

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, November 29, 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:

- I. Application for Re-Zoning Amendment - Richard Fryar requests a rezone from C-1/R-2 (Commercial/Residential) to C-1 (Commercial) for property located at 0 N. Hwy 27, LaFayette, GA 30728. Tax map: 0-329-2-020
(First Hearing was approved at the Planning Commission meeting on November 15, 2018)

Adjournment: The Public Hearing will be adjourned

WALKER COUNTY PLANNING COMMISSION

Application for Re-Zoning Amendment

PLEASE PRINT OR TYPE		Date <u>10-11-18</u>
		FEE \$ <u>300.00</u>
		Case No.
Owner's Name <u>Richard Fryar</u>		Mailing Address <u>1282 Veeder Rd.</u> <small>INCLUDE ROUTE AND BOX # IF ASSIGNED</small>
City/Zip <u>LaFayette, GA. 30728</u>		Phone <u>706-639-4113</u>
Tax Parcel # <u>0-329-2-020</u>		Street Name and Number <u>N. Hwy 27</u>
Current Zoning <u>C-1 / R-2</u>	Requested Zoning <u>C-1</u>	
Reason for Change (Be Specific): <u>Property is split zoned and he would like to have the whole parcel as Commercial</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>11-B-2018 - approved by Planning Commission</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>[Signature]</u>		* Date: <u>10-12-18</u>
Date Received by the Planning Office: <u>10-11-18</u>		
Planning Commission Decision/Date <u>11-15-18 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.

Applicant: Richard Fryar

Map & Parcel: 0-329-2-020 Rezone from: R-2/C-1 to: C-1

PLANNING COMMISSION RECOMMENDATION:

11-15-2018 APPROVED AS SUBMITTED

_____ APPROVED WITH CONDITIONS

_____ TABLED

_____ DENIAL

COMMISSIONER'S FINAL DECISION:

_____ APPROVED AS SUBMITTED

_____ APPROVED WITH CONDITIONS

_____ 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 (). 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:

Richard C Fryar
PETITIONER _____ DATE

OWNER _____ DATE 10-12-18



Walker County Planning Commission

MINUTES

November 15, 2018

Walker County Civic Center
7:00 PM

ATTENDEES:

Planning Commission Members

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

Walker County Planning Staff

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

I. CALL TO ORDER:

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

II. READING & APPROVAL OF THE OCTOBER 18TH, 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.

III. NEW BUSINESS:

A. REZONE:

- 1. Richard Fryar:** Scott Kiser came forward and requested the back portion of the property be rezoned to C-1 to match the front. Susan Tankersley made a motion to approve. Sid Adams seconded the motion. Vote was unanimous. Motion to approve carried.

B. VARIANCE:

1. **Charles & Janet Headden:** No one was present on behalf of the Headdens. After a few minutes of discussion Sid Adams made a motion to deny. Susan Tankersley seconded the motion. Vote was unanimous. Motion to deny carried.
2. **David Wilson:** David Wilson came forward and requested a variance for less than five acres on a private drive. Terry Newberry made a motion to approve. Gerald Cook seconded the motion. Eight members voted to approve with one against. Motion to approve carried.
3. **Charles Eugene Krone:** Mr. Krone and his surveyor came forward and explained the variances that they were requesting and for approval on a plat for ten lots. Gerald Cook made a motion to approve the variance for seven lots. Jack Michael seconded the motion. Vote was unanimous. Motion to approve the variances for seven lots approved.

A. PLAT AMENDMENT APPROVAL:

1. **Firefly Cherokee Subsidiary:** John Tatum called and requested to be removed from the agenda.

IV. ADJOURNMENT:

Terry Newberry made a motion to adjourn. Sid Adams 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

Georgia unemployment rates set record in September

Georgia Department of Labor

The state's unemployment rate dipped in September to 3.7 percent, a number not reached since May 2001, Georgia Labor Commissioner Mark Butler said.

At the same time, Georgia continued to set records for jobs and employed residents, Butler said.

"September was another great month for Georgia," the commissioner said. "We set records for jobs and employed residents. At

4.5 million and growing, Georgia has more jobs than two dozen states have population."

The September rate, at 3.7 percent, matched the national rate again.

In September, Georgia added another 15,300 jobs to push the state's total number to 4.57 million - a record. Over the past year, Georgia added 111,100 new jobs, or nearly 10,000 a month.

People also got those jobs in record numbers.

Georgia ended September with just under 5 million employed resi-

dents. The state added 1,865 to the employment rolls for the month to set yet another record. By comparison, the state added about 8,800 folks to the employment rolls on an average month over the past year.

"It's great to see Georgia continue to thrive," Butler said. "Businesses are creating jobs and men and women are getting hired at record levels."

Annual job gains were up more than 10,000 among five different categories:

Construction - 22,300

Trade, transportation, utilities - 20,300

Education, health services - 18,400

Professional, business services - 17,800

Leisure, hospitality - 17,200

Butler said the construction gains were "nothing short of amazing. We haven't seen numbers like that since the Olympics. This isn't speculative building. This is needed construction."

For the month, professional and business services surged by 3,800.

Leisure and hospitality was close behind with another 3,500 added.

Georgia's labor force was essentially flat in September, declining by about 6,500 to end the month at 5.2 million. Over the past 12 months, Georgia added 66,590 people to its workforce, an average of 5,500 a month.

Unemployment claims were down in September by 14 percent. For the year, they were down by 26 percent. The total number of claims for September, 18,234, is the lowest since June 1974.

Fairyland PTO goes on record

Releases statement concerning school cafeteria, school board's public participation policy

Staff reports

The Fairyland Elementary School PTO released late Friday, Oct. 19, the following statement concerning the school's cafeteria issue and the public participation policy of the Walker County school board:

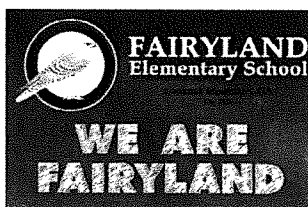
"In recent months, the Fairyland Elementary School cafeteria has effectively been shut down due to equipment (which broke in June) and consequent staffing issues. As it stands now, all food is 'satellited' in from Ridgeland High School to Fairyland Elementary School for all meals including breakfast, lunch and snack. This has presented a significant hardship on FES students and staff in a myriad of ways

including but not limited to the disruption of schedules, extra work put on teachers and staff as well as stress and nutritional/allergy concerns for children. In an email sent on August 21st and in a subsequent meeting on September 27th, the PTO formally asked for the board to be presented about how the aforementioned situation was going to be rectified. On October 15, 2018, at 5:44 (16 minutes before the board meeting that parents and concerned citizens were attending) the parents received an email from Superintendent (Damon) Raines via Principal Jeremy Koerding.

"The current matter has been further aggravated due to the Walker County

Board of Education's failure to have a public participation policy. Concerned parents have emailed and called to ask to have their voices heard and the topic discussed at the board meetings only to be told that there is no policy and therefore no way for them to voice their concerns at these meetings. When asked about an implementation date for the policy to be put in place, the response from the superintendent and board is that they do not have a timeline, effectively leaving the teachers, parents and tax payers of Walker County without a voice in these meetings."

"In Barrett v. Walker County School District et al., 4:15-cv-00057-U.S. District Judge Harold Murphy of the Northern District of Georgia, ruled that the public participation policy was unconstitutional. The board in turn decided to appeal the judge's ruling



to the 11th Circuit Court of Appeals. In a rare unanimous decision, the 11th Circuit upheld Judge Murphy's ruling stating that the public participation policy was indeed unconstitutional and further awarded attorney's fees to the plaintiffs. Judge Murphy clearly had pointed out in his 95-page ruling that the board could merely adopt either Catoosa or the Floyd County's policy, which have both passed constitutional muster.

"On October 15, 2018, after many weeks of trying to get a formal plan from Walker County concerning issues with the cafeteria, the parents of Fairyland Elementary School decided to gather together and attend the Walker County school board meeting in hope that the board would address their concerns. This effort only ended with the school board walking out of the meeting and not letting anyone speak to them

directly. The school board is elected by the taxpayers of Walker County and we believe that constituents deserve to be heard. The action of the board cannot go on any longer; therefore, as the parents of Fairyland Elementary and taxpayers of Walker County, we have started a petition demanding the Walker County school board to establish a public participation policy no later than Friday, November 19, 2018. As of today, we have 407 signatures behind the online petition and hard copy petition. The hard copy petition is currently being delivered to the board.

"To be clear, the PTO at Fairyland Elementary is merely asking for equal treatment and focus for their children. We want to be able to participate and have a voice in the Walker County Board of Education meetings and planning sessions.

CAFETERIA

From A1

This food is transported to the school daily and School Food Nutrition Services Coordinator Michelle Coker has been managing and supervising the cafeteria operations almost daily recently. Coker reassured the parents that "these children are our priorities" and that everything is being done and will be done to keep the cafeteria running until a full staff is trained and until all physical and staff issues are solved.

Superintendent Raines also tried to reassure the parents, saying, "They're currently cooking things in their kitchen every day. It's just limited because their training is ongoing. So we are providing someone from Ridgeland (High School) to come up and work with them every day and make sure that they're specifically trained on everything that they need to do."

Parent comments made it obvious, however, that the

issue was about much more than the school's cafeteria. In fact, flyers claiming the school board is "sneaking" their way over cafeteria issues were distributed outside the school encouraging parents to attend a silent protest at a school board meeting Monday night.

One of the major complaints and festering issues Monday night was the lack of communication between parents and school and school system officials. Repeatedly parents pleaded with Raines, "Please communicate with us!" and stressed that "The biggest problem is that we have not had communication."

Raines said he met with some parents about the cafeteria issue approximately two weeks ago, where he gave them a timeline on what happened and a plan on what they'll do to resolve the issues. But the parents' News Channel 11 in Chattahoochee that he actually met with only three parents in a closed meeting.



Damon Raines

The Fairyland PTO organized a parent-driven meeting last week to address the issue, and one school board member attended that meeting.

"We could've communicated more, but we feel like we got that word out," said Raines, as he fielded questions from parents after school board members had left the meeting. "I'm not sure where it's kind of unraveled, but we are committed to getting the kitchen back, fully staffed, with the manager and a freezer that's working."

In addition to poor or no communication with system officials overall is the parents' inability to talk and share issues directly with the school board. The larger issue here beyond the cafeteria issue at Fairyland is that parents are not given any avenue to speak or address the board," parent Brett Odom said.

As board members rose and exited the board room upon adjournment following their executive session,

one parent screamed, "Wait! That's it? You guys are supposed to represent us."

"Why won't the school board stay to hear all this?" another parent asked.

After the board left, Raines explained, "This is a day-to-day operational issue that has nothing to do with policy. So they're not going to address something that doesn't deal with policy."

He added, "We don't have a public participation policy. So while they're in session, in a quorum, they can't operate outside of that policy. That's why they left."

Raines said a public participation policy that won't be challenged in court as unconstitutional is in the works but has not been finalized yet.

Therefore, Raines and Coker fielded questions and comments from parents for more than 30 minutes. However, some parents were not placated, as one yelled, "You're not the board. You're a tyrant!" Another held a poster saying, "You cannot silence me; you will not shame me!" Overall, most parents were obviously sincere and

respectful, though frustrated.

"Why don't we have a policy where we can talk and respect one another and hard copy petition. The hard copy petition is currently being delivered to the board."

In closing, Raines reassured the parents that he would take what he had heard and relay it to the school board members. Parent Brett Odom summarized the discussion session:

"This evening was a good start, but I am concerned that the board was not part of that conversation. By creating an environment where the board is not allowed or not encouraged to hear our input, I think there's a risk of the abuse of power."

POLICY

From A1

to address the school board concerning cafeteria issues this year at Fairyland. The board refused to hear the group because the board has no "public address" policy.

Instead, Raines and School Food Nutrition Services Coordinator Michelle Coker answered parents' questions at the end of meeting, after school board members had left the room.

Raines explained, "This (the cafeteria problem) is a day-to-day operational issue that has nothing to do with policy. So they (school board members) are not going to address something that doesn't deal with policy."

He added, "We don't have a public participation policy. So while they're in session, in a quorum, they can't oper-

ate outside of that policy. That's why they left."

Fairyland parent Brett Odom said following the Oct. 15 school board meeting, "The larger issue here - beyond the cafeteria issue at Fairyland - is that parents are not given any avenue to speak or address the board."

The school board, in a response to the Oct. 15 meeting, released a prepared statement Tuesday night, Oct. 16: "... Members of the Walker County Board of Education have been considering a new public participation policy and are in the process of reviewing its previous public participation policies of neighboring and other school systems and are committed to developing a public participation policy for the Walker County school system."

Barrett filed a "freedom of speech" lawsuit in March

2015 against the board's policy, won in U.S. District Court and the U.S. Court of Appeals for the 11th Circuit, and settled in July 2018. The court ruled the board's previous policy unconstitutional, struck down the policy, and ordered Superintendent Raines to rewrite the policy.

Judge Murphy wrote in his ruling in the case on April 3, 2016, that the board's policies were "facially unconstitutional" in that the policy should guarantee people the

chance to speak in a timely manner and that the school system should not try to prevent residents from criticizing school employees. Murphy said that everyone, and especially teachers, should be able to talk directly to their school board about issues of public concern to them and to their students. The judge also granted an injunction against Raines and the school district policy and told the board to revise its policy and procedure appropriately.

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**PUBLIC NOTICE
WALKER COUNTY
PLANNING COMMISSION MEETING**
Thursday, November 15th, 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:

Rezone:

1. Richard Fiyar requests a rezone from C-1/R-2 (commercial/residential) to C-1 (commercial) for property located at 0 N. Hwy 27 Lafayette, GA. 30728. Tax map 0-329-2-020
1. Charles & Janet Headden requests a variance for property located at 40 Cordell Avenue Lafayette, GA. 30728. Tax map: 0-498-034
2. David Wilson requests a variance for property located at 80 Aaron Drive Flintstone, GA. 30725. Tax map 0-033-064
3. Charles Krone requests variances for property located at 0 Lenda Lane Chickamauga, GA. 30707. Tax map: 0-094-033C

Plat Approval:

1. Charles Krone requests a plat approval for property located at 0 Lenda Lane Chickamauga, GA. 30707. Tax map: 0-094-033C
2. Firefly Cherokee Subsidiary requests a plat approval for property located at 9862 Hwy 193 Chickamauga, GA. 30707. Tax map: 0-262-005

The second and final hearing on the rezone request will be heard on November 29th, 2018 at 6:00 P.M. at the Walker County Courthouse Annex 111 located at 201 S. Main Street Lafayette, GA. 30728

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

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