



CITY OF WALNUT GROVE
September 14th, 2023 Council Meeting
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Session Meeting Minutes

ELECTED OFFICIALS PRESENT:

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

STAFF PRESENT:

City Clerk – Kimberly Whitlow

City Attorney - Tony Powell
Asst. City Attorney- Jay Crowley
P&Z Administrator- Joe Walter

CALL TO ORDER - Mayor Mark Moore

INVOCATION - Tony Powell

PLEDGE OF ALLEGIANCE - All Participated

ROLL CALL - Everyone Present

PROCLAMATION CONSTITUTION WEEK

AGENDA APPROVAL –Mayor Moore: Next thing on the agenda is the agenda approval. Is there a motion to approve the agenda as submitted? Linda Pilgrim- I motion to approve the agenda, Erica Miles- I second. Mayor Moore- Any Discussion? Stephanie Moncrief- I think we got a request from a member of the DDA to add a couple of topics and I'd like that to be done at this time. Mayor Moore- Before we get started, I took the liberty to find out exactly what we can and cannot do as far as amending the agenda, and as a requirement of the open meetings law, in section 50-14-1 it states that agenda items are to be submitted at least 3 days but up to a week and cannot be changed unless an emergency and this is not an emergency. It would be improper to amend the agenda for items that should be carried over to a work session. This is section 50-14-1 section c1. Prior to any meeting, the agency or committee holding such meeting should make available an agenda for all matters expected to come before the agency or committee as such meeting. The agenda shall be available upon request and should be posted at the meeting site as far in advance as reasonably possible. **Recording cut out for a brief moment** but the Mayor continued to read out 50-14-1. So in other words there is nothing we could have added as a discussion item. There is nothing we can do as an action item. Erica Miles- If we don't add it to this agenda.... Mayor Moore- Also, I'm going to make a statement before we

get started tonight. Over this past 6 months, 8 months I have softened my stance on Roberts Rules of Order which has stated that we have to follow those laws and those rules. I did so because there are comments that I was becoming a dictatorship. Because of those softening of rules, our council meetings have become excessive and the and long and debating over issues that are not fully informed. So with that being said I want to make sure we are following that. You must ask Mr. Mayor and I will recognize you and that is side aside by the charter of our city. With that being said is there a discussion? Mrs. Moncrief do you have a statement or do you want to amend your. Stephanie Moncrief- I would like to have a comment from council on that, what you just read, if that is accurate or not or is there more to it. That is not my understand was. Tony Powell- If you were listening carefully to the last statement that the Mayor read it is that agenda provision is to not intended to limit what council takes up in a meeting. So he actually read that to the group and that's what it says. But it also has a bunch of suggestions. You're supposed to post your agenda two weeks ahead of time. Nobody can do that. Kimberly? *laughter* Kimberly can't ready everyone's mind. So, these are suggestions to get it as soon as you have it ready for an agenda then you get it to the public and then post it so they can see it. It is sort of an encouragement provision to do what you can. Start two weeks ahead of time, get it done, but if you get down to the meeting and it's not then you take up things that you want to take up. This is a regular meeting of council. **Recording cut out** That's the whole purpose of a regular meeting. And so, I think It's perfectly fine to take things up outside of what was posted an agenda. What the Mayor didn't read is that they discourage doing that if you can help it. Stephanie Moncrief- Mayor Moore, may I continue? Mayor- Yes. Stephanie Moncrief- The reason I asked that is because the member of the DDA apologized for such late notice but there are deadlines and she is trying to apply for grants for the city and when she communicated with the City you indicated that the cut off time was Friday and we will look at amending the agenda if the council members support this. And I know that Mrs. Davis is here tonight and that's why we had this to add to the agenda. Mayor- Well, I would also like to add per our ordinance section 3-204-6 that all agenda items shall include documents in reference to those agenda items. No such documents have been submitted. As administrative all documents that are going to be considered before council has to be submitted to me for review. The attorney and myself for review before consideration of the council. That is in our ordinance. Since no documents have been submitted if you would like to do a presentation that can be done but we can't take any action tonight because we don't know exactly what the council has not been given any information as to the relationship of the item, what qualifications of the agenda, the grant, that we need to fill out etc. No documents have been submitted to council so with that being said it would be improper to take an action tonight with lack of information. As I stated earlier we get into a debate on items that are not properly documented and the council was not fully informed and so it turns into a 3 or 4 hour council meeting wasting the time of our council members and our public. With that being said I think you might want to revisit that statement. SM- Mayor Moore she did attach the YouTube

video that describe each of these different grant opportunities for the city and you did say we would look at amending the agenda if somebody supports it. But if that is your decision then that is your decision. Mayor Moore- So like I said we have a first and second on.. Council member Miles do you have anything to add? Erica Miles- No audio from Erica Miles. Mayor- Ok and also please a brief review, I did look at it and this seems to be better suited for the DDA and not the council. The DDA is more than welcome to apply for the grants and utilize the funds for the enhancement of our downtown. With that being said, there's a first and second. Is there a vote to approve the...all in favor of approve the agenda as submitted say I. Stephanie Moncrief- I. Mayor- Opposed? Ok, agenda is approved.

Consent Agenda

The second thing on the agenda is the consent agenda. I'm sorry we are in a meeting. I'm sorry, you do not, only for the council members Mrs. If you would like to make a public comment you are welcome to do so. So with that being said, is there a motion to approve the consent agenda? Linda Pilgrim- I make a motion to approve the consent agenda. MM- Is there a second? I will second that. Any discussion on it? EM- I just received the August 1st minutes yesterday and I haven't had time to review those so I would like for that to be removed. MM- Is there any other items under the consent agenda that need discussion? Would you like to amend your motion? LP- Yes I amend my motion to approve the consent agenda to remove the August 1st minutes. MM- Is there a second? SM- I second. MM- Any further discussion? MM- All in favor? All in favor.

COMMITTEE REPORTS

Linda Pilgrim- Our next Park Market will be October 14th. We are still working on some things on that so stay tuned for that. Also we started planning our Christmas Tree lighting for this year and Santa Clause is coming. There will be more added to that too. Stay tuned for more information on our events. Mayor Moore- Thank you so much council member Linda Pilgrim.

Erica Miles- *No recording pick up for Erica Miles*

Stephanie Moncrief- I was told nobody could hear me so I'm going to talk louder but I'm not yelling. We are already a quarter of the way through the school year. WES celebrated grandparents day with a bingo event with music, dancing and prizes. We did a remembrance of 9/11 children celebrating American Heros. At Youth Middle School they have a bingo night coming up and it's open to the community on November 10th. At 6pm the doors will open at 6:30 the game will start. Anyone under the age of 18 needs to be accompanied by an adult. Walnut Grove High School along with Monroe Area and Loganville High School have all been named among the top high schools in the nation *recording cut out* These schools ranked in the top 33% nationwide and top *recording cut

out* in Georgia. Battle of the Grove cheerleading competition is this weekend and tickets are on sale. Homecoming 2023 is up to weekend of September 23 along with their glow dance. Council was invited to the opening of the Walnut Grove High School auxiliary gym and I know we are all are looking forward to seeing that and getting a tour. The first school council meeting is this month and I will report back to council the information shared at that meeting by Mr. Lindsey Allen. That is it for me. Mayor Moore- Thank you so much councilmember Stephanie Moncrief.

Planning and Zoning Report- Joe Walter: The planning commission will have it's next meeting next Thursday. There have been a couple of months of no meetings due to a couple of factors. We will be meeting again where the new chair/vice chair will be selected. They will be taking up the Forrest Glenn Subdivision zoning and text amendments for another round of discussion. Also we will be talking about incorporating senate bill 213 somewhere into the text amendment. There is a couple of commercial developments either under review or about to be under review. Plans have been approved but they still owe the City some documents prior to the ability to get a LDP and then I have good information the Enclave commercial tract phase 2 which is the one next to the gas station will be coming into plan review in the future. I continue to work with Kimberly and Sonya trying to do zoning interpretation.

Recording cut out

Library Report- Dana: We had 700 people visit out library this past Friday.

*Recording continued to cut in and out during Dana's presentation.

PUBLIC COMMENT

Ty Arnold- Address could not be heard. This letter serves a petition from the citizens of Walnut Grove and Emerald Cove we desire that the City Council members take the most cost effective route to resolve the issues with the paving that was recently done. We are requesting that you do not use the mahority of the City's funds to rectify the paving issue in Emerald Cove because we prefer the funds to be used for more pressing matters. We are aware that two council members are neighbors in Emerald Cove however we asked that you do what is best for the City at large rather than a particular neighborhood that some of the council members live in. Two council members that live in Emerald Cove should consider recusing themselves as this is a conflict of interest. Your decision affect the entire city and not just your neighborhood. Mayor Moore: Are you willing to submit that to the city? Is that what you're asking? Would you go make copies for the council members and Jay would you accompany her? Next thing that you would like to talk about? Ty Arnold- An email that led to this petition. The reason this is a conflict or a problem is accountability and checks and balances. Good morning, Kristine, our HOA president has shared with me that you had paid your HOA dues from 2022/2023. We did see the documents you shared with the HOA but this is not a copy of a check. To resolve your dilemma please

send a copy of the front of the back of the check that you submitted to the HOA for you payment of your 2022/2023 HOA. Many banking institutions offer online checking *recording could not be understood*

Stephanie Moncrief- Excuse me. Mayor Moore- I'm sorry. SM- No, no. Mayor Moore is this inappropriate and it is a misuse of power by you.

Mayor Moore- Before we do anything further is there any limitation on the subject matter that a member can address council? Tony Powell- answered but could not be heard. Mayor Moore- Ok, so as a citizen of freedom of speech he may or may not say whatever he wants to council, is that correct? Stephanie Moncrief- they cannot come up and condemn a council member. Mayor Moore- Are you attacking? *Recording can not be heard. Several people talking at once*

Mayor Moore- Go ahead and finish you statement. Ty Arnold- You guys are so defensive. That shows you something is wrong. I'm a citizen trying to speak. Give me that respect. Erica Miles- I'm listening. Ty Arnold- Thank you. Wow. Mayor Moore- Mr. Arnold, I want to make sure everyone realizes this is a matter of freedom of speech. I did not ask Mr. Arnold to come up here. I did not ask for him to make any statements. If he feels strongly about matters that needs to be addressed before council then he has the right to do so based upon our first amendment rights. So whether I agree or disagree with Mr. Arnold is irrelevant. Whether another council member agrees or disagrees is irrelevant. He has the right to speak to council for whatever issue he may choose so please continue. Ty Arnold- Again, it says I do make mistakes from time to time and this is dealing with finances. And my response is that we were informed by the treasurer councilmember Moncrief ECHOA that mistakes were made with our finances. How do we request the records or books necessary? We were unable to make the annual members meeting in which the documents should have been made available for us to review. We are willing to pay the necessary and reasonable cost to obtain such documents. We were told by past board members that the books were off and when they sought to retrieve them they were told they were unavailable. We would like records from the past 3 years. Dated July 2023 this is the response and I would like to read them to you- Will will gather the records and email them to you through certified mail. We will do our best to get them out by next week. That was almost 2 months ago. The thing that I want to address is this—and again this is not coming from just me it's coming from almost 30 other people in our neighborhood. According to the GA law an association must maintain accurate itemized financial records and any records necessary to track to associations affairs. Mayor Moore- He's supposed to address you. Mayor Moore- You're supposed to address council as a whole. Don't point at any council member. Ty Arnold- Okay. The thing I'm addressing is, at this point you have, its illegal according to the laws I just read for a council member and anyone else in Emerald Cove to not turn over legal documentation to the members of Emerald Cove. We are legally obligated to receive if we ask for it. I think we have a legal issue going on. That's what I'm addressing. I'm trying to figure out how do we hold the council member accountable? Because to me this is breaking the law. Mayor Moore- Does the council like to respond? I personally do not want to respond. I do not know that this is a city issue. I don't know if this is something that should be addressed in the forum but you have perfect

right to read this and make your statement to council or anywhere else for that matter. Would a council member like to respond feel free to. If not, do you have anything you'd like to add? Thank you so much. I appreciate it. Since that is not a legal matter for the council but that's not something that is going to be presented to the city because it's not a city issue. I don't want to accept an HOA document. Stephanie Moncrief- Why then did you recognize it? Why did you allow it to happen if you're not going to accept it? He stood here to present you with a petition. I stated that is was not a city council matter and you allowed it to happen. Mayor Moore- Did you offer to give this to council? I don't remember hearing that. Mr. Powell, where do we stand legally? Should the city entertain accepting this petition or is that something the city shouldn't get involved with? Tony Powell- If he is tendering it. Mayor Moore- Would you like to tender that? Give it to us to make a copy and give a copy to council and the city? Would you go make copies and submit it to the council? Any more public comments before we end?

Name and address could not be heard - I cannot believe you allowed him to speak. You said that the beginning of this meeting that we would not be wasting time by entertaining things that are not even presentable to council. *Several people talking. Recording cut out*

Name and address could not be heard- I live in Emerald Cove. He has done nothing but attack people. He has made nasty comments on a webpage. *Many people talking. Recording could not pick up what was being said* It really breaks my heart that he's doing this. We have a close knit subdivision. We all get along with everybody. We do things together. And now he wants to bring this in our subdivision. It's time for this to stop. I'm tired of it. Thank you.

Maxine McLanahan- Name is Maxine McLanhan and I reside at *recording cut out* Habersham Circle in Walnut Grove. I wanted to state regarding the Emerald Cove paving since there was a comment about members recusing themselves. I think that's unnecessary at this point. If that were an issue that should have been handled with this first all started. They were allowed to be on the committee so I think that should pretty much be ignored at this point. But I also want to say that I do not live in Emerald Cove. My road need paving really bad, we have grass growing in it, but we also have issues in Emerald Cove that are important. People have already fallen because of these issues in Emerald Cove. That puts the city as a place of a liability issue and that concerns me. People have also reported their issues outside of here. Our answer, as far as I'm concerned is that you must do the right thing and fix it right. You cannot put a bandaid on it. You cannot do something that is going to cause issues sooner than later because that's going to cause a high difficulty for the city. *recoding cut out* I want council to look at this and not just the two council members in emerald cove. You Mr. Mayor and Mrs. Pilgrim can consider that it is all about what is the right answer regardless of what it is. Regardless of any personal issues that you may have with council members or regardless of issues council members may have with you. What the right answer would be whether it is your neighborhood or my

neighborhood or anyone else's. But we cannot put our citizens in jeopardy. I hate spending that amount of money to fix it but that's what needs to happen. Mayor Moore- Thank you. Anyone else like to make a comment?

No name or address could be heard I am appalled at what was brought up to the council. That is an HOA matter. I am appalled that it was even considered and that he even wanted you all to have the documents. Y'all have nothing to do with HOA and what goes on in that. As far as I'm aware that's their business. That's what the HOA is for. Y'all are for the city, I understand that but you do not get into the things for the subdivision as far as I'm aware of. I don't understand why it was even accepted. Thank you. Mayor Moore- Any other comments? Seeing none we are moving on.

OLD BUSINESS

NUISANCE ORDINANCE- Mayor Moore-Under old business the final reading of the nuisance ordinance. Would you do me a favor and read the synopsis of the nuisance ordinance? Jay Crowley- The ordinance to revise chapter 33 *recording cut out* Mayor Moore- Is there a motion to approve the nuisance ordinance as presented? Stephanie Moncrief- I make a motion to approve the nuisance ordinance as presented. Mayor Moore- Is there a second? Linda Pilgrim- I second. Mayor Moore- Any further discussion? All in favor? All-I. Mayor Moore- Motion passes.

Walnut Grove High School Safety Measures- Mayor Moore- the safety measure is an administrative issue. We are here to approve the funds of a quote that's in your agenda packet from Digital Lighting to put a one sided blinking light at all cross roads of the City. That means one in front of the high school, one at the park and one at the library. When you hit the button for the students to go across it will blink. It doesn't stay continually blinking because if that happens people tend to ignore it. So this is a situation where Principal Lindsey Allen reached out to me we've got a quote on it the quote is a total of *recording cut out* That is to cover 3 sets of two for each crossing intersection. The consists of the signs, the cross walk signs, the buttons and its solar. When you hit one side they both start blinking. That will be a safety issue for the city. There is a request that we will look into more decorative poles but one of the things we are going to be talking about at the next work session is to expand the sidewalk in front of the school and those items that need to be addressed before we permanently install a pole. Is there a motion to approve the purchase of these blinking lights? Linda Pilgrim- I make a motion to approve the lights. Mayor Moore- Is there a second? Erica Miles- I second. Mayor Moore- Any

further discussion? Erica Miles- Erica is speaking but can not be heard by the recording device for the first part of her statement. They have back to back signs. I thought that would be a great idea to have a sign on each side to have with flashing lights going both ways. That is a super high traffic area at 7:00 in the morning and in November it gets dark early or it is dark when these children are going into school so I think it's important to have back to back signs. Mayor Moore- Thank you so much. That is noted. If you would like to move this to a work session for further discussion we can do so. Right now what's submitted in front of council is a single sided sign on both sides and for the purchase price of \$9295.21. Stephanie Moncrief- Mr. Mayor, Can we have further discussion? Mayor Moore- This is administrative. If you would like to have a further discussion we can move it to a work session. Right now we have a motion and a second. The amount is set with the documents submitted. The documents that Mrs. Miles has submitted have not been shared with the public and so those will have to be redone according to open records. If yall choose to table this until the next work session that is fine. It's up to yall. *Erica Miles spoke and could not be heard* Mayor Moore- I believe it's 90 days and the poles are in our inventory. Stephanie Moncrief- Why is there no more discussion Mr. Mayor? Mayor Moore- This is administrative. This discussion is the amount approval. Yall can choose to approve it or not approve it or table it to the work session. All in favor? Linda Pilgrim- I. All opposed? Erica Miles/Stephanie Moncrief- I.

Parliamentary Procedure and Meeting Rules- Tony Powell- At the last work session there were a few more suggestions and you got a redlight version of that. The ones that did not have unity of the group were put in a comment format if yall want those included in the body you will have to make a motion. Stephanie Moncrief- I don't remember getting it. Tony Powell- There weren't many changes. I can bring you fully up to speed. The redline version had comments. The first one was regarding the appointment process in the event of a vacancy the language says the council has the right to appoint within a 4 month period. The comment that was not included was the suggestion of the Mayor. That comment is language to this affect: *audio cuts out* The City council shall hold regular meetings on Thursday to weeks prior to the regular meeting at 7pm unless otherwise established by the Mayor and City Council. The City Clerk shall post on or before December 31st of each year a list showing the regular meetings schedule for each month of the New Year. That's a reminder note. That's a requirement that we have to follow. *audio cuts out* On page 5 on section 3 member of the public may request a particular subject be please on the agenda for the following meeting and shall provide copies of any supporting documents. That does not require documents but if you have some present them. The next is in 3-216 which is the minutes. This one did not have unity. It's a question on whether the clerk has

to verbatim minutes and the body of the document states a summary of minutes which is the type of minutes that most cities use. They do a recording process which we are doing tonight and keep the recording and then do summary minutes on action items so you have a clear record of what action the council took and not every word. You'll see on the next page, page 6, on the bottom of that paragraph *audio is unclear* The City Clerk shall save recordings on the City server and on the cloud for a minimum period of 4 years. In the parliamentary area we changed it from shall to they *Audio is unclear* Most cities do have parliamentary provisions and they designate a parliamentarian. We work with one on a regular basis in the other cities we work with. Those are really the changes that were discussed at the last work session. *Audio cut out* This is an amendment to an existing section *audio cuts out* Stephanie Moncrief- Mayor Moore, may I make a motion? Mayor Moore- I haven't called for a motion yet. Does the council have any questions for Mr. Powell? Is there a motion to...on the Parliamentary Procedure? Stephanie Moncrief- Mr. Mayor, I'd like to make a motion to approve the ordinance of the City of Walnut Grove to establish Parliamentary Procedure. Procedures of meeting including summary minutes in section 3-2-16 under minutes. Mayor Moore- Is there a second? Erica Miles- I second. Mayor Moore- Any further discussion? All in favor? Erica/Stephanie- I. Opposed? Linda Pilgrim- I. Mayor Moore- Okay, I'm going to take this opportunity to inform council that I am planning on vetoing this parliamentary procedure for the following reasons: The council knows my objections to minutes, limitations whether they are verbatim historically they have been verbatim and until we have a recording situation set up then we can revisit that one. But the actual reason for my veto is the conflict of charter. Our charter states that a quorum is 2 council members and a Mayor and Mayor Protem. No action can be made or voted upon with anything less than 2 council members and a Mayor or Mayor Protem, If there is a situation where the Mayor Protem is in charge she then loses her vote and she has to have two additional council members. This is set up by our charter and it has to be amended by a state representative. Secondly..hold on, I'm not finished. Second section 3-203 vacancies the charter at article 5 says section 5.13 provides that in the event of a vacancy in the office of the Mayor of City Council that a council or special election *audio is unclear* So I will submit in writing to council members and it will be brought up at the next regular council meeting for the council to try to override or this motion will die until that is corrected.

Emerald Cove Paving- Mayor Moore- I want to make a statement on this- I tried to reach out and allow a committee to take the lead on this because it was just a controversial issue. This is an administrative issue. This is not a council issue. I am the chief executive officer and I promised the residents of Emerald Cove I

would fix this. In highlights of the information given to me by the petition and other residents I have personally spoken to I have since dissolved the Emerald Cove Paving committee for two reasons. One reason is the lack of reports given to the council on their findings as it results *audio unclear* The second thing is more serious, they failed to follow the procedures of the Open Records. Where these meetings, these committee meetings follow the open records and they have to be advertised for the public. I found out the residents of Emerald Cove were not aware of this committee to voice their opinion it certainly shows the lack of transparency. So with that being said I have taken this back as an administrative role. I have promised to pave that and with what I have discussed I am going to present to council that my intention is to send a request for proposal for quotes following the guidelines of Precision Planning to pave those gutters and level straight to the curbs and get rid of the issue and that will solve the problem. I have talked to several paving companies that pave over concrete all the time and it should be a permanent fix. If Walton County would have informed the engineer or the city that they were not capable of feather the edges we could have brought in another company and this would not have been an issue. With that being said we are going to feather the edges, we are going to level it out with council approval of the funds. If the council chooses not to approve it that's their choice. But I will submit it for proposal. I will get quotes and submit it to council for approval. One that is either approved or not approved then we either proceed with the repair or that issue will die. Moving on with that. Stephanie Moncrief- Mayor Moore, it's on the agenda, it has to either, it's not just for you to discuss. This has stayed on the agenda and it should have been taken off if you didn't want it on here. But it's on the agenda now and there needs to be a motion or a second. Mayor Moore- There is no documents to approve it. *Audio unclear. Many people speaking* The documents from the attorneys office that were shared were shared without the approval of the Mayor which is required by our ordinance. Stephanie Moncrief- That's what I'd like clarification on if I could Mr. Mayor. In the letter that we got from you, under the authority of The City of Walnut Grove *audio unclear* I'm giving notice to dissolve the special committee for these reasons: failure to follow the requirements of The City of Walnut Grove ordinances Section 3-206. My question is what part of 3-206 were we not in compliance with? Because if it was the recording we asked *audio unclear* You also stated failure to follow the requirement of the Sunshine state law in open meetings records set forth. Under the applicable of the OCGA 50-14-1 that you mentioned the Sunshine Law does not cover meeting where no official action can be taken. No official action was taken or was allowed to be taken at that committee so that *audio unclear* Mayor Moore- Actually that, is not correct. Under the 2012 amendments expanded committees that are subject to open meeting requirements is subject to the requirements and notices of administration to the public. *audio unclear—many people talking* I'm talking. Meeting occur when a

prior arrangement. There is a quorum of members of a governing body or an agency of any committee. Stephanie Moncrief- Please excuse me but I will be excusing myself. Erica Miles- I'll also be excusing myself.

ADJOUR- Mayor Moore- This meeting is adjourned.

Kimberly Whitlow, City Clerk DATE

Steven Mark Moore, Mayor DATE

Tony Powell, City Attorney DATE

COUNCIL MEMBERS:

Stephanie Moncrief DATE

Linda Pilgrim DATE

Erica Miles DATE