2,994,133
MOTOR VEHICLES	429,150		60,580	489,730
MOBILE HOMES	200,059		(9,736)	190,323
TIMBER -100%			0	
HEAVY DUTY EQUIP			0	
GROSS DIGEST	54,373,740	8,502,659	8,307,091	71,183,490
EXEMPTIONS	1,696,040	4,941,691	(4,276,039)	2,411,692
NET DIGEST	52,677,700	3,560,968	12,533,130	68,771,798
	(PYD)	(RVA)	(NAG)	(CYD)
2022 MILLAGE RATE:	5.197		2023 MILLAGE RATE:	4.928

CALCULATION OF ROLLBACK RATE

DESCRIPTION	ABBREVIATION	AMOUNT	FORMULA
2022 Net Digest	PYD	52,677,700	
Net Value Added-Reassessment of Existing Real Property	RVA	3,560,968	
Other Net Changes to Taxable Digest	NAG	12,533,130	
2023 Net Digest	CYD	68,771,798	(PYD+RVA+NAG)
2022 Millage Rate	PYM	5.197	PYM
Millage Equivalent of Reassessed Value Added	ME	0.269	(RVA/CYD) * PYM
Rollback Millage Rate for 2023	RR - ROLLBACK RATE	4.928	PYM - ME

CALCULATION OF PERCENTAGE INCREASE IN PROPERTY TAXES

If the 2023 Proposed Millage Rate for this Taxing Jurisdiction exceeds Rollback Millage Rate computed above, this section will automatically calculate the amount of increase in property taxes that is part of the notice required in O.C.G.A. § 48-5-32.1(c) (2)	Rollback Millage Rate	4.928
	2023 Millage Rate	4.928
	Percentage Tax Increase	0.00%

CERTIFICATIONS

I hereby certify that the amount indicated above is an accurate accounting of the total net assessed value added by the reassessment of existing real property for the tax year for which this rollback millage rate is being computed.

Chairman, Board of Tax Assessors

Date

I hereby certify that the values shown above are an accurate representation of the digest values and exemption amounts for the applicable tax years.

Tax Collector or Tax Commissioner

Date

I hereby certify that the above is a true and correct computation of the rollback millage rate in accordance with O.C.G.A. § 48-5-32.1 for the taxing jurisdiction for tax year 2023 and that the final millage rate set by the authority of this taxing jurisdiction for tax year 2023 is _____

CHECK THE APPROPRIATE PARAGRAPH BELOW THAT APPLIES TO THIS TAXING JURISDICTION

If the final millage rate set by the authority of the taxing jurisdiction for tax year 2023 exceeds the rollback rate, I certify that the required advertisements, notices, and public hearings have been conducted in accordance with O.C.G.A. §§ 48-5-32 and 48-5-32.1 as evidenced by the attached copies of the published "five year history and current digest" advertisement and the "Notice of Intent to Increase Taxes" showing the times and places when and where the required public hearings were held, and a copy of the press release provided to the local media.

If the final millage rate set by the authority of the taxing jurisdiction for tax year 2023 does not exceed the rollback rate, I certify that the required "five year history and current digest" advertisement has been published in accordance with O.C.G.A. § 48-5-32 as evidenced by the attached copy of such advertised report.

Responsible Party

Title

Date

NOTICE

The City of Walnut Grove will tentatively adopt a millage rate of 4.928 which will require no increase in property taxes. The City Council will discuss the proposed Millage Rate Rollback on our next scheduled work session on August 1, 2023 at 10:00 a.m. at the Walnut Grove Municipal Building located at 1021 Park Street, Walnut Grove, Georgia 30052. Citizens are invited to attend.

All concerned citizens are also invited to the public hearing on this millage rate rollback to be held at the Walnut Grove Municipal Building located at 1021 Park Street, Walnut Grove, Georgia 30052 on Thursday August 10, 2023. The meeting time is at 7:00 p.m. and pursuant to the requirements of O.C.G.A. §48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

CURRENT 2023 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

		2018	2019	2020	2021	2022	2023
COUNTY WIDE							
C O U N T Y W I D E	Real & Personal	30,156,638	33,674,820	35,930,445	38,879,960	50,986,704	67,509,304
	Motor Vehicles	1,698,442	2,735,925	2,725,057	2,506,342	2,757,827	2,994,133
	Mobile Homes	60	17,280	586,920	509,620	429,150	489,730
	Timber - 100%	203,506	198,710	211,800	208,933	200,059	190,323
	Heavy Duty Equipment						
	Gross Digest	32,058,646	36,626,735	39,454,222	42,104,855	54,373,740	71,183,490
	Less Exemptions	341,674	339,686	449,459	648,986	1,696,040	2,411,692
	NET DIGEST VALUE	31,716,972	36,287,049	39,004,763	41,455,869	52,677,700	68,771,798
	Gross Maintenance & Operation Millage	11.345	10.955	11.283	11.616	10.736	9.8270
	Less Rollback (Local Option Sales Tax)	5.345	5.203	5.679	6.197	5.539	4.8990
NET M&O MILLAGE RATE	6.0000	5.7520	5.6040	5.4190	5.1970	4.9280	
TOTAL M&O TAXES LEVIED	\$190,302	\$208,723	\$218,583	\$224,649	\$273,766	\$338,907	
Net Tax \$ Increase		\$18,421	\$9,860	\$6,067	\$49,117	\$65,141	
Net Tax % Increase		9.68%	4.72%	2.78%	21.86%	23.79%	

**CITY OF WALNUT GROVE CODE ENFORCEMENT
NUISANCE ORDINANCE STATUS REPORT**

Party: _____
Address: _____
Tax Parcel No.: _____
Action No.: NC-23-01

<u>ACTION</u>	<u>DATE</u>
1. Informal complaint	_____
2. Initial inspection report	_____
3. Mayor & Council approve inspection report	_____
4. Title search	_____
5. Notification letter	_____
6. Set hearing date	_____
7. File Complaint –including Summons, Rule Nisi, Affidavit, and Lis Pendens (Hearing not less than 15 days of hearing, no more than 45 days; file lis pendens in superior and municipal court)	_____
8. Posting complaint on structure (within 3 days of filing complaint)	_____
9. File signed Affidavit and Lis Pendens (serve same)	_____
10. Hearing – Order issued (serve same and post on main entrance of the structure)	_____
11. Defendant Files Petition for Injunction to the Superior Court (within 15 days of service)	Yes: _____ No: _____
-De Novo Hearing (within 20 days of filing petition)	Date Set: _____
-Final Order (serve and post)	Action: _____
12. Placement of placard on the structure by Director, if order not complied with	_____
13. File lien against property	_____

14. Forward to Tax Commissioner for collection
(a copy of the order and final statement of
costs sent with lien)

15. Perfection of lien

16. Disbursement of Funds (to the Commissioner
and the City)

ORDINANCE NO. 2023-_____

A ORDINANCE OF THE CITY OF WALNUT GROVE TO AMEND AND ESTABLISH PARLIMETARY PROCURE AND PROCEDURES OF MEETINGS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHERAS, Section 2.18 of the City Charter authorizes Mayor and Council to adopt its own rules of procedure and order of business; and

WHEREAS, the governing authority deems it essential to clarify and update the procedures surrounding the conducting of meetings within the City.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1. That the Code of Ordinances of the City of Walnut Grove, Georgia is hereby amended by deleting it Section 3-203 through Section 3-207 of the City Ordinances and replacing it with the following:

“DIVISION 1- GENERAL

Sec. 3-203. - Vacancies.

In case of a vacancy in the office of mayor or council member from failure to elect, death, removal or from any cause whatsoever, such vacancy shall be filled for the remainder of the unexpired term, if any, by appointment by the mayor with confirmation by the city council, if less than 24 months remain in the unexpired term. Otherwise, a special election shall be ordered by the mayor or city council to fill the balance of the unexpired term of such an official. The city clerk shall cause the special election to be held and conducted in accordance with the Georgia Election Code (O.C.G.A. § 21-2-1 et seq.).

Sec. 3-204. - Chairman.

The mayor shall act as chairman of the city council and is responsible for the orderly conduct of meetings of the city council. In order to fulfill such duty, the mayor shall enforce the rules of procedure that are adopted by the city council. The chairman shall be impartial and conduct the meetings in a fair manner. The chairman may not introduce motions or second a motion without surrendering the chair to the mayor pro tem or a substitute chair elected from the remaining members of city council. The chairman may only vote in the event of a tie of council members.

Sec. 3-205. - Vice-chairman.

(a) The city council shall select a mayor pro tem from the council members at the beginning of each calendar year who shall serve as the vice-chairman. The vice-chairman shall fulfill the duties of the chairman if the chairman is not in attendance or is not participating because of a voluntary recusal based on the requirements of this Code.

(b) If the chairman and the vice-chairman are absent and a quorum is present, the remaining council members shall select a council member to serve as temporary chairman of the meeting until either the chairman or vice-chairman is present at the meeting.

Sec. 3-206. - Committees.

The chairman and city council may create committees to study any issue before the city council. Any such committee may make recommendations to the city council, but no committee shall be empowered to make any final decision on any matter before such committee for consideration. In addition to council members, committees may include other city officials, staff or citizens at-large. Whenever a committee is created, its duties, any limitation on the scope of such duties and the times, places and periods of time for which the committee may operate shall be determined by the chairman and city council. The chairman shall serve as an ex-officio member of all committees.

Sec. 3-207. - Open meetings; work sessions; regular meetings; public hearings.

(a) All meetings of the city council, where a quorum is present and decisions affecting official business are contemplated, shall be held in accordance with the provisions of O.C.G.A. § 50-14-1 et seq.

(b) The city council shall hold regular work sessions on the Thursday two weeks prior to the Regular Meeting,

(c) All regular meetings and public hearings conducted by the mayor and council shall be held on the Second Thursday of the month, unless otherwise established by Mayor and Council.

Sec. 3-208. - Organizational meetings.

The city council shall hold an organizational meeting on or before the first regular meeting day following any election. The meeting shall be called to order by the city clerk, and the oath of office shall be administered to the newly elected council members whose terms of office shall begin the day and hour of taking such oath of office.

Sec. 3-209. - Special meetings; rescheduled regular meetings.

A regular meeting of the city council may be canceled, rescheduled or moved to a new location within the city by the chairman for any reason. Other special meetings may be called as provided in the Charter. Whenever a rescheduled regular meeting of the city council or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of such change shall be posted for at least 24 hours at the place of the regular meeting. In addition, written or oral notice shall be given by the city clerk at least 24 hours in advance of the meeting to either the legal organ of the city or a newspaper having a general circulation at least equal to that of the legal organ and to each council member.

Sec. 3-210. - Emergency meetings.

When emergency circumstances occur, the city council may hold a meeting with less than 24 hours' notice to the public. When such emergency meetings are to be held, the city clerk shall provide notice to the legal organ of the city or a newspaper with a general circulation at least equal to that of the legal organ and to each council member as soon as possible. The notice shall include the subjects expected to be considered at the emergency meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

Sec. 3-211. - Executive sessions.

(a) Executive sessions of the city council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. §§ 50-14-2 and 50-14-3. Where a meeting of the city council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held, except pursuant to a majority affirmative vote of the city council taken in a public meeting.

(b) The minutes of the public meeting shall reflect the names of the council members present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosures of such portions of the minutes identifying real estate to be acquired by the city council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned, or court proceedings have been initiated.

Sec. 3-212. - Quorum.

A quorum of the city council must be present for the conducting of meetings. The mayor, or mayor pro tem, and two council members shall constitute a quorum and shall be authorized to transact business of the city council. It is the duty of the chairman to enforce this rule. Any council member may raise a point of order directed to the chairman if the council member believes that a quorum is not present. Once a quorum is established, the quorum cannot be defeated by the subsequent departure of the mayor or a council member. If a quorum is not attained within 30 minutes, the meeting will be rescheduled by the chairman with the approval of the council members present.

Sec. 3-213. - Voting; majority.

Passage of a motion shall require the affirmative vote of a majority of the council members present and voting at a meeting at which a quorum is present. Unless otherwise specified in this division, a majority shall mean more than one-half of the council members present. Where a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the council members present.

Sec. 3-213. - Abstentions.

An abstention shall be counted as an affirmative vote.

Sec. 3-214. - Agenda.

(a) The city clerk, with the advice of the chairman and the council members, shall prepare an agenda of subjects to be acted on for each meeting. In conjunction with the regular work session of the Mayor and City Council, an agenda work session shall be held by the city clerk to finalize the agenda. The chairman and all council members may participate in the work session. Whenever a quorum of the city council is present for an agenda work session, the meeting shall be open to the public, and all notice and

record keeping requirements applicable to an open meeting must be met. The final agenda shall be made available to the council members at least three business days before every city council meeting.

(b) Members of the public may request that a particular subject be placed on the agenda for the following meeting. To be considered, the item must be submitted to the Clerk by 1 p.m. on the Friday preceding the scheduled regular monthly meeting. All agenda items must be sponsored by a member of council or the mayor and be so indicated on the agenda by that item.

(c) The order of the agenda may be changed during a meeting by a majority vote of the city council.

(d) A copy of the agenda and a list of those council members present shall be made available to the public for inspection within two business days of the adjournment of any meeting.

Sec. 3-215. - Consent agenda.

(a) A consent agenda may be prepared by the city clerk for the city council to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval and where no debate is expected may be placed on a consent agenda.

(b) At the appropriate time of the meeting, the chairman shall read all of the items on the consent agenda. If a council member objects to an item being on the consent agenda, the chairman shall move that particular item to the regular agenda. Following the reading of the consent agenda, the chairman will ask for unanimous approval of the items on the consent agenda. If there are no objections, all of the items on the consent agenda will be adopted by unanimous consent.

Sec. 3-216. - Minutes.

(a) The city clerk shall promptly record summary minutes for each city council meeting. The minutes serve as the official written record of the city council meeting and shall be open for public inspection once approved as official by the city council, but in no case later than immediately following the second regular meeting of the city council following the meeting being recorded in the minutes. The minutes shall specify the names of the council members present at the meeting, a description of each motion or other proposal made at the meeting, the council member who proposed each motion, the council member who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each council member voting for or against a

proposal shall be recorded. It shall be presumed that a council member has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the city council. The City Clerk shall preserve the recordings of the meetings as required by law.

(b) The city council must approve the minutes before the minutes can be considered as an official record of the city council. A copy of the minutes from the previous meeting shall be distributed to the council members at least three business days before the following meeting. The minutes of the previous meeting shall be corrected and approved by the city council at the beginning of each meeting. A majority vote is required for approval of the minutes. Conflicts about the content of the minutes shall be decided by majority vote of the city council. Upon being approved, the minutes shall be signed by the chairman and attested to by the city clerk.

Sec. 3-217. - Order of business.

All regular city council meetings shall follow an established order of business as follows:

- (1) Call to order.
- (2) invocation
- (3) Pledge of Allegiance
- (4) Agenda Approval
- (5) Consent agenda.
- (6) Committee Reports
- (7) Old Business
- (8) New Business
- (9) Reports.
- (10) Public Comment
- (11) Council comments
- (12) Adjournment

Sec. 3-218. - Decorum.

(a) All council members must conduct themselves in a professional and respectful manner. All remarks should be directed to the chairman and not to individual council members, staff or citizens in attendance. Personal remarks are inappropriate. A council member is not allowed to speak at a meeting until he has been recognized by the chairman. All comments made by a council member shall address the motion that is being discussed.

(b) The chairman shall enforce the rules of decorum set forth in subsection (a) of this section. If a council member believes that a rule has been broken, he can raise a point of order. A second is not required. The chairman may rule on the question, or he may allow the city council to debate the issue and decide the issue by majority vote.

Sec. 3-219. - Public participation.

Public participation in meetings of the city council is encouraged and shall be permitted in accordance with the following provisions:

(1) *Public comments.* The final agenda item of the city council meeting shall be reserved for comments from the public. Each member of the public who wishes to address the city council must submit his name, address and the topic of his comments to the city clerk prior to making such comments. Such an individual will be allotted five minutes to make his comments, and such comments must be limited to the chosen topic. These limits can be waived by a majority vote of the city council.

(2) *Public participation on agenda items.* By a majority vote, the city council may limit public comment on an agenda item at the time the item is being considered by the city council. Permitted comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits may be waived by a majority vote of the city council. Anyone wishing to speak at any city council meeting must be recognized by the chairman before addressing the city council.

(4) *Public hearings.* The city council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the city council. Hearings may be held immediately prior to or following a meeting of the city council or at such other places and times as the city council may determine.

Sec. 3-220. - Amendments to rules.

Any amendment to the rules of order must be submitted by a council member in writing to the city clerk by Friday of the week prior to a regular meeting of the city council. The proposed amendment shall be included in the agenda for that meeting and distributed to all council members. All amendments require a majority vote of the city council in order to be adopted.

Sec. 3-221. - Suspending the rules of order.

Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable and requires a majority vote of the city council. Rules governing quorum, voting methods and requirements, the notification to council members of meetings, and rules necessary for compliance with state law cannot be suspended.

Sec. 3-222. - Visual and sound recordings.

Visual and/or sound recordings shall be permitted for all public meetings.

Secs. 3-223—3-240. - Reserved.

DIVISION 2. - PARLIAMENTARY PROCEDURE

Sec. 3-241. - Rules of procedure.

Unless otherwise provided in this Code, procedures for meetings of the city council shall follow the 11th edition of Robert's Rules of Order.

Sec. 3-242. - Parliamentarian.

The city council shall select a parliamentarian at the beginning of each calendar year who shall serve a one-year term. The designated parliamentarian may seek the assistance of legal counsel to resolve any parliamentary issues.

Sec. 3-243. - Main motion.

In order for the city council to take any official action on any subject, a council member must propose a main motion. A proposed main motion will not be recognized by the chairman until another council member agrees to second the motion. A second does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he has made at any time before the city council has voted on that motion.

Sec. 3-244. - Debate.

(a) After the main motion is recognized by the chairman, the city council shall debate the motion. The debate shall be managed by the chairman in a manner that is fair to all council members. Council members may participate in the debate only when they are recognized by the chairman.

(b) During the course of a debate, council members may introduce subsidiary motions that propose that the city council take particular action on a motion. There are two classes of subsidiary motions: Debatable subsidiary motions and undebatable subsidiary motions. Debatable subsidiary motions consist of motions to postpone indefinitely, amend, refer to the committee and postpone to a time certain. Debatable subsidiary motions require a second before they can be voted on or debated. There are three undebatable subsidiary motions: Limit debate, vote immediately, and lay on the table. Such motions require a second and cannot be debated.

(c) Council members may also introduce privileged motions. Privileged motions facilitate the running of the meeting and can be introduced during the course of debate. Privileged motions consist of a motion to raise a question of privilege and motions to recess and adjourn. The motions to recess and adjourn require a second. Debate is not allowed on privileged motions.

Sec. 3-245. - Voting; procedure.

Voting on debatable motions and undebatable motions shall take place in accordance with the following provisions:

(1) *Debatable motions.* In the case of debatable motions, the vote can be proposed in one of the following two ways:

a. If debate has been completed and no other council member wishes to speak, the chairman may call for the vote; if there are no objections then the chairman may proceed with the vote.

b. If the chairman calls for the vote and there is an objection, a council member may move to vote immediately (move the previous question). If this motion is seconded and approved by a majority vote, debate will stop. The chairman will then read the proposed motion to the city council and ask for the votes of the council members.

(2) *Undebatable motions.* In the case of undebatable motions, the vote shall occur immediately after the motion is recognized by the chairman. The chairman shall read the proposed motion to the city council and then call for the vote.

Sec. 3-246. - Ranking of motions.

(a) Each subsidiary and privileged motion is assigned a specific rank. A motion of higher precedence can interrupt a motion of lower precedence. The higher motion must be decided before the city council returns to consider the motion of lower precedence.

(b) A main motion has the lowest rank and does not take precedence over any other motion. A motion to adjourn has the highest rank and will take precedence over all other subsidiary and privileged motions. The order of precedence of motions shall be in accordance with this section. Motions at the bottom of the following list take precedence over motions at the top of the list:

(1) Main motion (lowest rank).

(2) Subsidiary motions (debatable):

- a. Postpone indefinitely.
- b. Amend.
- c. Refer to committee (commit).
- d. Postpone to a time certain (postpone definitely).

(3) Subsidiary motions (undebatable):

- a. Limit debate or extend limits.
- b. Vote immediately (previous question).
- c. Lay on the table (postpone temporarily).

(4) Privileged motions (undebatable):

- a. Question of privilege.
- b. Recess.
- c. Adjourn (highest rank).

Sec. 3-247. - Subsidiary motions.

During the course of debate, council members may introduce motions which propose that the city council take particular action on a main motion. These motions are called subsidiary motions and they allow the city council to reach a conclusion on the main motion. Subsidiary motions require a second before they can be voted on or debated. Three subsidiary motions (amend, limit debate and vote immediately) also may apply to other subsidiary motions.

(1) *Postpone indefinitely.* If a council member believes that the main motion should not be considered by the city council, such council member may move to postpone the consideration of the main motion indefinitely. If the motion is successful, consideration of the main motion stops and the main motion is tabled. A motion to postpone indefinitely may be debated, but it cannot be amended. A majority vote is required for the motion to pass.

(2) *Amend.* If a council member believes that the main motion that is on the table should be changed in order to make it more acceptable, he can move to amend the motion.

a. Amendments must be closely related to the original motion and must not change the nature of the motion that they amend.

b. Motions to refer, amend, postpone to a time certain and the motion to recess can also be amended.

c. A motion shall not be amended more than two times.

d. Debate is allowed on a motion to amend only if the original motion is debatable.

e. A majority vote is required for the city council to adopt an amendment.

f. If the amendment is adopted, the city council shall consider the amended version of the motion.

(3) *Refer to a committee (commit).* If a council member believes that further information is needed before the city council can act on a main motion, he may propose that the motion be referred to a specific committee or department for further study. If an appropriate committee does not already exist, then a committee may be formed as a part of the motion. A motion to refer should specify the date that the committee or department will report back to the city council. This motion is debatable and amendable. A majority vote is required for the motion to pass.

(4) *Postpone to a time certain (postpone definitely).* A motion to postpone to a certain time may be proposed if a council member believes that the main motion should not be considered until a future time. This motion shall set a particular time for the main motion to be considered again. Such motion is debatable and may be amended. If this motion is passed,

the chairman will bring the original motion back to the city council for consideration at the specified time. A majority vote of the city council is required for the motion to pass.

(5) *Limit or extend limits of debate.* A motion to limit debate places a time constraint on the length of debate. The details of such a motion are to be decided by the council member who makes the motion. This motion can also be used to extend the limits of debate if a limit on debate already exists. Debate is not allowed on this motion, and a majority vote of the city council is required for the motion to pass.

(6) *Vote immediately (previous question).* If a council member believes that the motion that is being considered should be voted on, the council member may move to vote immediately. The motion is undebatable, and a vote of the majority of the city council is required for the motion to pass.

(7) *Lay on the table (postpone temporarily).* A motion to lay on the table proposes that the consideration of a main motion be postponed until a later time in the meeting. The motion can be brought up for consideration only if a motion to resume consideration is accepted by the city council during the same meeting. The motion will die if it is not taken up during the meeting. Debate is not allowed on this motion, and the motion is not amendable. A majority vote of the city council is required for the motion to pass.

Sec. 3-248. - Privileged motions.

Privileged motions facilitate the running of the city council meeting. Such motions do not address or relate to a main motion and can be introduced whether or not there is a main motion under consideration. Privileged motions take precedence over all subsidiary motions. Debate is not allowed on such motions.

(1) *Question of privilege.* A formal question addressed to the chairman concerning the rights of a council member or of the city council as a whole is referred to as a question of privilege. It does not require a second and cannot be debated or amended. The chairman is required to make a ruling on the question.

(2) *Recess.* A motion to recess proposes that the meeting be suspended for a particular amount of time. The motion must specify the length of the recess. The motion must also be seconded. Debate is not allowed on such motion, but the motion can be amended. A majority vote of the city council is required for the motion to pass.

(3) *Adjourn.* In order for a meeting to come to a close, a council member must make a motion to adjourn. The motion to adjourn has the highest rank of any motion, and as a result, it can be introduced at any time. The motion requires a second but is not debatable or amendable. A majority vote of the city council is required for the motion to pass.

Sec. 3-249. - Incidental motions.

Incidental motions allow council members to exert their rights as a member of the city council. Incidental motions may be introduced at any time during a meeting.

(1) *Appeal*. If a council member disagrees with a decision that is made by the chairman, such council member may appeal the decision. If the appeal is seconded, the appeal will be considered by the city council. The chairman has the opportunity to explain the ruling that has been challenged. The city council may then debate the appeal. The city council shall decide by majority vote if the chairman's decision is to be upheld or overturned. An appeal is high in precedence and may only be interrupted by a privileged motion or by a motion to lay on the table.

(2) *Parliamentary inquiry*. If a council member has a question about the rules of order, he may ask the chairman to give an opinion on that question. Such question should take the form of a parliamentary inquiry and should relate to the current business of the city council. Such motion takes precedence over all motions except privileged motions. Such motion does not require a second and is not debatable or amendable.

(3) *Point of order (question of order)*. If a council member believes that a violation of the rules of parliamentary procedure has occurred, he can raise a point of order. A second is not required. The chairman may make a ruling on the question or may allow the city council to debate and then rule on the question by majority vote. A point of order may only be interrupted by a privileged motion or a motion to lay on the table.

(4) *Point of information (request for information)*. If a council member has a question about the facts of a particular issue that is being considered, he may ask a point of information. This motion is addressed first to the chairman and then to the appropriate person. A second is not required and the motion is not debatable or amendable.

Sec. 3-250. - Supplementary main motions.

Three motions allow the city council to act on a main motion that has either been passed or tabled by the city council. These motions are considered to be main motions but differ from usual main motions in the following ways:

- (1) *Reconsider*. The motion to reconsider allows the city council to debate whether or not to overturn a decision made at the meeting that is in progress. Such a motion allows the city council to consider new information that may affect the decision that has already been made. Any council member may make a motion to reconsider, and any council member may second the motion. The motion is debatable, but it cannot be amended. A majority vote of the city council is required for the motion to pass. If a motion to reconsider is passed, the original decision will be voided, and the city council will return to debate and revote the original motion.

(2) *Rescind.* A motion to rescind proposes that the city council overturn a motion passed at a previous meeting. A motion to rescind can be made by any council member. Such motion is in order as long as the original motion has not been implemented. An announcement of the intention to rescind a motion may be made at the meeting where the decision was made, or the council member seeking to rescind may place the matter on the agenda for the next meeting pursuant to [section 2-48](#). The motion to rescind will then be placed on the agenda for the next meeting. At the next meeting, the motion to rescind will formally be made. If such motion is seconded, then the city council shall debate and vote on rescission. A majority vote of the city council is required for the motion to pass. If a motion to rescind is passed, the original decision will be voided.

(3) *Resume consideration.* The motion to resume consideration allows the city council to consider a motion that has been temporarily postponed. Such motion requires a second and is not debatable or amendable. Such motion is a main motion but ranks higher than any debatable motion. A majority vote of the city council is required for the motion to pass.

Secs. 3-251—3-260. - Reserved.

DIVISION 3. - LEGISLATION

Sec. 3-261. - Legislative authority generally.

The city council shall exercise the legislative functions of the city and may pass any ordinance or resolution that it deems best for the government of the city; however, such ordinance or resolution shall not be in conflict with the Charter, the constitution or laws of the state or the Constitution or laws of the United States.

Sec. 3-262. - Ordinances, resolutions, contracts and interlocal agreements.

Unless otherwise provided in this Code, all ordinances, resolutions, contracts and interlocal agreements of the city shall be prepared, approved, introduced and adopted in the manner provided in this division.

Sec. 3-263. - Preparation of ordinances.

Whenever possible, all ordinances shall be prepared by the city attorney.

Sec. 3-264. - Required elements of ordinances.

All ordinances passed by the city council shall contain the following items, which shall be set forth in the ordinance in the following order:

- (1) Ordinance number.
- (2) Title and purpose.
- (3) Enacting clause.
- (4) Body of ordinance by sections.
- (5) Severability clause.
- (6) Penalty clause.
- (7) Repealing clause.
- (8) Adoption date.
- (9) Effective date.
- (10) Authentication of city clerk.

Sec. 3-265. - Introduction of ordinances, resolutions and other matters.

Ordinances, resolutions and other matters or subjects requiring action by the city council must be introduced and sponsored by a council member.

Sec. 3-266. - Consideration of Code amendments.

Where an amendment to this Code is proposed and any council member or the mayor has been given fewer than 48 hours' notice, including a copy of the proposal, of the intent to introduce such amendment to be adopted at a city council meeting, any council member or the mayor may require, by his own request alone, that consideration of such proposed amendment be postponed until the next regular meeting of the city council. Pursuant to this section, such request to postpone shall not require a second or a vote and shall not be subject to debate; provided, however, that no proposed amendment to this Code shall be the subject of a request to postpone under this section more than once.

Sec. 3-267. - Action restricted, emergencies.

No ordinance shall be put on its final passage on the same day on which it is introduced; except that where an emergency exists and public health and safety require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by the city council.

An ordinance shall be introduced at the work session proceeding the regular meeting that it is being considered for final adoption.

Sec. 3-268. - Presenting of ordinances.

Each ordinance except for a zoning ordinance amendment shall be presented at two consecutive meetings of the mayor and city council. A zoning ordinance amendment may be approved at the first meeting after the requirements of the Zoning Procedures Act have been satisfied and does not require two readings. An ordinance being introduced at the work session proceeding the regular meeting that is being considered for final adoption shall qualify under this Section.

The presentation of the ordinance (first and second reading) may be waived by a majority vote of the City Council provided the title of the ordinance is read into the record and copies of the full ordinance introduced are available in the office of the City Clerk and posted online for citizen review.

Sec. 3-269. - Subject matter of ordinances.

No ordinance shall relate to more than one subject, which shall be clearly expressed in the title of the ordinance. No ordinance, or section of such ordinance, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed. When practicable, all ordinances shall be introduced as amendments to this Code.

Sec. 3-270. - Adoption of ordinances, resolutions, contracts.

An ordinance, resolution or contract shall be deemed adopted or approved and effective when it receives an affirmative vote of the majority of the city council.

Secs. 3-270—3-299. - Reserved.”

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without

the phrase, sentence, or paragraph declared unconstitutional or invalid.

Section 5. The effective date of this Resolution shall be August ____, 2023.

It is so ordained on this ____ day of August, 2023.

City of Walnut Grove, Georgia

Mark Moore, Mayor

ATTEST:

Kimberly Whitlow, City Clerk

APPROVED AS TO FORM:

**Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.**

ORDINANCE NO. _____

AN ORDINANCE TO DELETE CHAPTER 3-002 OF THE CODE OF ORDINANCES, CITY OF WALNUT GROVE, GEORGIA; AND CREATE A NEW ORDINANCE TO BE DESIGNATED AS "CODE OF ETHICS" TO PROVIDE A NEW CODE OF ETHICS AND CONDUCT TO GOVERN THE ETHICS OF ELECTED AND APPOINTED OFFICIALS OF THE CITY; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Walnut Grove, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority deems it essential to the proper operation of democratic government that the public officials be, and give the appearance of being, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS such measures are necessary to provide the public with confidence in the integrity of its government.

WHEREAS it is the policy of the city that its elected officials, commission, board and authority appointees, and its appointed officials while conducting city business guide their ethics and conduct to achieve the following standards:

1. Serve others and not themselves;
2. Be independent, impartial and responsible;
3. Use resources with efficiency and economy;
4. Treat all people fairly;
5. Use the power of their position for the well-being of their constituents; and
6. Create an environment of honesty, openness and integrity.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY THAT A NEW CODE OF ETHICS AND CONDUCT IS APPROVED AND ADOPTED TO HAVE THE FOLLOWING TERMS AND PROVISIONS:

SECTION 1. That the Code of Ordinances of the City of Walnut Grove, Georgia is hereby amended by deleting the existing Code of Ethics as contained in the General Code of the City of Walnut Grove Section 3-102 and in its place, adopts and ordains the following provision:

SECTION ONE – CODE OF ETHICS

1. Principal policies. Public trust requires public servants to fulfill their duties faithfully and honestly and to subordinate any personal interest which conflicts with the public interest. A public servant is a trustee of the people and should strive to further the general welfare and not use public office or position to unethically improve his or her own private standing. The principal policies that form the foundation of this code of ethics are as follows:

- (A) The trust of citizens in their government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity.
- (B) The constitutions, laws and regulations of the United States and the State of Georgia and ordinances of the City of Walnut Grove should be upheld as a minimum standard of conduct.
- (C) The most effective way to eradicate unethical practices is consistently to act with the highest moral principles and react appropriately to the ethical decisions of others.
- (D) City of Walnut Grove officials should exercise sound judgment and apply ethical principles in making decisions that in any manner reflect upon their elected office.
- (E) All citizens should be treated with courtesy, impartiality and equality.

2. Intent.

It is the intent of this code of ethics that City of Walnut Grove officials shall not knowingly engage in any activity that is incompatible with the proper discharge of their official duties or which would tend to impair their judgment or actions in the performance of their official duties. Furthermore, City of Walnut Grove officials should avoid any action that might result in or create the appearance of,

- (A) Using public office or position in an unethical manner for private gain,

- (B) Impeding City of Walnut Grove efficiency or economy, or
- (C) Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the City of Walnut Grove.

3. Definitions.

As used in this section, the following words shall have the meaning ascribed to them below [unless otherwise required by context]:

- (A) Benefit means anything of monetary value that a reasonably prudent person would recognize as being likely to be intended to influence a City of Walnut Grove official or employee in the performance or non-performance of an official action.
- (B) Immediate family means spouse, child, parent or sibling of a City of Walnut Grove official.
- (C) City of Walnut Grove official means the mayor, city council members, appointed officials, members of appointed boards, commissions and authorities.
- (D) Incidental interest means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- (E) Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
- (F) Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 - i. the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
 - ii. the funds received by the person from the other person or entity during the previous 12 months either equal or exceed
 - (a) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or
 - (b) ten percent of the recipient's gross income during that period, whichever is less;

(c) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the mayor and city council; or

(d) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(G) Acceptance of gifts. City of Walnut Grove officials shall not solicit or accept, directly or indirectly, any benefit or payment from any person, corporation or group that has, or is seeking to obtain, a contractual or other business or financial relationship with the City of Walnut Grove.

(H) Substantial interests. City of Walnut Grove officials may not:

- i. Have a substantial interest that conflicts with their responsibilities and duties as trustees of the public good, or
- ii. Directly or indirectly engage in financial transactions as a result of, or primarily relying upon, confidential information obtained in the course of their office or received due to their position.

(I) Use of public property. A City of Walnut Grove official shall not use City of Walnut Grove property of any kind for other than officially approved activities, nor shall he or she direct a City of Walnut Grove employee to use such property for other than official purposes.

(J) Use of confidential information. A City of Walnut Grove official shall not directly make use of, or permit others to make use of, for the purpose of furthering a private interest, City of Walnut Grove information not made available to the general public.

(K) Coercion. A City of Walnut Grove official shall not use his or her position in any way to coerce, or give the appearance of coercing:

- i. Another person to provide any benefits to him or her or to his or her immediate family as defined herein, or
- ii. A City of Walnut Grove employee, an appointed official of the City of Walnut Grove, or a contract employee to provide any benefit to him or her or to his or her immediate family as defined herein, or
- iii. Any judge in the outcome of matters before the court.

(L) Purchases. A City of Walnut Grove official shall not order any goods or services for the City of Walnut Grove or on behalf of City of Walnut Grove without proper authorization in compliance with the City of Walnut Grove Code.

- (M) Conflicts of interest. In accordance with the Charter, no elected official, appointed officer, or employee of the City of Walnut Grove, or any authority or agency to which the Charter applies shall represent private interests, other than his or her own, in any action or proceeding against City of Walnut Grove or any portion of its government; or vote or otherwise actively participate in the negotiation or the making of any contract between the City of Walnut Grove government and any business or entity in which he or she has a substantial interest. No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city except as authorized by state law.
- i. This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - ii. This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager or chief of police).
 - iii. Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (N) City of Walnut grove employees. A City of Walnut Grove official shall not use a City of Walnut Grove employee for personal or private business during regular business hours or during the employee's scheduled shift.
- (O) Travel expenses. A City of Walnut Grove official shall not draw per diem or expense money from City of Walnut Grove to attend a seminar, convention, conference or similar meeting and then fail to attend the seminar, conference, convention or similar meeting.
- (P) Commitments. A City of Walnut Grove official shall not act or create the appearance of acting on behalf of the City of Walnut Grove by promising to authorize or prevent any future official action of any nature, without proper authorization.
- (Q) False statements. No City of Walnut Grove official shall make a false or materially misleading statement or in any manner commit fraud in relation to any City of Walnut Grove or public business.
- (R) Disclosure. A City of Walnut grove official or employee shall disclose the nature of any substantial interest he or she has in a matter at the time such matter is presented to the mayor and council for discussion and/or action. Such disclosure shall be recorded into the minutes of the meeting and become part of the public record.
- (S) Deliberation and vote prohibited. No City of Walnut Grove official shall participate in a City of Walnut Grove Council Committee or Council meeting during the discussion,

debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item, any official act or action in which he or she has a substantial interest. Provided, however, that such an elected official shall not be precluded from addressing a council committee or the mayor and council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public. Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

- (T) Duty to leave meeting. To avoid the appearance of impropriety, after any member of the commission is determined to have a financial interest or a potential financial interest in any matter, they shall leave their regular seat as a member of the mayor and city council or council committee and not return to it until deliberation and action on the matter is completed. Provided, however, that such an elected official shall not be precluded from addressing a council committee or the mayor and council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public.
- (U) Ethics hearing officer. The chief judge of municipal court, or in his absence his designee who shall be another municipal court judge or if no municipal court judge is available, the city attorney, is hereby designated as the ethics hearing officer. The ethics hearing officer shall serve without compensation and may be removed for cause by a majority vote of the mayor and city council. If the hearing officer is removed for cause, the next most senior municipal court judge or the city attorney shall serve as hearing officer.
- (V) Receipt of complaints. All complaints against a City of Walnut Grove official shall be filed in writing with the city clerk to be referred to the ethics hearing officer in such form as may be prescribed by the ethics hearing officer. Upon receipt of a complaint in proper form, the ethics hearing officer shall:
- i. Review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke disciplinary action or is to be considered for further investigation.
 - ii. Be empowered to dismiss those complaints that are unjustified, frivolous, patently unfounded or that fail to state facts sufficient to constitute a violation of this article; provided, however, that a rejection of such complaint by the ethics hearing officer shall not deprive the complaining party of any action he or she might otherwise have at law or in equity against the City of Walnut Grove official;
 - iii. Be empowered to collect evidence and information concerning any complaint and to add to the findings and results of its investigation to the file containing such complaint;

- iv. Be empowered to conduct probable cause investigations, to take evidence and hold hearings. The ethics hearing officer shall give the City of Walnut Grove official notice and an opportunity for a hearing;
- v. Be empowered to recommend to the mayor and city council that any City of Walnut Grove official found to have violated any provision of this article receive a reprimand, censure or be requested to resign from his or her office.
- vi. Be empowered to refer a complaint to the sheriff of City of Walnut Grove or other law enforcement agency for investigation and possible prosecution;
- vii. Take action within 60 days of receipt of the complaint. The decision by the ethics hearing officer shall be reduced to writing and served upon all parties at interest within five days of reaching a decision.
- viii. The ethics hearing officer shall in a public hearing before the mayor and city council present argument and evidence to justify the recommendation contained in paragraph (5) above and make a recommendation of the proper penalty to be imposed. The mayor and council shall have the final authority to act on or reject the recommendation within 30 days of the presentation by the hearing officer.

(W) Penalties. Upon majority vote of the mayor and council, any violation of this code of ethics shall subject the offender to disciplinary action including reprimand, censure, or a request to the offending City of Walnut Grove official that he or she resign their office.

(X) Right to appeal. Any City of Walnut Grove official adversely affected by a disciplinary action taken by the mayor and council may appeal the decision to the Walton County Superior Court in accordance with the laws of the State of Georgia. Provided, however, that no action of a decision maker refusing or failing to take action pursuant to this code of ethics shall be reviewable by the superior court.

(Y) Election tolling. To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period.

Properly filed complaints will be accepted and processed after the election results have been certified.

SECTION 2. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. Pursuant to the Section 2.27 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Walnut Grove, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this Ordinance within the City Code of Walnut Grove, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

SECTION 4. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Walnut Grove, Georgia.

It is so ordained on this ____ day of August 2023.

City of Walnut Grove, Georgia

Mark Moore, Mayor

ATTEST:

Kimberly Whitlow, City Clerk

APPROVED AS TO FORM:

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

RESOLUTION NO. 2023-__

**A RESOLUTION TO DESIGNATE AN OPEN RECORDS OFFICER FOR
THE CITY OF WALNUT GROVE, GEORGIA.**

WHEREAS, the City of Social Circle is a Municipal Corporation of the State of Georgia;
and

WHEREAS, the Walnut Grove is an agency subject to the Open Records Act of the State
of Georgia; and

WHEREAS, the Walnut Grove is comprised of various departments, boards, authorities
and commissions; and

WHEREAS, the Open Records Act of the State of Georgia permits an agency to designate
Open Records Officers to receive requests for the inspection or copying of records; and

WHEREAS, the Mayor and Council of the Walnut Grove believe that designating an
Open Records Officers will centralize the open records process and will permit the City to more
effectively and efficiently track and complete responses to open records requests;

IT IS HEREBY RESOLVED that the Mayor and Council of the Walnut Grove, in
accordance with the provisions of the Open Records Act found in O.C.G.A. 55-18-71 designate
the following Open Records Officers to receive requests on behalf of the City and all of its
departments:

- (1) City Clerk
- (2) In the absence of the City Clerk, the Mayor

shall serve as the Open Records Officers.

IT IS FURTHER RESOLVED that the City requires that all written requests under the
Open Records Act shall be made upon the Open Records Officers designated in this Resolution,
and that a copy of the Request be sent by the Open Records Officer to the City Attorney.

IT IS FURTHER RESOLVED that the City Clerk shall notify the Walton County
Tribune and the Covington News, as the legal organs of the City and Walton County, that the City
has so designated the Open Records Officers contained herein.

IT IS FURTHER RESOLVED that the City Clerk shall ensure that the designated Open
Records Officers and their contact information are prominently displayed on the City's website.

IT IS SO RESOLVED this _____ day of August, 2023.

Mark Moore, Mayor

Stephanie Moncrief, Mayor Pro Tem

Linda Pilgram, Council Member

ATTEST:

Kimberly Whitlow, City Clerk

Erica Miles, Council Member

APPROVED AS TO FORM:

Anthony O. L. Powell, City Attorney
Powell & Edwards, P.C.

ORDINANCE NO. 2023-_____

A ORDINANCE OF THE CITY OF WALNUT GROVE TO DECLARE A RECORDS CUSTODIAN AND AMEND THE CITY CLERKS DUTIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHEREAS, the Georgia Records Act and the regulations thereto mandate certain record keeping practices; and

WHEREAS, record keeping is a duty of the City Clerk; and

WHEREAS, the Mayor and Council of the City of Walnut Grove believes it in the best interest of the public to amend its ordinances to reflect the laws of this State.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED:

Section 1. That the Code of Ordinances of the City of Walnut Grove, Georgia is hereby amended by deleting Section 3-404 and Section 3-1301 of the City Ordinances and replacing it with the following:

“Section 3-404 Duties of City Clerk

The City Clerk shall have the following duties in his capacity as City Clerk:

1. To attend all meetings of the City Council;
2. To keep correct and full minutes of the proceedings of City Council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the City and to place them before the Mayor and City Council at the meeting of the City Council next succeeding the receipt thereof;

4. To issue all licenses, and keep a record thereof, and all badges and permits authorized by the City Council;
5. To attend all sessions of the Municipal Court;
6. To keep an execution docket, in which he shall enter the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
7. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this code or other rules, regulations, and ordinances of the City Council;
8. To be the custodian of the City seal and affix its impression on documents whenever required, and;
9. To be the custodian of records and carefully preserve the records and documents belonging to the City which are not assigned to the custody of some other office in accordance with the Georgia Records act and the regulations thereto, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.
10. To receive all money due the City Council, including taxes, licenses, fees, and other moneys belonging to the City and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in his absence, the Mayor pro tempore;
11. To keep a book of accounts showing all money received on behalf of the City and the source and disposition thereof, which book shall be open for inspection by the public and members of the City Council;
12. To maintain a uniform system of accounts and keep such other records and accounts as may be required by statute or ordinance;

13. To furnish the City Council with quarterly statements detailing all receipts and payments of funds for the quarter; and

14. To enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the City.

Section 3-1301 City Records

City records shall be maintained in accordance with the Georgia Records Act (O.C.G.A. §50-18-91 et seq)) and the regulations thereto including the Local Government Records Retention Schedules of the Georgia Archives composed by the University System of Georgia. All minutes shall be kept in physical notebooks. All other records may be digitalized as the City Clerk sees fit, so long as it is in compliance with the Georgia Records Act and the regulations thereto.”

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. It is hereby declared that if any phrase, sentence, or paragraph hereof shall be found or declared unconstitutional or invalid by a court of competent jurisdiction, the remaining phrases, sentences and paragraphs hereof shall remain in full force and effect as if enacted without the phrase, sentence, or paragraph declared unconstitutional or invalid.

Section 4. The effective date of this Resolution shall be August ____, 2023.

It is so ordained on this ____ day of August, 2023.

City of Walnut Grove, Georgia

Mark Moore, Mayor

ATTEST:

Kimberly Whitlow, City Clerk

APPROVED AS TO FORM:

**Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.**