



CITY OF WALNUT GROVE
March 2, 2023 7:00 PM
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Work Session Minutes

ELECTED OFFICIALS PRESENT:

Mayor - Mark Moore
Mayor Pro Tem - Stephanie Moncrief
Council Members -
Linda Pilgrim
Erica Miles

STAFF PRESENT:

City Clerk - Dawn Lummus
City Attorney - Tony Powell
P & Z Chariman - Don Cannon
P & Z Administrator - Joe Walter

OTHERS PRESENT: Ellen Brannon, Pam Hobbs, Tina Norrell, Bill & Karen McMullen,
Donald Poss, Richard Hawk, Luz Augustin, Harris, Venus & Marvin Lockhart,
Angelique Strickland-Hendricks

- I. **CALL TO ORDER** - Mayor Mark Moore
- II. **INVOCATION** - Tony Powell
- III. **PLEDGE OF ALLEGIANCE** - All Participated
- IV. **ROLL CALL** - Everyone Present
- V. **AGENDA APPROVAL** - Mayor Moore called for a motion to approve the agenda, Linda Pilgrim made the motion, Erica Miles seconded the motion. Passed unanimously.
- VI. **OLD BUSINESS**
 - A. Emerald Cove Paving - Mayor Moore opened the floor for discussion. Council member Moncrief asked if Falcon Design would do the same job as Precision Planning is offering. The mayor stated that his understanding is all three Falcon Design, Volkert and Precision Planning have submitted RFP's and the council have the documents in front of them. Council member Miles said, "Those were just announced to us yesterday, and I have been in continuing education classes for newly elected officials from 8 to 5 each day. I have not have time to review these documents." Council member Moncrief wants to set up a committee of council members to meet with the companies along with citizens in Walnut Grove and Emerald Cove to come up with a viable solution to the issue at hand. Council member Miles commented that she had reached out to the companies involved and no one has responded. Council member Moncrief replied that maybe they should give them another call or maybe call another company. Council member Pilgrim inquired that with Ms. Miles and Ms. Moncrief both living in Emerald Cove was it the proper thing or ethical thing to meet with the companies. City attorney Powell replied, "I believe it is not an ethical constraint or a legal constraint involved. I think it goes, to the description of what is an action, that is a general action that affects citizens equally throughout the city. When I say this is the example Emerald Cove streets go with all the other streets for everybody to use. The council members are going to vote on their own

taxes, you know they're going to vote on their property values. There's a lot of things about being on the City Council that you are voting on things that are material to you individually, but as long as it affects the community generally and not a specific family interested or financial interest that you have personal with regard to that, it becomes a general improvement to the city. Therefore, it's not constrained by legal tactics." No further discussion.

- B. Sign Ordinance - Attorney Powell reported, "The sign ordinance proposed has to do with cleaning up some of the content regulations that are free speech regulated when it's being able to defend it. So it's been before you, we've had that version out for a while and if there's any questions?" There were no questions.
- C. Dog Ordinance - Attorney Powell reported, "The city uses Walton County for its animal control enforcement, and Walton county asked us to make a few changes and they've been highlighting for you guys, and it's in the read stages of approval. If there are any questions, I'd be glad to try to answer." There were no questions. Mayor Moore reminded the citizens that both ordinance are on the city website.
- D. Reinstatement of Tree City - No movement as of yet.
- E. Planning & Zoning Appointment - Council member Moncrief had asked for this to be put on the agenda to get an update from the attorney concerning the question of nepotism. City attorney Powell said, "To my surprise, and the mayor is right often, but with regard to this particular issue of nepotism, there turned out to be a state ordinance that I was not aware of. It is informative in this situation and that it has a dollar value that triggers the nepotism provision, which I believe is \$11,000 for compensation. The position that we were asked to review is not a compensating one so it doesn't violate that nepotism provision of statewide. With that I'm still not confident about that nepotism provision, I do know the previous governor appointed his son as Superior Court judge, but I can't quite make those things mesh together. So I don't know the application there, but I know it doesn't restrict your decision making as council. We shared the two issues which is both nomination and council seconding and voting with regard to a family member, and there were statewide to all the lawyers in Georgia that do municipal practice and there was no constraint with regard to making that motion or voting on making an appointment when it's below the nepotism provision of the state." Council member Moncrief replied, "just so that we can be very clear with everybody to explain the situation, my husband, Bobby Moncrief applied to be on the planning and zoning commission. He was brought to a meeting to get approved. The mayor brought up the subject matter of nepotism, to error on the side of caution, of course, and that's why I asked Tony today to clarify that to see if there would be any issue with him serving on the planning and zoning. He came up at the last meeting and he shared with council his expertise, his experience of the past 20 years working with school systems, municipalities, etcetera RFP's, vendors the whole deal development and that is what this is about. Just so you all are clear." No further discussion.
- F. City of Walnut Grove Moratorium - Council member Moncrief stated she was just asking for clarification since they did not go over it at the last meeting and it has already been covered that the moratorium is over.

G. Ethics Ordinance - Mayor Moore said, "as you know that in the past, or you may know the city of Walnut Grove has been a certified city of ethics. We would like to get that again. I've submitted to the council a copy of a report that I created, and also including the requirements of becoming a certified city of ethics. I will post that online, and we're pretty close. We'd like to work that out the next work session after they have a chance to digest this information." Council member Miles said, "I've been sitting in class for the past 16 hours in the last two days and they touched on city of ethics and they were talking about ethics boards and the ethics board consists of citizens that are not elected officials. So, we would have to create a board for that as well right?" Mayor Moore replied, "actually in our current ordinance that is in place. When a situation or question of ethics or complaint by a citizen or council, then a board of 3 is created to review that, an independent board. Then they bring the collusion to the council. Council member Pilgrim asked, "so we don't create an ethics board until there is a need for one?" Mayor Moore replied, "that's what our current ordinance, if I'm reading it correctly, is stating." Attorney Powell said, "I have not studied the current ordinance, the normal model ordinance, it has the ethics board that is a pending group that gets appointed in your organizational meeting. It's norm and it's the historic way of doing things. I don't recommend that those provisions and under tab #2 in the notebooks I handed you guys, we had done this way back. This is old work it's been sitting but is our recommendation as to its form. It has some provisions in it that have a due process to keep frivolous claims from being filed and a way to adjudicate those. I have seen that a lot around the state and had to go to places to defend or prosecute those kind of claims where there shouldn't have been a ethics complaint filed. So it's got a trigger in it and some provisions, that the good thing about it is that it has been already approved by GMA to be consistent with their standards for a city. So, it's just another recommended from me." The Mayor stated, "in this packet, I'll show you that you will see the actual resolution back in 2007, which created our current ordinance, which implies that 2013. It'll be online for you to review and once you have a chance to digest this information, we can have a further discussion on it."

VII. NEW BUSINESS

A. Planning & Zoning - APPLICANT – MATT RUTLEDGE; 11.929 ACRES PARCEL #'S WG 10026 & WG 10027 REZONE FROM "AG" TO "C-2 WITH CONDITIONAL USE FOR OUTDOOR STORAGE - Council member Miles was recused from this matter. Joe Walter with Precision Planning said, "Specific to the request before you, Matt Rutledge filed an application that you all have, that you all have seen in the past, for 11.99 acres. With some frontage off of Hwy. 81 and then it widens up there with part of the property acquired from the Church of the Grove. The proposal was to do a mixed, or mixed commercial office development, and the application was filed, it was reviewed for completeness. A staff report was prepared and presented to the planning commission, I think February 16th Planning Commission meeting for a public hearing was held. There was a lot of comments, a lot of good questions, a lot of good points were raised at that time. At the end of the public hearing Planning Commission voted to recommend approval application with the conditions that were recommended by the staff which are attached to the note. I have copies but I also saw in your packets that you have gotten copies of those, the staff analysis and the recommended conditions. Certainly any questions

that you might have about the process that went on in this matter, will have another additional public hearing at your next council meeting on the 9th, which you'll take additional public comment, the applicant will be here to present. I know the applicant has been contacted and sent out information requesting modification through condition, which is certainly their right. I did not forward that to you since he copied most of you in the email. So at that point, you all want to have a public hearing, once again, take comments, follow your procedures both for and against. At the end of that you could take all that information, close up the public hearing, you can discuss amongst yourselves, you can take action at that point, or you can choose to set aside for the time being to get additional information so you have a lot of flexibility. Since this is my first time addressing you as zoning administrator in work session, I'm not sure what other information you want to hear about in this particular case. Just to give you, back up briefly, you all have seen this application back last year with a different request and different zoning destination and a lot of the site layout was much different. The applicant heard those comments, went back to the drawing board with his consultant and prepared a different layout that proposes to connect the development to Walnut Grove Parkway and no longer use the access on 81. There's specific conditions that were in the staff analysis and planning commission sent to you restricting access to Highway 81 to address a number of those conditions about the limited, the 60 feet of frontage on Highway 81 and the impacts on traffic and traffic flow and noise and other considerations. I would be more than welcome to answer some general questions. I know that I will be back before you next week to present the staff report again. Then after that the applicant will present his own case." Council member Moncrief said, "I am curious, I have his application here and I have an application here. I guess this is a new form and this is an old form and I have read through the updated rezone application form. This is no fault of Mr. Rutledge or if we carried on what we did before, but there are things in this rezone that require notarizations of signatures from the applicant, certain documents that are not included in the rezone. I know you just came on board. I am curious as to the validity. I also want to ask, I noticed on the Parkway on the circle the rezone sign was on Mr. Rutledge's second property not reflecting his first property and I'm wondering why that sign was there rather than, just on the property that's being rezoned. I'm going to let you, if you have answers for those, I'm curious about those things and I'll preface this way, I think this is a great idea. We need to tweak it, but do you know to answer the first question about applications?" Mr. Walter replied, "The one that you have that has a 2018 date on it was something our office prepared a number of years ago and it's submitted to the Council. It has since been tweaked again because there's some changes to how the hearings are being done based on some new state laws that we're trying to make sure are reflected in there. So I'm going to send a new one that reflects that. You know, I didn't know there were several versions of documents that are in the cities files and you know I'm not here on a daily basis to do that. So I don't know exactly what was given and my best understanding was that the older version was sitting in the folder and when Mr. Rutledge came in that's what he was given. So does, the version that we have asked that the city use have more information in it, and then also to make sure that anything comes through is compliant with applicable state law. I will defer to the attorney about the validity of an application because it was reviewed and accepted and has been in the process. I imagine the applicant would fill out whatever forms were required, but that's what he was given and that is what they backed it off." Ms.

Moncrief replied, "My only concern is we're on the cusp of major growth and we have people vying for things, and I want to make sure that there's no way anybody can come back to us and say we've done it the wrong way." Attorney Powell said, "the process of approving and reviewing an application really should be the zoning administrator's review. Once he says ok, we're all ok. Now to raise a work session, there may be issues of notarization or whatever those are amendable defects. So I think that's a good admonition that probably ought to look at the file really closely and just to make sure we're 100% on just the technical side of what's supposed to be with the application and what's there. If there was something that was critical that was not there it could be that it needs to be tabled until it's provided by the zoning administrator, that's not a mayor council process, this is only administrator, and once he accepts it, this one's been extended out. They've been a number of applications over a period of time, and so I think the review, that's a great idea. But once Precision gives their stamp on it, we don't have to look back on that part of the process." Ms. Moncrief asked, "what about the sign on the wrong parcel?" Mr. Walter replied, "so my understanding was, I didn't physically place those myself, so I know that city staff is doing that and I believe there was one placed on 81 and one on Walnut Grove Parkway. The one on 81 is the one in my professional opinion satisfies the posting requirements under state laws. So that was my suggestion for city staff to place one Walnut Grove Parkway even though it's not on the actual parcel under consideration, so that people would understand that access to this development, if council approved it, would be from there. But I know that there are some people who, and I know it came up at the planning commission hearing, had seen that and they were wondering if it was that piece, so that was an effort to make sure that, as many people that could know knew there was a pending case." Ms. Moncrief commented that if he was saying that met the requirements of the state, that was all she needed to hear. Council member Moncrief addressed council member Pilgrim, "Linda, because we're the ones discussing, the buffers that they suggested in the original application the second time around, it stated on there 75 feet backing up to the residential property there on 81 during the meeting, I guess there was an adaptive where they wanted to suggest a 40 foot buffer with a 6 foot fence. I have concerns about that. I think our citizens are very important, our developers are very important, but I think our citizens have come out in force and I think they have shown us that they have concerns about that. I think the original 75 foot buffer is something that, I think I would like to see and also a fence, if necessary, or just big trees."

Ms. Pilgrim replied that is something they can discuss. She would like the 75 foot set back and the fence. Ms. Moncrief had another question, "is it sometimes just usual that they come back with the changes to the, let me see where it is, with Chris McCurry who was their businessman he was at the meeting, talk verbally to the council and whatnot about some of these changes. Planning and zoning didn't really go into it, and he sent an e-mail which we appreciate, saying these are the conditions requesting revision and there's three of them. And one has to do with the time that it would be open rather than from the time stated at the planning and zoning meeting. The time would change, instead of being open from 8:00 AM to 8:00 PM, changing it to 7:00 AM to 9:00 PM, I believe is what they stated, and they also talked about having a hardware store, which was residential, I think it's a great idea, but are these things able to be changed after planning and zoning have made the approval to send it on to council? Do we have, are we in the

position to accept those changes after it's been done by planning and zoning or do we have to follow up planning and zoning pushed on to us, and I don't mean that in a bad way." Joe Walter replied, "the short answer is the ultimate authority on approval, disapproval or conditions of lies with the Mayor and council. It's very clearly stated in the zoning ordinance. So, you all have the ability to have another public discussion, the kind of things you brought up with to be discussed. They have asked for modifications on what is presented and this happens very frequently with places that see a lot of zoning activity. I have given my opinion as your staff based on the presented presentations and knowing what kind of businesses are going there, as a guide but those are recommended conditions. Planning Commission sent them home as it is. So that's the report you're receiving. You all in your decision making can modify them, add them, change them if you feel fit. However, if you choose to, after hearing all the presentation choose to, somebody makes the motion to approve, then in that motion you can modify, so it's there. I mean it's a good question. You know, a lot of times no matter what staff does, the developer wants something different, and then it's up to them to come and say why they might want those modifications so you can listen and make the only thing out. And I'm going to have to research this back to your previous discussion point, is the buffer widths are set by your ordinance, and I don't know if council can oppose a more intense buffer than the ordinance allows." Mr. Walter will discuss this with the attorney. Ms. Moncrief asked if a traffic study is required whenever there is a rezoning. Mr. Walter stated that he did not think so in a general rezoning unless it a certain threshold, but council could make certain conditions on a development. The city attorney informed Ms. Moncrief that you can't impose a bigger buffer than the code requires. Council member Moncrief had one more question in regards to outdoor storage. She said, "I looked at the ordinances that the mayor so graciously got together for us as a study guide. In section 6.15 under the Walnut Grove zoning ordinance, as amended in 2016 outdoor storage, and if you also look at the table of permitted special uses, table of permitted special uses when it comes to outdoor storage sends you to 6.15 this is outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances, and similar items and materials shall be limited to junk yards. And then it also says that, and please correct me if I'm wrong, this is the downtown overlay area, right?" Mr. Walter explained that she was right but that outdoor storage must be located in a zoning district that permits outdoor storage. Council member Miles was asked to return to the meeting.

- B. Business License Ordinance - Council member Moncrief said, "I asked that this be added to the agenda after reviewing the business license ordinance. It shows that either the mayor or the mayor pro tem along with two council members need to sign off on the business licenses and then they need to be presented to city council, and I was wondering if we could go ahead and start doing that. I'm interested, I have people asking me about businesses that have signs up, but nothing is happening. So I'm very interested in finding out who's coming into the city. I think it's something we all need to know, so I'd like to be able to start that process up. Council member Pilgrim asked, "are you talking about new business license not renewals, right? I think new businesses might be a good idea but I don't think renewals would." Council member Moncrief replied, "Maybe a list of all renewals, that way we can have an idea. You know, the more information we have as a council the better off we're gonna be, and I don't think we need to necessarily do

renewal, but I think a list compiled of all the businesses within the city of Walnut Grove would be great. And new businesses coming in should go in front of Council if that's what everybody thinks or not." Council member Miles commented, "Well, the new business license, we won't vote on those or will we vote on those?" Ms. Moncrief replied, "Two city council members have to sign off on that, and I don't think that's been happening. I don't know. I haven't been asked to sign any business licenses." City attorney Powell said, "I haven't really looked at the code because I didn't get any questions about it, so I'll be glad to look at it and get back to council. It appears the procedure was done in order to expedite a business license getting issued. So that you didn't have to have a meeting to approve it. It's a little unusual to have council approving business licenses. Normally that's a staff administrative job but to have a list of them is a normal production." Mr. Powell was asked to review it and provide any suggestions. Mayor Moore asked if that was a zoning administrator duty as well. Zoning administrator Joe Walter said, "it's generally handled, in my experience and all, by the city clerk. It's an occupational tax certificate. You pay a fee to operate in the city. So, when it comes up, and the zoning administrator would get involved is if someone wants to apply for business license and it's Rays Bird Baths and it's in a residential setting. Then you have a potential code enforcement issue. You shouldn't issue a business license if the zoning doesn't support it. So, however, that could be done simply if there's ever questions, the staff is very good about emailing me a question. Saying hey, can you check this out? I'll check it out and say zoning wise it's fine. I don't necessarily think a zoning administrator should see all the applicants or sign off on them because our role would be as if there's a zoning conflict." Mayor Moore asked, "and Mr. Powell, while you're reviewing that, would you do us a favor? One of the requirements of the business license is a drivers license, and it should be added either a driver's license or a photo ID. That is a norm for Walton County, for both Loganville, Social Circle and Monroe. But I do notice that it's not a norm for the occupational tax in Newton and Rockdale counties. Is that something that is required? Would you review that and let us know?" Mr. Powell commented that there's not a standard for what's required and he will look at our ordinance and compare it. No more discussion.

- C. Mayor & Council Member stipend/payment - Discussion of increase or stay the same. Council member Moncrief added this to the agenda. She passed a handout to the Mayor and council. I've asked the council to look at some facts and information and compiled on the salaries and wages of council members and mayor, comparable to ours, comparable to cities of our approximate size throughout the state of Georgia. I got all the information from the Georgia Department of Community Affairs and they have municipal wage and salary surveys. And what I've done is compiled the information with the cities of similar sizes for council and the next page of mayors, and on the following page is just the Walton County area. And what I've done is put down the population of the year for example, population of 2021. And based on that population they did a report in 2022 on what the salaries were for council members and mayors. I've given this to council, and I gave it to them yesterday, a little late for them to look at, and this is just the beginning of a discussion, but something I've recognized is that in the city of Walnut Grove sometimes we have trouble getting people to serve in elected official capacities. I wonder if it's because as council members, the amount of money, that their wages is \$100 a month and mayor is \$300 a month, and

effectively, the mayor is right now serving as mayor and city manager. A lot of these figures small cities, that's what a lot of people do. Of the 9 cities I contacted today, all of them serve as a city clerk and mayor and council and currently some of council members are being paid \$400 a month, some are being paid \$25 a month. Sometimes it's occurrence by occurrence, and sometimes, which I found out today, there are councils that get retirement, which I can't believe. Then there are some who get, and in Mount Airy, if you serve on council, you get a \$1000 quarterly allowance to go towards insurance for where you work. They'll pay for that, and if you don't need it for that, you just get to keep the \$1000, so that's an additional \$4000. I want you to know that is not what I am looking at. Our salaries and wages have not gone up since 2016. I believe, mayor?" The Mayor replied, "that's incorrect, it was 2019. It was \$50 for the council and it went up to \$100 wasn't it? For mayor from \$100 a month, \$300 a month." Ms. Moncrief said, "we didn't report in 2018, so I didn't have that figure. Thank you. But as we are looking to grow and move and I know the amount of work I've put into this job and although I've done it for the past three months. So every month for \$100 a month and I will continue to do it for \$100 and then if it doesn't change I will still do it, if I'm reelected. But I would like the council to review these numbers and look at them and see what their thoughts are." Council member Miles said, "I think that's a good idea. I think that if someone is paid more than \$100 a month, or I don't know exactly what the pay should look like, but maybe if we'd have more citizens that are willing to, you know, serve their communities. I actually had a conversation at the lunch table with other council yesterday and a lot of them get paid \$200 per occurrence for each meeting they attend, which I think is ridiculous, and they're small towns. The mayor got paid \$500 a month, plus \$250 at each additional meeting as well and he had at least five meetings that month. So that's \$1000 that he made the month. I don't think that that \$1000 a month for a mayor is out of the question, especially for a city like Walnut Grove where they're serving as mayor and city manager. How many of these cities have mayors that serve as a city manager? Cause there a lot of cities our size that have a city manager. Council member Moncrief said, "That's something to look at because just like with the Walton County, the Commissioner, they've recently hired a manager for Walton County and the Commissioner reduced his salary by, I mean, a great deal of money to bring it down to \$30 or \$35,000 something rather than, I believe it was up in the \$70,000 range before, but a city manager came on board and he thought it was necessary since he wouldn't be doing that type of work that he brought his salary down to a reasonable rate. It's interesting the city of Between, which is in our county, they have a population of 427 and the council members are paid \$200 a month and the mayor is paid \$400 a month. That's higher than we are and we have three times their population and they have an area of .9 square acres and Walnut Grove has an area of 1.5 square acres. So I'm just as, we've all been in jobs, we've all been employed. I think what I am proposing is to find an equitable solution to increase people who are interested in serving in public office and motivate the members of council to continue to do as much as they can and work as hard as we do and we do work hard to just keep going. So, it's just a proposal. It's the beginning of a conversation. If we feel that this is something that we do want to continue discussing, a decision would have to be made before the deadline to qualify for elections this upcoming year. And I talked with Dawn, she gave me those dates and I think it's at the end of August. So it's good that we're having a conversation now. And if you want to continue this, I can do a little bit more research. If

you send me information that you're looking for, I will include that. Or we can decide to bring it to the next council meeting, whatever you guys think. If you have the time to look at some more of these numbers or do a little research and send me questions you have and I will do my best to get that information compiled into you before the next work session." No further discussion.

- D. Proposed Monument: Preservation of historical Plaque at City of Walnut Grove/Sheriff's Station & historical building material which is in the city's possession. - Council member Moncrief said, "I had two members of the community, Ellen Brannon and Cynthia, and they came to me and talked to me. They have been longtime citizens here with very deep roots in the city of Walnut Grove and they had a concern that as the circle comes in at the crossroads, the firehouse, there's a plaque on it that is very important to them, very important to their families, very important to the history of Walnut Grove and they asked that we as a council somehow have that removed if that building is going to be taken down. They also discussed that there are rocks or stones or bricks of some kind that were on the original pump house or where the water, could you clarify that a little bit Ellen?" Ms. Brannon explained that the rocks were just an old rock house on their property. Mayor Moore said, "There's already been a plan to preserve that plaque, so I want to make sure that you realize that's already in the works. The rocks are slated to utilize, I guess you'd call it a monument or sign in front of the public works and the new city hall. So, it'll be around for a while. If there is another use for it, we're definitely open for suggestions. But let me assure you that we're very serious about keeping our heritage, so that plaque will be protected." Ms. Moncrief made the suggestion of creating a committee to come up with a plan for it and involve the citizens. The Mayor agreed a committee is something to look into. No further discussion.

VIII. Executive Session - None.

- IV. ADJOURN** - Council member Stephanie Moncreif made a motion to adjourn, Linda Pilgrim seconded. Passed unanimously.

Respectfully submitted,

City Clerk

Approved

Mark Moore,
Mayor