

AGENDA

REGULAR SCHEDULE MEETING OF THE GOVERNING AUTHORITY OF WALKER COUNTY, GEORGIA

Office of the Walker County Commissioner
Annex 1, 101 South Duke Street
LaFayette, Georgia 30728

Date: Thursday, February 23, 2017

Time: 6:30 P.M

Invocation:

Call to Order: Commissioner Whitfield will call the meeting to order

Pledge: United States Flag

Pledge: Georgia Flag

Minutes: Approval of the minutes from the Commissioner's Meeting on Thursday, January 26, 2017

New Business: Material rate increase at the Walker County Landfill effective March 1, 2017. Please see Exhibit A

Removing Trustees that are currently listed on the Lincoln 457 B Deferred Compensation Plan from Bebe Heiskell, Briggett Garrett and Murlene Miller and changing to Sole Commissioner Shannon Whitfield as the Administrator, please see Exhibit B, authority to sign to Walker County Clerk Rebecca Wooden, please see Exhibit C and ability to sign to Human Resources Director Sharleen Robinson. Please see Exhibit D

Settlement order for **Civil Case 16SUCV0771**, Walker County, Condemnor vs. Stanley Wright Lowe Jr. and Jill Marie Wyse, Condemnees. Please see Exhibit E

Settlement order for **Civil Case 16SUCV0770**, Walker County, Condemnor, Nancy S. Chamberlain, William Q. Sheridan Jr., Etna S. Sames, and Lydia S. Benson, Stanley Wright Lowe Jr., Jill Marie Wyse, Condemnees. Please see Exhibit F

Resolution for a Moratorium on Acceptance of Permitting and Related Activities for Hydraulic Fracturing and Commercial Deep Well Drilling. Please see Exhibit G

Resolution adopting a Moratorium on Accepting Applications Permits relating to Residential use of Cargo Container Homes and tiny Houses under 500 square feet of living space. Please see Exhibit H

Resolution Reducing of County Personnel Costs. Please see Exhibit I

Adjournment: The Regular Schedule Meeting will be adjourned.

Open Discussion: The business on the Agenda being completed, Commissioner Whitfield will open the floor for general discussion.

Minutes prepared on Monday, January 30, 2017

**Walker County Governing Authority
Office of the Commissioner**

101 South Duke Street, P.O. Box 445
LaFayette, GA 30728
706-638-1437

Minutes of Called Meeting

January 26, 2017

Opening

The regular meeting of the Walker County Governing Authority was called to order at 6:30 pm by Sole Commissioner Shannon Whitfield.

Staff Members Present

Public Relations Director, Joe Leggee, Economic Development / Resource Coordinator, Larry Brooks, Walker County Clerk, Rebecca Wooden, Human Resources Director, Sharleen Robinson, Chairman Planning and Zoning Committee, Phillip Cantrell, Planning Office, Kristy Parker

Invocation by Commissioner Shannon Whitfield

Leading of the United States and Georgia Pledges by Larry Brooks

Approval of Minutes

The minutes of the previous meeting were unanimously approved as distributed.

New Business

Commissioner Shannon Whitfield presented a resolution declaring property of the Walker County Sheriff's Office as unserviceable surplus and removed from the county inventory, see Exhibit "A" and Exhibit "B". Walker County Commissioner signed the resolution declaring property of the Walker County Sheriff's Office as unserviceable surplus and removed from the county inventory, see attached Exhibit "A" and Exhibit "B".

Adjournment

Commissioners Meeting was adjourned at 6:36pm by Commissioner Shannon Whitfield.

Opening

The Public Hearing of the Walker County Governing Authority was called to order at 6:30 pm by Sole Commissioner Shannon Whitfield.

The Public Hearing was opened for Commissioner Whitfield to consider a Conditional Variance on property located at 1834 Old LaFayette Road, Rock Spring GA 30739 (Tax Parcel #0-326-019A) current zoning is R2. Commissioner Whitfield asked if anyone had any further questions regarding this matter and a question was asked from the public as to what area was this location. Mr. James McConathy answered and described the area of Old LaFayette Road. Commissioner Whitfield added that the property was between the location of the Rock Spring Post Office and the Walker County Roads Department. Commissioner Whitfield asked Kristy Parker from the Planning Department if their office had received any calls regarding this matter and she stated that a phone call had been made to the Planning Department on January 9, 2017 from Mr. Edgar Johnson. Mr. Johnson stated that he was in favor of allowing this Conditional Use Variance because Mr. McConathy kept his property up and there had never been any issues in the past. Chairman Phillip Cantrell of the Planning & Zoning Commission was present and Commissioner Whitfield asked if this matter had been brought before and approved by the Planning & Zoning Commission on January 12, 2017, Chairman Cantrell stated yes. Since there was no other issues with this request Walker County Commissioner Shannon Whitfield signed the resolution approving the Conditional Use Variance for this property belonging to Mr. James McConathy.

Adjournment

Commissioners Public Hearing was adjourned at 6:39pm

The next general meeting will be at 6:30pm on February 9, 2017, at the Commissioner's Office in LaFayette Georgia.

Minutes submitted by: Rebecca Wooden

Approved by:

Sole Commissioner Shannon Whitfield

Date Approved

Note: These minutes were prepared by Walker County Clerk, Rebecca Wooden

Exhibit A

Material List
Effective March 1, 2017

<u>Code</u>	<u>Materials</u>	<u>Rate</u>	<u>unit</u>	<u>Comments</u>
100	Batteries	\$2.00	each	
200	Mattresses & Boxsprings	\$7.50	each	
M1	Backhoe Bucket of Mulch	\$20.00	per scoop	
M.5	1/2 Bucket of Mulch	\$10.00	per scoop	
TM	Tandem Load Mulch	\$200.00	per load	
02	Auto Car Tires (up to 14")	\$3.00	each	
03	Auto, Light Truck, and SUV Tires (15"-18")	\$5.00	each	
04	Large Truck Tires (19" - 20")	\$8.00	each	
05	Large Truck Tires (22" and up)	\$15.00	each	
05M	Shredded Tires (Mashburn)	\$60.00	per ton	
05T	All Tire Sizes (13 - Up)	\$300.00	per ton	
06	Tires on Rims (Extra Charge)	\$5.00	each	
15	Farm Tractor Tires	\$75.00	each	
01	Household Garbage (MSW)	\$40.00	per ton	
07	Household Garbage (MSW) Charge accounts ending 03/31/2017	\$38.50	per ton	NEW
08	Municipal Household Garbage(MSW) (effective 04/01/2017)	\$40.00	per ton	
09	Animal Remains (\$16.00 per 100 pounds)	\$300.00	per ton	
11	White Goods (Refrig, Freezer, A/C)	\$20.00	each	
1900	Mulch C&D (Brush that can be chipped)	\$26.00	per ton	
2000	General C&D	\$30.00	per ton	
2005	Brush (GA DOT) (Brush that can be chipped)	\$26.00	per ton	
2010	Municipal (C&D)	\$30.00	per ton	
2040	Church (C&D)	\$25.00	per ton	
2050	Foam (BFI)	\$70.00	per ton	
2500	Out of County - Household Garbage (MSW)	\$45.00	per ton	
3000	Out of County - C&D	\$35.00	per ton	
4000	Charity	\$15.00	per ton	
5000	Walker County Approved Projects (No - Charge)	\$0.00	per ton	
10	Household Garbage effective 04.01.2017	\$40.00	per ton	
2015	C&D Special effective 04.01.2017	\$30.00	per ton	
2030	C&D	\$30.00	per ton	
C&D	\$6.00 minimum charge up to 400 lbs.			
T/S	\$6.00 minimum charge up to 300 lbs.			

Shannon Whitfield
Walker County Commissioner
101 South Duke Street
P. O. Box 445
LaFayette, Georgia 30728

To: Lincoln Financial Group

From: Walker County Georgia Commissioner's Office

Date: February 23, 2017

RE: Plan Administrator Change
Walker County 457 (b) Deferred Compensation Plan

Removing of the current Administrator Bebe Heiskell of the Lincoln 457 (b) Deferred Compensation Plan and removing of the signing authorities, Briggett Garrett and Murlene Miller of the Lincoln 457 (b) Deferred Compensation Plan.

Please be advised that effective January 1, 2017, I was elected as Sole Commissioner of Walker County, Georgia. As such I am the 457 (b) Deferred Compensation Plan Administrator, with full authority to sign and to delegate additional County Officials to sign all necessary Lincoln Financial Group documents regarding this plan.

Shannon Whitfield
Sole Commissioner

Date

Shannon Whitfield
Walker County Commissioner
101 South Duke Street
P. O. Box 445
LaFayette, Georgia 30728

To: Lincoln Financial Group

From: Walker County Georgia Commissioner's Office

Date: February 23, 2017

RE: Plan Administrator change
Walker County 457 (b) Deferred Compensation Plan

Please be advised that Rebecca Wooden, County Clerk has the authority to sign Lincoln applications for employees enrolling in the 457 (b) Deferred Compensation Plan and all other Plan Authorizations.

Commissioner Shannon Whitfield
Plan Administrator

Shannon Whitfield
Walker County Commissioner
101 South Duke Street
P. O. Box 445
LaFayette, Georgia 30728

To: Lincoln Financial Group

From: Walker County Georgia Commissioner's Office

Date: February 23, 2017

RE: Plan Administrator change
Walker County 457 (b) Deferred Compensation Plan

Please be advised that Sharleen Robinson, Human Resources Director has the authority to sign Lincoln applications for employees enrolling in the 457 (b) Deferred Compensation Plan and all other Plan Authorizations.

Commissioner Shannon Whitfield
Plan Administrator

IN THE SUPERIOR COURT OF WALKER COUNTY

STATE OF GEORGIA

WALKER COUNTY, GEORGIA,	*	
a political subdivision of the State of Georgia,	*	
	*	
Condemnor	*	Civil Action File No:
	*	16SUCV0771
vs.	*	
	*	
0.842 acres of land and 0.490 acres of land;	*	
Stanley Wright Lowe, Jr. and Jill Marie Wyse	*	
	*	
Condemnees	*	

ORDER

The above and forgoing matter coming before this Court upon a Petition to Set Aside a Declaration of Taking filed in the above styled action by Walker County, Georgia pursuant to O.C.G.A. § 32-3-11 and based upon the agreement of the parties as evidenced by their signature to this Order,

This Court entered an order on November 17, 2016, granting the taking of certain property of the Condemnees. The Condemnees have filed a Petition to Set Aside the Declaration of Taking and have filed an appeal of the previous order. This Court finds that there has been a change in administration since the filing of the Petition in this case and a new sole commissioner has been elected as the governing body of Walker County, Georgia. The Commissioner does not wish to proceed further with this action. The parties agree that the previous Order of this Court dated November 17, 2016 should be set aside, vacated and annulled and this Court concludes that pursuant to O.C.G.A. § 32-3-11, et seq. said Order should be vacated. The parties further

agree that all appeals, motions, and other matters relating to or arising out of this dispute should be dismissed.

IT IS HEREBY ORDERED that the Order of this Court dated November 17, 2016, in the above entitled action, is set aside, vacated and annulled in accordance with O.C.G.A. § 32-3-11, et seq. and all provisions of said Order are hereby declared null and void, and all appeals, claims, and pending motions of the parties relating to or arising out of this litigation are hereby dismissed.

IT IS FURTHER ORDERED that title to the subject property shall revert to Condemnees.

IT IS FURTHER ORDERED that the Clerk of Superior Court is directed to pay all funds deposited with him, as a part of this action to Walker County, Georgia and to mark this action dismissed and terminated pursuant to this Order.

SO ORDERED this _____ day of February, 2017.

JUDGE SUPERIOR COURT LOOKOUT
MOUNTAIN JUDICIAL CIRCUIT

Order prepared by and consented to by:

ARCHIBALD A. FARRAR, JR.
Georgia State Bar #255550
Farrar & Corbin, P.C.
Post Office Box 736-0736
Summerville, Georgia 30747
706-857-3497

Consented to entry of this Order by:

SHANNON K. WHITFIELD
Sole Commissioner Walker County, Ga.
Post Office Box 445
LaFayette, Georgia 30728

Consented to entry of this Order by:

ROBERT H. SMALLEY, III
McCamy, Phillips, Tuggle & Fordham, LLP
Post Office Box 1105
Dalton, Georgia 30722-1105

IN THE SUPERIOR COURT OF WALKER COUNTY

STATE OF GEORGIA

WALKER COUNTY, GEORGIA,	*	
a political subdivision of the State of Georgia,	*	
	*	
Condemnor	*	Civil Action File No:
	*	16SUCV0770
vs.	*	
	*	
2.46 acres of land; certain Easement Rights	*	
within said land;	*	
Nancy S. Chamberlain, William Q. Sheridan,	*	
Jr., Etna S. James and Lydia S. Benson	*	
Stanley Wright Lowe, Jr. and Jill Marie Wyse	*	
	*	
Condemnees	*	

ORDER

The above and forgoing matter coming before this Court upon a Petition to Set Aside a Declaration of Taking filed in the above styled action by Walker County, Georgia pursuant to O.C.G.A. § 32-3-11 and based upon the agreement of the parties as evidenced by their signature to this Order,

This Court entered an order on November 17, 2016, granting the taking of certain property of the Condemnees. The Condemnees have filed a Petition to Set Aside the Declaration of Taking and have filed an appeal of the previous order. This Court finds that there has been a change in administration since the filing of the Petition in this case and a new sole commissioner has been elected as the governing body of Walker County, Georgia. The Commissioner does not wish to proceed further with this action. The parties agree that the previous Order of this Court dated November 17, 2016 should be set aside, vacated and annulled and this Court concludes

that pursuant to O.C.G.A. § 32-3-11, et seq. said Order should be vacated. The parties further agree that all appeals, motions, and other matters relating to or arising out of this dispute should be dismissed.

IT IS HEREBY ORDERED that the Order of this Court dated November 17, 2016, in the above entitled action, is set aside, vacated and annulled in accordance with O.C.G.A. § 32-3-11, et seq. and all provisions of said Order are hereby declared null and void, and all appeals, claims, and pending motions of the parties relating to or arising out of this litigation are hereby dismissed.

IT IS FURTHER ORDERED that title to the subject property shall revert to Condemnees.

IT IS FURTHER ORDERED that the Clerk of Superior Court is directed to pay all funds deposited with him, as a part of this action to Walker County, Georgia and to mark this action dismissed and terminated pursuant to this Order.

SO ORDERED this _____ day of February, 2017.

JUDGE SUPERIOR COURT LOOKOUT
MOUNTAN JUDICIAL CIRCUIT

Order prepared by and consented to by:

ARCHIBALD A. FARRAR, JR.
Georgia State Bar #255550
Farrar & Corbin, P.C.
Post Office Box 736-0736
Summerville, Georgia 30747
706-857-3497

Consented to entry of this Order by:

Consented to entry of this Order by:

SHANNON K. WHITFIELD
Sole Commissioner Walker County, Ga.
Post Office Box 445
LaFayette, Georgia 30728

ROBERT H. SMALLEY, III
McCamy, Phillips, Tuggle & Fordham, LLP
Post Office Box 1105
Dalton, Georgia 30722-1105

RESOLUTION R – ___ – 17

**RESOLUTION ADOPTING A MORATORIUM ON ACCEPTANCE OF PERMITTING
AND RELATED ACTIVITIES FOR HYDRAULIC FRACTURING AND
COMMERCIAL DEEP WELL DRILLING**

WHEREAS, the Sole Commissioner of Walker County is the county governing authority for Walker County, Georgia;

WHEREAS, the Georgia Constitution and general laws of the State grant the local governing authority of each County jurisdiction to control all county property and to further adopt such ordinances and regulations as necessary to protect the public health, public safety, and general welfare of its citizens;

WHEREAS, Walker County has adopted Planning and Zoning Ordinances, including the Environmental Criteria Planning Ordinance, which are designed in part to preserve, restore, and enhance the quality of the environment of Walker County and to set policies for the protection of particularly sensitive environments;

WHEREAS, the said Ordinances have the further purpose of regulating certain materials, facilities, and activities which if unregulated would have the potential to result in water table decline, pollution of groundwater and surface waters, damage to wetlands, damage or deterioration of steep slopes and mountainous land, and other hazards and threats to the natural environment in Walker County;

WHEREAS, Walker County finds it desirable and necessary to study the impact of hydraulic fracturing (“fracking”) and other commercial deep well drilling into and around the underground aquifer and water supply watershed that supplies Walker County and its citizens with drinking water;

WHEREAS, the Georgia Supreme Court has held that a moratorium with response to the application of a zoning ordinance may be put in place for a reasonable period time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law; and

WHEREAS, Walker County finds it appropriate that a moratorium barring for 180 days the acceptance of applications for permits pursuant to said County ordinances for construction of any derrick, building, or other structure for the purpose of fracking or deep well drilling in or around the underground aquifer in Walker County, and further barring any other activities relating to fracking or commercial deep well drilling in or around the underground aquifer, or its surface recharge areas, supplying Walker County and its citizens with drinking water.

NOW, THEREFORE BE IT RESOLVED that Walker County does hereby enact a moratorium barring for 180 days the acceptance of any applications for permits pursuant to any and all statutes, ordinances, regulations, rules, and requirements, for the

construction of any derrick, building, or other structure for the purpose of fracking or commercial deep well drilling in or around the underground aquifer in Walker County, and further barring for 180 days any other activities relating to fracking or commercial deep well drilling in or around the underground aquifer, or its surface recharge areas, supplying Walker County and its citizens with drinking water. This resolution shall be effective immediately upon its approval, the public's health, safety, and welfare demanding it.

SO RESOLVED AND ADOPTED this ____ day of February, 2017.

ATTEST:

WALKER COUNTY, GEORGIA

REBECCA WOODEN, County Clerk

SHANNON WHITFIELD, Commissioner

RESOLUTION R – ___ – 17

RESOLUTION ADOPTING A MORATORIUM ON ACCEPTING APPLICATIONS PERMITS RELATING TO RESIDENTIAL USE OF CARGO CONTAINER HOMES AND TINY HOUSES

WHEREAS, the Sole Commissioner of Walker County is the county governing authority for Walker County, Georgia;

WHEREAS, the Georgia Constitution and general laws of the State grant the local governing authority of each County jurisdiction to control all county property and to further adopt such ordinances and regulations as necessary to protect the public health, public safety, and general welfare of its citizens;

WHEREAS, under authority of the Constitution of the State of Georgia and O.C.G.A. § 8-2-170 et seq., a county may establish standards, conditions, and an inspection program for pre-owned manufactured homes;

WHEREAS, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of Walker County are furthered by adoption of standards for the condition of structures, including pre-owned manufactured homes;

WHEREAS, Walker County has previously adopted Land Use and Zoning ordinances regulating the placement of manufactured homes in the unincorporated areas of the County;

WHEREAS, Walker County deems it necessary and desirable to study the health and safety of cargo container homes (metal structures typically used for transporting cargo) and tiny houses (structures having less than 500 square feet), as well as to study the impact that such structure would have on existing communities within the County.

WHEREAS, the Georgia Supreme Court has held that a moratorium with response to the application of a zoning ordinance may be put in place for a reasonable period time without the necessity of complying with the notice requirements of the Georgia Zoning Procedures Law; and

WHEREAS, Walker County finds it appropriate that a moratorium barring for 180 days the acceptance of applications for permits pursuant to said County ordinances for placement or use of cargo container homes and tiny houses for human dwellings in Walker County, and further barring any other activities relating to the residential use of such cargo container homes and tiny houses.

NOW, THEREFORE BE IT RESOLVED that Walker County does hereby enact a moratorium barring for 180 days the acceptance of any applications for permits pursuant to any and all statutes, ordinances, regulations, rules, and requirements,

for use, or placement for intended use, of cargo container homes and tiny houses for human dwellings in Walker County, and further barring any other activities relating to the residential use of such cargo container homes and tiny houses. This resolution shall be effective immediately upon its approval, the public's health, safety, and welfare demanding it.

SO RESOLVED AND ADOPTED this ____ day of February, 2017.

ATTEST:

WALKER COUNTY, GEORGIA

REBECCA WOODEN, County Clerk

SHANNON WHITFIELD, Commissioner

RESOLUTION R – ___ – 17

RESOLUTION REDUCING OF COUNTY PERSONNEL COSTS

WHEREAS, the Sole Commissioner of Walker County is the county governing authority for Walker County, Georgia;

WHEREAS, O.C.G.A. § 36-81-3 requires county governing authorities to adopt and operate under an annual balanced budget;

WHEREAS, achieving and maintaining a balance budget in the 2017 fiscal year require continued efforts to reduce county spending;

WHEREAS, the Sole Commissioner deems the reduction of county personnel costs to be a necessary step in maintaining a balanced county budget in the 2017 fiscal year; and

WHEREAS, a review of the medical, dental, and vision insurance benefit plans (jointly hereafter “health plans”) has shown that a reduction of county personnel costs can be obtained by clarifying the eligibility requirements for such health insurance plans.

NOW, THEREFORE BE IT RESOLVED that only those employees (and their dependents) who are current full time employees of Walker County shall be eligible to receive health and dental plan benefits from Walker County, unless such coverage is otherwise required by law or is provided by express written agreement with Walker County; and

BE IT FURTHER RESOLVED that Walker County’s payments of costs for the health & dental benefit coverage for those individuals (and their dependents) who are not full time employees shall be terminated as of April 1, 2017, unless otherwise required by law or by express agreement with Walker County.

SO RESOLVED AND ADOPTED this ___ day of February, 2017.

ATTEST:

WALKER COUNTY, GEORGIA

REBECCA WOODEN, County Clerk

SHANNON WHITFIELD, Commissioner