

CITY OF WALNUT GROVE
November 10, 2022 10:00 am
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Meeting

Agenda I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. AGENDA APPROVAL

V. CONSENT AGENDA

1. Minutes

- A. October 27, 2022 Council Work Session Minutes
- B. October 27, 2022 Council Called Meeting Minutes

2. Financials

3. Invoices over \$5000

- A. Southern Sanitation

VI. COMMITTEE REPORTS

- A. Community Involvement Committee – Linda Pilgrim
- B. Parks and Recreation/Public Works – Jon Dial
- C. DDA Report – Erica Miles
- D. Education Involvement Committee – Stephanie Moncrief

VII. PLANNING AND ZONING COMMISSION – Chairman Don Cannon

VIII. LIBRARY REPORT - Dana Segers

IX. PUBLIC COMMENTS

X. OLD BUSINESS

A. Variance Request

XI. NEW BUSINESS

XII. REPORTS

A. Public Works

B. Clerk's Report

C. Mayor's Report

XIII. TOWN HALL

XIV. COUNCIL COMMENTS

XV. EXECUTIVE SESSION

XVI. ADJOURN

SOUTHERN SANITATION
P.O. BOX 815
GRAYSON, GA. 30017
770-554-6450

RECEIVED
NOV - 3

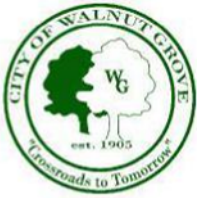
City of Walnut Grove
2581 Leone Avenue
Loganville, Ga. 30052

11-1-2022

Residential Monthly Waste Service			
November	2022	565	\$5593.50

Total Amount Due \$5593.50

Account due by 11-15-22
Thank you for your business.



CITY OF WALNUT GROVE
October 27, 2022 10:00 AM
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Work Session Minutes

ELECTED OFFICIALS PRESENT:

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

STAFF PRESENT:

Acting City Clerk - Dawn Stubbs
City Attorney - Tony Powell
Assistant Attorney - Jay Crowley
P & Z Chairman - Don Cannon

OTHERS PRESENT: Jessie & Cynthia Gunn

- I. **CALL TO ORDER** - Mayor Mark Moore
- II. **INVOCATION** - Tony Powell
- III. **PLEDGE OF ALLEGIANCE** - All Participated
- IV. **AGENDA APPROVAL** - Council member Linda Pilgrim made motion to approve. Council member Erica Dial seconded. Passed unanimously.
- X. **OLD BUSINESS**
 - A. City Island Properties - Assistant Attorney Jay Crowley stated they have identified 11 island properties. All 11 properties have been notified, next the city will just need to adopt the ordinance then these properties will be brought into the city. They will be added to the tax digest for the next tax year if the tax bills have already gone out. Only properties that are within or touching the Walnut Grove city limits can be annexed into the city limits. Mr. and Mrs. Gunn asked what the benefits to being in the city were. Attorney Tony Powell and Mayor Moore listed advantages. Ms. Gunn also asked about the creek washing away. They were told that would be something that could be looked at with the city engineer.
 - B. Emerald Cove Paving - To be discussed in executive session.
 - C. Variance Request - Planning and Zoning Chairman Don Cannon stated the applicant wants to be heard. Mr. Cannon recommends rescinding the action and send it back to Planning and Zoning so they can have a public hearing. Mayor Moore asked if the applicants were aware they would have to go back through the entire planning process along with paying the fees and Mr. Cannon stated they were aware.
- XI. **NEW BUSINESS**
 - A. Local Option Sales Tax - Mayor Moore gave an update on the negotiations. Council member Stephanie Moncrief wants a report. Mayor Moore stated he would forward emails to all council members.

- B. Public Works Building - Mayor Moore this is the renewing of the front of the building, roof and decking. The Mayor provided the council with two bids. Council member Stephanie Moncrief wants time to look over bids and asked this item to be moved to the next work session. She also wants business license and references. The City Attorney suggested to post this on the internet and advertised in the newspaper as an open opportunity.

- C. Planning and Zoning Bylaws - Attorney Tony Powell explained that the Planning Commission initiated their on set of bylaws and wanted to make sure they were adopting them correctly. He suggested a resolution so the Commission can get authority to approve and amend their own bylaws. He also suggested to review the resolution at the next work session. Mr. Powell explained that the zoning administrator is also the secretary who takes the minutes. Mayor Moore reminded council that the planning commission is in an advisory position to the council. Discussion turned to the Master Plan and the Town Center Plan. Both these plans are a joint effort with the DDA, Planning and Zoning, and the council.

XII. ADJOURN - Council member Linda Pilgrim made motion to adjourn. Council member Jon Dial seconded. Passed unanimously.

Respectfully Submitted

Dawn Stubbs,
Acting City Clerk

Approved

Mark Moore,
Mayor



CITY OF WALNUT GROVE
October 27, 2022 10:00 am
1021 PARK STREET MUNICIPAL BUILDING
MAYOR AND COUNCIL

Council Called Meeting Minutes

- I. CALL TO ORDER** - Council Member Linda Pilgrim made motion to enter into the called meeting. Council Member Erica Mills seconded. Passed unanimously.
- II. INVOCATION** - Completed in work session.
- III. PLEDGE OF ALLEGIANCE** - Completed in work session.
- IV. AGENDA APPROVAL** - Council Member Linda Pilgrim made motion to approve. Council Member Erica Mills seconded. Passed unanimously.
- V. CONSENT AGENDA** - Council Member Linda Pilgrim made motion to approve. Council Member Jon Dial seconded. Passed unanimously.
 - 1. Southeast Probation Services Agreement**
 - 2. Minutes**
 - A. August 11, 2022 Council Meeting Minutes
 - B. August 25, 2022 Council Work Session Minutes
 - C. September 8, 2022 Council Meeting Minutes
 - 3. Invoices over \$5000**
 - A. Walton County Board of Commissioners
 - B. Southern Sanitation
- VI. OLD BUSINESS**
 - A. City Island Properties - City Attorney Tony Powell recommended a resolution to annex the 11 properties into the city. Council member Linda Pilgrim made a motion to create a resolution for annexation. Council member Jon Dial seconded. Passed unanimously.
- VII. EXECUTIVE SESSION** - Council member Jon Dial make motion to enter into executive session. Council member Erica

Miles seconded. Passed unanimously.

A. Employee Matter

B. Contracted Services

IX. ADJOURN - Council member Linda Pilgrim made motion to adjourn. Council member Jon Dial seconded. Passed unanimously.

Respectfully Submitted

Dawn Stubbs,
Acting City Clerk

Approved

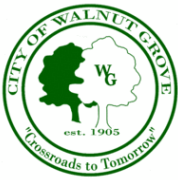
Mark Moore,
Mayor

City of Walnut Grove

Balance Sheet

As of November 7, 2022

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
11.1100 Cash in Bank - General Fund	169,334.38
11.1101 Money Market - General Fund	510,743.43
11.1102 Cash in Bank - 2013 SPLOST	-77.17
11.1103 Cash in Bank - 2019 SPLOST	318,470.11
11.1104 Cash in Bank - Sewer Operating Account	45,668.44
11.1105 Money Market - Sewer	1,179,065.48
11.1111 Cash in Bank - DDA	91,452.89
Total Bank Accounts	\$2,314,657.56

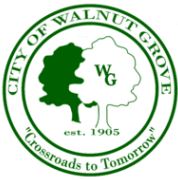


City of Walnut Grove

Budget vs. Actuals: FY 2023 - FY23 P&L Classes

July 2022 - June 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
31.1000 Property Taxes	19,232.29	210,000.00	-190,767.71	9.16 %
31.1310 Title Ad Valorem - TAVT	21,212.26	35,000.00	-13,787.74	60.61 %
31.1315 Motor Vehicle Tax	1,542.81	2,500.00	-957.19	61.71 %
31.1340 Intangible Tax	2,559.14	6,000.00	-3,440.86	42.65 %
31.1600 Real Estate Transfer Tax	1,079.28	1,250.00	-170.72	86.34 %
31.1710 Franchise Tax - Electric		60,000.00	-60,000.00	
31.1730 Franchise Tax - Gas	3,509.74	3,000.00	509.74	116.99 %
31.1750 Franchise Tax - Cable	6,010.32	9,000.00	-2,989.68	66.78 %
31.1760 Franchise Tax - Telephone	547.79	2,500.00	-1,952.21	21.91 %
31.3100 Local Option Sales Tax	59,333.60	220,000.00	-160,666.40	26.97 %
31.4200 Alcohol Excise Tax	33,750.17	80,000.00	-46,249.83	42.19 %
31.6200 Insurance Premium Tax		105,000.00	-105,000.00	
31.8000 Other Taxes		500.00	-500.00	
31.9000 Penalties and Interest on Delinquent Taxes	49.94		49.94	
32.1110 Alcohol Licenses - Beer	750.00	1,250.00	-500.00	60.00 %
32.1120 Alcohol Licenses - Wine	750.00	1,000.00	-250.00	75.00 %
32.1130 Alcohol Licenses - Liquor	1,700.00	3,400.00	-1,700.00	50.00 %
32.1200 Business License	7,925.00	10,000.00	-2,075.00	79.25 %
32.2200 Building Permits and Inspections	2,829.42	50,000.00	-47,170.58	5.66 %
32.2990 Other Permits	905.00	500.00	405.00	181.00 %
34.1100 Court Services	1.00		1.00	
34.7000 Recreation Income	830.00	5,000.00	-4,170.00	16.60 %
34.9999 Other Charges	364.69	850.00	-485.31	42.90 %
35.1000 Fines and Forfeitures	13,258.00	35,000.00	-21,742.00	37.88 %
35.1010 Fines and Forfeitures - Other	979.00		979.00	
35.1020 Court Fees - Other	6,887.00	1,500.00	5,387.00	459.13 %
36.1000 Interest Revenue		500.00	-500.00	
38.9999 Miscellaneous Revenue	894.69	1,000.00	-105.31	89.47 %
Total Income	\$186,901.14	\$844,750.00	\$ -657,848.86	22.13 %
GROSS PROFIT	\$186,901.14	\$844,750.00	\$ -657,848.86	22.13 %
Expenses				
51.1100 Salaries and Wages	58,456.05	196,900.00	-138,443.95	29.69 %
51.2100 Group Insurance		21,000.00	-21,000.00	
51.2200 Payroll Taxes - Social Security	4,887.55	11,500.00	-6,612.45	42.50 %
51.2210 Payroll Taxes - Medicare		3,150.00	-3,150.00	
51.2215 Payroll Taxes - Federal Unemployment		300.00	-300.00	
51.2220 Payroll Taxes - State Unemployment		4,250.00	-4,250.00	
52.1100 Court Software	707.94	3,000.00	-2,292.06	23.60 %
52.1300 IT Services	2,500.94	10,000.00	-7,499.06	25.01 %



City of Walnut Grove

Budget vs. Actuals: FY 2023 - FY23 P&L Classes

July 2022 - June 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
52.2110 Solid Waste Collection	21,918.60	85,000.00	-63,081.40	25.79 %
52.2200 Repairs and Maintenance	3,142.95	15,000.00	-11,857.05	20.95 %
52.2210 Repairs and Maintenance - Vehicles	235.36	15,000.00	-14,764.64	1.57 %
52.2220 Repairs and Maintenance - Streets, Roads and Bridges	250.38	10,000.00	-9,749.62	2.50 %
52.2240 Professional Services	5,936.50	15,500.00	-9,563.50	38.30 %
52.2241 Professional Services - Engineering	9,268.37	90,000.00	-80,731.63	10.30 %
52.2242 Professional Services - Accounting	4,000.00	35,000.00	-31,000.00	11.43 %
52.2243 Professional Services - Legal	16,998.02	51,000.00	-34,001.98	33.33 %
52.2244 Professional Services - Security		2,000.00	-2,000.00	
52.2250 Facility and Grounds Maintenance	1,053.27	15,000.00	-13,946.73	7.02 %
52.2260 Liability Insurance		25,000.00	-25,000.00	
52.3200 Communications - Telephone	5,056.41	13,300.00	-8,243.59	38.02 %
52.3200 Communications - TelephoneWire	1,251.31	1,000.00	251.31	125.13 %
52.3300 Advertising	1,172.50	2,500.00	-1,327.50	46.90 %
52.3500 Travel	300.00	1,500.00	-1,200.00	20.00 %
52.3600 Dues and fees	389.00	3,000.00	-2,611.00	12.97 %
52.3610 Bank Charges		750.00	-750.00	
52.3700 Training and Education	275.08	20,000.00	-19,724.92	1.38 %
52.3850 Contract Labor	975.00	5,000.00	-4,025.00	19.50 %
52.3900 Other Expenses	35.14	3,500.00	-3,464.86	1.00 %
53.1100 Cleaning Supplies	3.20	500.00	-496.80	0.64 %
53.1110 Office Supplies	488.23	3,600.00	-3,111.77	13.56 %
53.1115 Pavilion Rental Expenses		650.00	-650.00	
53.1120 Postage	378.00	1,000.00	-622.00	37.80 %
53.1130 General Supplies - Other	207.49	3,000.00	-2,792.51	6.92 %
53.1140 Community Support/Events	1,197.14	5,000.00	-3,802.86	23.94 %
53.1210 Utilities - Water	1,854.42	1,500.00	354.42	123.63 %
53.1220 Utilities - Gas	91.53	1,000.00	-908.47	9.15 %
53.1230 Utilities - Electricity	16,509.60	35,000.00	-18,490.40	47.17 %
53.1270 Gas, Oil, Diesel	2,074.03	10,000.00	-7,925.97	20.74 %
53.1700 Other Supplies	46.63		46.63	
53.9999 Miscellaneous Expenditures	55.31	2,500.00	-2,444.69	2.21 %
54.1400 Capital outlay - Roads Streets and Bridges		13,000.00	-13,000.00	
54.2500 Equipment	65.98	3,500.00	-3,434.02	1.89 %
54.2600 New Construction		70,000.00	-70,000.00	
57.1000 Other Business Expenses	29.23	500.00	-470.77	5.85 %
57.3000 Library		60,000.00	-60,000.00	
57.3300 Peace Officer Annuity/Benefit Fund	997.06	2,500.00	-1,502.94	39.88 %
57.3320 Crime Lab Fees		50.00	-50.00	
57.3340 Drivers Ed/Training Fund		50.00	-50.00	



City of Walnut Grove

Budget vs. Actuals: FY 2023 - FY23 P&L Classes

July 2022 - June 2023

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
57.3370 Drug Abuse Treatment and Education		1,750.00	-1,750.00	
57.3375 County Jail Fund	829.45	2,000.00	-1,170.55	41.47 %
57.3380 Peace Officer - Prosecutor's Fund		1,500.00	-1,500.00	
57.3385 Local Victim Assist. Fund	428.78	1,500.00	-1,071.22	28.59 %
57.3390 GA Crime Victims Assist. Program		500.00	-500.00	
57.3391 Peace Officer - Prosecution Indigent Fund		3,500.00	-3,500.00	
57.3392 Sheriff's Retirement Fund of GA	87.75	500.00	-412.25	17.55 %
57.3393 GSCCCA Payouts	1,945.21	6,000.00	-4,054.79	32.42 %
57.4000 Walton County Board of Commissioners	6,762.40		6,762.40	
58.1000 Debt Service - Principal	11,978.44	36,000.00	-24,021.56	33.27 %
Reimbursements	4,047.60		4,047.60	
Total Expenses	\$188,887.85	\$925,750.00	\$ -736,862.15	20.40 %
NET OPERATING INCOME	\$ -1,986.71	\$ -81,000.00	\$79,013.29	2.45 %
Other Expenses				
61.3121 Transfer Out	20,000.00		20,000.00	
Total Other Expenses	\$20,000.00	\$0.00	\$20,000.00	0.00%
NET OTHER INCOME	\$ -20,000.00	\$0.00	\$ -20,000.00	0.00%
NET INCOME	\$ -21,986.71	\$ -81,000.00	\$59,013.29	27.14 %

STATE OF GEORGIA

CITY OF WALNUT GROVE

ORDINANCE NO. ____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF WALNUT GROVE, GEORGIA TO ESTABLISH AND EMPOWER THE PLANNING COMMISSION AND TO ADOPT BY-LAWS NOT INCONSISTENT WITH THE CHARTER AND CODE OF ORDINANCES OF THE CITY OF WALNUT GROVE FOR THE PURPOSE OF GOVERNING THE OPERATION AND ADMINISTRATION OF THE PLANNING COMMISSION OF THE CITY OF WALNUT GROVE AND AN ORDINANCE TO REAFFIRM THE TERMS AND CONDITIONS OF THE 2012 ZONING ORDINANCE FOR THE CITY OF WALNUT GROVE, GEORGIA IN THE FORM CODIFIED ON THE CITY WEBPAGE AND ATTACHED HERETO AS EXHIBIT "A".

WHEREAS sound governmental operations require the boards and authorities of the City to have rules governing their operations, and administration; and

WHEREAS the Planning Commission has approved the By-laws attached hereto as Exhibit "A" for this purpose, but reserves the right to change these By-laws in the future in the event a better method is available or its purpose or function change either by changes in the law or by changes in best practices; and

WHEREAS the Mayor and City Council of the City of Walnut Grove have reviewed the proposed By-Laws as presented and provided public notice and held public hearings as required by Georgia Law;

NOW THEREFORE, The Council of the City of Walnut Grove hereby ordains, as follows:

SECTION 1.

The Code of Ordinances of the City of Walnut Grove and specifically, Article X of the 2012 Zoning Ordinance for the City of Walnut Grove (as amended) is further amended to delete Article X in its entirety and the following is hereby approved and inserted in its place:

ARTICLE X: PLANNING COMMISSION (11/ __/2022)

Section 1000. Creation; purpose

In order to guide and accomplish a coordinated and harmonious development of the City of Walnut Grove, which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as

- C. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, which shall be of public record.
 - D. The Commission shall make the decision on the requested action based on the criteria found in Article VII of the Zoning Code of the Code of Ordinances for the City of Walnut Grove.
 - E. The Commission shall issue a written decision containing findings of fact and conclusions, either approving, approving with conditions, or denying the application.
- IX. Rules of Procedure: The Commission shall use the Rules of Procedure associated with each requested application and action as appropriate and as found in the related sections of the Code of Ordinances for the City of Walnut Grove. In the absence of specific Rules of Procedure, the following shall be utilized.
- A. Commission Meeting: At Commission Meetings, the following procedure will be followed:
 1. Walnut Grove City staff will present their report and recommendations on each request.
 2. Comments will be received during the Public Hearing from the petitioner and any other individuals or groups that wish to speak in favor of a request.
 3. Comments will then be received from anyone who wishes to speak in opposition of a request.
 4. Statements in opposition to the request may be followed, if necessary, by a brief response from the petitioner.
 5. The Public Hearing will close, and no additional public comments will be accepted, unless requested by the Commission.
 6. The Commission will discuss the request. At the discretion of the Chair, the Commissioner's may ask for further information from members of the public who spoke during the Public Hearing.
 7. The Commission will then entertain a motion and take a vote on the request.
 8. Motions can be offered for approval, approval with conditions, to table or to deny the request.
 9. Any person speaking to the Commission shall provide their Name, Home Address, and Occupation. Speakers shall address all comments to the Commission and not to other members of the audience. The following time limits for speakers shall be observed:
 - i. The Petitioner or one representative – no more than (10) minutes.
 - ii. A specified Interest Group shall have a total of no more than ten (10) minutes and must register the group's intent to utilize the ten-minute time period with the

efficiency and economy in the process of development, the Walnut Grove Planning and Zoning Commission, hereinafter referred to as the planning commission, is hereby created and established and codified.

Section 1001. Membership

The planning commission shall consist of five (5) members, who shall be residents of the City, appointed by the mayor and city council. The terms of the members shall be for five (5) years. Any vacancy in membership shall be filled for the unexpired term by the council who shall also have the authority to remove any member for cause, on written charges, after a public hearing. All members shall serve with compensation as set by the mayor and city council.

Section 1002. Organization; rules

The planning commission shall elect its chairperson from among its members. The term of the chairperson shall be for one (1) year, and he or she shall be eligible for reelection for consecutive terms. The planning commission shall make its own by-laws, rules of procedure and determine its time of meeting, all of which shall be available for public review at City Hall or virtually. Meetings of the planning commission shall be open to the public, properly advertised and noticed and all records of the planning commission shall be a public record. The planning commission shall have the right to hold executive sessions as permitted by state law.

Section 1003. Staff, finances

The mayor and city council may appoint such employees and staff as it may deem necessary for the work of the planning commission. The expenditures of the planning commission, exclusive of donations, shall be within the amounts appropriated for the purpose by the mayor and city council.

Section 1004. Powers and Duties

- (a) The planning commission shall act in an advisory capacity to the city council, and in that capacity shall prepare and recommend for adoption to the council:
- (1) A master plan or parts thereof for the development of the city;
 - (2) A zoning ordinance or resolution and map for the city;
 - (3) Regulations for the subdivision of land within the city and administer the regulations that may be adopted; and
 - (4) A plat or plats of an official map showing the exact location of the boundary lines of existing, proposed, extended, widened, or narrowed streets, public open spaces or public building sites, together with regulations within such lines, within the city or a specified portion thereof.
- (b) It shall be the duty of the planning commission to make such careful and comprehensive surveys and studies of existing conditions and probable future developments as necessary to perform the functions set out in subsection (a) of this section.

SECTION 2.

The mayor and city council of the City of Walnut Grove, Georgia, hereby ordain, approve and amend the codified version of the 2012 Zoning Ordinance in the form contained on the City of Walnut Grove website and as attached hereto as Exhibit "A". All other forms inconsistent with this Ordinance are hereby repealed.

SECTION 3

1. It is hereby declared by the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are believed by the Mayor and Council to be fully valid, enforceable and constitutional.

2. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by the law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby declared to be the intention of the Mayor and Council that no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance and that all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Unless otherwise provided herein, penalties provided for violations of this Ordinance are set out in the penalty provision above and under the authority of the Municipal Court as established in the Code of Ordinances of the City of Walnut Grove, Georgia, and are hereby incorporated as if set out fully.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION 6. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SECTION 7. Pursuant to the Section 2.27 of the City Charter, authority is hereby delegated to the City Clerk to cause this Ordinance to be numbered and codified in the City Code of Walnut Grove, Georgia, in such a way as to place this Ordinance in the Code in an organized and orderly sequence to maximize the organization of the Code. The City Clerk is authorized to designate to the City Attorney or to such other Mayor and Council approved contractors to assist in the effort to codify this provision provided the decision of the City Clerk is final as to the placement of this

Ordinance within the City Code of Walnut Grove, Georgia. The goal of this authorization is to codify and number this Ordinance in the Code in such a way as to be clear and orderly.

SECTION 8. This Ordinance shall become effective upon its adoption by the Mayor and Council.

It is so ordained on this ____ day of November, 2022.

Mark Moore, Mayor

ATTEST:

_____, **Acting City Clerk**

APPROVED AS TO FORM:

Anthony O. L. Powell, City Attorney
Powell & Edwards, PC

**BY-LAWS OF THE PLANNING COMMISSION
OF THE CITY OF WALNUT GROVE, GEORGIA**

**CITY OF WALNUT GROVE COMMISSION
BY-LAWS, RULES OF PROCEDURE & CODE OF CONDUCT**

I. Powers and Duties

- A. The Powers and Duties of the City of Walnut Grove Commission (hereafter referred to as the "Commission" are established in Article X Planning Commission originally approved on September 10,2020 and codified as Section 1000 of the 2021 Zoning Ordinance of the City of Walnut Grove, Georgia.
- B. The Commission shall use as its guide in making decision, the recommendations of the planning staff and Zoning Administrator, the comprehensive plan approved by the city council, the long-range planning map, prior decision of the mayor and city council of the City of Walnut Grove and all similar items as outlined in the Code of Ordinances of the City of Walnut Grove.

II. Composition and Design of Commission

- A. Members: The Commission shall be composed of five (5) members. The Walnut Grove City Mayor and City Council shall nominate members to Council who shall approve said nominees by a majority vote.
- B. Terms: The term of office of the members of the Commission shall serve staggered four (4) year terms and shall continue in their appointed office until their successors are appointed.
- C. Vacancies: Resignations from the Commission must be submitted in writing to the Secretary of the Commission. In addition, where just cause is shown by a preponderance of the evidence, the Walnut Grove City Mayor and Council, upon receiving a written basis and after a public hearing, may remove any member of the Commission for just cause. The Mayor and Council shall remove a member for violating one of the following reasons: including, but not limited to:
 - 1. Failure to attend three (3) consecutive, regular voting meetings of the Planning and Zoning Commission without a reasonable excuse;
 - 2. Failure to maintain permanent residence within the jurisdiction of the City of Walnut Grove; or
 - 3. Violation of Commission Bylaws or Rules of Procedure.

Vacancies caused by resignation or removal shall be filled for the unexpired term of the vacant position by the Mayor and Council.

- D. Eligibility: Members of the Commission must be residents of the City of Walnut Grove. Employees of the City of Walnut Grove shall not serve on the Commission. Members of the Mayor and Council shall not service on as members of the Commission.

III. Officers, Quorum and Affirmation of Motions:

- A. Officers: Elections for Officers will occur at the Commission's first regular voting meeting of the City of Walnut Grove's fiscal year.
 - 1. Chair: The Commission shall elect one of its members as Chair, who will serve for two (2) years or until a successor is elected. The position of Chair will need to be approved by the commission every two years. The Chair shall decide all points of order and procedure, unless directed otherwise by a majority of the Commission, subject to these bylaws, any

other applicable ordinance within the Code of Ordinances of the City of Walnut Grove and Webster's New World Robert's Rules of Order: Simplified and Applied, 2nd Edition¹. The Chair shall appoint any committees found necessary to facilitate any business before the Commission. The Chair shall have the authority to determine the need to call for a roll call vote when a voice vote is inconclusive. The Chair shall direct the Secretary to prepare the minutes from each meeting.

2. Vice Chair: The Commission shall elect one of its members as Vice Chair, who will serve for two years or until a successor is elected. The position of Vice Chair will need to be approved by the commission every two years. The Vice Chair shall serve as Acting Chair of the Commission in the absence of the Chair. Upon the resignation or disqualification of the Chair, the Vice Chair shall assume the position of Chair until a new Chair is elected for the remainder of the two-year term. Following the vacancy of the previous Vice Chair, the Commission shall elect a new Vice Chair at its next regular meeting. Completion of an unexpired term as Chair by the Vice Chair shall not preclude the Commission member from serving a complete term as Chair.
 3. If neither the Chair nor the Vice Chair is present for a meeting, then the Commission shall elect on the record at such meeting, a member who is present to serve as temporary Acting Chair for that meeting only.
 4. Secretary: The Zoning Administrator or the Zoning Administrator's designee shall serve as the Commission's Secretary. The Secretary, at the direction of the Chair, shall maintain the minutes of the meetings of the Commission.
- B. Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Commission at least three (3) members.
- C. Decisions of the Commission: The Decisions of the Commission shall be by majority vote of the members present and voting, a quorum being present. In the event of a member's abstention based on a conflict of interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly. Recommendations to the Mayor and Council by the Commission shall be for the approval, approval with conditions, or denial of an application. Final decisions on applications or matters before the Commission, such as appeals heard by the Commission, shall be approved, approved with conditions, tabled, or denied.
- IV. Meetings: Meetings of the Commission shall be held at the call of the Chair and at such other times as the Commission may determine. All meetings of the Commission shall be open to the public. However, members of the public shall not address the Commission unless they are invited to do so. Regular meetings of the Commission shall be held monthly. Called meetings may be held, as needed, following provisions in the Bylaws Section IV(B).

A. The Regular Commission Meeting of the Commission shall be on:

Date	3 rd Thursday of each Month
Time	7:00
Location	Municipal Building

The Regular Commission Meeting time may be changed by a majority vote of the commission with the consent of the Mayor and Council. The Commission shall strictly follow the Open Meetings Act of the State of Georgia in giving notices and conducting its meetings.

- B. Special Called Meetings may be held as needed by the Chair by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting. The Secretary and the newspaper which serves as the legal organ shall be notified of any Special Called Meetings at the same time as the members are notified. A notice shall be placed in a public location at the meetingsite indicating the time, date, location and Agenda for the Special Called Meeting. The public notice requirements by the Georgia Open Meetings Act as amended that are applicable to this Agency shall be strictly followed in giving notice of all meetings.
- C. Only those items listed on the agenda shall be considered at a Special Called Meeting.
- D. Cancellation of Meetings:
1. Whenever there is no business before the Commission, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four (24)hours prior to the time set for the meeting. The Secretary and the newspaper which serves as the legal organ shall be notified of any cancellation as soon as possible. A notice shall be posted on the door at the meeting site indicating that the meeting has been cancelled.
 2. Whenever the City of Walnut Grove has closed its offices due to inclement weather, then any meetings of the Commission for that day shall be cancelled.
- E. Adjourned Meetings: Should the Commission not complete the business before it, the Chair may adjourn the same and schedule a continuation of the same meeting until the agenda has been completed. However, the adjourned meeting must meet the same requirements for the notification of the Secretary and for the posting of a notice as with a Special Called Meeting.
- F. Work Sessions: Work Sessions of the Commission may be called by the Chair of the Commission. These meetings, while informal in nature, shall be open to the public and shall meet the same requirements for notice to the Secretary and posting of the agenda or announcement of the meeting as for the Special Called Meetings.
- G. Minutes and Agendas:
3. Minutes: The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Minutes shall also include records of the examinations of the Commission and other official actions. Minutes shall be part of the public record. A recorded tape will serve as the official record of the meeting. These minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, and a record of all votes. In the case of a roll-call vote, the name of each person voting for or against a proposal shall be recorded and in all other cases it shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.
 4. Agenda: The Secretary, in conjunction with the Chair, shall prepare the agenda for each meeting. The agenda shall be posted in a public location as required by the Georgia Open Meetings Act and may not be amended after position twenty-four hours prior to the meeting. The Commission and the Mayor and Council shall receive copies of the agenda no less than twenty-four hours prior to the regularly scheduled meeting. The normal order

of business at each meeting shall be:

- i. Determination of Quorum;
- ii. Election of Acting Chair, if necessary;
- iii. Introduction of All Documents into the Official Record;
- iv. Approval of Minutes of the Previous Meeting(s);
- v. Administrative Hearing;
- vi. Old Business;
- vii. New Business;
- viii. Other Business;
- ix. Adjournment

V. Conflict of Interest: The Commission members shall be governed by the ethics provisions adopted by the City of Walnut Grove, Georgia and by the provisions of the Official Code of Georgia (O.C.G.A.) § 36-67A-1 et seq., (Chapter 67 A, Conflict of Interest in Zoning Actions) and as follows:

A. Definitions: As used in this section the following definitions shall apply:

1. "Applicant" means any person who appears before the Commission and any attorney or other person representing or acting on behalf of a person who applies for an appeal, a variance, or any other action that the Commission has the duty to consider in the application of its powers granted in Article VII, of the Zoning Code of the Code of Ordinances of the City of Walnut Grove.
2. "Business entity" means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
3. "Campaign contribution" means a "contribution" as defined in paragraph (6) of Official Code of Georgia (O.C.G.A.) § 21-5-3 et seq.
4. "Financial interest" means all direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
5. "Member of the family" means the spouse, mother, father, brother, sister, son or daughter of a Commission member.
6. "Opponent" means any person who opposes an application request or any attorney or other person representing or acting on behalf of a person who opposes a Commission action.
7. "Oppose" means to appear before, discuss with, or contact, either oral or in writing, any local government or local government official and argue against an appeal or variance request.

8. "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
 9. "Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.
 10. "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
- B. A Commission member who knew or reasonably should have known that he or she has one or more of the following interests shall immediately disclose the nature and extent of such interest, in writing, to the Zoning Administrator and shall make the same disclosure to the public in the meeting:
1. Has a property interest in any real property which is the subject of a Commission action and for which the Commission will have the duty to consider and or make recommendation on; or
 2. Has a financial interest in any business entity which has a property interest in any real property which is the subject of a Commission action which the Commission will have the duty to consider; or
 3. Has a member of their family having any interest described in paragraph 1 or 2 of this section?

The Commission member who has one or more of the interests defined in paragraph 1, 2 or 3 of this section shall recuse themselves from voting on the agenda item under consideration. The disqualified Commission member shall not take any other action on behalf of themselves, or any other person, to influence action on the application. To that end, the disqualified Commission member shall not make presentations to the Commission, speak to the Commission on behalf of or in opposition to an item under consideration, or present written argument in favor of or in opposition to members of the Commission, with the exception of those materials contained as part of the official application. Such presentations may, however, be made to the Mayor and Council if the item appears before them. The disclosures provided for in this section shall be a public record and are available for public inspection at any time during normal working hours.

If a motion cannot be passed because there is not a quorum because of the number of Commission Members having a conflict of interest, then the item shall be sent to the Mayor and City Council without prejudice, recommendations or decision.

- VI. Code of Conduct: Each member of the Commission shall adhere to the following code of conduct:
- A. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;
 - B. Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration.
 - C. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties.
 - D. Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit.

- E. Expose corruption wherever discovered;
- F. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- G. Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;
- H. Never engage in other conduct which is unbecoming to a member, or which constitutes a breach of public trust; and
- I. Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action.

If any member of the Commission violates any provision of this article, then that member may be removed under Section II, C of these By-laws for cause. .

VII. Commission Policy Regarding Site Visits and Communications Received Outside of the Hearing or Decision-Making Process:

- A. Members of the Commission shall not decide how they will vote on a matter pending before the Commission until after the conclusion of the public hearing on the application.
- B. Commission Members shall avoid the appearance of premature decision-making by adhering to these rules of conduct.
- C. If by virtue of a site visit or otherwise, a Commission Member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, such Commission Member shall disclose said information on the record, at the hearing or Commission meeting, and all parties present shall be given a chance to respond.

VIII. Administrative Hearings: Administrative Hearings, such as those held to consider appeals before the Commission, shall be conducted as provided for within the Code of Ordinances of the City of Walnut Grove in relation to the specific ordinance under which the application is being presented to the Commission.

- A. The burden is on the applicant to demonstrate by clear and convincing evidence that all criteria for issuance of the requested action has been satisfied.
- B. The Chair, or in his/her absence the Acting Chair, may administer oaths and compel the attendance of witnesses by subpoena.

Secretary no later than the scheduled time for the Commission meeting to be first called to order.

- iii. Any individual who wishes to speak for or against a petition or issues shall have two (2) minutes to address the Commission.
- iv. The petitioner will be allowed to clarify any issues during public comment and shall have a minimum of two (2) minutes to do so.