



CITY OF WALNUT GROVE
April 13, 2023 7:00 PM
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Meeting Minutes

ELECTED OFFICIALS PRESENT:

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

STAFF PRESENT:

City Clerk - Dawn Lummus
Public Works - Brian Pilgrim
City Attorney - Tony Powell
Asst. City Attorney - Jay Crowley
P & Z Chairman - Don Cannon
P & Z Administrator - Joe Walter

OTHERS PRESENT: Ashley & David Johnson, Maxine McClanahan, Karen Reagin, Keith Thompson, Chris & Amie Johnson, Jon Dial & Kristy, Chris McCrary, Sarah Tuchscherer

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 wanted to amend the agenda to include item #2 under New Business - employee increases. The Mayor called for a motion to approve the agenda as modified. Council member Linda Pilgrim made the motion, Council member Stephanie Moncrief seconded the motion. Passed unanimously.

VI. CONSENT AGENDA - Council member Pilgrim made a motion to accept the consent agenda, council member Erica Miles seconded. There was discussion from council member Moncrief regarding the Southern Sanitation invoice be moved to the agenda for review. Council member Pilgrim amended her motion to move Southern Sanitation to number 3 under New Business. Council member Miles seconded. Passed unanimously. Passed unanimously.

1. Minutes

- A. March 2, 2023, Council Work Session Minutes
- B. March 9, 2023, Council Meeting Minutes
- C. March 30, 2023, Council Work Session Minutes

2. Financials

3. Invoices over \$5000

- A. Southern Sanitation

VII. COMMITTEE REPORTS

1. Community Involvement Committee - Linda Pilgrim Council

member Pilgrim reported that Friday April 21st is the employee appreciation lunch. May 13th is the first Park Market of the year.

2. **DDA Report** - Erica Miles Council member Miles reported the next DDA will have a meeting on Monday. They did discuss marketing, a website, continuing education, procedures for land acquisition, and tags.
3. **Education Involvement Committee** - Stephanie Moncrief Council member Moncrief had nothing to share. There was discussion between Ms. Moncrief and the Mayor regarding no other members of the committee than herself. She stated she was the only member.

VIII. PLANNING AND ZONING COMMISSION - Chairman Don Cannon reported the council would be dealing with somethings the commission handled in their last meeting. They have two or three public hearings scheduled for next week and one proposal regarding the master plan.

IX. LIBRARY REPORT - Dana Segers reported they have 5 programs gearing up for the summer reading program. They are still looking for sponsors for programs or making a donation. She will be at the park market on May 13th for early reading sign up. They did hire one new employee. Mr. William Oglesby crafted and donated a dual functioning table.

X. PUBLIC COMMENT - None

XI. OLD BUSINESS

1. **Emerald Cove Paving** - Council member Moncrief said, "it was my understanding that we were bringing it back to the council to make a motion to put it back out with the new parameters of fixing the road with milling it and repaving it." The mayor commented that they needed a list of committee members (street committee) and a written report of what is being proposed. There was discussion regarding if there was a requirement for the committee to post their agenda, keep minutes and provide a written report. City Attorney Tony Powell does not believe if it is just a committee of two council members then those items are not required. Council member Moncrief stated, "that's what was done at the last work session. We came back and discussed with the neighbors, and the experts and brought it back to council and stated that the suggested solution of paving the gutters was not a viable long term cost effective solution based on our experts. And we said it needed to be milled and repaved correctly. I was told at that time that we needed to go ahead and make a new motion, because I didn't. When we had the meeting I said why can't we just go ahead and

contact the engineers who had already been contacted , suggest to them the parameters of the job and move forward with that. And mayor, Mr. Mayor, you said that we needed to come back and make a formal motion." Mayor Moore said, "the motion was given, and please correct me if I'm wrong, was to reject the agreement back in December of paving the gutters and then once that motion has been rejected, then we can move forward with other options, is that not correct?" City attorney Powell said, "if council has formally approved the construction project that includes overlapping the gutters, then rescinding that would be a good thing to do as part of the motion, and then have a motion to move forward in another way. The options were to pave the gutter, or mill the whole thing. One's the less expensive option, and the second one is a more expensive option. To make a motion to do one of those tonight would rescind the other, if that's what you're going to do, and then it would be put in place. The Mayor is right, we're not in a place where somebody can go out and start work. There's got to be an engineer involved so that we don't do the same thing we just did. It requires somebody being responsible to draw up what the bidders are bidding on and then put that out to bid. So, to make a motion to move through that process is certainly something council could do with the agenda item." The Mayor said, "so with that, is there a motion to rescind the council approval in December to remove the agreed upon paving of the gutters and move forward with the process of hiring engineers to create a RFP for repaving the whole subdivision." Council member Moncrief replied, "Mayor, I'd like to make a motion that we send out to engineers a request of what their cost would be to engineer the project and give the parameters of what our expectation is for the milling and repaving of the street done correctly. That's what I'd like to do. Send it out to engineers, ask them what their cost would be to over see it, create an RFP and quality control, bring them back and choose one." The mayor asked if she was making a motion to rescind. Council member Moncrief explained that no, she was making a motion because the attorney said they didn't have to rescind it, by making a motion to go forward with a different option automatically rescinds the old option. Mayor Moore replied that they both do the same thing but to make sure it's done in writing. Council member Moncrief replied, "ok I'm rescinding a motion , it that's what you'd like, I'm rescinding, just don't see the point of it. I'm making a motion, this is what I'm doing, I'm making a motion to send out to engineers a request for their engineering cost, the cost to create a RFP and the costs to oversee the completion and quality control of milling and repaving the Emerald Cove subdivision. That's my motion." The Mayor said, "and removing the one back in December, is that correct?" Council member Moncrief replied, "No that's not what's on my mind." The mayor called for a second and council member Miles seconded. Council member Miles said, "I don't believe that rescinding the motion is necessary because if for some reason we need to go back to that option, it's still on the table." City attorney

Powell replied, "if you go in a different direction, I think you could always go back, if the council changed it's mind to go back to the other option." Council member Moncrief requested that herself and council member Miles be a part of the process of sending out the RFP's to different engineers. The Mayor will take that into consideration. City attorney Powell explained that they could participate in the suggestion as to how the RFP should be issued but the implementation is within the Mayor's authority to actually decide what the final of that looks like and implementing that. Then what comes back, comes back to council for approval. Council member Miles asked if herself and Stephanie (council member Moncrief) could look over the RFP before it was sent out. It was agreed they could. No further discussion. Council member Moncrief and Miles votes yes, with council member casting a no vote.

2. **Sign Ordinance** - First reading - Assistant Attorney Jay Crowley stated the planning commission recommends approval, and this is the first read. Assistant attorney Crowley said, " so it would be an ordinance to basically delete the current sign ordinance, replace with the new ordinance which has all new definitions and takes out definitions that are father up. It defines signs and what's the specific zoning class, the kind of sign can go in and the permitting process to get those signs." Council member Miles made a motion to accept the first reading of the sign ordinance. Council member Moncrief seconded. Passed unanimously.
3. **Matt Rutledge Rezone** - Council member Miles recused herself. Representative Chris McCrary was present for the rezone. Mr. McCrary stated he didn't think he had anything to present and he was here to answer any questions. Zoning administrator Joe Walter reported that the planning commission recommends approval. He stated that there were a couple of conditions, and those were incorporated into the ordinance. Mr. Walters reported that there was a change under 2A. He wanted to make sure the wording was correct in the condition that it allowed for one building to allow retail commercial but at the same time it would not allow industrial. So this is the second reading as the first reading was on March 9th. The Mayor said, "so to clarify service oriented commercial and office warehouses will be permitted. No retail commercial business or uses listed in the industrial or manufacturing uses portion of the table of permitted and conditional uses Section 900 of the zoning ordinance will be permitted with the exception of 1 building limited to 20,000 square foot substantially located shown in Exhibit B." City attorney verified that to leave the first sentence alone and add notwithstanding the one retail commercial vision section, absolutely no industrial or manufacturing uses shall be allowed. The Mayor asked for any public comment in favor of the ordinance, there was none. Then he called for any

public comment in opposition of the ordinance. Citizens Maxine McClanahan, living at 481 Habersham Parkway said, "I am in opposition to this. My main opposition at this time is the driveway that comes thorough the overlay district of the downtown. I don't like the idea of that sort of traffic coming into our parkway and there is no clear plan for any other aspects of ingress or egress and that's a concern for me at to where we might land with all of that. Thank you." The Mayor said, "I am going to make the recommendation to approve this as amended, adding the line on page two, section a, absolutely no manufacturing or industrial will be allowed. I think this is important to our community. I think this is the first of two parts that Mr. Rutledge is bringing to the city. I think it's important and so with that being said, I'm going to make the motion to approve this ordinance with a modification of adding section a of the last sentence, absolutely no manufacturing or industrial will be allowed and then the rest can be kept as is. Is there a second?" Council member Pilgrim seconded. Council member Moncrief said, "I could be absolutely wrong and I will stand corrected. I'd like clarification from our attorneys. Can the Mayor make a motion?" City attorney Powell said, "there's not anything in your charter, and the mayor sits as a member of the legislative group. There's no restriction on this. There's a restriction on voting. He can make a motion and he can make a second." The Mayor asked for any further discussion, there was none. The Mayor asked for all in favor say aye, council member Pilgrim voted aye. Then he asked for all opposed and council member Moncrief needed a moment. Council member Moncrief voted in opposition. Mayor Moore said, "seeing as a tie, the mayor breaks the tie. I vote to approve this and so the motion passes." Council member Miles rejoined the council.

4. **Johnson Variance** - The applicant David Johnson, 876 Forrester Cemetery Rd., was in attendance. He read a letter in favor of granting his hardship variant for the driveway easement. Zoning administrator Joe Walter commented that the planning commission met on March 16 and recommends to Mayor and council to approve the variance. He discussed several conditions for the council to consider. The Mayor asked the city attorney to weigh in on this because there are 3 property owners affected by the easement to the Johnson's property. City attorney Mr. Powell said, "most important thing is that you're not being asked to or can you give an opinion as a city council over the legitimacy of the easement. That is an issue between the 3 parties. I would encourage council to allow a written variance to get executed coming out of the motion where what I just said is put in the variance itself, that we're not giving an opinion or can we grant any rights to give access. The Johnson's are going to be on their own to secure the easement rights or to enforce the easement rights. There is one maintenance component in the easements which I think the Johnson's were probably talking about the 30 foot

easement area that comes into the sewer plant. The city does have to maintenance responsibility with regard to that, to keep it to the point where we can use it for our sewer facility. So, that's the only maintenance issue that's of record." During the public hearing several citizens spoke in favor of the council granting the variance. The Mayor made a recommendation to accept and approve the variance. Council member Moncrief made a motion to approve the hardship variance while attaching the recommended verbiage from the city attorney regarding the easement agreements. Council member Miles seconded. Passed unanimously.

5. **Forest Glen Rezone** - Planning administrator Joe Walter stated there were two matters before the council related to Forest Glen. There is a map amendment to rezone Forest Glen from R2 to R3. The second matter is accompanying text amendments to adjust some of the minimum widths and requirements for dwellings, changing the roof pitch from 5 to 4, change the wording from in excess of 28 feet width to just say a minimum width of 28 feet, adjust the overhang from 12 inches to 8 inches, and reduce the minimum size from 1800 square foot to 1400 square foot. Council member Miles commented that she would like to look at reducing the square footage to 1000 and to not allow any manufactured or industrialized homes. Council member Pilgrim made a motion to waive the first read of the Forest Glen rezone. Council member Miles seconded. Passed unanimously. The Mayor called for a motion to waive the first read of the text amendments. Council member Miles made a first and council member Pilgrim seconded. Passed unanimously.

XII. NEW BUSINESS

1. **Bids for Public Works Building** - Discussion included the 3 bids that were received for the renovation. Council member Miles made a motion to reject all three bids and rewrite the RFP. Council member Moncrief seconded. Council member Pilgrim said, "if we reject all bids, which I don't think we should do, what is the purpose?" Council member Miles said, "I feel like they should be rejected because the RFP wasn't as detailed as it should be in order for anyone to even place a bid on it. I feel like there needs to be more details in the RFP before looking at the bids." The Mayor asked the zoning administrator for his opinion. He commented that it could be done either way, they could reject all bids, or pick one and put them under contract to provide sufficient assurances that they're going to complete the work as promised. Council member Moncrief expressed that she agrees with council member Miles that all bids need to be rejected. She said, "the RFP should have been a lot more comprehensive, not to mention that fact that is it really necessary, at this point to create that kind of deckings and porch on the front of the building when two separate smaller decks could have sufficiently meet the needs of what is necessary."

After more discussion, a vote was taken. Council member Miles and Moncrief voted aye, council member Pilgrim voted against.

2. **Employee Pay Increase** - The Mayor recommended to council to follow Walton County in an across the board 6% raise for all employees. Council member Pilgrim made a motion to approve the pay increases. Council member Moncrief said, "sorry, I would like to ask for clarification on something. In this situation where we have somebody on council voting on whose family member, is that appropriate?" City attorney Powell said, "I thought we had looked at that as an area that we would recuse ourselves. So you know there is a little bit of concern. Normally in the process of evaluating salary increases come with the budget process and so it may be easier to construe it all in a group rather than seeing a change in pay increase." The Mayor explained that the budget was included last year and in 2023 and it's included in the 2024 budget, so it's already been dealt with. He explained that the city is below the standards and needs to catch up. Council member Pilgrim resented her motion. The Mayor made a motion to approve employee pay increase by 6%. There was no second, so the motion dies.

XII. REPORTS

1. **Public Works** - Director Brian Pilgrim reported there has been general maintenance in the park, keeping up the bathrooms, and picking up trash. The ball field rental has really picked up, and the street light at the round about is on schedule.
2. **Clerk's Report** - Dawn Lummus reported there were 11 citations from Walton County and 12 from the GSP. There were 7 ball field rentals and one pavilion rental. The first park market of the year is on May 13th, and there are 20 vendors already signed up. City clerk Lummus said, "I have something to hand out to the Mayor and council. This is my resignation, it is effective as of April 28th. When I took this job, I did plan to stay until I retire but my life has changed. I've been extremely blessed the last few months. I was going to try to stay till the end of the year to get us through the election and stuff, but I'm being 100% honest, the turmoil and the stress of this council not being and working with the Mayor and pulling together for the citizens and the good of the city, I can't take anymore. This man right here (mayor) is a blessing to this city. He has been good to me. He's been easy to work with. I appreciate Brian, Ms Sonya, Ms Linda, y'all have been great to me, but I just, I'm sorry, I just can't take the stress anymore. I hate to leave before the end of the year, with the election coming up and stuff, but I can't do it anymore. It's just too much, but I wish everybody in the city the very best."
3. **Mayor's Report** - The Mayor reported that he is still working on

becoming a city of ethics. The city should comply with, not only the minimum legal requirements, but moral and ethical requirements as well. He said, "during this statement of the Matt Rutledge rezoning, I had someone stand up to me and say that I wasn't ethical. As the period between when I had to resign as city council member and run for mayor, that I stood up in front of the, that time council, and opposed this city to spend millions of dollars to expand the sewer plant, with no council per-discussion, no planning and zoning, with an acting mayor and with just two city council members I did oppose. I'll stand up and say I opposed it, because there was no planning done, there was no planning to pay for that, and there was not any council discussion, as far as work sessions to discuss exactly how this expansion of a sewer plant that actually had no sewer going to it should be justified in expanding. The following month in December on the agenda there was also a proposal of a rezoning of a property from agriculture to a PUD consisting of 400 plus homes consisting of town homes, duplexes and etc. I opposed that as well. Now due to the illness of a council member, I understand that one council member had a wife that had cancer, that meeting didn't not take place, so I think that was a grace of God that that particular item didn't come up for discussion. Now understand I love this city and I will stand up and oppose and make that statement. Now, I'm surprised that there was no spreading of information across social media regarding that, and so I feel that is very odd, but to say that I was unethical or I was saying two different things was incorrect." The mayor stated that the city has a new gas station, on the opposite side of the liquor store, coming in. Also, there is a John's style supermarket in the process. Regarding the Dial Farms amenities, he had stated no permits but they have the pavilion up, the parking lot is being repaved and there is going to be a basketball court and playground.

IXV. TOWN HALL

XV. COUNCIL COMMENTS - Council members Miles pointed out that in the last work session there was talk about denying permits for Dial Farms and she was surprised about the permit for the gas station. Council member Pilgrim had no comments. Council member Moncrief also pointed out she was shocked and floored that permits had been given.

XVI. EXECUTIVE SESSION - Council member Linda Pilgrim made a motion to enter into executive session. Council member Erica Miles seconded. Passed unanimously.

1. Roles of Public Officials

2. Ethics Complaint

IV. **ADJOURN** - Council member Linda Pilgrim made a motion to adjourn.
Erica Miles seconded. Passed unanimously.

Respectfully submitted,



Dawn Lummus,
City Clerk

Approved

Mark Moore,
Mayor