



# CITY OF WALNUT GROVE

OCTOBER 14, 2021

7:00 PM

1021 PARK STREET MUNICIPAL BUILDING

Mayor Mark Moore  
Jon Dial  
Mary Hall  
Linda Pilgrim  
Tony Powell  
Stephanie Moncrief

---

## Mayor and Council Council Meeting Agenda

---

- I. **CALL TO ORDER** – Mayor Mark Moore
- II. **INVOCATION** – Tony Powell
- III. **PLEDGE OF ALLEGIANCE** – All participated
- IV. **AGENDA APPROVAL** – Council member Mary Hall made motion. Council member Linda Pilgrim seconded. Passed unanimous.
- V. **CONSENT AGENDA** – Amended to include financials and invoices over \$5000. Council member Mary Hall made motion. Council member Jon Dial seconded. Passed unanimous.
  1. September 9th Meeting Minutes
  2. September 30<sup>th</sup> Meeting Minutes
- VI. **COMMITTEE REPORTS**
  1. **Community Involvement Committee** – Linda Pilgrim  
Council member Linda Pilgrim reported the final city park market for the year was a success. She also reported on the upcoming movie in the park and partnering with the library and Church of the Grove.
  2. **Downtown Development Authority** – Mary Hall  
Council member Mary Hall reported the DDA is up and running and meetings are open to the public. She also mentioned a website being planned for the DDA in the future.
  3. **Parks and Recreation/Public Works** – Jon Dial  
Council member Jon Dial reported on the movie in the park and an upcoming meeting next month. He also commented on the Park street streambank project being completed and the public works building being close to completion.
- VII. **PLANNING AND ZONING COMMISSION** – DON CANNON: CHAIR  
Chairman Cannon reported on the recent rezone application from Reliant Homes. He stated the rezone was to rezone part of the property from AG to PUD and also separate portions to C2 and OI. Mr. Cannon reported the commission suggested an increase in lot width and a second entrance to the property. It was also suggested that a traffic study be completed.
- VIII. **PUBLIC FORUM**
  1. Public Comments - None
- IX. **OLD BUSINESS**
  1. **DDA Funding** – Mayor Mark Moore explained that an account with funds for the DDA the was established when the DDA was formed needed to be transferred to their control. The mayor stated the DDA has elected it's officers and met the suggestions the council requested before transferring the funds. Council member Jon Dial made motion. Council member Linda Pilgrim seconded. Passed unanimous.

## X. NEW BUSINESS

1. **Land purchase** – Tony Powell presented documents to the council then stated “ This is one of the most remarkable accomplishments a city council can do. There are always some guidelines that we have to work under that are pretty difficult to do and one of those is that we can not enter into as a city agreements which go beyond the scope of the elected officials that sit currently. So the norm for agreements for the city is one year in your case you could argue that you could do two because your council serves on four year terms and each council served there is an overlap of two years so it could be as long as two. The problem was in acquiring and there are a few exceptions to that rule but it usual requires a bonding issue and a validation process. There are some installment sales provisions that will allow installment sales but it requires a strict application of certain rules. No one in the meeting room tonight actually made any errors in that process but in looking back over the acquisition of the land where the sewer treatment plant was acquired there were a number of errors that occurred there that needed to be corrected. One of the things that lawyers do is they should anticipate every possibility of confusion inside of an agreement, in this case the installment agreement that evidenced the acquisition of that was not artfully drafted and created a number of ambiguities. Unfortunately for this council it was a contract that existed prior to you taking your seats and really prior to Mr. Dial’s election and it turned out Mr. Dial he was the seller in that transaction and the other members of council inherited that situation but it put us at odds with each other on how that agreement would be interpreted and to this groups credit over the period of about a year and some very difficult negotiations it has gotten resolved in a way that is objectively a hundred percent. That hundred percent objectivity begins with what you trusted us with and we are grateful for that but you allowed us to go back to 2010 and get an objective appraisal and have a beginning point that makes some sense. Judge Adamson’s son who was the appraiser on this appraised the property at a \$330,000 value we had paid over the installment agreement a little over \$140,000 there was not a payment provision inside that would close that gap. There was a transfer of sewer reserve capacity again very confusing not artfully drafted but we interpreted that to be just reserve capacity but it had with it the potential to do additional taps. In the environment of the city this council agreed to convert those to cash in order to really fund the transaction, that capacity belonged to Mr. Dial under the agreement and under this agreement he’s conveying it back to the city and getting credit for that. To balance the transaction there were installment payments that would continue indefinitely which was a weakness of that agreement there is no such thing in Georgia law. There was also a provision that had the residual property returning to the Dial family at the end and in this instance we had constructed a multi million dollar sewer treatment plant on that and that event would create a very difficult situation both with our lending and with actual ownership of what is a real asset of the city so we resolved that. Fee simple title is coming to the city, a paid independent appraisal amount is being paid to the Dial family as consideration and Mr. Dial is giving up his interest in those reserve capacity which is the equivalent of about \$90,000 in value. Now those numbers don’t add up to \$330,000 there had to be a compromise in that process and so there was. One of the effective tool that we utilized in this purchase agreement the final settlement agreement is the ability of the city to accept the difference in those values as a charitable contribution. We also granted to the Dial family which is a normal occurrence which is the city always has the ability to exercise imminent domain rights and so because the transaction are not arms length the Internal revenue service gives Mr. Dial an opportunity to three years to reinvest that money without having a capital gain on that sale. So we have taken every tool that we had to balance and then a lot of good faith on the part of the council and Mr. Dial to come up with a resolution. I’m grateful for everybody. I recommend this, it is objectively come to in terms of the appraisal process and I would be glad to explain it to any of the citizens who would like to look at the balancing process that we have gone through. But I congratulate the council on being able to get to this point and ask that you would approve that settlement agreement. The contingency, there is one contingency that we picked up in the title examination in preparation for the settlement agreement. That contingency is there was a quit claim deed that went to Walton County for half interest in the property that needs to be corrected they did not want to stay in that venture but the deed hadn’t been corrected so before we pay out any money in this settlement there is a requirement that we get back the deed from the county and we’ve contacted the county attorney to implement that process.”
2. **DOT Light Support Agreement** – Mayor Moore explained this agreement is for the city to pay the electricity bill for a light to be installed at the proposed roundabout. Council member Mary Hall made motion. Council member Linda Pilgrim seconded. Passed unanimous.
3. **Ordinance** – Mayor Moore discussed the need to clarify the ordinances in regards to the responsibility and upkeep of various areas throughout the city. He also discussed needing to address and clarify these issues while the city is in the process of codifying ordinances. He informed everyone he planned on

taking the council on a tour of the city to visually see some of the areas of concern to determine what changes if any need to be made.

#### **4. Rezoning Application**

**A. P.U.D** – Ned Butler addressed the council and presented plans and layout for a proposed development. He described materials that would be used and possible uses for the commercial area. An unverified person tried to make a comment in opposition from the electronic meeting software but was unable to. Council member Linda Pilgrim made motion to table. No second. Motion failed. Council member Stephanie Moncrief made motion to send back to planning and zoning to address their outlined conditions and also a secondary entrance as a condition. Council member Linda Pilgrim seconded. Council members Jon Dial and Mary Hall voted against. Mayor Mark Moore voted for the motion to break the 2-2 tie. Motion passed.

#### **B. Commercial**

### **XI. REPORTS**

1. **Code Enforcement** – Craig Ellington reported issuing 19 notice of violation for various offenses.
2. **Public Works** – Brian Pilgrim reported receiving the service truck back from repair. He also reported progress on edging the city sidewalks and repairs made throughout the city. Lastly he commented on finding a spray tank that fit the requirements for what the council approved previously for purchase.
3. **Clerk Report** – Keegan Ramsey reported the balances of the city bank accounts.
4. **Mayor Report** – Mayor Moore reported the streambank project has been completed and he asked the city engineer to do sign off on the quality of work. He also mentioned changing the timeline between when the planning and zoning renders a recommendation to the city council and the council votes. Lastly he discussed the status of the city dump truck repairs and how when completed trimming of trees throughout the city can begin.

**XII. TOWN HALL DISCUSSION** – Dana Seger commented on partnering with the city on the upcoming movie at the park and the library being in the process of converting to led lighting. She also commented the library is looking to hire someone in the near future.

### **XIII. COUNCIL COMMENTS**

1. Council member Mary Hall thanked everyone for attending.
2. Council member Linda Pilgrim encouraged women to get checked for breast cancer awareness month.
3. Council member Stephanie Moncrief thanked the citizens for being engaged and commented the sheriff's department is collecting used coats for the needy.

**XIV. ADJOURN** – Council member Linda Pilgrim made motion. Council member Jon Dial seconded. Passed unanimous.