

City Council
Walnut Grove City Council Meeting
Thursday, July 11, 2019 7:00 P.M.

Minutes

Present:

Mayor Lamar Lee
Carol Witcher
Linda Pilgrim
Mark Moore
Kevin Schultz

I. CALL TO ORDER:

Meeting called to order by Mayor Lamar Lee

II. INVOCATION- Given by Councilwoman Carol Witcher

III. PLEDGE OF ALLEGIANCE

All stood for the pledge of allegiance

IV. AGENDA APPROVAL:

Councilman Shultz made a motion to amend the agenda by adding under new business item "B" Trees on Park St., Councilman Moore- seconded the motion, motion passed.

Councilman Shultz made a motion to approve the agenda as amended, Councilwoman Pilgrim, seconded the motion, motion passed.

V. PUBLIC COMMENT:

Renee Temple of 102 Springview Trail, Loganville. She wanted to speak on the subject of Ms. Wallace's Temporary Business License which is on the agenda. She stated Ms. Wallace is her neighbor and she wanted to state her concerns about Ms. Wallace having a business license in her residential area. They live in a cul-de-sac. She gives swimming lessons and if there were an emergency an ambulance or the fire department could not get in because of the cars belonging to her customers. Also, this area is not zoned for a business their subdivision. This area is zoned R-1 which is residential 1 which doesn't have commercial at all. She passed out pictures to the Council members of the cars parked in the cul-de-sac. She passed out pictures showing the cars park behind driveways, blocking mailboxes, the mail carrier cannot get in and they also prevent trash pick-up. She passed out a printout

from Ms. Wallace's Facebook page showing she does have a business in their subdivision. Ms. Temple stated other neighbors complain as well even though she is the only one present at the Council meeting tonight. She stated she didn't think she should have a temporary license or otherwise due to the area they are in. She stated there is not a dressing room for her clients and they often change their clothes there in the cul-de-sac from their swimsuits into their street clothes.

STEPHANIE MONCRIEF of 2150 Emerald Drive, Loganville, GA

She has been following the meetings and wanted to talk about the neighborhood cul-de-sac. She wanted to reiterate the danger of having the median in the middle of the cul-de-sac. Not just for the bus routes but for emergency vehicles as well. If a resident wants to move, they must pay extra expenses because a moving truck can't get in there either. When she was reading over the notes, she agreed with a lot of what was said and appreciated the Council considering doing it. She stated she knew it is an expense and she didn't remember who came up with the idea of having Walton County do it but that is a good idea. She addressed a comment made about her and stated she has taken care of her neighborhood for the past 15 years. She stated she has notified her neighborhood of the possibility of the City taking care of this cul-de-sac.

VI. MINUTES APPROVAL

June 13, 2019 City Council Meeting Minutes

Councilman Moore stated there needs to be a slight change on page 4 the third line needs to read "and" instead of "or". Councilman Shultz made a motion to approve the minutes with the correction, Councilwoman Pilgrim seconded the motion, motion passed.

June 13, 2019 Public Hearing Minutes

Councilman Moore made a motion to approve the minutes of the June 13, 2019 Public Hearing, Councilwoman Witcher seconded the motion, motion passed.

VII. PUBLIC WORKS REPORT

Given by Alan Barton, Public Works Director

He stated he had posted the signs the Lion's Club brought to the City Hall which show they take care of the Parkway. They have been cutting a lot of grass. When it has rained they have taken the opportunity to repair things that need it. There are several problems that need to be addressed. One, in Cambridge there is a storm drain that rusted out one time and now it has another place in the bottom of it. It is between two houses and it is making a sink hole in their yard. We will have to either repair it or dig it up and replace it all. I would hate for a kid to come along at night and fall in it. Councilwoman Pilgrim asked if this was something the City could do. Alan Barton stated the City doesn't have the equipment to fix it. He stated the City would probably have to take bids on replacing the whole thing.

Councilman Moore asked if this was the only drain that needed repairs. Alan Barton said Precision hadn't inspected any in the subdivisions. This one was brought to the City's attention by a homeowner. Councilman Moore asked if the City could have Precision Planning take a look at all of them? Alan Barton replied it would be costly because of the length you would have to run a camera down them to see. He has checked the ones he can see in. The State got a grant from the federal government to clean up brush and tree limbs to open up the highways so when there is snow and ice the sun can get to it and thaw it out. They are working in Walnut Grove now and it is looking good. Councilman Moore asked, what is the status on the sidewalks? Alan Barton said he had talked to Jimmy Parker and they are working on it. The City Clerk added part of the delay is the sidewalks are on two State highways, 138 and 81. DOT has to permit it. After approval it will be put out for bids. Alan Barton stated he wanted to get bids on resurfacing the basketball court and the tennis court. The courts are in bad shape. He also stated he spoke to the crew that resurfaced and re-lined the parking lot at the Baptist Church and they were supposed to come by and give a price on resurfacing the parking lot here. Councilman Moore – asked if anyone ever used the tennis court. Alan Barton said yes, several families come during the day. Councilwoman Pilgrim – asked about whether there might be grants available since it is a City Park. There was discussion about doing something for the older kids in Walnut Grove. There was also discussion about a Pickle Ball Court for older adults.

VIII. FINANCIAL REPORT

The City Clerk stated the banks statement balances on all accounts is in Council member's books along with the financials. Councilman Moore made a motion the financial report be approved as presented, Councilman Shultz seconded the motion, motion passed.

IX. CLERK'S REPORT

The City Clerk gave a report of all activity during the month of June.

X. CODE ENFORCEMENT REPORT

No Report, Code Enforcement Officer not present.

XI. MAYOR'S REPORT

Billy Coleman got his land disturbance permit for Phase I at the Dial property. This will include fifty homes.

XII. OLD BUSINESS

A. Emerald Cove Subdivision Roundabout

Kevin Shultz stated this was tabled until we could get citizens' approval from the members of the Emerald Cove Subdivision. Since Stephanie Moncrief, the HOA President has come and given a report that the homeowners are in favor of the City repairing this center in the cul-de-sac. I am satisfied to go forward with the discussion. I would make that motion to get that started. Councilman Moore asked about Walton County? Alan Barton – what me, Jimmy Parker and Mayor Lee talked about was instead of putting an apron around this we could just go in and take the center out and make it a regular cul-de-sac. That would be the cheapest route. I talked to the Board of Education today and they said it would be a go. They would take the bus all the way to the end and pick up the kids. We just need to let them know when have it complete. We will get some prices on that. I don't know if the County will come in and do any of the work. We might can get some of their rates for material. If Stephanie can get a letter of approval from the HOA in Emerald Cove that would be good. Councilman Shultz withdrew his motion to proceed. Councilman Shultz made a motion we table this issue until the next meeting so we can look at the bids and make approval to start the project, Councilwoman Pilgrim seconded the motion, motion passed.

B. Cost of General Business License

Mike Malcom addressed this issue. There was some discussion in Savannah in one of the classes given to the Council about whether the cost of a business license is treated as a tax or as an administrative fee. I reached out to the experts; the ones who actually lobbied for these laws to be passed at the State. Both the teacher at the conference as well as Counsel for GMA and I got two diametrically different answers. I think to be safe we probably should hold a public hearing before raising the cost of a business license and treat it as a tax even though we have always treated it as an administrative fee. The safe thing for the City to do would be to treat it as such. City Clerk, Katherine Glass stated since this was voted on three people had come in and applied for a Business License and paid the \$125.00 fee. She wanted to know if she should just refund them the \$50.00 difference. Mike Malcom agreed she should just write a letter explaining and refund the difference. This will need to be advertised like a zoning matter and a public hearing will be held. Councilman Shultz made a motion to table this item until our next regularly scheduled meeting after we have a public hearing on this issue, Councilman Moore seconded the motion, motion carried.

XIII. NEW BUSINESS

A. Temporary Business License for Dawn Wallace

Councilman Moore asked what kind of a liability would this be for the City to allow her to teach swimming at her home? Mike Malcom stated liability for the City wouldn't be the issue but whether swim lessons would be a permitted use under the zoning. Your zoning doesn't particularly address swim lessons but gives examples of types of home businesses that may be considered. The closest ones we could find are teaching musical instruments like piano lessons. One pupil would come in and then another. You would only have one at a time there. Under customary home occupation may include by not limited to the following the accommodation of not more than two boarders or roomers, the office or professional person where the clients do not generally visit the premises to receive services such as art studio, dress making, sewing, canning, baking, teaching musical instruments, dance or academic pupils one at a time or the care of not more than six children for compensation. I think those kinds of things don't involve a lot of cars at one time. The musical lesson example given would be someone going and someone else coming so there would not be cars parked all along the street and walking across neighbors' yards. I don't know that swim lessons are specifically excluded but I think the way your zoning is written it is trying to keep down the traffic. Councilman Moore asked Mike Malcom if the City's zoning ordinance required home businesses to be transparent to the homeowners around them? Mike Malcom said he didn't remember seeing that and asked Councilman Moore to show him where it is. Councilman Moore said he would look it up later. Mike Malcom asked Councilman Moore to explain what "transparent" meant. Councilman Moore explained, not a bother to the other residents. Mike Malcom asked him to send him an email when he found it and he would take a look at it. There was further discussion about a person's home being their sanctuary, life, liberty and the pursuit of happiness within our own homes. Also discussed was the person parking improperly on the street or trespassing would fall on that driver or the person trespassing and not the business owner. Mike Malcom further explained the purpose of the zoning ordinance was to cut down on people coming and going in neighborhoods. The examples given were businesses that didn't have more than one customer at a time. Otherwise they would be in a commercial zoned area. The spirit of the way the ordinance was written does not allow a lot of cars at one time. If Ms. Wallace is allowed to teach swim lessons the parking needs to be addressed as well as people walking in other people's yards. The question was asked how many times a day or how many times per week does she give lessons. The reply was seven days a week which includes Sunday from 9 a.m. to 7 p.m. The question was asked if Ms. Wallace was present at the meeting and the response was no. The City Clerk asked if the Council needs to vote to continue to allow the existing Temporary Business License which gives her through August 20. Mike Malcom suggested someone from the City talk to her about the parking. Kevin Shultz said he had already talked to her about the

parking. Kevin Shultz said it was obviously still going on. That was an issue she was supposed to get with her patrons on but apparently it hadn't happened. Kathy had Precision Planning on the phone when we were looking at the application. Joe Walter with Precision said if the swimming was not listed then it would be prohibited but the Council could amend the ordinance to add it. We could look at amending this particular ordinance. The City Clerk asked if that would require a public hearing and have to be posted. Councilwoman Witcher asked how long Ms. Wallace has had this business. The answer was she has had this business for years. It wasn't until we had complaints about the parking and trespassing that our Code Enforcement Officer went to her door and asked to see her business license. She told him she didn't need a business license because she wasn't charging anyone. He told her the sign in her yard referred to her Facebook page to see how to pay on her pay pal account. Mike Malcom suggested we could amend our zoning which would require a public hearing but by the time we do that the swim season will be over. He said he thought the code enforcement officer should go and let her know since she has already been warned if she has parking on the street again or trespassing she will be notified that after one more time she will be given notice, a hearing will be set for the Council to decide whether or not her license would be revoked. Councilman Moore said he was leaning toward revoking her license because it is a nuisance to the neighbors. Mike Malcom said you would have to give her notice that the Council was going to revoke her license, hold a hearing and give her an opportunity to be heard. I would suggest you tell her there will be revocation proceedings if this continues and if it does the Council should initiate them and give her an opportunity to be heard. Then the Council can hear from her why this is going on. What she plans to do about it or not. If you are not satisfied with the answer you can revoke it. It was decided our Code Enforcement officer would go on Monday and notify her in writing the Council has met and what would happen if she or her clients violates the conditions of her temporary license.

A. Trees on Park Street

Alan Barton said he the Mayor and Jimmy Parker had gone down and looked at the trees on the creek bank off Park St. The rain and water have washed the dirt away from the roots on several trees. It poses a hazard to the public if one particular tree falls across Park St. It will take down tree lines and the height it would be when it falls would pose a hazard to a driver of decapitation. There are twelve trees total that need to be taken down. There are three or four that are really a death trap if they fall. I didn't know what the EPD stipulations were on that on what we could do but he came out and said anything like this they waive all the rules and regulations. Right now, to take out the hazardous

situation will be to take out twelve trees. Once the trees are taken out to fix the erosion problem.. what it is, is when the water comes out of the pipes every bit of the water coming from the park, Guthrie Cemetery, 81 Hwy, every bit of it, Emerald Cove it all comes down that one little spot right on from behind Mark's house right on through Magnolia across Guthrie Cemetery. All that water is taken and eaten this bank out. Then the creek will need to be straightened and pull the banks back and put in rip rap on the banks to hold them keep it from washing. We will have to take bids on that. This needs to be addressed ASAP. Councilman Moore asked about the location of the trees being off the right of way and on private property. Mike Malcom addressed the Cornish Creek Overlay District. Alan Barton said this is not in the Cornish Creek Overlay that is over between 81 Hwy and Youth Jersey Rd. Mike Malcom - My point is when you are excavating you have to make sure that whatever the water... Alan Barton said Jimmy Parker says when it is a safety issue like this EPD excuses all the regulations. Councilman Moore asked how this would work going on private property to cut down trees. Alan Barton said the one tree that he is talking about he thinks is in the right of way. There was discussion about where these trees are and what the right of way is and whether or not this job would have to be put out for bid. Mike Malcom advised for this amount of money it would not have to be put out for bid. Councilman Moore asked if the council wanted this to be a two-part process. Alan Barton said yes, he was asking to have the trees taken down that are posing a threat and then the City would get quotes on straightening out the creek, pulling the banks back and putting in the rip rap to stabilize the sides so they wouldn't continue to wash. Councilwoman Pilgrim asked when Scarborough would be able to start? Alan Barton said they would get to it as soon as possible. The break down for 12 trees would only be \$500.00 per tree. The stumps will be taken out when the creek banks are pulled back in the next phase. Councilman Moore made a motion to approve the \$6,000 bid to remove the trees, Councilman Shultz seconded the motion, motion passed.

XIV. DISCUSSION ITEMS

None

XV. COUNCIL COMMENTS

- a. **Councilman Moore** – I appreciate you all coming out and said he loved to see the room full. My name is Mark Moore and if you need anything please do not hesitate to contact me.
- b. **Councilwoman Pilgrim** – Thank you all for coming. It is good to see the building almost full. We appreciate your comments.

- c. **Councilman Shultz** – I appreciate everybody coming out. I know some people left a little early that were here. They are probably just as busy as we all are, but I appreciate them coming out tonight. Thank you.
- d. **Councilwoman Witcher** – Thank you for being here and thank you for listening. This is your town; we work for you.

XVI. ADJOURN

Councilman Shultz made a motion to adjourn, seconded by Councilwoman Pilgrim, motion passed.

Adjourned at 8:24 p.m.

Approved by the Mayor and Council this 8 day of August 2019.

Carol D. Witcher

Mayor Lamar Lee

Carol D. Witcher

Mayor Pro-Tem

Katherine A. Glass

Katherine A. Glass, City Clerk