

# AGENDA

## PUBLIC HEARING OF THE GOVERNING AUTHORITY OF WALKER COUNTY, GEORGIA

Walker County Courthouse Annex III, 201 S Main Street  
LaFayette, Georgia 30728

- Date:** Thursday, July 26, 2018
- Time:** Public Hearing 6:00 PM  
The Regular Scheduled Meeting will immediately follow the Public Hearing
- Invocation:** Given by Commissioner Shannon Whitfield
- Call to Order:** Commissioner Whitfield will call the meeting to order
- Pledge:** United States Flag
- Pledge:** Georgia Flag

### Open of Public Hearing

### Old Business:

- I. Ordinance No. O-02-18 Amending Part II, Chapter 1 Of The Code of Walker County Georgia to Comply with O.C.G.A. § 36-1-20 9 (c) Placing Jurisdiction For The Enforcement Of County Ordinances In The Magistrate Court Of Walker County Georgia And Correcting Language Regarding Appellate Review,  
***Second Reading***
- II. Ordinance No. O-03-18 Amendment To The Walker County Soil Erosion, Sedimentation And Pollution Control Ordinance  
***Second Reading***

III. **Second Hearing:**

Application for Re-zoning Amendment - Jasper and Jeanette Joyner request a partial rezone from A-1 (agricultural) to R-2 (residential) for property located at 542 Worthington Gap Road, Rock Spring, GA 30739. Tax map: O-318-013. ***First Hearing at Planning Commission Meeting on July 19, 2018***

**New Business:**

I. **Second Hearing:**

Application for Re-zoning: M.B. and Yvonne P. Case request a rezone from C-1 (commercial) to R-2 (residential) for property located at 6058/6060 Hwy 193 Flintstone, GA 30725. Tax Map: 0-036-059A. ***First Hearing at Planning Commission Meeting on July 19, 2018***

**Adjournment:**

The Public Hearing will be adjourned

## NOTICE OF PUBLIC HEARING

The Governing Authority of Walker County, Georgia proposes to amend the county code of ordinances. O-02-18 places jurisdiction for the enforcement of county ordinances in Magistrate Court and corrects language regarding appellate review. O-03-18 updates language required by the State of Georgia in the Soil Erosion, Sedimentation & Pollution Control Ordinance. Public hearings on the proposed ordinances will be held on Thursday, July 12, 2018 and Thursday, July 26, 2018 at 6 p.m. at the Walker County Courthouse Annex III, 201 S Main Street in LaFayette, GA. Copies of the proposed ordinances are available for review at the Commissioner's Office (101 S Duke St, LaFayette) and online at [walkercountyga.gov](http://walkercountyga.gov).

COUNTY OF WALKER  
STATE OF GEORGIA

ORDINANCE NO. O-02-18

AN ORDINANCE AMENDING PART II, CHAPTER 1 OF THE CODE OF WALKER COUNTY, GEORGIA TO COMPLY WITH O.C.G.A. § 36-1-20 (c) PLACING JURISDICTION FOR THE ENFORCEMENT OF COUNTY ORDINANCES IN THE MAGISTRATE COURT OF WALKER COUNTY, GEORGIA AND CORRECTING LANGUAGE REGARDING APPELLATE REVIEW

WHEREAS, O.C.G.A. § 36-1-20 (c) states, "jurisdiction over violations for enforcement of such ordinances shall be as provided in Article 4 of Chapter 10 of Title 15; provided, however, jurisdiction over ordinances having to do with traffic offenses shall be in the court or courts having jurisdiction over state traffic offenses;" and

WHEREAS, an ordinance passed on 18th day of October 2007 and recorded at Minute Book 54, Page 43 of the Meeting of the Walker County Sole Commissioner added sections 1-13 and 1-14 to Part II, Chapter 1 of the Code of Ordinances to add regarding Jurisdiction and Venue and Appeals, respectively; and

WHEREAS, section 1-13, subsections (a) and (b) of the Code of Ordinances places jurisdiction and venue for ordinance violations in "either the Magistrate Court of Walker County or the State Court of Walker County;" and

WHEREAS, section 1-14, subsection (a) places appellate jurisdiction of magistrate court cases in the State Court of Walker County and subsection (b) places appellate jurisdiction of state court cases in the Superior Court of Walker County; and

WHEREAS, jurisdiction for appeals of cases regarding violations of county ordinances are allowable only in the Superior Court of Walker County.

BE IT HEREBY ORDAINED by the Walker County Sole Commissioner that the Code of Walker County Georgia is amended as follows, to wit:

**Sec. 1-13. Jurisdiction and Venue.**

- (a) Jurisdiction for any and all citations for ordinance violations, civil actions to abate nuisances, or any other legal action or enforcement measures arising under this Code or under any other county ordinance or regulation shall be in the Magistrate Court of Walker County.
- (b) Venue for all citations for ordinance violations and any other legal proceedings initiated by the County arising under this Code or under any other county ordinance or regulation shall be in the Magistrate Court of Walker County.
- (c) Any defendant who is charged with one or more ordinance violations may, at any time before trial, demand that the case be removed for a jury trial to the State Court of Walker County. Such a demand shall be written. Upon such a demand the court shall grant the demand. Failure to demand removal of the case shall constitute a waiver of any right to trial by jury which the defendant may otherwise have.
- (d) Prosecutions for violations of county ordinances shall be upon citation or upon accusation by the county attorney or such other attorney as the county governing authority may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.
- (e) Ordinance violations may be tried upon accusations or citations with or without a prosecuting attorney as provided in O.C.G.A. § 15-10-63 (a).

**Sec. 1-14. Appeals.**

- (a) Unless otherwise specified by state law, any party wishing to appeal any decision of the Magistrate Court concerning an ordinance or any other provision of this Code shall do so by certiorari to the Superior Court of Walker County, and such application shall specify any alleged errors of law or fact by the Magistrate Court.
- (b) If the Superior Court of Walker County accepts the discretionary appeal, the Superior Court may set the case on the docket of the next available non-jury trial calendar or motions day.
- (c) If the appellant has been levied a fine by the Magistrate Court, he or she must post a cash bond equal to the fine with the clerk of appellate court.

All ordinances and parts of ordinances in conflict herewith shall be the same and are hereby repealed.

The Walker County Commissioner took public comments at the Commissioner's public hearing on July 12, 2018 and July 26, 2018.

**PASSED AND ADOPTED THIS 26th DAY OF JULY, 2018.**

---

Shannon K. Whitfield  
Sole Commissioner  
Walker County, Georgia

ATTEST:

---

Rebecca Wooden  
Clerk of Walker County

COUNTY OF WALKER  
STATE OF GEORGIA

ORDINANCE NO. O-03-18

AMENDMENT TO THE WALKER COUNTY SOIL EROSION,  
SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

- WHEREAS, Walker County previously adopted the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance on December 3, 2009;
- WHEREAS, the State of Georgia has recognized Walker County as a Local Issuing Authority pursuant to the Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1, *et seq.*);
- WHEREAS, Local Issuing Authorities are required pursuant to O.C.G.A. § 12-7-8(a)(2) to amend their county ordinances with 12 months of amendments to the Georgia Erosion and Sedimentation Act;
- WHEREAS, the State of Georgia has amended the Georgia Erosion and Sedimentation Act; and
- WHEREAS, the Sole Commissioner of Walker County deems the amendments to the Georgia Erosion and Sedimentation Act to be well taken and desires that the said Walker County ordinance be amended to reflect the amendments in the state statute.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance is hereby amended by repealing Section II (6) "CPESC" and Section II (18) "Final Stabilization" in their entirety and in their stead adopting the following:

SECTION II  
DEFINITIONS

6. CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

...

18. Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation)

and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

All provisions of the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance, as amended, not directly repealed by this amendment shall remain in full force and effect. This amendment shall take effect immediately upon its passage.

The Walker County Commissioner took public comments at the Commissioner's public hearing on July 12, 2018 and July 26, 2018.

**PASSED AND ADOPTED THIS 26th DAY OF JULY, 2018.**

---

Shannon K. Whitfield  
Sole Commissioner  
Walker County, Georgia

ATTEST:

---

Rebecca Wooden  
Clerk of Walker County



Scapstone  
tur, Ga.,  
plifting (x2)  
in Bradley,  
ghway  
tte,  
e license  
or revoked  
omas  
7, Alpine  
ville,  
or  
ersons  
gency  
cruelty to  
ttery-family  
)  
ine Gayle  
, Cambridge  
ville, theft  
g (x2)  
icole  
Cow Trail,  
, Ga., felony  
olation  
avaughn  
mes Street,  
olony failure  
ossession of  
tamine  
hannon  
te Highway  
nauga,  
1  
hout  
arden



Plus, 4 more Burgers & 4 more Kielbasa  
**FREE**

4 (4 oz.) Omaha Steaks Burgers  
4 (3 oz.) Potatoes au Gratin  
4 (4 oz.) Caramel Apple Tartlets  
OS Seasoning Packet (33 oz)  
51689AMM | ~~599.99~~ separately  
**Combo Price \$40.99**

\*Savings shown over aggregated single item base price.

**Call 1-855-508-9232 ask for 51689AMM**  
**www.OmahaSteaks.com/meal57**

Limit 2 pks. Free gifts must ship with #51689. Standard S&H will be added.  
Expires 7/31/18. ©2018 OCG | 18M0094 | Omaha Steaks, Inc.

**PUBLIC NOTICE**  
**WALKER COUNTY**  
**PLANNING COMMISSION MEETING**

**Thursday, July 19th, 2018 at 7:00 P.M.**  
**Walker County Civic Center**  
**Rock Spring, GA 30739**

The Walker County Planning Commission will meet and review the following requests:

**New Business:**

**Variance:**

Arville Smith requests a variance for property located at 5619 Hobblesh Hollow 151 Rising Fawn, GA. 30738. Tax map:0-009-021

**Rezone:**

M.B. & Yvonne P. Case requests a rezone from C-1 (commercial) to R-2 (residential) for property located at 6058/6060 Hwy 193 Flintstone, GA. 30725. Tax map:0-036-059A

**Old Business:**

Jasper & Jeanette Joyner requests a partial rezone from A-1 (agricultural) to R-2 (residential) for property located at 542 Worthington Gap Road Rock Spring, GA. 30739. Tax map: 0-318-013.

The second and final hearing on the rezone requests will be heard on July 26th, 2018 at 6:00 P.M. at the Walker County Courthouse Annex III located at 201 S. Main Street LaFayette, GA. 30728.

For further information please call Walker County Planning & Development at 706-638-4048.

# WALKER COUNTY PLANNING COMMISSION

## Application for Re-Zoning Amendment

Date 5-3-18

PLEASE PRINT OR TYPE

FEE \$ 75.00

Case No.

Owner's Name Jasper & Jeanette Joyner Mailing Address 542 Worthington Gap Rd  
INCLUDE ROUTE AND BOX # IF ASSIGNED

City/Zip Rock Spring 30739 Phone 706-764-2084

Tax Parcel # 0318013 Street Name and Number SAME

Current Zoning A-1 Requested Zoning R-2

Reason for Change (Be Specific):  
Request 1 acre out of 78.91 acres to be rezoned for the sale to a relative for building a house.

Lessee's Name IF APPLICABLE Lessee's Address

**NAME AND ADDRESS OF ALL ADJACENT PROPERTY OWNERS WITH MAILING ADDRESSES**

1. Justin Joyner - 910 Worthington Gap Rd - Rock Spring
2. Deborah + Stephen Sallee - 826 Worthington Gap Rd - R.S.
3. Jacob White - 298 Worthington Gap Rd
4. Amber Cruise - 284 Worthington Gap Rd
5. 6-21-18 - Planning Commission tabled until July
6. 6-28-18 - Commissioner tabled.
7. 7-19-2018 - Planning Commission denied
8. IF ADDITIONAL SPACE IS REQUIRED, ATTACH A SEPARATE SHEET

LAND USE PLAN DESIGNATIONS  
 CURRENT FUTURE

I SWEAR UNDER PENALTY OF LAW THAT THE WITHIN INFORMATION IS TRUE, CORRECT AND COMPLETE.

Owner's Signature Jeanette Joyner Jasper C. Joyner Date: 5/3/2018

Date Received by the Planning Office: 5-4-2018

Planning Commission Decision/Date June 21, 2018

FOR OFFICE USE

The Owner/Applicant must notify each adjoining property owner by providing them a copy of this application. Proof of notification must be provided to the Planning Office. Additionally, a sign, furnished by the Planning Commission will be posted on the subject front property line at least 15 days prior to the meeting date. Written notification must be mailed at least 15 days prior to the meeting date. This application must be fully complete prior to filing.

Applicant: Jasper & Jeanette Jayner

Map & Parcel: 0318013 Rezone from: R1 to: R2

**PLANNING COMMISSION RECOMMENDATION:**

\_\_\_\_\_ APPROVED AS SUBMITTED

\_\_\_\_\_ APPROVED WITH CONDITIONS

June 21, 2018 TABLED - until July 19th 2018

July 19, 2018 **DENIAL**

**COMMISSIONER'S FINAL DECISION:**

\_\_\_\_\_ APPROVED AS SUBMITTED

\_\_\_\_\_ APPROVED WITH CONDITIONS

Shannon K. Whitfield TABLED

\_\_\_\_\_ DENIAL

The following disclosure is required of the applicant(s) by Section 36-67A-3 of O.C.G.A. The following is for disclosure purposes only and does not disqualify the petition.

Within the past two years, have you made either campaign contributions totaling \$250.00 or more and/or given gifts having value of \$250.00 or more to a local government official who will be responsible for making a recommendation or decision on the application? YES ( ) NO (X). If so, then on a separate page, please furnish the following information:

- A) The name of the local government official(s) to whom cash contribution or gift was made:
- B) The dollar amount(s) and date(s) of each campaign made by the applicant to each local government official during the two years immediately preceding the filing of the application; and
- C) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to each local government official within the past two years:

Signature of Petitioner / Owner:

Jasper C. Jayner  
 PETITIONER DATE

Jeanette B. Jayner

Jasper C. Jayner  
 OWNER DATE

Jeanette B. Jayner

# WALKER COUNTY PLANNING COMMISSION

## Application for Re-Zoning Amendment

PLEASE PRINT OR TYPE		Date <u>6-4-18</u>
		FEE \$ <u>75.00</u>
		Case No.
Owner's Name <u>M. B. + Yvonne P. Case</u>		Mailing Address <u>101 Casey Drive</u> <small>INCLUDE ROUTE AND BOX # IF ASSIGNED</small>
City/Zip <u>Flintstone, GA-30725</u>		Phone <u>423-413-2065</u>
Tax Parcel # <u>0-036-059A</u>		Street Name and Number <u>60581 6060 Hwy 193</u>
Current Zoning <u>C-1</u>	Requested Zoning <u>R-2</u>	
Reason for Change (Be Specific): <u>to be allowed to have a residence on property</u>		
Lessee's Name <small>IF APPLICABLE</small>	Lessee's Address	
NAME AND ADDRESS OF ALL ADJACENT PROPERTY OWNERS WITH MAILING ADDRESSES		
1.		
2. <u>July 19, 2018 - Planning Commission - denied</u>		
3.		
4.		
5.		
6.		
7.		
8. <small>IF ADDITIONAL SPACE IS REQUIRED, ATTACH A SEPARATE SHEET</small>		
LAND USE PLAN DESIGNATIONS		
CURRENT	FUTURE	
I SWEAR UNDER PENALTY OF LAW THAT THE WITHIN INFORMATION IS TRUE, CORRECT AND COMPLETE.		
Owner's Signature <u>Malcolm B. Case</u>	Date: <u>6/4/18</u>	
Date Received by the Planning Office: <u>6-4-2018</u>		
Planning Commission Decision/Date <u>July 19, 2018, 7:00 pm Civic Center</u>		

FOR OFFICE USE

The Owner/Applicant must notify each adjoining property owner by providing them a copy of this application. Proof of notification must be provided to the Planning Office. Additionally, a sign, furnished by the Planning Commission will be posted on the subject front property line at least 15 days prior to the meeting date. Written notification must be mailed at least 15 days prior to the meeting date. This application must be fully complete prior to filing.





Walker County Planning Commission

MINUTES

July 19, 2018

Walker County Civic Center

7:00 PM

**ATTENDEES:**

**Planning Commission Members**

Phillip Cantrell  
Jack Michael  
Gerald Cook  
Sid Adams  
Susan Tankersley  
Scott McNabb  
Terry Newberry  
Michael Haney  
Sam Bowman  
Moe Gass  
Frank Richardson  
David Hamilton

**Walker County Planning Staff**

David Brown, Director of Codes,  
Inspections & Planning  
Kristy Parker, Planning Commission Secretary

**I. CALL TO ORDER:**

Chairman Philip Cantrell called the meeting to order at 7:00 P.M.

**II. READING & APPROVAL OF THE JUNE 21<sup>ST</sup>, 2018 MEETING MINUTES:**

Chairman Cantrell asked if there were any questions or changes to the minutes and if not was there a motion to approve. Terry Newberry made a motion to approve. Susan Tankersley seconded the motion. Vote was unanimous. Motion to approve carried.

**IV. NEW BUSINESS:**

**A. VARIANCE:**

1. **Arville Smith:** Warren Cole came forward and requested a variance for more than four on a private drive because he wanted to buy ten acres from Mr. Smith. Another neighbor came forward and wanted to see where he was wanting to buy because he too had bought some land from Mr. Smith last year. It was discovered that he bought the land without going through the proper procedures. After some discussion David Hamilton made a motion to deny. Scott McNabb seconded the motion. Vote was unanimous. Motion to deny carried.

**B. REZONE:**

1. **M.B. & Yvonne Case:** There was no one present to represent the Case's. After some discussion on the fact that they had not gone through the proper procedures to convert from commercial to residential and no one there for representation Scott McNabb made a motion to deny. Susan Tankersley seconded the motion. Vote was unanimous. Motion to deny carried.

**V. OLD BUSINESS:**

**A. REZONE:**

1. **Jasper & Jeanette Joyner:** Diane Joyner (owners daughter-in-law) came forward and requested that one acre of the 78.91 be rezoned from A-1 to R-2 so her (Diane's) niece could build a house on and help take care of Mr. & Mrs. Joyner who are in their late eighties. Last meeting this was tabled because the board felt like the Joyner's needed to make sure that since their land was in conservation that if approved it would not breach their covenant. After some discussion on the surrounding zonings and future land use map David Hamilton made a motion to deny. Moe Gass seconded the motion. Vote was unanimous. Motion to deny carried.

**V. ADJOURNMENT:**

Susan Tankersley made a motion to adjourn. Terry Newberry seconded the motion. Motion carried. Meeting adjourned.

---

Date Submitted \_\_\_\_\_ Planning Commission Chairman

---

Date Submitted \_\_\_\_\_ Kristy Parker, Planning Commission Secretary

---

Date Submitted \_\_\_\_\_ David Brown, Director of Codes, Inspection & Planning

These minutes are also available on disc in the Planning Office