

AGENDA
WALKER COUNTY
BOARD OF COMMISSIONERS
WALKER COUNTY COURTHOUSE ANNEX III 201 S MAIN STREET
LAFAYETTE, GEORGIA 30728

The following constitutes the agenda for the regular scheduled meeting of the Board of Commissioners of Walker County, Georgia to be held on July 28, 2022 at 7:00 p.m.

**The agenda was amended at the meeting to include Purchase Order 2022-00001953.*

REGULAR SCHEDULED MEETING

- **Invocation & Pledges given by Chairman Whitfield**
- **Chairman Whitfield will Call to Order the Regular Meeting**
- **Clerk establishes a Quorum is present**
- **Approve Agenda**
- **Approve Minutes**
Approval of the Minutes from the Regular Scheduled Meeting Held on July 14, 2022 at 7:00 p.m.
- **Ceremonial**
Proclamation of Achievement for the 2022 6u Rock Spring Hotshots softball team
- **Public Hearing**
Eugene Hester requests a partial rezone of 4.33 acres from R-2/C-1 to C-1 for property located at 126 Black Circle Spur@ N Hwy 27, LaFayette, GA 30728. Tax map & parcel number 0-329-1-021A

Ramanda Melton requests a rezone from A-1 to R-2 for property located at 1890 Kensington Road, Chickamauga, GA 30707. Tax map & parcel number 0-274-2-001

Ronald Sanders requests a rezone from R-3 to A-1 for property located at 136 Chalet Drive, Rossville, GA 30741. Tax map & parcel number 0-126-003

Randy & Mary Harden request a rezone from A-1 to R-2 for property located at 833 McIntire Road, Rock Spring, GA 30739. Tax map & parcel number 0-356-014

BLH Enterprises LLC requests a rezone from R-2 to A-1 for property located at 1183 Arnold Road, Rock Spring, 30739. Tax map & parcel number 0-326-2-025
- **Informational**
Lecia Eubanks, Cherokee Regional Library System

Damon Raines, Superintendent, Walker County Schools
- **Public Comment**
- **New Business**
Resolution R-031-22 - Declare Sheriff's Office Property as Unserviceable Surplus

Resolution R-032-22 - Appoint a Code Official for Construction Codes and a Code Official for Property Maintenance Codes

Approval of Purchase Order 2022-00001840 to Municipal Emergency Services for \$34,985.00 for extrication equipment for Walker County Fire Rescue (*funding from American Rescue Plan Act*)

Approval of Purchase Order 2022-00001850 to Municipal Emergency Services for \$49,002.00 for breathing equipment for Walker County Fire Rescue (*funding from American Rescue Plan Act*)

Approval of Purchase Order 2022-00001909 to Apruve via Teledyne Flir for \$56,345.99 for 14 thermal imaging cameras and accessories for the Walker County Sheriff's Office and Walker County Fire Rescue (*funding from ACCG Group Self-Insurance Workers' Compensation Fund*)

*Approval of Purchase Order 2022-00001953 to Prater Ford for \$53,405.60 for two 2022 Ford Escapes for the Assessors Office (*funding from the General Fund*)

Approval of FY2023 Georgia Department of Transportation Rural Transit Grant under the FTA's 5311 Rural Assistance Program

Appeal of variance request denied by the Planning Commission on April 21, 2022 for Craig Duvalos for property located at 527 Antigones Dream Drive, Lookout Mountain, Tax Map & Parcel# 0-006-021

Eugene Hester requests a partial rezone of 4.33 acres from R-2/C-1 to C-1 for property located at 126 Black Circle Spur@ N Hwy 27, LaFayette, GA 30728. Tax map & parcel number 0-329-1-021A (*Planning Commission recommends approval*)

Ramanda Melton requests a rezone from A-1 to R-2 for property located at 1890 Kensington Road, Chickamauga, GA 30707. Tax map & parcel number 0-274-2-001 (*Planning Commission recommends denial*)

Ronald Sanders requests a rezone from R-3 to A-1 for property located at 136 Chalet Drive, Rossville, GA 30741. Tax map & parcel number 0-126-003 (*Planning Commission recommends approval*)

Randy & Mary Harden request a rezone from A-1 to R-2 for property located at 833 McIntire Road, Rock Spring, GA 30739. Tax map & parcel number 0-356-014 (*Planning Commission recommends denial*)

BLH Enterprises LLC requests a rezone from R-2 to A-1 for property located at 1183 Arnold Road, Rock Spring, 30739. Tax map & parcel number 0-326-2-025 (*Planning Commission recommends denial*)

- **Commissioner Comments**
- **Executive Session**
- **Adjourn**

***NEXT REGULAR MEETING -Thursday, August 11, 2022 at 7:00 p.m.**



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

Minutes of the Regular Scheduled Meeting
July 28, 2022

I. Call to Order:

Chairman Shannon Whitfield called to order the Regular Scheduled Board of Commissioners Meeting held at Annex 111, 201 S. Main Street, LaFayette, Georgia at 7:00 p.m. on July 28, 2022.

II. Attendees:

The following were present: Chairman Whitfield, Commissioner Robert Blakemore, Commissioner Mark Askew, Commissioner Brian Hart, Commissioner Robert Stultz, Legal and Policy Director David Gottlieb, Landfill Manager Paine Gily, Planning and Zoning Director David Brown, Public Relations Director Joe Legge, Public Works Director Carlen Bowers, Fire Chief Blake Hodge, Chief of Police Mitchell Moore, Board Clerk Whitney Summey, and County Clerk Rebecca Wooden. Other guests signed in at the meeting as well. Please see the attached sign in sheet.

III. Approval of Agenda:

Commissioner Stultz made a motion to amend the agenda by adding Purchase Order 2022-00001953, seconded by Commissioner Askew, 4 ayes and 0 nays, motion was approved.

IV. Approval of Minutes:

Commissioner Hart made a motion to approve the minutes of the Regular Scheduled Meeting held July 14, 2022 at 7:00 p.m., seconded by Commissioner Blakemore, 4 ayes and 0 nays, motion was approved.

V. Ceremonial:

- I. Chairman Whitfield read the Proclamation of Achievement for the 2022 6u Rock Spring Hotshots softball team and presented each player with a Proclamation.

VI. Public Hearing:

- I. Chairman Whitfield asked if anyone would like to speak on the request from Eugene Hester for a partial rezone of 4.33 acres from R-2/C-1 to C-1 for property located at 126 Black Circle Spur at N Hwy 27, LaFayette, GA 30728, tax map and parcel number 0-329-1-021A. There was no further discussion.
- II. Chairman Whitfield asked if anyone would like to speak on the request from Ramanda Melton for a rezone from A-1 to R-2 for property located at 1890 Kensington Road, Chickamauga, GA 30707, tax map and parcel number 0-274-2-001. Allen Durham, Beth Rowan, Joe Thayer, and Jeff Rowan expressed concerns with the rezone of the property. They all stated they moved to the area for the rural and agricultural land and have concerns about issues that would arise if the property was rezoned and developed. Ramanda Melton presented the Board with a packet of information and a draft survey of the property. She said she is requesting the rezone so she can sell the property and existing home. She said she and her husband are empty nesters and the house is too big for just the two of them. She explained their goal is to build on the rest of the property in the future. Planning and Zoning Director David Brown explained the details of an R-2 and R-1 zoning. The Board and Mrs. Melton discussed her request for an R-2 zoning versus an R-1 zoning.
- III. Chairman Whitfield asked if anyone would like to speak on the request from Ronald Sanders for a rezone from R-3 to A-1 for property located at 136 Chalet Drive, Rossville, GA 30741, tax map and parcel number 0-126-003. There was no further discussion.
- IV. Chairman Whitfield asked if anyone would like to speak on the request from Randy and Mary Harden for a rezone from A-1 to R-2 for property located at 833 McIntire Road, Rock Spring, GA 30739, tax map and parcel number 0-356-014. Randy Harden said he has lived on the property for 28 years and he has recently blessed his children with pieces of the property. He said he was not aware of the requirements of A-1 zoning when he divided off the first pieces of the property or he would have kept them at the five acre requirement. Christy Harden, Randy Harden's daughter in law, said she and her husband would be building a small single family home on the property and showed the Board building plans for the home. Commissioner Askew said if they were building a single family home then R-1 zoning might be more suitable. Mr. Harden said they only wanted the rezone to build a single family home.

- V. Chairman \Mlitfield asked if anyone would like to speak on the request from BLH Enterprises LLC for a rezone from R-2 to A-1 for property located at 1183 Arnold Road, Rock Spring, GA 30739, tax map and parcel number 0-326-2-025. Ann Turley and Kenny Beeler expressed concerns with the property being rezoned and turned into a dirt pit. They explained the current problems with runoff and dirt washing into the road. They stated they would like for the area to stay rural. They said the current zoning would allow for a subdivision but not a dirt pit. They asked about a time frame for the development project being talked about for the property. Bob Adams, representative for property owner James Houston, gave an overview of the plans for the property. Mr. Houston said he plans to develop sellable homes that would be in the \$200,000 range. Commissioner Askew asked how many homes would be built and how much dirt would be hauled off of the property. Mr. Houston said there would be about 24 homes and Mr. Campbell had the information on the dirt but he was sick and not able to make it to the meeting tonight. Commissioner Hart said he would like to know the amount of dirt that would be moved to know the amount of truck traffic that would be brought into the area. Chairman \Mlitfield asked about state approval for moving the dirt. Mr. Houston said the state instructed him to get the property rezoned first.

VII. Informational:

- I. Lecia Eubanks gave a detailed overview of the Cherokee Regional Library System and all of the services they offer in all of their facilities throughout the County. She presented the Board with a yearly update packet. She said they are requesting an increase in their budget in order to make wage adjustments for employees. Commissioner Stultz said Mrs. Eubanks does a wonderful job and they have a great facility.
- II. Damon Raines, Superintendent, walker County Schools, gave the Board a packet of information and asked Chris Jones to explain some of the security precautions they take. Chris Jones reviewed emergency plans, access to the buildings, crisis systems, emergency drills, and camera systems at each school in the County. Damon Raines said the School Board is proposing adding four Safety Officers to the school system. He said the County's funding of one third would be around \$67,000 a year. He encouraged the Board to reach out with any questions.

VIII. Public Comment:

- I. Janice Williams expressed concerns about transparency within the County. She asked about spay and neuter help from the shelter. She said she would have liked to have seen County animal shelter and animal control staff at the recent training that was offered locally.
- II. Megan Watson said she offers voluntary benefits to employees and she was previously working with Dana Johnson on getting benefits for County employees. Commissioner Hart asked for examples of the benefits she offered. Commissioner Askew asked how to get her information out to employees. Chairman \Mlitfield said the annual November program benefits meetings would be a good time to let Mrs. watson set up and give out information.
- III. Jim Pope expressed concerns with the creation of a County Manager position. He asked about Section 10 and 11 in the enabling act and if the Board had the authority to appoint a county Manager.
- IV. Laura OWsley asked about the pension plan being switched over to ACCG and reviewed data and statistics from the proposal. Chairman \Mlitfield said the office had reached out to her about meeting with the Board of Trustees to go over the plan. Mrs. OWsley said she tried to set up an appointment for the first week in August but she would like to meet with the Board of Trustees to discuss the plan.
- V. John Johnson expressed concerns with the Animal Shelter needing to get training but said overall the shelter is doing a much better job. He asked about getting fans installed at the ag center for big events like the Farmers Market.

IX. New Business:

- I. Chairman \Mlitfield read Resolution R-031-22 to declare Sheriff's office property as unserviceable surplus. Commissioner Hart made a motion to approve, seconded by Commissioner Stultz, 4 ayes and 0 nays, motion carried.
- II. Chairman \Mlitfield read Resolution R-032-22 to appoint a Code Official over construction codes and a Code Official over property maintenance codes. Chairman \Mlitfield made a motion to appoint Jon Pursley - Code Official over construction codes and David Brown - Code Official over property maintenance codes, seconded by Commissioner Blakemore, 4 ayes and 0 nays, motion carried.
- III. Chairman \Mlitfield asked Fire Chief Blake Hodge to review the Purchase Order 2022-00001840, for hurst extrication equipment (ARPA Funds). Blake Hodge said this purchase is part of the replacement program. He said the current extrication inventory is aging and gave an overview of the equipment. Commissioner Stultz made a motion to approve, seconded by Commissioner Askew, 4 ayes and 0 anys, motion carried.
- IV. Chairman \Mlitfield asked Fire Chief Blake Hodge to review the Purchase Order 2022-00001850, for (6) SCBA and (12) Cylinders (ARPA Funds). Blake Hodge said this is also part of the replacement

program and all of the old equipment would be used for parts. Commissioner Askew made a motion to approve, seconded by Commissioner Blakemore, 4 ayes and 0 nays, motion carried.

- V. Chairman \Mlitfield asked Planning and Zoning Director David Brown to review the Purchase Order 2022-00001909, for (2) PTM466 Thermal Imagers for the Sheriffs Office, (10) PTM166 Thermal Imagers for the Sheriffs Office, (2) K2 Thermal Imagers for the Fire Department, (2) K33 Thermal Imagers for the Fire Department, (1) in-truck charger, and (1) 2 bay battery chargers. David Brown gave details of the equipment and how each department would use the equipment. Commissioner Blakemore made a motion to approve, seconded by Commissioner Askew, 4 ayes and 0 nays, motion carried.
- VI. Chairman \Mlitfield reviewed the vehicles for Purchase Order 2022-00001953. These vehicles will be utilized by the Tax Assessor's Office. Commissioner Stultz made a motion to approve, seconded by Commissioner Hart, 4 ayes and 0 nays, motion carried.
- VII. Chairman \Mlitfield said the FY2023 Georgia Department of Transportation Rural Transit Grant under the FTA's 53ll Rural Assistance Program was an annual grant for funding for the transit department. He said this was an electronically signed document and would be put into the minutes once completed. Commissioner Blakemore made a motion to approve, seconded by Commissioner Hart, 4 ayes and 0 nays, motion carried.
- VIII. Chairman \Mlitfield asked Mr. Womack, attorney for Craig Duvalos, to speak on the appeal of a variance request for property located at 527 Antigone's Dream Drive, Lookout Mountain, tax map and parcel number 0-006-021. Mr. Womack presented the Board with a packet including four exhibits. He explained his client's reason for the appeal and asked the Board to consider all of the information presented. Commissioner Askew expressed concerns with the private drive. Chairman \Mlitfield said emergency services access is a concern with private drives. Mr. Duvalos said he requested the variance to give his only daughter's family a home they own themselves. Planning and Zoning Director David Brown said if they put in a driveway off of Mount Olive Road they would not need the variance. Mr. Womack said they are presenting the situation as it is and not changing any of the circumstances. Commissioner Stultz made a motion to table until the next meeting to give the Board time to look over everything that was presented tonight. Seconded by Commissioner Hart, 4 ayes and 0 nays, motion carried.
- IX. Chairman \Mlitfield reviewed the request from EugenEl Hester for a partial rezone of 4.33 acres from R-2/C-1 to C-1 for property located at 126 Black Circle Spur at N Hwy 27, LaFayette, GA 30728, tax map and parcel number 0-329-1-021A. Commissioner Hart made a motion to approve, seconded by Commissioner Askew, 4 ayes and 0 nays, motion carried.
- X. Chairman \Mlitfield reviewed the request from Ramanda Melton for a rezone from A-1 to R-2 for property located at 1890 Kensington Road, Chickamauga, GA 30707, tax map and parcel number 0-274-2-001. Commissioner Askew asked if Mrs. Melton would need to start a new request to change the request from R-2 to R-1. Legal and Policy Director David Gottlieb recommended Mrs. Melton withdraw her request and start over if she wanted to request a rezone to R-1. Mrs. Melton withdrew the request.
- XI. Chairman \Mlitfield reviewed the request from Ronald Sanders for a rezone from R-3 to A-1 for property located at 136 Chalet Drive, Rossville, GA 30741, tax map and parcel number 0-126-003. Planning and Zoning Director David Brown presented the Board with handouts for low intensity agricultural zoning and recommended they make this a contingency for the rezone. Chairman \Mlitfield read the low intensity agriculture handout. Commissioner Askew made a motion to approve with the contingency of it being low intensity agriculture, seconded by Commissioner Stultz, 4 ayes and 0 nays, motion carried.
- XII. Chairman \Mlitfield reviewed the request from Randy and Mary Harden for a rezone from A-1 to R-2 for property located at 833 McIntire Road, Rock Spring, GA 30739, tax map and parcel number 0-356-014. Planning and Zoning Director David Brown said the Planning Commission was concerned about the previous splitting of the property with more than five acres. Commissioner Blakemore made a motion to approve with the contingency of only building what was presented to the Board tonight, seconded by Commissioner Stultz, 3 ayes and 1 nay from Commissioner Hart, motion carried.
- XIII. Chairman \Mlitfield reviewed the request from BLH Enterprises LLC for a rezone from R-2 to A-1 for property located at 11.83 Arnold Road, Rock Spring, GA 30739, tax map and parcel number 0-326-2-025. Planning and Zoning Director David Brown and Commissioner Blakemore discussed mining permit concerns and rezoning the property back to R-2 in a few years after mining is complete if this request is approved. Commissioner Hart said he would like to hear the information from Mr. Campbell. Commissioner Blakemore made a motion to table until the next meeting, seconded by Commissioner Askew, 4 ayes and 0 nays, motion carried.

X. Commissioner Comments:

Commissioner Blakemore thanked everyone for coming out and encouraged them to reach out with any concerns or questions.

Commissioner Askew thanked everyone for their support and for coming to the meeting. He said the engagement from citizens helps the Board do a better job.

Commissioner Hart thanked everyone for coming out and participating. He said school is starting back and asked everyone to be cautious of bus stops and school zones.

Commissioner Stultz thanked everyone for coming out and thanked all of the county employees for their hard work. He gave information on a back to school giveaway coming up.

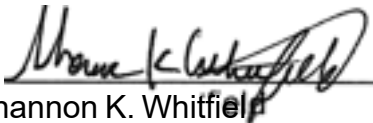
Chairman Whitfield thanked everyone for coming out and being involved.

XI. Executive Session:

Commissioner Blakemore made a motion to go into Executive Session to discuss personnel. Seconded by Commissioner Askew, 4 ayes and 0 nays. The Executive Session began at 10:38 p.m. Chairman Whitfield called the regular scheduled meeting back to order at 10:59 p.m. and stated there was no action to be taken from the Executive Session.

Adjournment:

Commissioner Hart made a motion to adjourn the meeting, Commissioner Stultz seconded the motion, motion carried and the meeting was adjourned at 11:00 p.m.



Shannon K. Whitfield
Chairman/CEO
Walker County Georgia

Date

08-11-2022

Minutes prepared by: Walker County Board Clerk, Whitney Summey

Regular Scheduled Commissioners Meeting

Walker County Annex III

July 28, 2022

7:00 PM

<u>Roll Call</u>	<u>Present/Absent</u>
Commissioner Blakemore	Present
Commissioner Askew	Present
Chairman Whitfield	Present
Commissioner Hart	Present
Commissioner Stultz	Present



SIGN IN SHEET

REGULAR SCHEDULE D, BOARD OF COMMISSIONERS MEETING

July 17, 2013 at 7:00 p.m.

Name	Address
Rebecca Wright	37 Glass Mill Point Dr. Chickamauga
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GENE Heston	126 Bluff Circle Spur
Damon Raines	WCS
Ron Sanders	136 Chateau Dr
Chelsea Koralewski	403 Dogwood
Clayton Small	1137 Wrenwood Rd
Antigone Davoulas	527 Antigone's Dream Dr. (2. min GA 30760
Samuel R. Smith	La Fayette
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Bill Chevaulx	59 Hangeschle Dr RS
Christie Harden	873 McIntosh Dr
Sandy Harden	833 11 th Street N
Kathy Harden	833 11 th Street
Heather Rapdall	50 adam gfr Ct
Remond Newton	1890 Kensington Rd
Kyle Milton	1890 KENSINGTON Rd
Coleen Benson	Rand
Don Purley	Rosville
Jim Pope	La Fayette (Village)
Joe & Rachel Thayer	1802 Kensington, Chickamauga

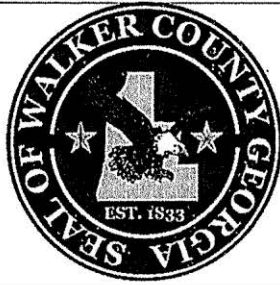


SIGN IN SHEET

REGULAR SCHEDULED BOARD OF COMMISSIONERS MEETING

JULY 28, 2022 at 7:00 p.m.

Name	Address
RON WOMACK	109 (i. MH-r.ln Ave., LE
PAINE GILF	CANAFILL
Carrie Beeler	c:/55 \c" /0 L o:"l:- c.e:-'f: \w\
Beth Row	
Jett Kowari	vtJ check name 9
James Houston	5205 Fountain Gate Rd
Garland Steele	8329 S Highway 341
Karen Bradley	
Joy Vanell	1575 Manning Mill Rd
K Shawn Turner	1280 Bicentennial Trail Rock Spring
Dawn Durham	1001 West 6th St Chickamauga
Scott Durham	" " " " " " "

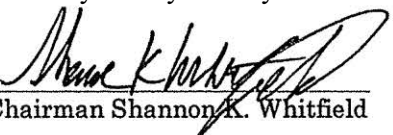


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BY THE WALKER COUNTY BOARD OF COMMISSIONERS *RECOGNITION OF ACHIEVEMENT*

- WHEREAS: Rock Spring Athl_etic Association is a volunteer led community organization, formed in 1978 to provide area youth with recreational opportunities; and
- WHEREAS: The 6u Rock Spring Hotshots softball team worked persistently over the past three years to learn the fundamentals of softball, patience, determination, how to encourage others and that teamwork makes the best work; and
- WHEREAS: The 6u Rock Spring Hotshots completed a successful undefeated regular season and posted seven tournament championships this past spring and summer; and
- WHEREAS: The 6u Rock Spring Hotshots won the Georgia Dizzy Dean Softball State Championship, defeating 'l'allapoosa to advance to the Dizzy Dean World Series; and
- WHEREAS: The following young ladies represented Walker County at the state tournament and World Series with good sportsmanship, a positive attitude and dedication to team: Danica Crabtree, Harper Taylor, Trinity Durham, Iris Whittenburg, Layla Guido, Raygan Gaoa, Kinsley Hughley, Chapel Ragsdale, Lily Bloodworth, and Oakley Tatum.
- THEREFORE: I, Chairman Shannon K. Whitfield, on behalf of the Walker County Board of Commissioners, do hereby proclaim the achievement of the Rock Spring Hotshots 6u softball team deserves public acclaim and recognition by our community.

Signed and sealed this 28th day of July in the year 2022.


Chairman Shannon K. Whitfield





Walker County Planning Commission

Minutes

July 21, 2022

Walker County Civic Center

6:00PM

ATTENDEES:

Planning Commission Members

Jon Hentz
Stan Porter
John Morehouse
Daryl Brooks
Jack Mullinax
Michael Haney
Zack Chapman
Todd Hold
Michael Hicks

Walker County Planning Staff

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

I. CALL TO ORDER:

Chairman Michael Haney called the meeting to order at 6:00 P.M.

II. ROLL CALL

III. READING AND APPROVAL OF THE MINUTES FOR JUNE 16, 2022: Chairman Haney asked if there were any corrections to last month's minutes. Being none Chairman Haney asked if there was a motion to approve. Daryl Brooks made a motion to approve as submitted. Jack Mullinax seconded the motion to approve. Michael Hicks abstained. Vote to approve carried.

II. MOTION TO OPEN THE PUBLIC HEARING: Chairman Haney asked if there was a motion to open the public hearing. Jack Mullinax made a motion to open. Daryl Brooks seconded the motion. Vote was unanimous. Motion to open the public hearing carried.

III. PUBLIC HEARING:

1. Eugene Hester: Mr. Hester came forward and explained that he now had a survey of his property and that he would like to extend the commercial part that was approved last time further back. There were no questions from the board or audience.

2. Ramanda Melton: Mandy Melton came forward and handed out a picture of a survey plat. She stated that she would like to rezone the property in order to divide off their house with 1.42 acres. She said they are not wanting to sell the rest but maybe have their children build on the other lots. She said that the property to the south is already zoned R-2. Todd Holt stated that the rest of the lots were all five acres each and she said yes. He then asked if these lots were going to be for her children and she said yes but right now they don't know what they want to do but they don't want to sell it. She said they just want to sell the house. Stan Porter asked about the plat because she requested to divide off less than five acres. Ms. Melton showed Mr. Porter on the plat which one she wanted less than five acres. Jon Hentz asked if the rezone was just for that one tract in orange on the plat or the whole parcel. Kristy Parker with the Planning Office explained that was a copy of an old plat and the lots that it shows has been put together making this one larger parcel. Allen Durham came forward and stated he is not in favor of the rezone. He stated that his property adjoins this property and there are big ditches in that area and he said they flip houses and dump stuff on the property line. He said that he has a lot of fruit trees. Doug Gottlieb came forward and stated that all the property around is agricultural and that even the future land use maps show agricultural, and he is not in favor of the rezone. Bill Kretch came forward and stated the only thing he was worried about was the sewer system. Joseph Thayer came forward and stated he had moved to this area to be in the country, and he is not in favor of the rezone due to it opening it up for development. Jeff Rowan came up and said that he was not in favor of the rezone because he is worried about multi-family dwellings coming in and about the septic systems being so close to the creek.

3. Ronald Sanders: Mr. Sanders came forward and stated that his daughter has started jumping horses and they would like to rezone the property so they could board horses and build a barn. Jack Mullinax asked how many horses they would have, and Mr. Sanders stated four.

4. Randy Harden: Mr. Harden came forward and said that last year he had divided off seven plus acres of his twenty-four acres to one grandchild and nine plus to another and that left him with a little over five acres and he now would like to give his son some to build one. Michael Hicks asked if he wanted to cut the five plus acres into smaller pieces and Mr. Harden said yes. Chairman Haney asked if there was any other zoning around other than A-1 and he was told no.

5. BLH Enterprises: Mr. Bob Hannah came up and said he was representing BLH Enterprises, but he was going to let KC Campbell go first to explain what they were wanting to do. Mr. Campbell came up and said that they were requesting the rezone because at some point they were going to put in a subdivision. In order to do that he said that they would have to cut down the property to a certain level. He said right now it's kind of like a bowl. Because this type of use would be considered mining it would have to be rezoned for that and then later rezoned back for the subdivision. He had the soil and erosion plans in, but the state said that the rezone would have to happen first. Jon Hentz asked if they had any architectural plans and Mr. Campbell said no that would have taken a lot of time and money if it was denied. Mr. Hentz said that it probably took more money and time to prepare what Mr. Campbell had done but he would like to see a set of plans like that. Mr. Campbell said was he talking about like what type of houses would be build and Mr. Hentz said yes, and Mr. Campbell said he could not answer that type of question. He said he would only do the plans for like the lots and streets. Jack Mullinax asked about how long it would take to cut the property down and Mr. Campbell said about a year. Mr. Campbell .said that there is not that many burrow pits around no.w. and Michael Haney. stated there was one in Rock Spring, but Mr. Campbell said that one was closed. Jack Mullinax stated that on that property there was a

mobile home that owed a lot of back taxes and what was going to be done about that. The owner said that they would pay those. Chairman Haney asked what the depth would be that needed to be cut down. Mr. Campbell stated that the highest point was 960' and the lowest was 840'. Chairman Haney said that would be about 90' of cut. He said that would be a lot of dirt to move in a year. Stan Porter wanted clarification on what zoning mining had to go in. Zach Chapman asked why not rezone too commercial and not agricultural. Mr. Hannah stated that A-1 goes along with kind of what's there. Mr. Hannah also said that it would not be 90' cut on the whole property. Ms. Charlotte Shull came forward and said she is not in favor of the rezone. She said that she has worked at fixing up her home. She is tired of all the junk from this property coming over onto her property. Ann Turley spoke against approving the rezone. She said Mr. Campbell stated that they would do the mining pit up to a certain point. She said when would this point be, maybe ten years. She also was against it because of the issue with mud washing down into the road and the extra trucks coming and going on Arnold Road. Ms. Bernice Howard spoke against the rezone because she is worried about the stormwater issue this may cause.

IV. MOTION TO CLOSE THE PUBLIC HEARING:

Chairman Haney asked if there was a motion to close the public hearing. Jack Mullinax made a motion to close the public hearing. Daryl Brooks seconded the motion. Vote was unanimous. Motion to close the public hearing carried.

V. MOTION TO OPEN NEW BUSINESS: Chairman Haney asked was there a motion to open new business. Jack Mullinax made a motion to open new business. Daryl Brooks seconded the motion. Vote was unanimous. Motion to open new business carried.

VI. NEW BUSINESS:

1. Eugene Hester: Chairman Haney asked if there was a motion on the rezone. Todd Holt made a motion to approve. Stan Porter seconded the motion to approve. Vote was five (Michael Hicks, Todd Holt, John Morehouse, Jack Mullinax and Stan Porter) in favor of approving the rezone and three (Daryl Brooks, Zack Chapman and Jon Hentz)) against the rezone. Motion to approve the rezone carried.

2. Ramanda Melton: Chairman Hany asked if there was a motion on the rezone. Jon Hentz made a motion to deny. John Morehouse seconded the motion to deny. Seven members voted in favor to deny. Michael Hicks abstained from the vote. Motion to deny the rezone carried.

3. Ronald Sanders: Chairman Haney asked if there was a motion. Jon Hentz made a motion to approve. Todd Holt seconded the motion. Vote was five (Daryl Brooks, Zack Chapman, Jon Hentz, Todd Holt & John Morehouse) in favor of approving and three (Michael Hicks, Jack Mullinax & Stan Porter) against the motion to approve. Vote to approve carried.

- 4. Randy & Mary Harden:** Chairman Haney asked if there was amotion. Jack Mullinax made a motion to deny. Stan Porter seconded the motion. Vote was unanimous. Vote to deny carried.
- 5. BLH Enterprises:** Chairman Haney asked if there was a motion. Daryl Brooks made a motion to deny. Jack Mullinax seconded the motion. Vote was unanimous. Motion to deny carried.

VII. ADJOURNMENT:

Chairman Haney asked if there was a motion to adjourn. Jack Mullinax made a motion to adjourn. Daryl Brooks seconded the motion to adjourn. Vote was unanimous. Motion to adjourn carried.

Date Submitted

Planning Commission Chairman

Date Submitted

Kristy Parker, Planning Commission Secretary

Date Submitted

David Brown, Director of Codes, Inspection & Planning

WALKER COUNTY
PLANNING & DEVELOPMENT
AGENDA ITEM

Owner: Eugene Hester

Petitioner: same

Location of Property: 126 Black Circle Spur/N. Hwy 27
LaFayette, GA. 30728

Tax map & parcel number 0-329-1-021A

Oat(:) Applied: 5/27/2022
Pg.+nn etihg,pate: 7/21/2022

Pr(:)seOtZ011i11g: R-2/C-1 (Residential/Commercial)

APPLICANT'S INTENT: To rezone 4.33 acres to C-1 (Commercial)

DETAILS OF REQUEST: Mr. Hester came before the Planning Commission in May 2022 and requested .a partial rezone but had not gotten the survey back to see how many acres he was requesting the change for. He now has the survey, and he would like to rezone the 4.33 acres to C-1.

Projected Area:

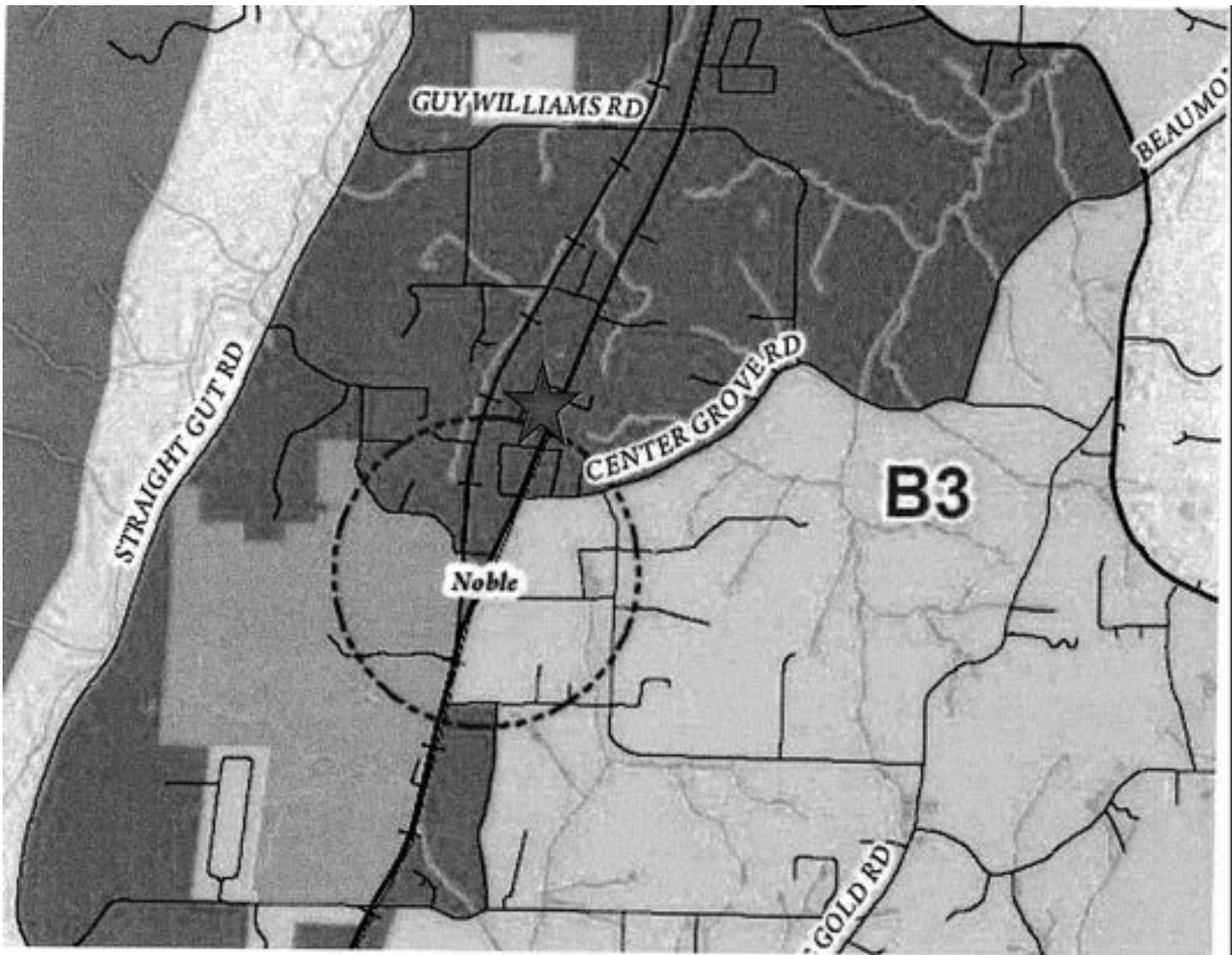




LEGEND

1/4"	1/4" ROAD
1/8"	1/8" ROAD
1/16"	1/16" ROAD
1/32"	1/32" ROAD
1/64"	1/64" ROAD
1/128"	1/128" ROAD
1/256"	1/256" ROAD
1/512"	1/512" ROAD
1/1024"	1/1024" ROAD
1/2048"	1/2048" ROAD
1/4096"	1/4096" ROAD
1/8192"	1/8192" ROAD
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1/32768"	1/32768" ROAD
1/65536"	1/65536" ROAD
1/131072"	1/131072" ROAD
1/262144"	1/262144" ROAD
1/524288"	1/524288" ROAD
1/1048576"	1/1048576" ROAD
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Future Land Use Map:



-- *Romls* -t-- *Railroads* *Lakes & Ponds* E' - - - J' Crossroad Community
- *Higl1wa)s* *Ri1:crs 6' Streams* *City Limits.*

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figure 61. Fieldstone Farms Mixed Use Planned Unit Development- Phase I

Mixed use: LaFayette and Walker County

Description: *A location containing a mix of offices housing and commercial uses. This mix of uses may consist of single and/or multi-story buildings. Often multi-story buildings contain retail or office space on the first story. Additional floors of any building often contain a separate use to that of the first floor.*

Suggested Development Strategy:

1. Provide design guidelines for stores and offices. These guidelines may be for building design, landscaping, regulatory setbacks, parking, roads, stormwater, etc.
2. Create a plan for the vision, upkeep, growth and development of the mixed-use area. Creating a plan will help provide an identity to the area and attract appropriate businesses.
3. Improve water and sewer services to attract new growth and to meet future needs.
4. Improve broadband availability, including upload and download speed.
5. Infill vacant lots or underutilized property, Improving overall aesthetics of the area.
6. Provide environmental protections to nearby streams and other bodies of water.
7. Provide protections to historic and cultural resources of the area, so they will not be lost.
8. Provide public investment into storm water management, community recreational spaces and facilities, public transit, bike and pedestrian facilities.
9. Make available pocket parks with seating.
10. Wherever possible, connect to a regional network of greenspace and trails that are available to pedestrians, bicyclists and other non-vehicular means of transportation.
11. Cluster new buildings to improve pedestrian access and walkability to different surrounding uses.
12. Invest in infrastructure improvements to roads and sidewalks, increasing pedestrian mobility and safety.

CONSIDERATION OF ZONING CRITERIA

1. Existing land uses and zoning of nearby property: The zoning of the nearby property is currently zoned R-2 (Residential) & C-1 (Commercial)
2. Suitability of the subject property for the zone purposed: Yes
3. Extent to which property values of the subject property are diminished by the particular zoning restrictions: None
4. Extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public: None that we know of.
5. Relative gain to the public as compared to the hardship imposed upon the individual property owner: It would provide more commercial property along Hwy 27
6. Whether the subject property has reasonable economic use as currently zoned: No
7. Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property: The tax records show the property is owned by Mr. Hester since 2020.
8. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property: It would be.
9. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property: Not that we know of
- IO. Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan: The Future Land Use Map shows mixed use.
11. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Unknown.
12. Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal: This property is along N. Hwy 27 and does border other commercial properties.

WALKER COUNTY PLANNING & DEVELOPMENT AGENDA ITEM

Owner:	Ramanda Melton
Petitioner:	same
Location of Property:	1890 Kensington Road Chickamauga, GA. 30707

Tax map & parcel number 0-274-2-001

Date Applied: 6/13/2022
PC Meeting Date: 7/21/2022

PresentZpning: A-1 (Agricultural)

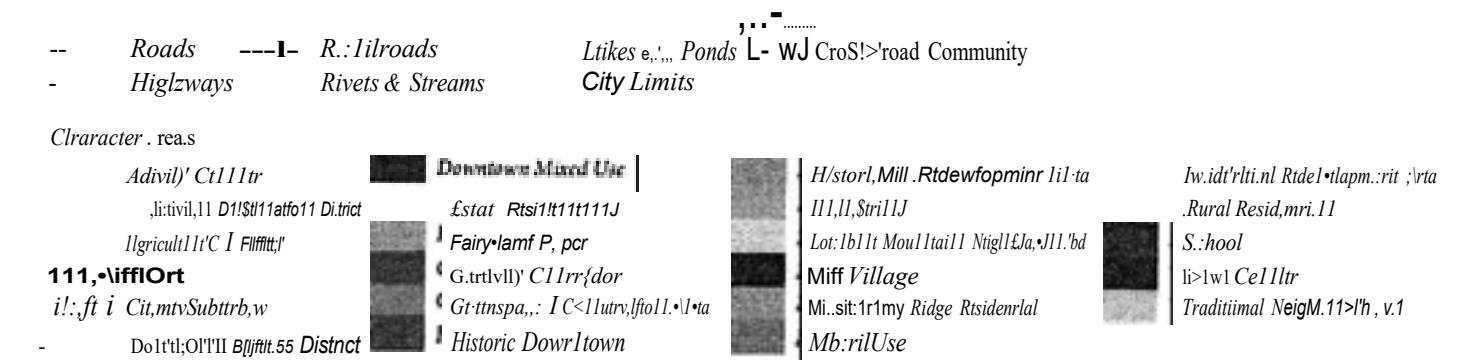
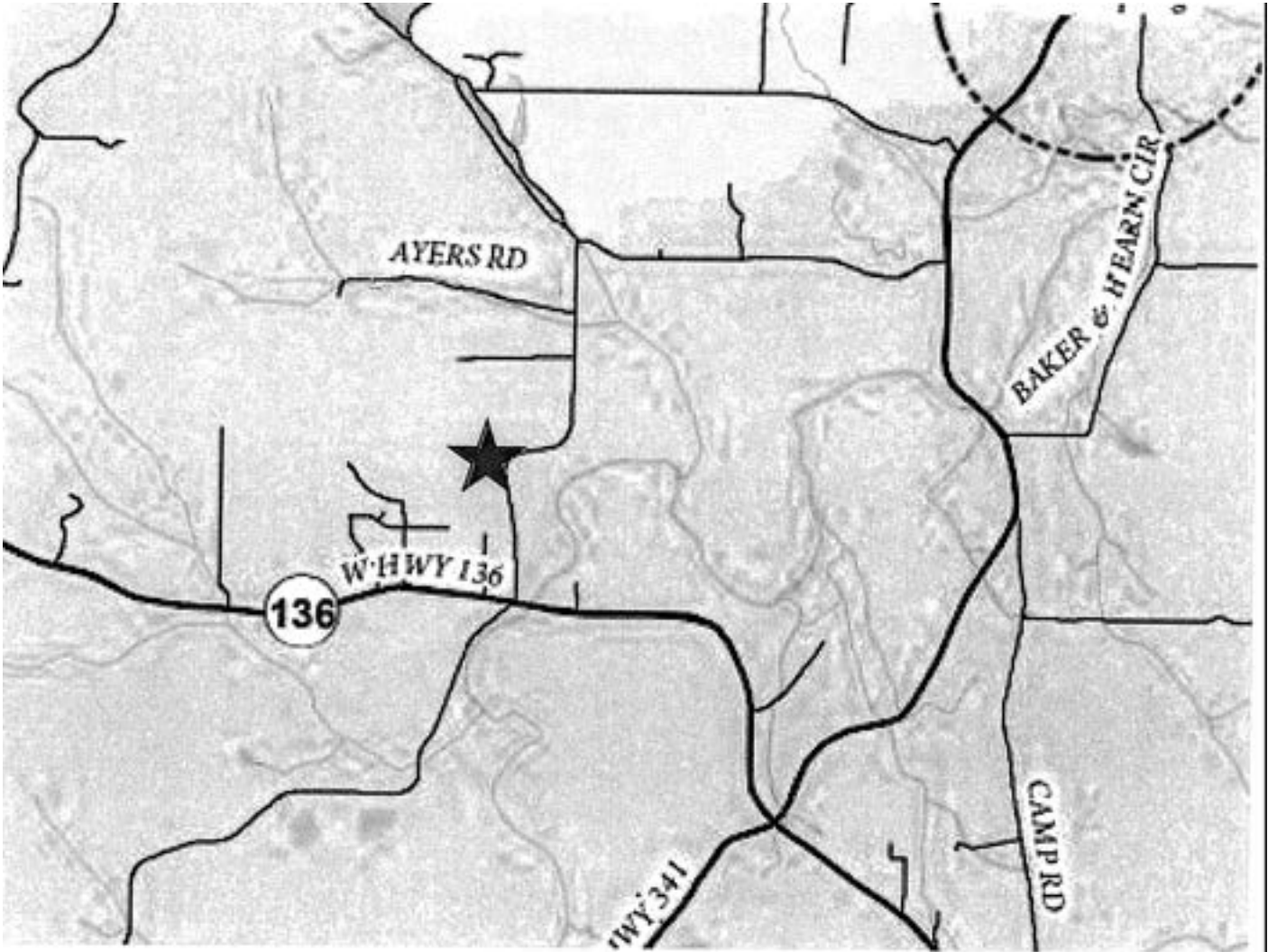
APPLICANT'S INTENT: To rezone property from A-1 to R-2

DETAILS OF REQUEST:	She would like to rezone the property from A-1 to R-2 in order to split the property up into tracts less than five acres. There is 24.69 acres.
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Projected Area:



Future Land Use Map:



Agricultural/Forestry: Walker County



***Description:** Sparsely settled open areas containing farms, woods, and cultivation.*

Figure 46. Hwy 193 near Nickajack Rd.

Suggested Development Strategy:

1. Limit new development
2. Protect farmland and open space
3. Promote use of conservation easements by landowners
4. Limit the number of residential subdivisions, requiring cluster or conservation subdivision design
5. Restrict commercial and residential development
6. Promote these areas for passive-use tourism/recreation
7. Widen roadways only when absolutely necessary
8. Carefully design roadway alterations to minimize visual impacts
9. Preserve agricultural lands for the next generation of farmers
10. Resurface and repair roads when and where necessary

Land uses:

- Agriculture/Forestry
- Residential
- Parks/Recreation/Conservation

Key word Objectives: Conservation, Agriculture, Forestry, Low-density development, Conservation subdivision, Trails, Open space preservation, Environmental protections, Sense of place

CONSIDERATION OF ZONING CRITERIA

1. Existing land uses and zoning of nearby property: The zoning of the nearby property is currently zoned A-1 (Agricultural) & R-2 (Residential)
2. Suitability of the subject property for the zone purposed: Yes
3. Extent to which property values of the subject property are diminished by the particular zoning restrictions: None
4. **Extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:** None that we know of.
5. **Relative gain to the public as compared to the hardship imposed upon the individual property owner:** More buildable lots
6. **Whether the subject property has reasonable economic use as currently zoned:** No
7. **Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property:** The tax records show the property has been owned by the Melton's since 2019.
8. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property:** It would be because it does border a subdivision which is zoned R-2.
9. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:** Not that we know of
10. **Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:** The Future Land Use Map shows agricultural/forestry.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** Unknown.
12. **Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:** It does touch other R-2 property.

July 28, 2022

Walker County Board of Commissioners

101 S. Duke Street

LaFayette, GA 30728

To Whom It May Concern:

I, Ramanda Melton, am writing regarding the property located at 1890 Kensington Road, Chickamauga GA 30707, Map Parcel# 02742 001, Tracts 5-8 recorded in Plat Book D, p. 474 currently zoned AI.

I applied for rezoning from AI to R2. It was my understanding that this was the best course of action due to all the connecting property to the south being R2 & R3. I didn't think that we could ask for RI without there being a connecting RI property.

We have had an attorney review our deed to add some restrictions to allow single family homes only. It has never been our intention to build any apartments.

Our goal is to sell our home with 1.42 acres that is currently fenced in. Compton Survey has done a draft survey of this area.

Thank you,

Ramanda Melton

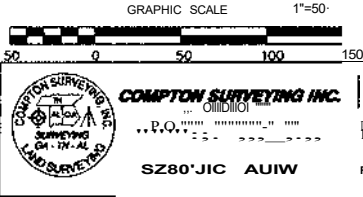
THIS BOOK IS RESERVED FOR THE CURK
SUPERIOR COURT.

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MAX RANDALL COMPTON
GA R.L.S. No. 2584

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8TH DISTRICT - 7TH SECTION
WALKER COUNTY, GEORGIA

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Prepared By & Return To:
Choice Title Company, Inc
7703 Nashville St
Ringgold, GA 30736
File No. Melton GA QCD

QUITCLAIM DEED

THIS INDENTURE, made between **Larry K. Melton and Ramanda H. Melton**, hereinafter called "Grantors," and **Larry K. Melton and Ramanda H. Melton**, hereinafter called "Grantees" (the words "Grantors" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H:

Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey, and forever quitclaim unto the Grantees, as Joint Tenants with the Right of Survivorship, all their interest in the following described real estate:

All that tract or parcel of land lying and being in Original Land Lot No. 110 in the 8th District and 4th Section of Walker County, Georgia, and being known and designated as Tracts Five (5), Six (6), Seven (7), and Eight (8) of the James Robert Swanson Property, as shown on plat of record in Plat Book D Page 474 in the Office of the Clerk of the Superior Court of Walker County, Georgia, to which plat reference is hereby made for a more complete description of the subject property.

Property known as 1890 Kensington Road, Chickamauga, Georgia 30707.

Map Parcel No. 02742 001.

For prior title, see deeds recorded in Deed Book 2059 Page 512, Deed Book 2059 Page 518, and Deed Book 2059 Page 524 in the Office of the Clerk of the Superior Court of Walker County, Georgia.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

Any governmental zoning and subdivision ordinances or regulations in effect thereon.

All applicable conditions, restrictions, reservations, easements, etc. as shown on recorded plat.

All matters as shown or stipulated on recorded plat.

The accuracy of the Index Book of the said Clerk's Office; and any other matters which an accurate survey of the Property might disclose.

Subject to an Oil and Gas Lease as recorded in Deed Book 492, page 561 and assigned in Deed Book 493, page 432 in the Office of the Clerk of the Superior Court of Walker County, Georgia.

Subject to an Easement as recorded in Deed Book 290, page 215 in the Office of the Clerk of the Superior Court of Walker County, Georgia.

Subject to Right of Way Deed recorded in Deed Book 1674, page I in the Office of the Clerk of the Superior Court of Walker County, Georgia.

Subject to a Transmission Line Easement as recorded in Deed Book 1706, page 435 in the office of the Clerk of the Superior Court of Walker County, Georgia.

Subject to a 60-foot Front Setback Line from the center line of the County Road, as specified on recorded plat.

Subject to a 35-foot Setback Line from the right of way of the State Highway as specified on recorded plat.

Subject to 15-foot Side and Rear setback lines as specified on recorded plat.

Subject to the following restrictions which shall run with the above-described land and be binding on the grantees herein, their heirs, successors, and assigns, wherever the context requires or permits, and which have the explicit intent of limiting the use of the property to residential single-family use only:

No mobile or manufactured homes shall be placed on the subject property.

No recreational vehicle parks shall be placed on the subject property.

No family or community residential care homes shall be placed on the subject property.

No condominiums, duplexes, triplexes, or apartment complexes shall be placed on the subject property.

No junkyards shall be permitted upon the subject property.

TOGETHER WITH any and all the rights, privileges, easements, improvements and appurtenances to the same belonging.

TO HAVE AND TO HOLD the said described premises to Grantees, so that neither Grantors nor any person or persons claiming under Grantors shall at any time, by any means or ways, have, claim, or demand any right or title to said premises or appurtenances, or any rights thereof.

GRANTORS, BY EXECUTION OF THIS QUITCLAIM DEED, AND GRANTEES, BY
ACCEPTANCE OF AND/OR FILING OF THIS QUITCLAIM DEED, HEREBY
ACKNOWLEDGE THAT THIS DEED WAS PREPARED FROM INFORMATION
FURNISHED BY THE PARTIES INVOLVED, AND PREPARER MAKES NO
REPRESENTATION AS TO THE STATUS OF TITLE OR ACCURACY OF THE LEGAL
DESCRIPTION HEREIN AND THAT NO TITLE INSURANCE IS BEING PROVIDED.

IN WITNESS WHEREOF, Grantors have signed and sealed this deed, the 28th day of July, 2022.

STATE OF GEORGIA)
COUNTY OF CATOOSA)

Signed, sealed, and delivered by
Larry K. Melton
in the presence of:

_____(SEAL)
Larry K. Melton

Notary Public
My commission expires: _____

STATE OF GEORGIA)
COUNTY OF CATOOSA)

Signed, sealed, and delivered by
Ramanda H. Melton
in the presence of:

_____(SEAL)
Ramanda H. Melton

Notary Public
My commission expires: _____

WALKER COUNTY
PLANNING & DEVELOPMENT
AGENDA ITEM

Owner: Ronald Sanders

Petitioner: same

Location of Property: 136 Chalet Drive
Rossville, GA. 30741

Tax map & parcel number 0-126-003

Appl. Date: 6/14/2022
Meeting Date: 6/16/2022

Present Zoning: R-3 (Residential)

APPLICANT'S INTENT: To rezone property from R-3 to A-1

DETAILS OF REQUEST: Mr. Sanders would like to rezone his property from R-3 to A-1 in order to board horses. He owns 53+/- acres.

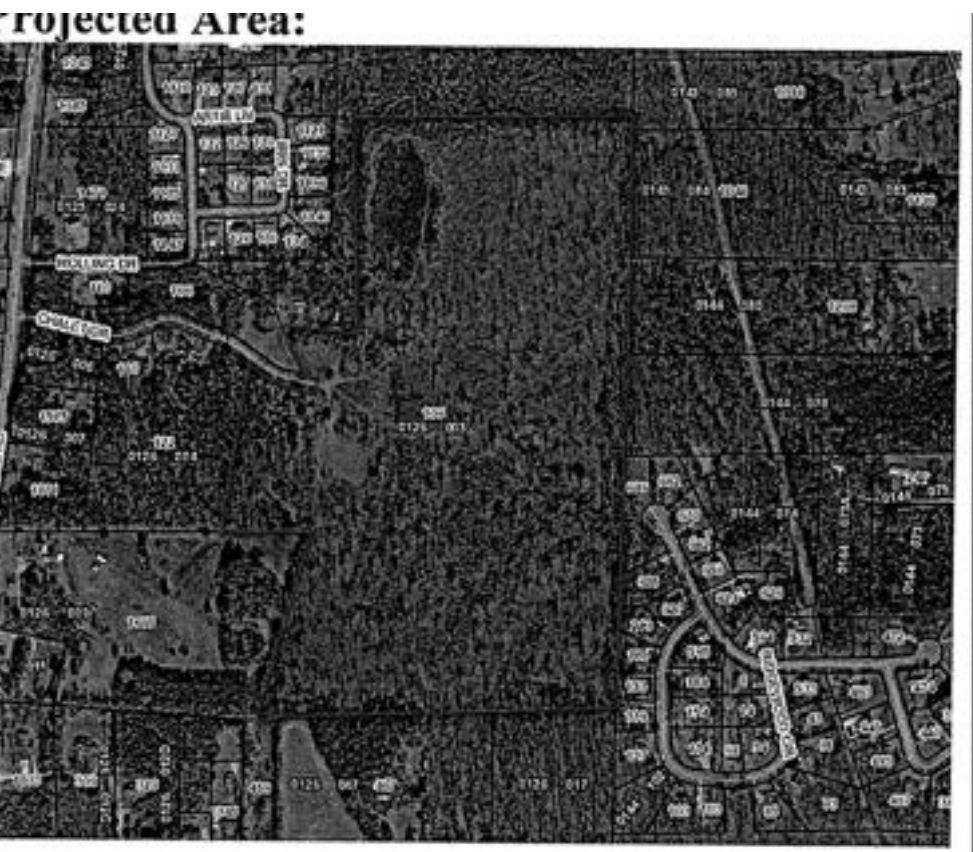




Figure s0. Residential development in the Mountain View area

County Suburban: Walker County

Description: Location of predominately post-WWII residential single family housing within subdivided parcels of large amounts of open space. County suburban housing is often found in proximity to public water. These locations are characterized by low pedestrian mobility, little or no transit, a high amount of open space, and a high to moderate degree of residential building separation. Smaller retail establishments may also be found in these locations. Public institutional uses may be found at these locations in the form of fire departments, public school, recreational facilities, etc.

Suggested Development Strategy:

1. Provide limited planned expansion of water and sewer infrastructure, to control the rate of growth.
2. Wherever possible, connect to a regional network of greenspace and trails made available to pedestrians, bicyclists, and other non-vehicular means of transportation.
3. Encourage compatible architecture styles that maintain the desired local character, and do not include "franchise" or "corporate" architecture.
4. Discourage tourist-based industries.
5. Permit conservation subdivisions, accessory housing units, and well-designed multifamily residences to increase neighborhood density versus traditional suburban development
6. Add traffic calming improvements, sidewalks, street trees, and increased street interconnect to improve walkability and slow traffic within existing neighborhood.

Land uses:

- Single family residential
- Commercial
- Parks/Recreation/Conservation
- Public/Institutional

Key Word Objectives: Post-WWII housing, Subdivision, Building separation, Limited commercial, Public water, Open space, Recreation, Conservation, Traditional neighborhood, Sense of place, Alternative multimodal transportation, Regional identity, Heritage preservation, Infill development, Open space preservation, Environmental protection

Wilkes County, GA Code of Ordinances

11, 154. • Animal care facilities (animal hospitals, veterinary clinics, kennels or other animal boarding facilities; and leishmaniasis).

(a) In the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Kennel means any premises, whether owned or managed, for housing canines or felines. 4 months old or older, are kept either permanently or temporarily for the purpose of sale, care, breeding, or training. Kennels may be private or commercial.

Livestock include cattle, horses, goats, sheep, swine, poultry, duck, geese, and other fowl; and rabbits, ferrets and other fur-bearing animals customarily bred or raised in this State; whether owned or kept for pleasure, utility or otherwise.

Veterinary hospital means a hospital or medical providing medical care and treatment for animals.

(1) **Animal hospital** means a place where horses, cattle, sheep, or other animals normally kept in agriculture are given medical or surgical treatment and the boarding of animals is limited to short-term care.

(2) **Small animal veterinary** means a place where dogs, cats, birds, or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care.

(b) Animal hospitals and veterinary clinics are permitted in the A-1 and C-1 zoning districts, subject to the site design standards for the district and the supplemental standards of this section.

(c) Animal hospitals and veterinary clinics shall be, permissibly, in freestanding buildings only.

(d) Standards for an animal hospital or veterinary clinic are shown in the following table:

Table 22-154. Standard for an Animal Hospital or Veterinary Clinic:

Development Features	Standard
Minimum land area	5 acres in A-1, if housing animals
Animals allowed	Domestic pets, farm animals, and livestock; wild animals are prohibited
Minimum building setback from all property lines which abut a residential zoning district and non-residential zoning district.	Abut residential-100 feet Abut non-residential-75 feet
Minimum outdoor setback from all property lines	400 feet
Outdoor runs:	Grounds shall be maintained in a sanitary condition at all times with solid surface areas having drains connected to an approved sanitary facility. Odor and pest control required
Hours of operation	Limited to 7:00 a.m. until 6:00 p.m.
Buffer requirements	50-foot buffer plus a fence or wall on any residentially zoned property line
Boarding	Sound proofing required

- (e) Kenneling of canines or felines, whether as pets for personal enjoyment, breeding, or boarding shall be considered a kennel when there are one or more adult canines or felines on a property.
- (f) A kennel without an outdoor run is permissible in the A-1, R-A, C-1, and CN zoning districts subject to the site design standards or the zoning district and the supplemental standards of this section.

- (2) A keMe! with an outdoor run is poirmissiblo in the A-1 zorr ng *olstncu*.subject to rtte site tie:11Sn ,mmd.ards or tho zoning distrJct and th S1Jpplomcntal standards of this secoo.n.
- (3) A kennel shall comply with the nuisaoce tr:quirem:nts p<1rt,1inrng to aniimal control as set forthIn this Cooe.
- (4) A kennel must meetal State req rements that 11,e 11ppfil:able to the siz o.f,;;,peratioo proposed.
- (S) A kr.nn!l sh,lll meet the design standards set tortJ, ln t11e fallowing table;

Table 22-154.2. Stand,1r<ti for l<..im·;|J|;

Development Features Development Features	Standard
Animals allowed	canines or felines
Minimum lot size for a kennel with an outdoor run	5 acres
Minimum building setback from all property lines which abut a residential zoning district	2.00 feet
Minimum outdoor run setback, includes fencing, from all property lines which abut a rural or residential zoning district	400 feet
Outdoor runs	Grounds shall be maintained in a sanitary condition at all times With solid surface areas having drains connected to an approved sanitary facility
Odors and pests related to operation of a kennel	Odor and pest control required
Hours of operation	Limited to 1:00 a.m. until 6:00 p.m.
Softer requirements	50-foot buffer plus a fence or wall on any residentially zoned property line
	Sound proofing required

Supplemental standards for commercial titrimetric analysis are shown in the following table:

Table 22-154.3. Stand.ltd fct C<l"mm,m:ial R:lding Stabr,e Facilities

Development Feature	Standard
Minimum land area	20 acres
Number of horses allowed	No more than 1 horse per 1 acre of improved pastureland or 1 per 2 acres, of unimproved pastureland
Buildings, structures, arenas, outdoor tracks and exercise yards adjacent to residential zoning districts or properties used primarily for residential purposes	Minimum setback of 400 feet from adjoining property line

Stables	Minimum setback of 100 feet from all property lines and a minimum setback of 500 feet from any neighboring residential dwelling
Odor and pests related to the keeping of horses	Property owner shall have a management plan for odor and pest control
Fences	The parcel shall be <i>fenced</i>
Other operational requirements	State license is required

(g) Supplemental standards for non-commercial horse stables are shown in the following table:

Table 22-154.4, Standards for Non-Commercial Horse Stables.

Development Feature	Standard
Minimum land area	5 acres in the R-A districts 3 acres in the R-2 and R-3 districts
Number of horses	No more than 1 horse per 1 acre of improved pastureland or per 2 acres of unimproved pastureland, or not more than 1 per 2 acres in R-2 or R-3.
Ownership of horses	Property owner
Stables	Minimum setback of 100 feet from all property lines and a minimum setback of 200 feet from any neighboring residential dwelling
Location of stable	Shall be located in a rear yard

CONSIDERATION OF ZONING CRITERIA

1. Existing land uses and zoning of nearby property: The zoning of the nearby property is currently zoned R-3 & R-2 (Residential)
2. Suitability of the subject property for the zone purposed: Yes
3. Extent to which property values of the subject property are diminished by the particular zoning restrictions: None
4. **Extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:** None that we know of.
5. **Relative gain to the public as compared to the hardship imposed upon the individual property owner:** No gain to the public
6. **Whether the subject property has reasonable economic use as currently zoned:** No
7. **Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property:** The tax records show the property has been owned by the Sanders since 2017.
8. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property:** It is a large lot of 53+/- acres but it does border a subdivision and other small residential lots.
9. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:** Not that we know of
10. **Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:** The Future Land Use Map shows country suburban.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** Un.known.
12. **Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:** If rezoned it would have to meet the requirements for boarding stables.

WALKER COUNTY
PLANNING & DEVELOPMENT
AGENDA ITEM

Owner: Randy & Mary Harden

Petitioner: same

Location of Property: 833 McIntire Road
Rock Spring, GA. 30739

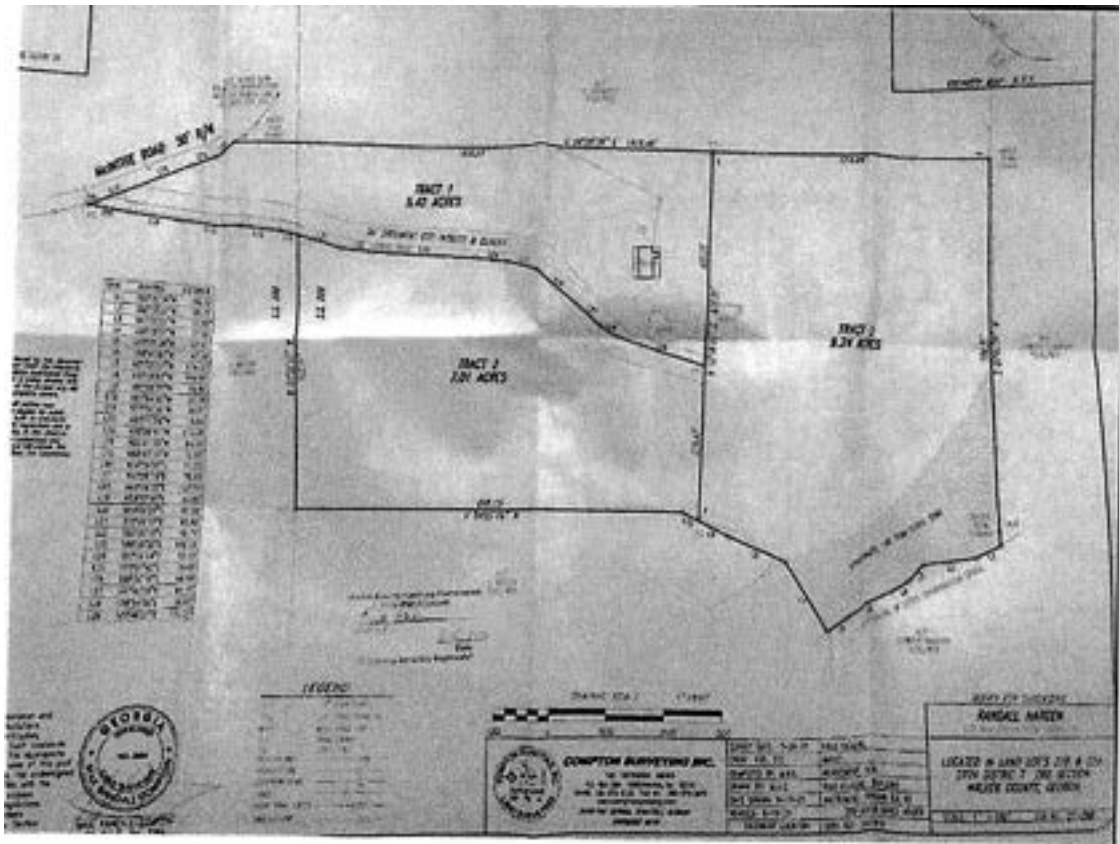
Tax map & parcel number 0-356-014

Date Applied: 6/14/2022
PC MeetingJ,tte: 7/21/2022

Present.Zoning: A-1 (Agricultural)

APPLICANT'S INTENT: To rezone property from A-1 to R-2

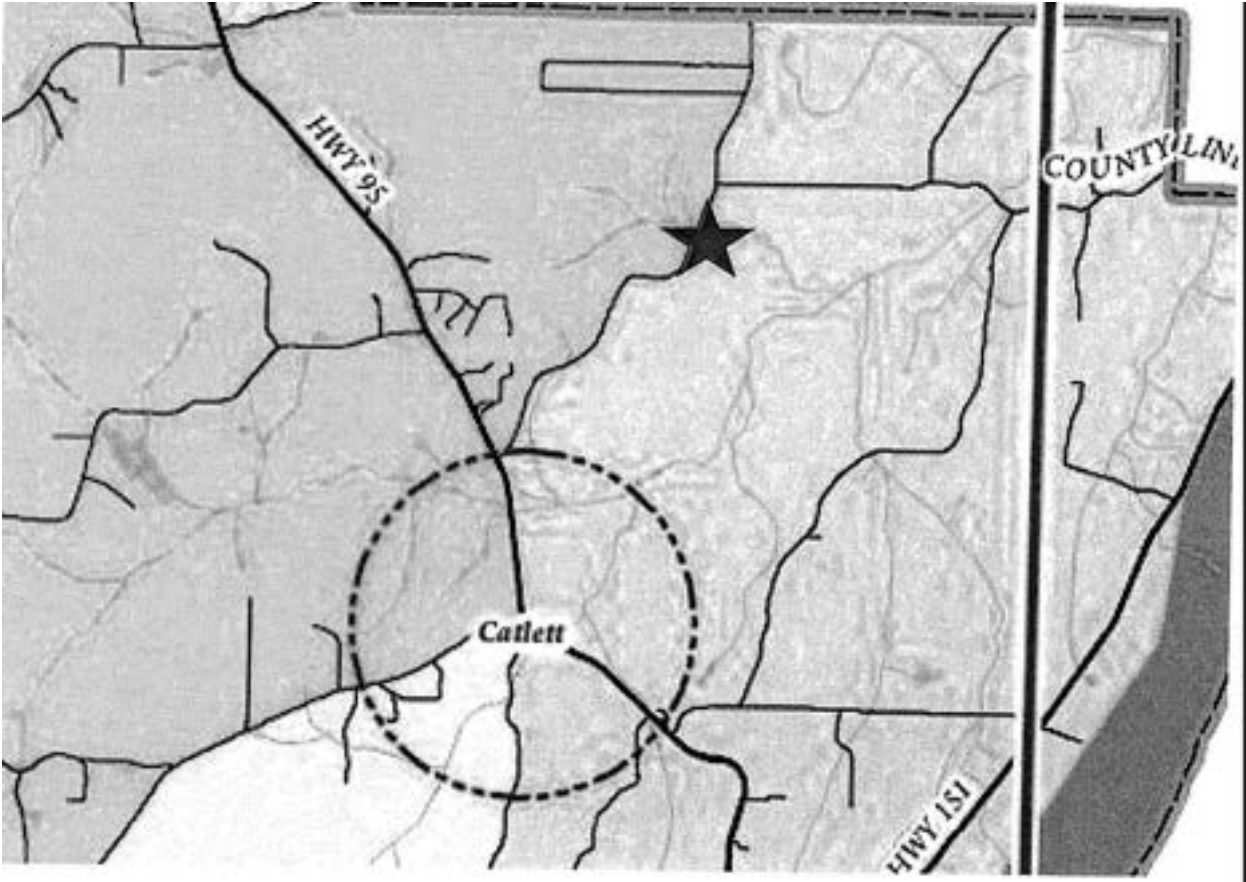
DETAILS OF REQUEST: They would like to rezone their property from A-1 to R-2 in order to divide off their son some property. Last year they divided their property into three lots leaving them 5.42 acres.



Projected Area:



Future Land Use Map:



-- Rt>t.tdJ -I-- Railroads Lakes e:., Ponds [=] Crossroad Community
--- Hit.,liways Ri11e1's 6' Streams City Limits

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Agricultural/Forestry: Walker County



Description: *Sparsely settled open areas containing farms, woods; and cultivation.*

Figure 46. Hwy 193 near Nidcajak Rd.

Suggested Development Strategy:

1. Limit new development
2. Protect farmland and open space
3. Promote use of conservation easements by landowners
4. Limit the number of residential subdivisions, requiring cluster or conservation subdivision design
5. Restrict commercial and residential development
6. Promote these areas for passive-use tourism/recreation
7. Widen roadways only when absolutely necessary
8. Carefully design roadway alterations to minimize visual impacts
9. Preserve agricultural lands for the next generation of farmers
10. Resurface and repair roads when and where necessary

land uses:

- Agriculture/Forestry
- Residential
- Parks/Recreation/Conservation

Key Word Objectives: *Conservation, Agriculture, Forestry, Low-density development, Conservation subdiviSion, Trails, Open space preservation, Environmental protections, Sense of place*

CONSIDERATION OF ZONING CRITERIA

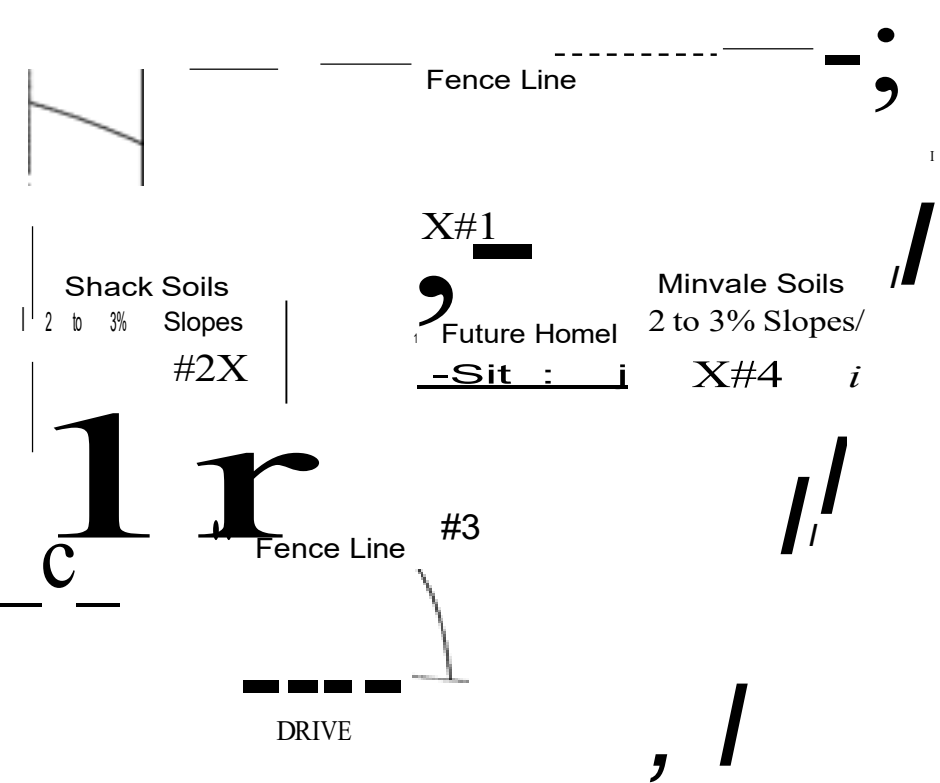
1. **Existing land uses and zoning of nearby property:** The zoning of the nearby property is currently zoned A-1 (Agricultural)
2. **Suitability of the subject property for the zone purposed:** No
3. **Extent to which property values of the subject property are diminished by the particular zoning restrictions:** None
4. **Extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:** None that we know of.
5. **Relative gain to the public as compared to the hardship imposed upon the individual property owner:** No gain to the public
6. **Whether the subject property has reasonable economic use as currently zoned:** No
7. **Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property:** The tax records show the property has been owned by the Harden's since 1994.
8. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property:** It would not be because the property is zoned A-1 which allows for one dwelling per every five acres.
9. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:** Not that we know of
10. **Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:** The Future Land Use Map shows agricultural/forestry.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** Unknown.
12. **Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:** Last year they divided off property. They divided off a 9+ & 7+ acre tracts and would have had enough for this tract to have five acres.

Phone: (706) 625-1456

County: Walker

#	Soil Series	Slope	Depth	H2O Depth	Code	Pere	Install	LR
1	Bodine	2	48	48	A	60	24	
2	Shack	2	48	24pwt	0	75	18	
3	Minvale	2	48	44	A	60	20	
4	Minvale	2	48	44	A	60	20	
5								

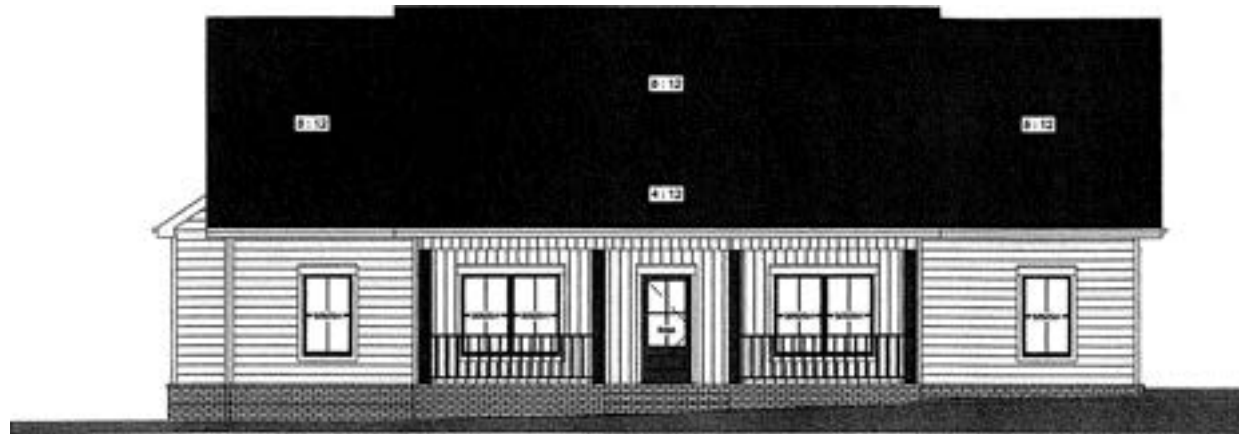
* = auger refusal due to chert fragments/ pwt = perched water table/** =estimated water table depth.



Cohutta Land Company, LLC
Client: Edwards
Site 1
Seale: 1" = 50'

50





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LEFT ELEVATION
1/4"=1'



RIGHT ELEVATION
1/4"=1'

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PROPERTY OF GOODMAN CREATIONS AND PROTECTED UNDER CH.13,
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INFRINGEMENT UPON COPYRIGHT LAW IS SUBJECT TO DAMAGES PER
SECTION 1332.

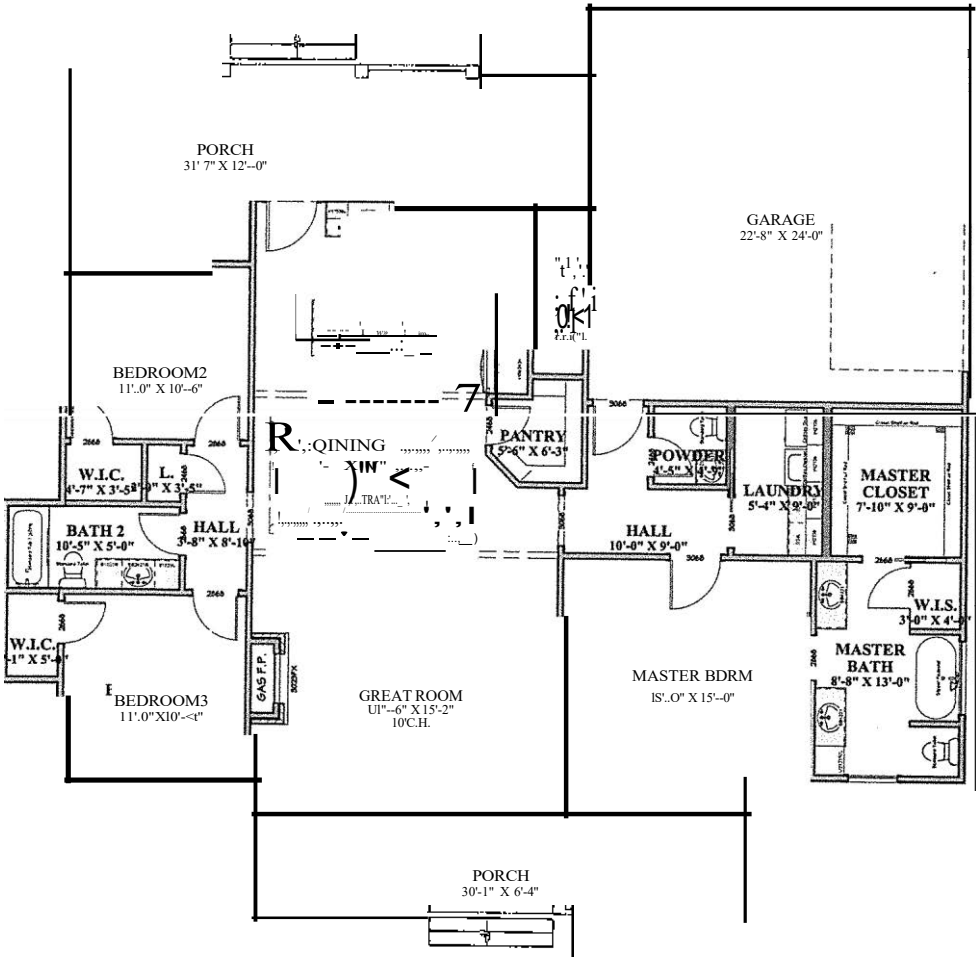
11

REC: HARDEN TONE

GOODMAN

MAIN- FLOOR

1/4"=1'



LIVING AREA
1672SQT

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PORCHES/DECKS - 4'14

S-6RQJUNQQR
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UNCONDITONED -

REAL UNCONDITONED SPACE - 1612
REAL UNCONDITONED SPACE - 1614
REAL SQFT - 2144



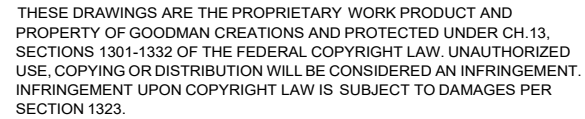
ELECTRICIAN HOME

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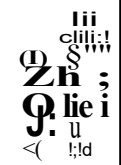
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SEC: HARDEN PHONE

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WALKER COUNTY
PLANNING & DEVELOPMENT
AGENDA ITEM

Owner: BLH Enterprises LLC
Petitioner: James Houston
Location of Property: 1183 Arnold Road
Rock Spring, GA. 30739

Tax map & parcel number 0-326-2-025

Date Applied: 6/14/2022
PC Meeting Date: 7/21/2022

Present Zoning: R-2 (Residential)

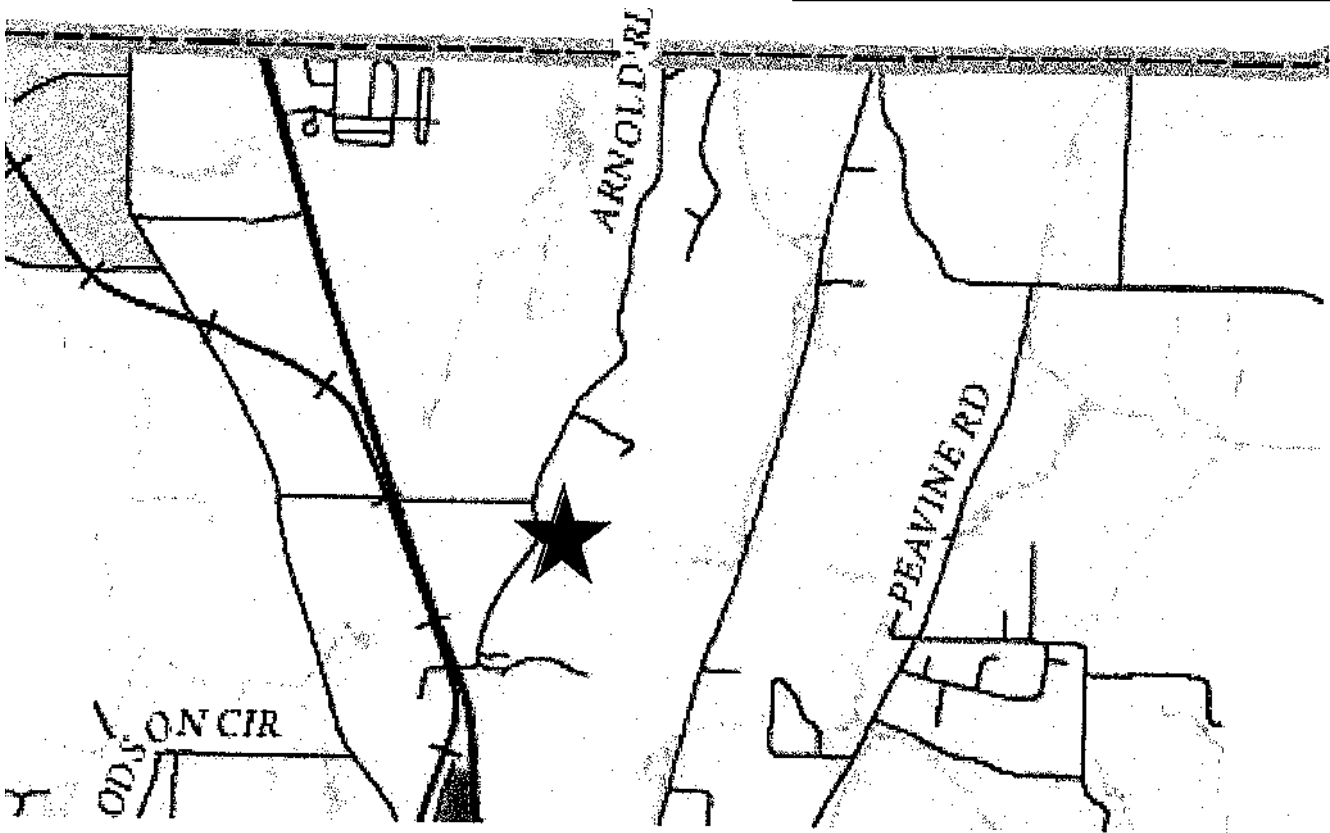
APPLICANT'S INTENT: To rezone the property from R-2 to A-1

DETAILS OF REQUEST: The property owner would like to rezone the property in order to do a single-family subdivision and also have an open mining pit on the property. The property is 21.89+/- acres. The mobile home on this property owned by Garland Steele has five years back taxes owed on it

Projected Area:



Future Land Use Map:



-- Road, /\$ +-+ Railroad, rds Lakes fl/ Porrds [=] Crossroad Community
- Highwll, 9-s Rivtrs 6' Stn:ams City Lim/ls

Character, \nas

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Dowutowu Busmc5\$ District	Historic Dawrttow11	Mixed Use	



Figure S0. Residential development in the Mountain View area

County Suburban: Walker County

Description: location of predominately post-WWII residential single family housing within subdivided parcels of large amounts of open space. County suburban housing is often found in proximity to public water. These locations are characterized by low pedestrian mobility, little or no transit, a high amount of open space, and a high to moderate degree of residential building separation. Smaller retail establishments may also be found in these locations. Public Institutional uses may be found at these locations in the form of fire departments, public school, recreational facilities, etc.

Suggested Development Strategy:

1. Provide limited planned expansion of water and sewer infrastructure, to control the rate of growth.
2. Wherever possible, connect to a regional network of greenspace and trails made available to pedestrians, bicyclists, and other non-vehicular means of transportation.
3. Encourage compatible architecture styles that maintain the desired local character, and do not include "franchise" or "corporate" architecture.
4. Discourage tourist-based industries.
5. Permit conservation subdivisions, accessory housing units, and well-designed multifamily residences to increase neighborhood density versus traditional suburban development
6. Add traffic calming improvements, sidewalks, street trees, and increased street interconnect to improve walkability and slow traffic within existing neighborhood.

Land uses:

- Single family residential
- Commercial
- Parks/Recreation/Conservation
- Public/Institutional

Key Word Objectives: Post-WWII housing, Subdivision, Building separation, Limited commercial, Public water, Open space, Recreation, Conservation, Traditional neighborhood, Sense of place, Alternative multimodal transportation, Regional identity, Heritage preservation, Infill development, Open space preservation, Environmental protection

CONSIDERATION OF ZONING CRITERIA

1. **Existing land uses and zoning of nearby property:** The zoning of the nearby property is currently zoned R-2 (Residential) & possibly A-1 (Agricultural) due to zoning maps being unclear
2. **Suitability of the subject property for the zone purposed:** Yes
3. **Extent to which property values of the subject property are diminished by the particular zoning restrictions:** None
4. **Extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:** Unknown if a mining permit is allowed.
5. **Relative gain to the public as compared to the hardship imposed upon the individual property owner:** No gain to the public
6. **Whether the subject property has reasonable economic use as currently zoned:** No
7. **Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property:** The tax records show the property has been owned by BLH Enterprises LLC since 2017.
8. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property:** It would not be since it borders a subdivision in the back.
9. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property:** Unknown
10. **Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan:** The Future Land Use Map shows country suburban.
11. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.** If a mining permit is issued then there would be big trucks coming and going.
12. **Whether there is other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:** If a subdivision will be done they would need to understand that the lots would have to be five acres each in the A-1 zone. There is already an existing mining pit less than a mile away.

Babe Steele dba Steele Grading & Excavation
8329 S. Hwy 341
Chickamauga, Georgia 30707
423.488.7041

Business development in Walker County requires significant fill dirt/chert. Due to a lack of legal borrow pits in Walker County, contractors buy outside Walker County and then haul in for each job. Contractors cannot afford to haul, challenged by escalating fuel costs.

I do business in Walker County and support the operation of chert mining on Arnold Road in Rock Spring, Georgia:

1. 1/4n iJvd.,

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4. /41£

5. Danny Ferguson RCF Trucking LLC

6. Dwight Black Carlock Trucking & Const

7. James Smith

8. Greg Smith Smith Contracting

9. Terry Carlock

10. Billy Cobb Cobb Const.

Babe Steele dba Steele Grading & Excavation
8329 S. Hwy 341
Chickamauga, Georgia 30707
423.488.7041

Business development in Walker County requires significant fill dirt/chert. Due to a lack of legal borrow pits in Walker County, contractors buy outside Walker County and then haul in for each job. Contractors cannot afford to haul, challenged by escalating fuel costs.

I do business in Walker County and support the operation of chert mining on Arnold Road in Rock Spring, Georgia:

1. _____ (TWT Trucking LLC.)
2. Sh. V. Smith (TWT)
3. Randy Ferguson, Dirt Tech
4. _____
5. _____
6. JORDAN Ferguson | Property Management
7. _____
8. _____
9. _____
10. _____





Cherokee Regional Library System

CHICKAMAUGA | LAFAYETTE WALKER | ROSSVILLE
SINCE 1942

July 18, 2022

Walker County Board of Commissioners
101 South Duke Street
LaFayette, GA 30728

Dear Board of Commissioners:

On behalf of the Board of Trustees of the Cherokee Regional Library System, I am submitting the library's request for fiscal year 2023's appropriation. Walker County has invested in our three Public Libraries for over fifty years as we improve the quality of life for our citizens, attract future economic development and to help educate our workforce.

Public Libraries rely on local taxing authorities to operate. Less than 3% of our library's revenues come from state dollars and the value of our support from our local funding agencies (Walker County Board of Commissioners, Cities of Chickamauga, LaFayette & Rossville and Walker County & Chickamauga City Schools Boards of Education) cannot be emphasized enough. Your financial support solidifies our partnership as we work together to serve the citizens of Walker County.

Five years ago, we completed the last of our three Walker County libraries' renovations when the Rossville Public Library re-opened in their newly renovated space. Having vibrant, modern, up-to-date facilities has created a surge in usage across the county. We are seeing multi-generational families and new comers to the area using our libraries in record numbers.

We are particularly encouraged by increases in the following areas:

Library Visits	up 19%
Circulation of books and materials	up 24%
Library Card Holders	up 49%
"Ready to Ready" Story hour Attendance	up 15%
Teen Program Attendance	up 85%
Family Program Attendance	up 117%
Study Room Usage	up 46%
Meeting Room Usage	up 37%

Ensuring that our momentum continues is at the forefront of our efforts.

This year, the Cherokee Regional Library Board of Trustees is requesting an appropriation increase from all of our funding agencies as we work to retain our trained, dedicated and talented staff. We are respectfully asking our funders to contribute additional support so that we may increase our library worker's hourly rate to be more in line with community rates. Currently, our starting hourly rate for a library assistant is \$10.20 and our Youth Education Coordinator is \$12.26. The rapid rise in inflation is worsening the problem and our hourly rates are below a living wage.

With collaboration from all nine taxing authorities we can make progress this year toward improving these local hourly wages. By providing a wage adjustment this year we can be in a better position to retain these key employees.

We continue to develop our collections, plan programming and train our staff with your citizens in the forefront of our mind.

I'm also enclosing our preliminary FY23 budgets. I respectfully submit a request for an addition of \$15,000 to your annual contribution for a total of \$315,000 for FY23.

As you work through the budget planning process, please reach out to me if any additional information is needed. Thank you again for all that you do to support the citizens of Walker County. It is a pleasure to serve them alongside you.

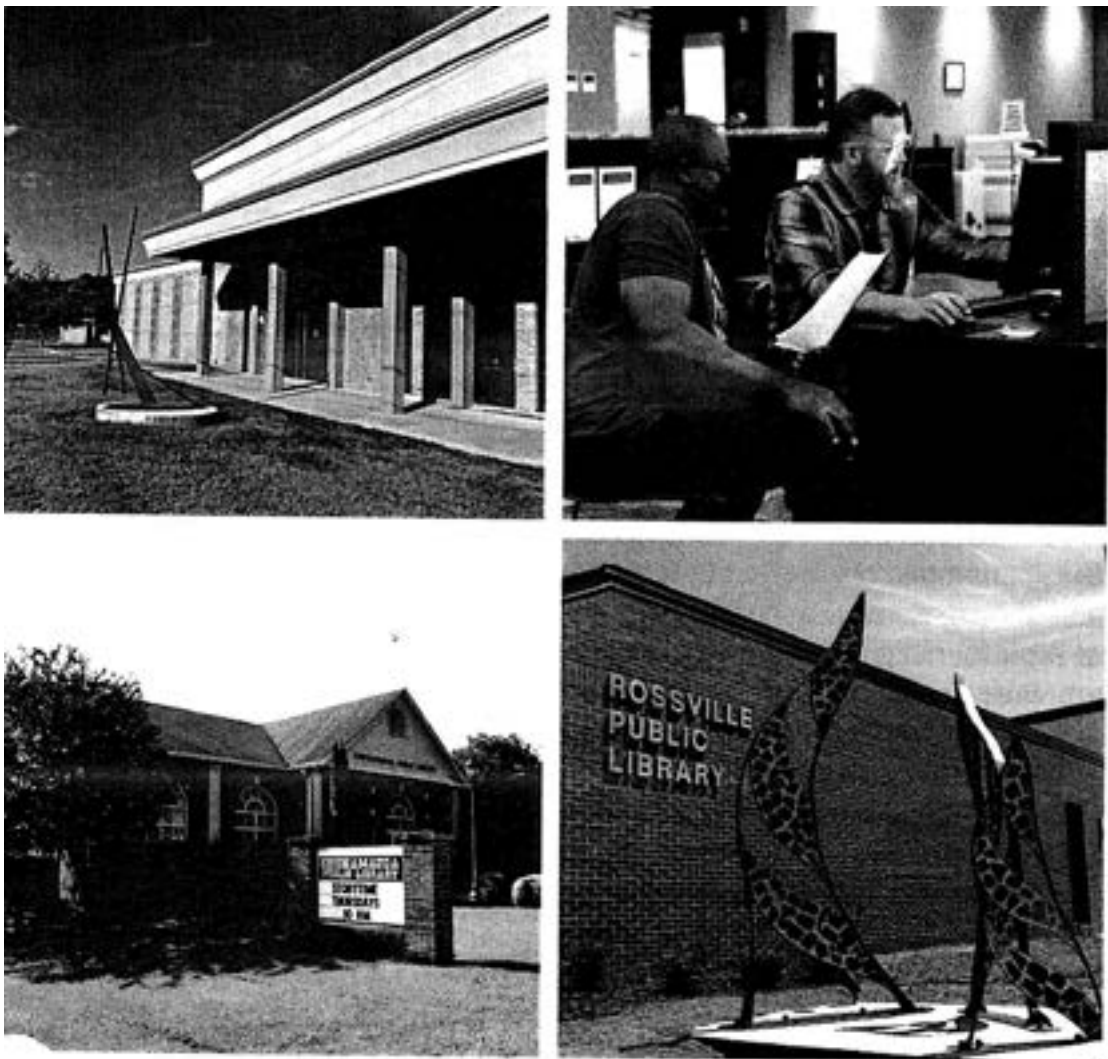
Sincerely,

Lecia Eubanks

Lecia Eubanks, Director
Cherokee Regional Library

Cheroltec Regional Library				TOTALS
FY'23 PROPOSED Budget				
Revenue	LaFayette	Rossville	Chickamauga	Walker County
Walker County Commission	\$128,210	\$91,245	\$95,545	\$315,000
Walker County Board of Education	\$36,630	\$18,870	\$6,500	\$62,000
Chickamauga Board of Education	\$0	\$0	\$6,500	\$6,500
Revenue - Cities	\$73,000	\$76,000	\$57,000	\$206,000
State Materials	\$22,417	\$7,953	\$9,937	\$40,307
State Other Funds-Internet	\$4,697	\$4,697	\$4,697	\$14,090
Interest on Investment				
Overdue Fines	\$6,000	\$2,200	\$2,680	\$10,880
Fees	\$1,200	\$600	\$100	\$1,900
Printer	\$3,500	\$1,800	\$2,000	\$7,300
Meeting Room	\$1,500	\$0	\$200	\$1,700
Fax Machine	\$1,500	\$500	\$300	\$2,300
Other Sales	\$100	\$0	\$0	\$100
Cafe Rent	\$1,500	\$0	\$0	\$1,500
Out of State Fee	\$0	\$200	\$0	\$200
Total Revenues	\$280,254	\$204,065	\$185,459	\$669,777
Expenses				
Hourly Wages	\$52,743	\$48,673	\$56,794	\$158,210
Other Salaries	\$78,660	\$41,054	\$39,120	\$158,834
FICA	\$8,147	\$5,563	\$5,947	\$19,657
Medicare	\$1,905	\$1,301	\$1,391	\$4,597
Retirement	\$20,597	\$13,629	\$11,544	\$45,770
Group Insurance	\$20,232	\$20,232	\$10,116	\$50,580
Workers' Compensation	\$400	\$300	\$300	\$1,000
Unemployment Insurance	\$400	\$350	\$400	\$1,150
Water	\$0	\$2,846	\$0	\$2,846
Cleaning	\$15,600	\$6,240	\$6,240	\$28,080
Grounds Maintenance	\$357	\$0	\$0	\$357
Maintenance	\$6,200	\$1,500	\$4,000	\$11,700
Copier Lease	\$3,500	\$2,000	\$0	\$5,500
Insurance	\$3,600	\$2,100	\$1,400	\$7,100
Telecommunications	\$7,000	\$2,000	\$2,500	\$11,500
Cost of Electronic Access-Internet	\$4,697	\$4,697	\$4,697	\$14,090
Travel	\$500	\$500	\$500	\$1,500
Materials	\$21,917	\$10,953	\$9,937	\$42,807
Materials Electronic-GADD	\$2,000	\$2,000	\$2,000	\$6,000
Supplies	\$3,000	\$2,600	\$2,500	\$8,100
Children Supplies	\$750	\$700	\$700	\$2,150
Teen Supplies	\$500	\$500	\$500	\$1,500
SRC Supplies	\$500	\$600	\$500	\$1,600
Publications and Printing	\$300	\$300	\$300	\$900
Expendable Equipment	\$500	\$500	\$500	\$1,500
Gas	\$0	\$4,200	\$0	\$4,200
Electricity	\$0	\$7,000	\$0	\$7,000
Dues, Fees, & Subscriptions	\$2,000	\$2,000	\$2,000	\$6,000
Administrative Services	\$8,244	\$6,707	\$7,335	\$22,286
Compliance Services	\$7,759	\$6,313	\$6,904	\$20,976
Technical Services	\$8,244	\$6,707	\$7,335	\$22,286
Total Expenses	\$280,254	\$204,065	\$185,458	\$669,777
NET SURPLUS/(DEFICIT)	\$0	\$0	\$0	\$0
Hours Opened Per Week	40	40		
Staff Hours Per Week	169.5	116.5	131.1	417.1
In-Kind Support	\$55,000.00	\$5,000.00	\$20,000.00	

FY22
WALKER COUNTY PUBLIC LIBRARIES
IMPACT REPORT



.....
359

DAILY VISITORS

On an average day during
FY22, 359 visitors entered
one of our three Walker
County branch libraries to use one of our
many services.



PROGRAMS



In FY22, our Walker County branches held 444 childrens programs in the library.

These included our massively popular S.T.E.A.M clubs, where students explore the sciences and the arts with experiments, activities and of course, lots of books. A partnership with Farm Bureau has brought a monthly agriculture focus to many of our programs.



This year our libraries hosted more than twice as many teen programs as the year before. Teen Volunteers are active within our libraries, and at some branches, even help plan out future events. Programs this year have included ink painting, sewing, and black-out poetry. Teens love expressing themselves through art.



Adult program attendance also doubled this year. With a bi-weekly knit and crochet group, book clubs, agriculture workshops with the UGA, and even an edible arrangements class - the library is a place where adults can learn something new, or even just become more embedded in the community. On average, our libraries held 22 adult programs each month in FY22.

THE LIBRARY AS SPACE



J 6

WEEKLY ATTENDEES

In FY22 our Walker County branches averaged 362 program attendees each week. Our Walker County libraries held 866 programs total in FY22.

With 9 study rooms, 3 meeting rooms and a board room, the library's space is an important commodity for residents and business owners alike. The patron above escapes to the Chickamauga Library to work on his small business plan. Other patrons have used our study rooms to conduct virtual interviews, to meet with potential new clients, and even to record podcasts. Larger businesses, like Roper, use our meeting room for hiring fairs.

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PRIMETIME FAMILY INITIATIVE



Students at Naomi Elementary, Cherokee Ridge Elementary and Rossville Elementary participated in the 2022 PRIMETIME program at our library branches in Rossville, Chickamauga and LaFayette.

The PRIMETIME family initiative is a grant-funded 6-week program that targets at-risk students and invites their entire family to the library once a week for stories, discussion and a meal.

The ultimate goal of the program is to help both students and their families to learn how to have deep conversations over books. The program is for the parents as much as it is for the students - empowering them to engage with their children in a new and powerful way.

In FY22, PRIMETIME served 35 Elementary School families, with 78 children participating. Families went home with 12 new books for their at-home library, and hopefully some new tools to forge conversation and connections with each other.

665 DAILY CIRCULATIONS

On an average day during FY22, Walker County branch libraries checked out 665 items including books, audiobooks, dvds, kits, ebooks & more.

This year, a grandmother and her mentally handicapped daughter attended with her grandchild. The grandmother is the current caregiver for both her daughter and granddaughter. The stories and conversations over PRIMETIME helped teach both daughter and grandchild, and helped them bond with each other in a new way. Grandmother was amazed at seeing her daughter J a with her gf_ ld aug ter.

1322 NEW LIBRARY USERS

In FY22, our Walker County Libraries registered 1,322 residents for a public library card.

This Rossville Elementary Bulldog got his first public library card during September's switch to hybrid learning. His mother came to the library looking for additional supplemental resources to help her student thrive during a difficult time for all. In FY23, the library plans to curate additional collections aimed towards fighting learning loss.





When her daughter's laptop broke the day before her history assignment was due, this local mom remembered she could checkout a chromebook at the library.

81

DAILY INTERNET SESSIONS

Whether using the library's WiFi on their personal device, or using a library computer, about 81 people visited the library each day to access the internet. Library employees often assist residents who

COVID-19 taught us that not everyone has access to a computer, or high-speed internet at home.

In FY22, Cherokee Regional Library System launched a new hotspot and chromebook borrowing program.

It's a new program, but already a young mother has checked out both devices so that she can work on studying for her GED at home, while her children are sleeping.

One of our PRIMETIME participants, a single father of 5 children, checked out one of our hotspots. His internet connection at home was too weak to support the bandwidth needed for all children to work on their homework at the same time. The hotspot was just what he needed, and he really appreciated the help he received from the library.

The PLAY Student Library card launched for Walker County and Chickamauga City School students on May 2nd, giving Walker County Branch libraries over 9600 new Juvenile library accounts. Our Youth Education Coordinators visited local schools to inform students and their teachers about the benefits of this program.

PLAY cards allow local students to check-out up to 5 items at a time. Items checked out on this card do NOT receive late fines.

After the library visited their school on May 10th, about 8 students stopped by the Rossville Library that afternoon to utilize their PLAY cards and check out books! They and their parents were very excited about this resource.

FINES FREE LIBRARY CARDS



PLAY



RESOLUTION R-031-22

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALKER COUNTY TO
DECLARE PROPERTY OF THE WALKER COUNTY SHERIFF'S OFFICE
UNSERVICEABLE SURPLUS AND REMOVED FROM THE COUNTY INVENTORY**

WHEREAS, O.C.G.A. § 36-9-2 provides that the county governing authority shall have the control of all property belonging to the county and may, by order entered on its minutes, direct the disposal of any real property which may lawfully be disposed of and make and execute good and sufficient title thereof on behalf of the county; and

WHEREAS, the Sheriff has requested the property listed on Exhibit A and Exhibit B be deemed unserviceable surplus and further requests that the property be removed from the County inventory;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Walker County, Georgia that the property listed in Exhibit A and Exhibit B attached hereto, and made a part hereof, be hereby declared unserviceable surplus and removed from the County inventory.

SO RESOLVED AND ADOPTED this 28th day of July, 2022.

ATTEST:

WALKER COUNTY, GEORGIA

● u)x&W

REBECCA WOODEN, County Clerk

SHANNON K. W TFIELD, Chairman



The foregoing Resolution received a motion for
approval from Commissioner Hart,
second by Commissioner Stutley,
and upon the question the vote is 4 ayes,
0 nays to approve the Resolution.

Memorandum

To : Walker County Commissioner

From : Sheriff Steve Wilson *7P*

Date : July 13, 2022

Subject: Surplus Equipment

Please declare the following equipment as surplus and remove from County inventory. Items #1-#16 shall be disposed of as they are unserviceable and are not repairable.

- 1. Watchguard DV-1 In-car camera system SN: DV10-131164
- 2. Watchguard DV-1 In-car camera system SN: DV10-136465
- 3. Motorola XTS 2500 800 mhz radio SN: 205CKH1089
- 4. Motorola XTS 2500 800 mhz radio SN: 205CKH1098
- 5. Motorola XTS 2500 800 mhz radio SN: 205CKH1077
- 6. Decatur Speed Trak Radar SN: STK-03289
- 7. Taser X26 SN: X00-491424
- 8. Taser X26 SN: X00-508085
- 9. Taser X26 SN: X00-508159
- 10. Taser X26 SN: X00-491500
- 11. Taser X26 SN: X00-503593
- 12. Taser X26 SN: X00-508213
- 13. Taser X26 SN: X00-491110
- 14. Taser X26 SN: X00-074625
- 15. Taser X26 SN: X00-507991
- 16. Taser X26 SN: X00-491451

Exhibit B

MEMO

To: Walker County Board of Commissioner's

From: Sheriff Steve Wilson

Date: July 19, 2022

Subject: Surplus Equipment

Please declare the following vehicles as surplus and remove them from the County inventory and msurance coverage.

1. 2007 Chevrolet Impala VIN-2G1WB58K879411050, White in color, WCSO # 07-C1
Bad Engine.
2. 2009 Chevrolet Impala VIN-2G1WB57K291299087, Blue in color, WCSO # 09-C2
Wrecked.
3. 2010 Chevrolet Impala VIN-2G1WA5EK1A1218994, Black in color, WCSO # 10-C1
Bad Engine.
4. 2013 Chevrolet Impala VIN-2G1WF5E3XD1262037, White in color, WCSO # 13-C3
Wrecked.
5. 2014 Chevrolet Impala VIN-2G1WA5E31E1152400, White in color, WCSO # 14-C2
Wrecked.



RESOLUTION R-032-22

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALKER COUNTY TO APPOINT A CODE OFFICIAL FOR CONSTRUCTION CODES AND A CODE OFFICIAL FOR PROPERTY MAINTENANCE

WHEREAS, the Board of Commissioners ("Board") is the governing authority of Walker County; and

WHEREAS, Chapter 8 of the Code of Walker County calls for a Code Official to enforce the provisions of the construction codes; and

WHEREAS, Chapter 20 of the Code of Walker County calls for a Code Official to enforce the provisions of the International Property Maintenance Code; and

WHEREAS, Chairman Whitfield submits the following appointments to serve, effective immediately:

Jon Pursley - Code Official over construction codes

David Brown - Code Official over property maintenance codes

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Walker County, Georgia that the appointments of Jon Pursley and David Brown are approved.

SO RESOLVED AND ADOPTED this 28th day of July, 2022.

ATTEST:

J

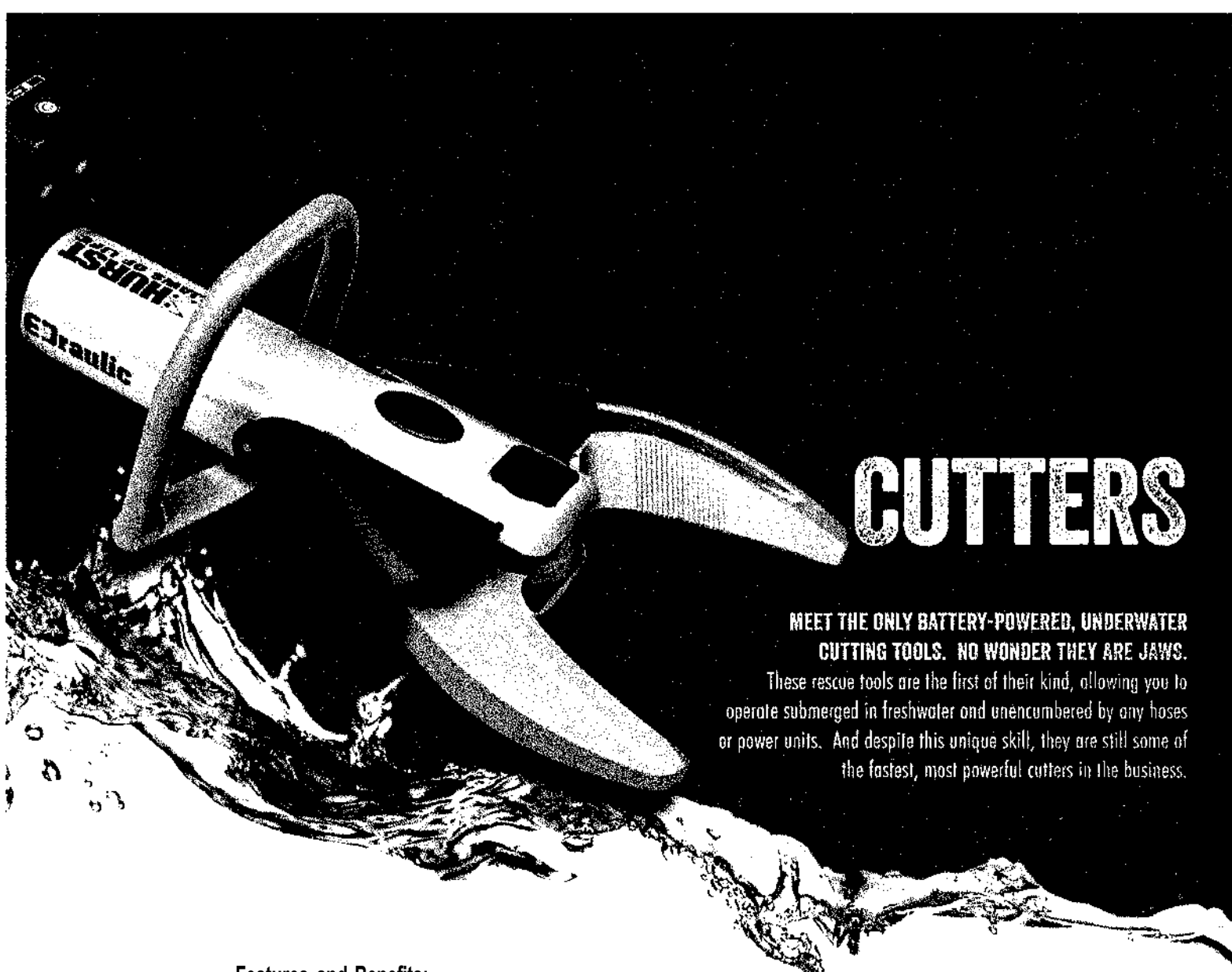
REBECCA WOODEN, County Clerk



WALKER COUNTY, GEORGIA

SHANNON K. WHITFIELD, Chairman

The foregoing Resolution received action for
Approved from Commissioners _____
second by Commissioner _____
and on the question the vote is _____ ayes,
Q nays to _____ the Resolution.



CUTTERS

MEET THE ONLY BATTERY-POWERED, UNDERWATER CUTTING TOOLS. NO WONDER THEY ARE JAWS.

These rescue tools are the first of their kind, allowing you to operate submerged in freshwater and unencumbered by any hoses or power units. And despite this unique skill, they are still some of the fastest, most powerful cutters in the business.

Features and Benefits:

- Watertight, allows you to operate the tool submerged in fresh water
- " Brushless DC electrical motor runs more efficiently with higher performance for a longer battery life
- Two LED lights illuminate the front of the tool
- Large waterproof 9Ah battery with IP68 protection class
- " Ergonomically designed star-grip permits tool operation from almost any gripping position
- 4-sloped beveled shock resistant blades
- .. Advanced blade design
- UHSS capable
- One piece body construction
- Cutting edge of blade can be resurfaced

CUTTERS



S 378 EWXT

272278000-1 (Tool Only)

272278000-5 (includes tool, (2) 5Ah batteries and (1) charger)
272278000-9 (includes tool, (2) 9Ah batteries and (1) charger)



S 788 EWXT

272288000-1 (Tool Only)

272288000-5 (includes tool, (2) 5Ah batteries and (1) charger)
272288000-9 (includes tool, (2) 9Ah batteries and (1) charger)



S 789 EWXT

272289000-1 (Tool Only)

272289000-5 (includes tool, (2) 5Ah batteries and (1) charger)
272289000-9 (includes tool, (2) 9Ah batteries and (1) charger)



S 799 EWXT

272299000-1 (Tool Only)

272299000-5 (includes tool, (2) 5Ah batteries and (1) charger)
272299000-9 (includes tool, (2) 9Ah batteries and (1) charger)

TECHNICAL SPECIFICATIONS

- Length (w/o battery): 33.3 in/ 846 mm
- Width: 9.25 in/ 235 mm
- Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 40.8 / 18.5 kg
- Cutter Opening: 7.99 in/ 202 mm
- NFPA Cutter Rating: A7/B8/C7/D7/E8
- NFPA 1936 2020 Compliant
- Tool IP Rating: IP58
- Battery IP Rating: IP68

TECHNICAL SPECIFICATIONS

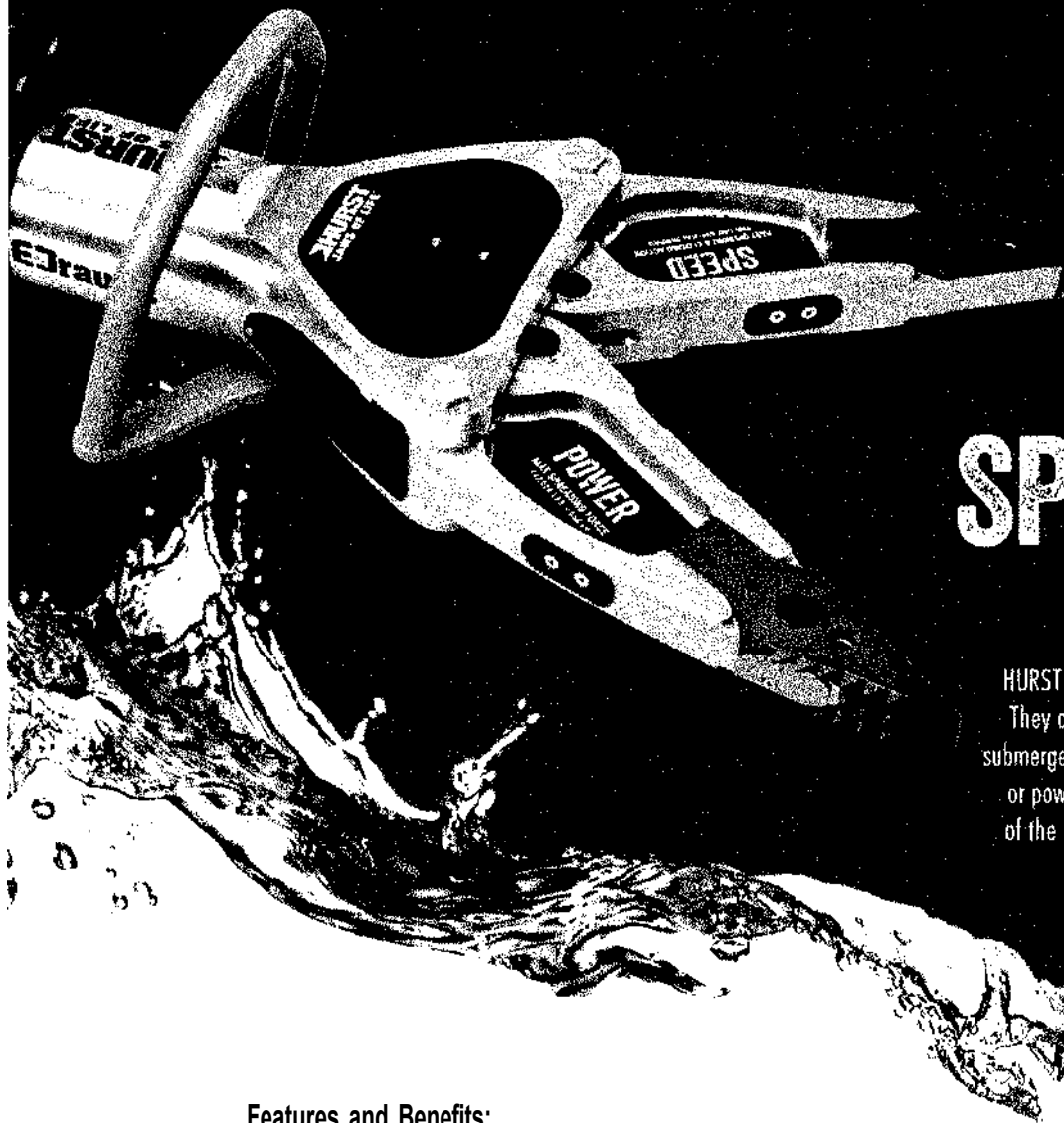
- Length (w/o battery): 35.6 in/ 904 mm
- Width: 10.5 in/ 266 mm
- Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 48.9 / 22.2 kg
- Cutter Opening: 7.87 in/ 200 mm
- NFPA Cutter Rating: A8/B9/C8/D9/E9/F4
- NFPA 1936 2020 Compliant: Yes
- Tool IP Rating: IP58
- Battery IP Rating: IP68

TECHNICAL SPECIFICATIONS

- Length (w/o battery): 35.9 in/ 912 mm
- Width: 10.5 in/ 266 mm
- Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 48.9 / 22.4 kg
- Cutter Opening: 8.06 in/ 205 mm
- NFPA Cutter Rating: A8/B9/C8/D9/E9/F5
- NFPA 1936 2020 Compliant: Yes
- Tool IP Rating: IP58
- Battery IP Rating: IP68

TECHNICAL SPECIFICATIONS

- Length (w/o battery): 35.9 in/ 912 mm
- Width: 10.4 in/ 265 mm
- Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 54.9 / 24.9 kg
- Cutter Opening: 8.03 in/ 204 mm
- NFPA Cutter Rating: A9/B9/C9/D9/E9/F5
- NFPA 1936 2020 Compliant: Yes
- Tool IP Rating: IP58
- Battery IP Rating: IP68



SPREADERS

GREAT FOR MAKING UNDERWATER EXITS.

HURST Jaws of Life EWXT spreaders are game-changers.

They are the first of their kind and allow you to operate submerged in fresh water and unencumbered by any hoses or power units. And despite all that, they are still some of the lightest, most powerful spreaders in the business.

The water is a lot safer now.

Features and Benefits:

- Watertight, allows you to operate the tool submerged in fresh water
- " Squeezing pliers built into the arms
- " "Shark Tooth" removable tips offer multifunctional design, with four rows of shark-like teeth designed to grab and maintain position on UHSS structures and panels for both spreading and ratcheting applications
- ., Brushless DC electrical motor runs more efficiently with higher performance for a longer battery life
- Quieter
- " Two LED lights illuminate the front of the tool
- Ergonomically designed star-grip permits tool actuation from almost any gripping position
- Large waterproof 9Ah battery with IP68 protection class
- " Lightweight design
- One piece body construction
- " Accessories such as pulling chains and stability plate attach through tip pin hole for quick deployment

800.537.2659 • 711 N. POST ROAD, SHELBY, NC 28150 • JAWSOFLIFE.COM

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HURST
JAWS OF LIFE

SPREADERS



SP 333 EWXT

271233000-1 (Tool Only)
271233000-5 (includes tool, (2) 5Ah batteries and (1) charger)
271233000-9 (includes tool, (2) 9Ah batteries and (1) charger)



SP 555 EWXT

271255000-1 (Tool Only)
271255000-5 (includes tool, (2) 5Ah batteries and (1) charger)
271255000-9 (includes tool, (2) 9Ah batteries and (1) charger)



SP 777 EWXT

271277000-1 (Tool Only)
271277000-5 (includes tool, (2) 5Ah batteries and (1) charger)
271277000-9 (includes tool, (2) 9Ah batteries and (1) charger)

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 32.4 in/ 823 mm
- " Width: 10.1 in/ 256 mm
- " Height (w/o botlery): 9.96 in/ 253 mm
- Weight (w/o battery): 37.7 / 17.1 kg
- " Spreading Distance: 23.6 in/ 600 mm
- Maximum Spreading Force: 187,940 Lbf / 836 kN
- Maximum Pulling Force: 12,589 Lbf / 56 kN
- " NFPA HSF: 14,162 Lbf / 63 kN
- " NFPA LSF: 8,768 / 39
- .. NFPA HPF: 9,667 Lbf / 43 kN
- LPF 71 Lbf/ 23 kN
- 2020 Compliant
- " Tool IP
- " IP IP68

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 36.3 in/ 923 mm
- " Width: 10.4 in/ 265 mm
- " Height (w/o batlery): 9.96 in/ 253 mm
- " Weight (w/o battery): 43.9 lbs/ 19.9 kg
- " Spreading Distance: 28.7 in/ 730 mm
- " Maximum Spreading Force: 147,924 Lbf / 658 kN
- " Maximum Pulling Force: 13,039 Lbf / 58 kN
- " NFPA HSF: 16,186 Lbf / 72 kN
- " NFPA LSF: 11,016 Lbf / 49
- HPF 10,341 / 46 kN
- LPF 6,295 / 28 kN
- 2020 Compliant
- " Tool IP IP58
- " IP Rating: IP68

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 39.3 in/ 997 mm
- " Width: 12.2 in/ 309 mm
- Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 51.6 lbs/ 23.4 kg
- Spreading Distonce: 32 in/ 813 mm
- Maximum Spreading Force: 134,900 Lbf / 600 kN
- Maximum Pulling Force: 13,490 Lbf / 60 kN
- NFPA HSF: 19,110 Lbf / 85 kN
- LSF 13,260 Lbf / 59 kN
- NFPA HPF: 11,016 lbf / 49 kN
- LPF: 6774 Lbf / 30 kN
- " 19362020
- IP IP58
- .. IP IP68



RAMS

PACKS AN UNDERWATER PUNCH.

What they do above water is incredible. What they do underwater is downright absurd. These rams are the first of their kind, allowing you to create wide opening for rescue while submerged in fresh water without being encumbered by any hoses or power units. The sharp claws at both ends enable you to apply it effectively in almost any precarious situation — especially underwater.

Features and Benefits:

- " Waterlight, allows you to operate the tool submerged in fresh water
- " Brushless DC electrical motor runs more efficiently with higher performance for a longer battery life
- Four LED lights illuminate the front and back of the tool
- Large waterproof 9Ah battery with IP68 protection class
- Ergonomically designed slush-rip permits tool rotation from almost any gripping position
- Rotating down heads allow for better patient access
- " Telescopic design allows for minimal insertion and maximum spread
- Great for forcible entry as well

RAMS



R 521 EWXT

274285000-1 (Tool Only)

274285000-5 (includes tool, (2) 5Ah batteries and (1) charger)

274285000-9 (includes tool, (2) 9Ah batteries and (1) charger)



R 522 EWXT

274286000-1 (Tool Only)

274286000-5 (includes tool, (2) 5Ah batteries and (1) charger)

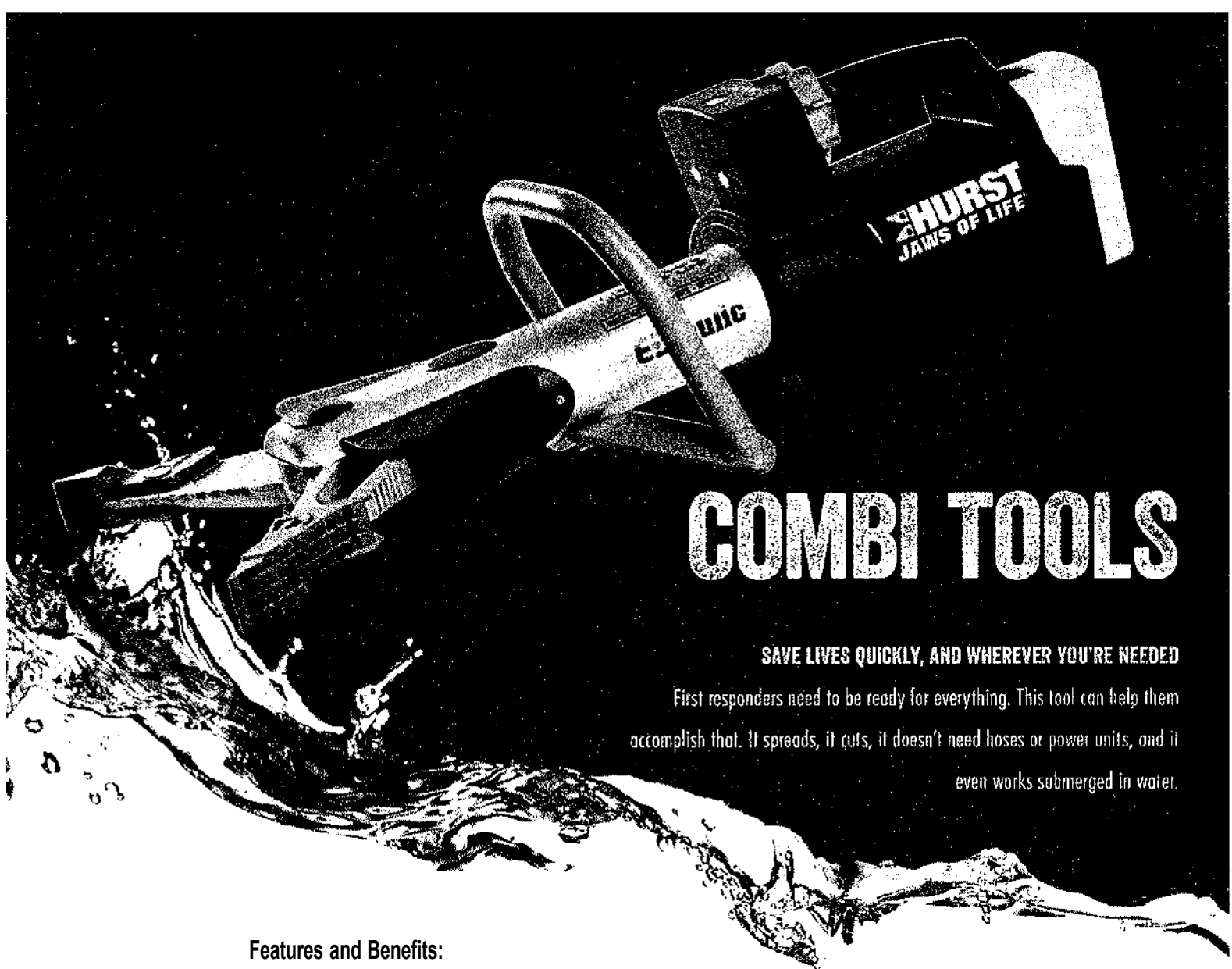
274286000-9 (includes tool, (2) 9Ah batteries and (1) charger)

TECHNICAL SPECIFICATIONS

- " length (w/o battery) 22.8 in/ 579 mm
- length Extended (w/o battery): 53.5 in/ 1359 mm
- " Width: 5.51 in/ 140 mm
- 12.9 in/ 327 mm
- " Weight (w/o battery): 41.9 lbs/ 19 kg
- Stroke Piston 1: 15.6 in/ 403 mm
- " HSF Piston 1: 28,600 lbf / 127 kN
- Stroke Piston 2 14.8 in/ 377 mm
- HSF Piston 2: 13,500 lbf / 60 kN
- " Stroke Overoli: 30.7 in/ 780 mm
- " NFPA 1936 2020 Compliant Yes
- " Tool IP Rating: IP58
- Battery IP Rating: IP68

TECHNICAL SPECIFICATIONS

- " Length 24.7 in/ 627 mm
- " Extended (w/o battery) 59.2 in/ 1503 mm
- " Width: 5.51 in/ 140 mm
- (w/o battery): 12.9 in/ 327 mm
- " Weight (w/o battery) 44.8 lbs/ 20.3 kg
- Stroke Piston 1: 17.8 in/ 451 mm
- " HSF Piston 1: 28,600 Lbf / 127 kN
- " Stroke Piston 2 16.7 in / 425 mm
- " HSF Piston 2 13,500 lbf / 60 kN
- " Stroke Overoli 34.5 in/ 876 mm
- " NFPA 1936 2020 Compliant Yes
- Tool IP Rating: IP58
- Battery IP Rating: IP68



COMBI TOOLS

SAVE LIVES QUICKLY, AND WHEREVER YOU'RE NEEDED

First responders need to be ready for everything. This tool can help them accomplish that. It spreads, it cuts, it doesn't need hoses or power units, and it even works submerged in water.

Features and Benefits:

- .. Watertight, allows you to operate the tool submerged in fresh water
- " Brushless DC electrical motor runs more efficiently with higher performance for a longer battery life
 - Two LED lights illuminate the front of the tool
- " Large waterproof 9Ah battery with IP68 protection class
- " Ergonomically designed star-grip permits tool actuation from almost any gripping position
- " 4-stage heat treated shock resistance blades
 - Removable Shark tooth tips with self-retaining pin (SC 358/758 EWXT only)
 - Removable tips to allow for deeper cuts when needed (SC 358/758 EWXT only)
- " One piece body construction
 - Accessories such as pulling chains and stability plate attach through tip pin hole for quick deployment
- Great for forcible entry and removal as well as standard extrication needs

COMBI TOOLS



SC 258 EWXT

273228000-1 (Tool Only)
273228000-5 (includes tool, (2) 5Ah batteries and (1) charger)
273228000-9 (includes tool, (2) 9Ah batteries and (1) charger)



SC 358 EWXT

273223000-1 (Tool Only)
273223000-5 (includes tool, (2) 5Ah batteries and (1) charger)
273223000-9 (includes tool, (2) 9Ah batteries and (1) charger)



SC 758 EWXT

273249000-1 (Tool Only)
273249000-5 (includes tool, (2) 5Ah batteries and (1) charger)
273249000-9 (includes tool, (2) 9Ah batteries and (1) charger)

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 31.2 in/ 792 mm
- " Width: 8.27 in/ 210 mm
- Height (w/o battery): 9.96 in/ 253 mm
- " Weight (w/o battery): 31.7 lbs/ 11.4 kg
- " Spreading Distance: 12.6 in/ 321 mm
- " Maximum Spreading Force: 157,000 Lbf / 700 kN
- " Maximum Pulling Force: 7,640 Lbf / 34 kN
- " Cutter Opening: 9.2 in/ 233 mm
- NFPA Cutter Rating: A6/B6/C6/D7/E7/F4
- " NFPA HSF: 6,500 Lbf / 29 kN
- Nm\ LSF: 5,400 Lbf / 24 kN
- " NFPA HPF: 8,320 Lbf / 37 kN
- NFPA LPF: 6,300 Lbf / 28 kN
- NFPA 1936 2020 Compliant:
- IP IP58
- IP Rating: IP68

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 34.5 in/ 876 mm
- " Width: 9.25 in/ 235 mm
- " Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 40.6 lbs / 18.4 kg
- " Spreading Distance: 14.5 in/ 368 mm
- " Maximum Spreading Force: 337,230 Lbf / 1500 kN
- " Maximum Pulling Force: 13,714 Lbf / 61 kN
- Cutter Opening: 12.2 in/ 309 mm
- NFPA Cutter Rating: A7/B8/C7/D8/E7/F4
- NFPA HSF: 6,667 Lbf / 43 kN
- MFPA LSF: 7,419 Lbf / 33 kN
- " NFPA HPF: 13,940 Lbf / 62 kN
- MFPA LPF: 9,667 Lbf / 43 kN
- " NFPA 1936 2020 Compliant:
- Tool IP IP58
- IP Rating: IP68

TECHNICAL SPECIFICATIONS

- " Length (w/o battery): 38.6 in/ 980 mm
- " Width: 10.5 in/ 266 mm
- " Height (w/o battery): 9.96 in/ 253 mm
- Weight (w/o battery): 52.9 lbs/ 24 kg
- Spreading Distance: 18.7 in/ 475 mm
- Maximum Spreading Force: 337,213 Lbf / 1500 kN
- Maximum Pulling Force: 21,132 Lbf / 94 kN
- " Cutter Opening: 15.7 in/ 400 mm
- NFPA Cutter Rating: A8/B9/C9/D9/E9/F5
- NFPA HSF: 11,016 Lbf / 49 kN
- * MFPA LSF: 8,543 Lbf / 38 kN
- NFPA HPF: 15,512 Lbf / 69 kN
- " LPF: 11,690 Lbf / 52 kN
- " NFPA 1936 2020 Compliant: Yes
- IP Rating: IP68

en WALKER CO COMMISSIONER'S OFFICE
:C 101 S DUKE ST
;; LA FAYETTE, GA30728
-f
0

OJ WALKER CO COMMISSIONER'S OFFICE
F PO BOX 445
LA FAYETTE, GA30728
0

PURCHASE ORDER
NO. 2022-00001909
DATE 07/20/2022

VENDOR 2279 APRUVE

0 APRUVE
0 FLIRC/OTREVIPAY
P O BOX 840755
DALLAS, TX 75284-0755
-I

DELIVER BY
SHIP VIA
FREIGHT TERMS
ORIGINATOR
RESOLUTION #
PAYMENT TERMS

David Brown

QUANTITY				
14.0000	EA	General Supplies & Materials	\$4,024.7135	\$56,345.99
			TOTAL DUE	\$56,345.99

APPROVED BY: W. A. Clafford

PAGE1 OF 1

SPECIAL INSTRUCTIONS

SPECIAL INSTRUCTIONS	
2- 7TM-01-F350 PTM466 - 640X480, 60Hz, 36MM	
\$5,249.00 EACH TOTAL \$10,498.00	
10 - 7TM-01-F310 PTM166 - 640X480, 60Hz, 13.8MM	
\$3,459.00 EACH TOTAL \$34,590.00	
2 - 73701-0101 K2 TIC \$1,539.00 EACH	



TELEDYNE
FLIR

QUOTATION - The FLIR Webstore

Disclaimer: All pricing contained in this quote is contingent on using payment methods available on the Webstore (Credit card, NET 30 via Apruve, or Wire transfer) WE DO NOT PROCESS PURCHASE ORDERS

Quote #1012755
Date: 07/19/2022
Valid Until: 60 Days from issue date

Prepared by: David Lamb
Email: David.Lamb@Teledyneflir.com
Phone: 971-910-7895

CUSTOMER - QUOTE TO
Rebecca Wooden
r.wooden@walkerga.us

PART NUMBER	DESCRIPTION	UNIT PRICE	QTY	TOTAL
7TM-01-F350	PTM466 - 640x480, 60Hz, 36mm, 12°	\$5,249.00	2	\$10,498.00
7TM-01-F310	PTM166 - 640x480, 60Hz, 13.8mm, 32°	\$3,459.00	10	\$34,590.00
73701-0101	K2:TIC	\$1,539.00	2	\$3,078.00
72203-0411	K33: High Performance TIC 240x180	\$3,569.00	2	\$7,138.00
T198322ACC	Kxx In-Truck Charger	\$829.00	1	\$829.00
T198125	2 bay battery charger for EXX and K Series	\$212.99	1	\$212.99

Subtotal:	\$56,345.99
Shipping:	\$0.00
Tax:	Applied at checkout (unless exempt)
TOTAL:	\$56,345.99



TELEDYNE FLIR

INSTRUCTIONS

Ordering: FLIR Commercial Systems, Inc. is registered to collect sales tax when shipping product to the following states: AL, AR, AZ, CA, CO, CT, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NE, NC, ND, NJ, NY, NM, NV, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, WI, WV and WY and Canadian provinces

Delivery: Ships within 2 business days (when in stock).

Payment: Visa, MasterCard, Wire Transfer, NET 30 credit terms via Aprove

Terms & Conditions: Seller's Offer, and any order issued by Buyer to Seller for the goods and/or services specified herein, is strictly limited to Seller's General Terms and Conditions of Sale, which can be found at <https://www.flir.com/corporate/reseller-and-customer-information/>

Export: These commodities, technology or software are subject to the United States Export Administration Regulations. Diversion contrary to U.S. law is prohibited. They may not be used in the design, development, production or use of nuclear, chemical or biological weapons or missiles. These commodities may not be sold, transferred or exported to Cuba, Iran, North Korea, Sudan (Republic of), or Syria. They may not be exported or re-exported without first consulting relevant US Export Administration Regulations.

TO ORDER PLEASE CONTACT:

David.Lamb@teledyneflir.com

971-910-7895

THANK YOU!

CJ> WALKER CO COMMISSIONER'S OFFICE
:C 101 S DUKE ST
-C LA FAYETTE, GA30728
-I
0

OJ WALKER CO COMMISSIONER'S OFFICE
1 PO BOX 445
LA FAYETTE, GA30728
0

PURCHASE ORDER
NO. 2022-00001953
DATE 07/28/2022

VENDOR 56889 PRATER FORD INC

0 PRATER FORD INC
0 POBOX818
704 S WALL ST
CALHOUN, GA 30703
-I

DELIVER BY
SHIP VIA
FREIGHT TERMS
ORIGINATOR Whitfield, Shannon
RESOLUTION #
PAYMENT TERMS

QUANTITY	U/M	DESCRIPTION	UNIT COST	TOTAL COST
2.0000	EA	Capital - Vehicles - 2022 Ford Escape 4-Door All-Wheel-Drive	\$26,702.8000	\$53,405.60
TOTAL DUE				\$53,405.60


APPROVED BY

SPECIAL INSTRUCTIONS

2022 DEALER ORDER RECEIPT ACKNOWLEDGEMENT-FD PAGE 54
ALTER-ORDER ** DEALER SUBMITTED** 03/24/22
21V422 PRATER FORD, INC.
BODY U9F BEGIN ORD 2141 # UNITS 001 PRIORITY H1
-SPEC ORD# ORDER TYPE SB FIN CODE QD389
DORA PROCESSED 03/24/22 PM
ORDER RCPT DATE 03/19/22 SCHD I I
ASSEMBLY PLANT PLANT NOT FOUN VIN# MCU9F6 N

THIS IS NOT AN INVOICE. IT PROVIDES TENTATIVE 21V422
PRICE INFORMATION THAT WOULD APPLY IF THE U9F
VEHICLE IS PRODUCED TO THE SPECIFICATIONS 2141
SHOWN. PRICES ARE SUBJECT TO CHANGE WITHOUT NOTICE. 22 PLT-

THIS ORDER IS CONDITIONED UPON FINAL PRICE LEVEL
CERTIFICATION OF THE VEHICLE. 230

U9FO ESCAPE 4DR S AWD 28,010.00
.106.7" WHEELBASE
SPECIAL DEALER ACCOUNT ADJUSTM
SPECIAL FLEET ACCOUNT CREDIT
TOTAL BASE VEHICLE 28,010.00
YZ OXFORD WHITE
V CLOTH BUCKET SEATS
H EBONY
EQUIPMENT GROUP 100A
996 .1.5L ECOBOOST W/START-STOP NC
448 .8-SPD AUTO TRANSMISSION NC
225/65R17 102H A/S BSW2 TIRES
FORD FLEET SPECIAL .DJUSTMENT NC
47B EASY ACCESS CARGO SHADE 135.00
SOC FLR LINERS FR-RR W/0 CRPT MTS 160.00
SOQ CARGO MAT 100.00
51U MINI SPARE WHEEL/TIRE 110.00
60S REAR PARKING SENSORS 245.00
17" STEEL WHEELS
REMARKS TRAILER
924 PRIVACY GLASS 270.00
153 FRONT LICENSE PLATE BRACKET NC
SPECIAL DEALER ACCOUNT ADJUSTM
TOTAL BEFORE D&D AND DISCOUNTS 29,030.00
DESTINATION & DELIVERY 1,245.00
SUB TOTAL 30,275.00
TOTAL OPTIONS 1,020.00

FUEL CHARGE
NET INVOICE FLEET OPTION (B4A) NC
PRICED DORA NC

TOTAL 30,275.00

** TOTAL DOES NOT INCLUDE PRICE CONCESSION AMOUNT
--CHANGES TO ORDER PEP/ORDER CODE-- 100A

COMPAT/HOLDS/INFO

INFO EBONY INTERIOR INCLUDES DARK EARTH GRAY CLOTH
SEATS

CUSTOMER

CUST* WALKER COUNTY QD389



(a ,!0;;J..130



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
(404) 631-1990 Main Office

August 30, 2022

Mr. Shannon Whitfield,
WALKER COUNTY GEORGIA
101 South Duke Street
Lafayette, GA 30728

In Re: FTA 5311- FY2023 Operating
Project Number- T007274
Contract Amount - \$328,119.00 (Federal)

Dear Mr. Whitfield:

Enclosed for execution by *WALKER COUNTY GEORGIA* is an electronic contract for FY2023 to assist with the operation of your public transit system under the FTA's 5311 Rural Assistance Program. The project contains 50% federal operating funds in the amount of \$328,119.00 and a local match of 50% in the amount of \$328,119.00. The remaining 5311 funding for FY2023 will be added as a supplemental agreement before December 31, 2022. This may include Capital, Mobility Management & Planning depending on the amounts that were approved in the Notice of Intent to Award.

Instructions on how to complete the electronic contract have been attached for your convenience. Please refer to these instructions as needed to complete the electronic process.

After the contract has been fully executed, the Department will issue an electronic notification indicating the contract process has been completed along with a copy of the executed contract. The contract is not valid until your agency receives a written "Notice to Proceed" from GDOT's Intermodal office. *WALKER COUNTY GEORGIA must comply with all applicable FTA regulations, policies, procedures and directives, specifically CFR 4220. IF as it relates to third-party contracting and procurement.*

If you have further questions, please do not hesitate to contact your District PTS/Planner, Freida J. Black, at 770-262-3778.

Sincerely,

Patricia Smith
Transit Program Manager

PS:AR
Enclosures

ELECTRONIC CONTRACT PROCESSING INSTRUCTIONS

Transit Program Subrecipient Contracts

Step 1

The Department will send via email the electronic contract to [Reviewer #1] for review. Once [Reviewer #1] has reviewed the document, the contract will automatically forward to the Chairperson, Mayor, Executive Director, Sole Commissioner, or City Manager's office for signature & county/city seal. Once the authorized official's signature & seal has been loaded onto the pages, the system will prompt to select **"adopt and sign"** then **"finish"**. The system will automatically send the contract to the designated witness for signature.

Step 2

Once the designated witness has signed, the system will then automatically send the contract to the Notary to upload his/her signature and notary seal to complete the agreement. The signature and seal will have to be on a single line. **NOTE:** To save the signature and seal, take a white sheet of paper, sign it and affix the seal adjacent to the signature. Scan the signature and seal and save to the desktop or take a picture of the signature and seal using a cell phone camera and send to email to save on desktop. **The County/City "Seal" is required on this document.**

NOTE: PLEASE REMEMBER TO CROP SIGNATURE WITH SEAL

Step 3

Next, the system will give an option to **"upload"** the signature and the county/city "Seal." The signature and county/city seal have to be uploaded together, as one document, and will need to be in a **.jpeg** or **.bmp** format. **A .pdf format is not acceptable.** Once the signature and seal have been uploaded successfully, the system will prompt to select **"adopt and sign"** then **"finish."**

To assist you further, there is also an instructional video on how to upload the County/City Seal. Please use this link to view: <http://www.dot.ga.gov/PS/Training/ElectronicSignature>

Step 4

Once the signatures and seals have been successfully uploaded, the contract will be electronically returned to GDOT to complete the execution process.

If there are any questions or if clarification is needed, please call our office **BEFORE** selecting *"Adopt and Sign."* There is a "Cancel" button to select that will allow the contract to be saved for later. Selecting *"Adopt and Sign"* before the signature and seal is attached will cause the contract to be "rejected" and the entire electronic contract signing process will have to be started again from the beginning.

AGREEMENT
FOR
SECTION 5311- TRANSIT OPERATING ASSISTANCE BETWEEN
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
AND
WALKER COUNTY GEORGIA

PROJECT ID NUMBER: T007274

THIS AGREEMENT is made and entered into on 10/21/2022 (the "Effective Date") by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and WALKER COUNTY GEORGIA, hereinafter called the "SPONSOR" (the "Agreement").

WHEREAS, 49 U.S.C. Section 5311, provides for transit operating, planning, and capital assistance for public transportation services to non-urbanized areas in the state of Georgia (the "State"); and

WHEREAS, in a letter to the Federal Transit Administration ("FTA"), and the Federal Highway Administration, ("FHWA"), dated January 24, 1979, the Governor designated the DEPARTMENT as the recipient agency for Section 5311 funding; and

WHEREAS, Section 5311 funding is subject to the contractual provisions set forth under FTA Circular 9040.1G, FTA Circular 4220.1F, unless superseded by 2 CFR Part 200, and certain Standard Terms & Conditions required by USDOT, whether or not expressly stated in these contract provisions; and

WHEREAS, the SPONSOR has stated that transit financial assistance is needed for transportation services in its non-urbanized area, and it would, therefore, perform certain duties and provide resources in order to receive said Section 5311 Funds of the Federal Transit Act; and

WHEREAS, in reliance on said SPONSOR, the DEPARTMENT has applied to FTA for said Section 5311 funds, and in so doing states that the required duties would be discharged pursuant to a written contract between the parties; and

WHEREAS, the funding amount awarded to SPONSOR by DEPARTMENT is set forth herein in EXHIBIT A-PROJECT SUMMARY; and

WHEREAS, under Sections 32-9-1 and 32-9-2 of the Official Code of Georgia Annotated ("O.C.G.A."), the DEPARTMENT is authorized to participate in such an undertaking;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants made, it is agreed by and between the DEPARTMENT and the SPONSOR that:

ARTICLE I
SCOPE AND PROCEDURE

Grants made under this Agreement are for the purpose of (A) Operating Assistance and/or (B) Capital Projects as specified in this Agreement and more specifically, as set forth in Exhibit A of this Agreement, and as requested by the **SPONSOR'** s FY2023 - Section 5311 REQUEST FOR FUNDING, on file at the DEPARTMENT and incorporated by reference as if fully set out herein. The terms "Operating Assistance," "Capital Projects," "Mobility Management" Activities and "Capital Expenditures" shall have the meanings set forth in the FTA Circular 9040.1G.

A. Operating Assistance

- (a) This Agreement covers the obligations of the DEPARTMENT and the SPONSOR in connection with the FTA'S granting Section 5311 funds to the DEPARTMENT for operating assistance for public transportation in the WALKER COUNTY GEORGIA area. SPONSOR is responsible for carrying out the PROJECT, as set forth more fully in the Agreement and as set forth in the current Master Agreement between the DEPARTMENT and FTA. The SPONSOR agrees to comply with all the terms and conditions required by FTA.
- (b) The SPONSOR shall use the funds provided by the DEPARTMENT to operate a public transportation service in the WALKER COUNTY GEORGIA area and the SPONSOR agrees to provide from local funding sources, excluding all available federal funds, funds to pay its local matching share of the cost of operating a public transportation service for the period of this Agreement.
- (c) The SPONSOR agrees that it, or any operator of public transportation on its behalf, will not engage in school bus operations, exclusively for the transportation of students or school personnel, in competition with private school bus operators, except as provided under Section 3(g) of the Federal Transit Act, and published in FTA regulations on school bus operations.
- (d) The SPONSOR agrees that it, or any operator of public transportation acting on its behalf, will not engage in charter bus operations outside the area within which it provides regularly scheduled public transportation services, except as provided under Section 3(f) of the Federal Transit Act, and published in FTA regulations on charter bus operations.
- (e) The SPONSOR and any mass transportation operator under it will conform to the reporting system in FEDERAL ACQUISITION REGULATIONS, SUBPART 31.6.

- (f) The SPONSOR will make all purchases of goods and services under this Agreement through FTA's Third-Party Contracting Requirements as set forth in FTA Circular 4220.1F.
- (g) The SPONSOR shall prohibit its employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain, for themselves or others, particularly, those with whom they have family, business, or other ties.
- (h) The SPONSOR shall comply with all relevant Federal and State laws and regulations relating to the Section 5311 Program, as well as those regulations and requirements included in the Federal Office of Management and Budget Uniform Grant Guidance, 2 CFR Part 200, and any applicable provisions of the Hatch Act.
- (i) The SPONSOR shall keep accurate records in a manner approved by the DEPARTMENT, and shall submit to the DEPARTMENT, upon request, such information as is required in order to assure compliance.

B. Capital Expenditures

- (a) Acquisition of Vehicles and Equipment
 - (1) Pursuant to the terms of this Agreement, the DEPARTMENT shall acquire through its procurement process for the SPONSOR the following item(s):

VEHICLES

NA	NA
----	----

- (2) Upon acquisition of the vehicle listed in paragraph (a) (1) above; the DEPARTMENT shall transfer title ownership in said vehicle to the SPONSOR. The DEPARTMENT shall place a lien and hold physical possession of all vehicle titles.
 - (3) The DEPARTMENT shall participate in the purchase of small capital items or service by the SPONSOR of:

SMALL CAPITAL ITEMS/PLANNING/MOBILITY MANAGEMENT

NA	NA
----	----

- (4) Prior to the purchase of any small capital items or services the SPONSOR shall obtain prior approval from the DEPARTMENT for the amount and items/service purchased.

- i. The SPONSOR shall accept and retain ownership in lieu of title to said PROJECT and shall provide from local funding sources excluding all available federal funds, funds to pay its share of the PROJECT cost. The SPONSOR shall show the DEPARTMENT as first lienholder on the Title of Certificate for the duration of the life of any rolling stock or support vehicle.
- ii. During the period of contract performance, the SPONSOR shall use the PROJECT rolling stock, support vehicle, goods, and/or service for the provisions of mass transportation service in the SPONSOR area. The mass transportation system under the terms of this Agreement shall be operated by the SPONSOR and shall serve area-wide transportation needs. The SPONSOR shall have full responsibility for the day-to-day management and operation of the system. The SPONSOR agrees to be responsible for all operating costs of the system.
- iii. During the period of contract performance, the SPONSOR shall keep accurate records, in a manner approved by the DEPARTMENT, with regard to the use of the PROJECT rolling stock; and shall submit to the DEPARTMENT, upon request, such information as is required in order to assure compliance with this Article; and shall immediately notify the DEPARTMENT in all cases where PROJECT rolling stock is used in a manner or for a purpose other than mass transportation.
- iv. During the period of contract performance, the SPONSOR shall maintain the PROJECT rolling stock, support vehicle, and goods at a level of cleanliness, safety and mechanical soundness as determined by the SPONSOR and approved by the DEPARTMENT. The DEPARTMENT and the FTA shall have the right to conduct periodic inspections for the purpose of confirming proper maintenance pursuant to this Article.
- v. The SPONSOR shall maintain, in amount and form approved by the DEPARTMENT, such comprehensive and collision insurance or self-insurance as will be adequate to replace or repair PROJECT equipment throughout the PROJECT equipment's useful life.
- vi. If at any time during the duration of the PROJECT equipment's useful life, it is determined by the DEPARTMENT that said PROJECT equipment is not being used or maintained in accordance with the terms of this Agreement or the SPONSOR is not keeping records as specified in paragraph (d) of this Article, then the DEPARTMENT, at its discretion, shall require the SPONSOR to either remit ownership of the equipment to the DEPARTMENT or shall remit to the DEPARTMENT ninety percent (90%) of the fair market value, if any, of such property. For the purpose of this Article, the fair market value shall be deemed to be the value of the property as determined by an appraisal, approved by the DEPARTMENT, conducted as soon after such misuse or withdrawal occurs or the actual proceeds from the public sale of such

property, whichever is approved by the DEPARTMENT and FTA. The DEPARTMENT reserves the right to transfer ownership of the surrendered PROJECT equipment to another transportation service provider. Upon disposition of said property or properties by transfer, sale, or as otherwise directed by the DEPARTMENT in accordance with the procedures of the DEPARTMENT, the SPONSOR forfeits any invested interest in lieu of the costs of such disposition. Under no circumstances will the property be disposed of without the specific written consent of the DEPARTMENT.

- vii. The SPONSOR shall not permit the use of the PROJECT equipment for political purposes.
- viii. The SPONSOR shall not alter, modify or remove from the PROJECT equipment any part, component, or accessory without written consent from the DEPARTMENT.
- ix. The SPONSOR will concur with the DEPARTMENT'S Transit Asset Management Group Plan (TAM) in order to keep transit assets in a state of good repair.

ARTICLE II

COVENANT AGAINST CONTINGENT FEES

The SPONSOR shall comply with all relevant Federal, State, and local laws. The SPONSOR warrants it has not employed or retained any company or person, other than a bona fide employee working solely for the SPONSOR to solicit or secure this Agreement, and it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the SPONSOR, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the DEPARTMENT shall have the right to annul this Agreement without liability or at its discretion to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

ARTICLE III

EMPLOYMENT OF DEPARTMENT'S PERSONNEL

The SPONSOR shall not employ any person or persons in the employ of the DEPARTMENT for any work required by the terms of this Agreement, without the written permission of the DEPARTMENT except as may otherwise be provided for herein.

ARTICLE IV
CODE OF ETHICS

No member, officer, or employee of the SPONSOR during his tenure or one year thereafter shall have any interest, direct or indirect in this Agreement or the proceeds thereof the SPONSOR agrees to maintain a written code or standards of conduct that shall govern the actions of its officers, employees, board members, or agents engaged in the award or administration of third party contracts, sub-agreements, or leases financed with Federal and/or State assistance.

ARTICLE V
REVIEW OF WORK

Authorized representatives of the DEPARTMENT and Federal Government may during normal office hours review and inspect the PROJECT activities, data collected, and financial records of the SPONSOR pertaining to the PROJECT, this Agreement, and any amendment thereto.

A. Inspection of Fleet, Equipment, and Transit-related property(ies).

Authorized representatives of the DEPARTMENT, the Inspector General of the United States, and the Secretary of Transportation may at all reasonable times inspect all fleet, equipment, and transit-related properties purchased by the SPONSOR as part of the PROJECT, all transportation services rendered by the SPONSOR by the use of such fleet, and all relevant PROJECT data and records.

B. Inspection of Books, Records, and Accounts

The SPONSOR agrees to provide sufficient access to FTA and the DEPARTMENT to inspect and audit records and information related to performance of this Agreement as reasonably may be required. The SPONSOR shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred by the SPONSOR in operating the SPONSOR's Public Transportation Services and acquisition of Capital items and acquisition of Capital items shall *make* such material available at all reasonable times during the period of this Agreement, and for *three* (3) years from the date of the final payment under this Agreement, for the inspection by the DEPARTMENT and FTA, and copies shall *be* furnished if requested within the period of time set by the DEPARTMENT.

ARTICLE VI
AUTHORIZATION AND APPROVAL

Time is of the essence in this Agreement and the SPONSOR shall perform its responsibilities to the PROJECT in accordance with this Agreement. It is understood and agreed by the parties to this Agreement, the SPONSOR shall

satisfy the terms of this Agreement for operating assistance commencing upon the beginning of the operating period and continuing until the end of the operating period as denoted on the **EXHIBIT A-** Section 1. The Capital Improvements and the purchase of improvements or services provided under the terms of this Agreement shall be completed as defined in the **EXHIBIT A-** Section 2, Section 3, and Section 4. The work shall be carried on expeditiously and in general accordance with the scope and procedure with recognition that unforeseen events may make necessary some minor variations. It is understood and agreed this Agreement is contingent upon FTA approval of the funding assistance and distribution as described in **EXHIBIT A-PROJECT SUMMARY** for this project and that any payment to the SPONSOR by the DEPARTMENT will be made subject provisions set forth in ARTICLE VIII (Compensation).

ARTICLE VII
RESPONSIBILITY FOR CLAIMS AND LIABILITY

To the extent provided by law, the SPONSOR and its sub-recipients shall be responsible for any and all damages to property or persons and shall indemnify and save harmless the DEPARTMENT, its officers, agents, and employees, from all suits, claims, actions, or damages of any nature whatsoever resulting from the negligence of the SPONSOR and its sub-recipients in the performance of work under this Agreement. Further, the SPONSOR and its sub-recipient agrees to indemnify and hold harmless the DEPARTMENT from suits, claims, actions, or damages of any nature whatsoever by any person, firm, corporation, or governmental body resulting from any defective equipment or material purchased by the SPONSOR and its sub-recipients under this Agreement or from the installation and operation thereof or from operation of equipment and materials already owned by the SPONSOR and its sub-recipients. These indemnities shall not be limited by reason of any insurance coverage held by the SPONSOR or the SPONSOR 's contractors or subcontractors.

ARTICLE VIII
COMPENSATION

A. Operating Assistance

- (a) It is understood and agreed that the total estimated eligible net Operating Assistance is the difference between eligible operating expenses and eligible revenues, as defined in FTA Circular 9040.IG for the provision of operating assistance as shown, if any, in EXHIBIT A- Section 1, as attached hereto and made a part of this Agreement as if fully set out herein, is SIX HUNDRED FIFTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT and ZERO/100 Dollars (\$656,238.00). For the purposes of the DEPARTMENT'S participation in the costs by the SPONSOR, it is agreed that the DEPARTMENT'S maximum obligation for the SPONSOR'S operating assistance program shall be THREE HUNDRED

TWENTY-EIGHT THOUSAND ONE HUNDRED NINETEEN and ZERO/100 Dollars (\$328,119.00), which includes the administrative and operating costs, as established in EXHIBIT A-Section 1.

- (b) If the total estimated eligible net project cost of the SPONSOR'S public transportation service for the operating period beginning **July 1, 2022 and ending June 30, 2023** ("Operating Assistance Period")., as reflected in the final audit, is less than SIX HUNDRED FIFTY-SIX THOUSAND TWO HUNDRED THIRTY-EIGHT and ZERO/100 Dollars (\$656,238.00), then the DEPARTMENT shall be required to pay only fifty percent (50%) of the total incurred direct administrative and operating costs.
- (c) It is further understood and agreed that any line item shown in EXHIBIT A -Project Summary may be increased or decreased without the execution of a Supplemental Agreement, provided that the DEPARTMENT'S total maximum obligation under this agreement is not changed, if said change is requested in writing by the SPONSOR and approved in writing by the DEPARTMENT.

B. Capital Acquisitions

- (a) Reserved
- (b) Reserved
- (c) Reserved
- (d) Reserved

C. Mobility Management Activities

- (a) Reserved
- (b) Reserved

D. Departmental Obligations

The DEPARTMENT'S maximum obligation, \$328,119.00, as set forth above is funded by the FTA and the State. No entity of the State other than the DEPARTMENT has any obligations to the SPONSOR related to this project. This Agreement does not obligate the DEPARTMENT to make any payment to the SPONSOR from any funds other than those made available to the DEPARTMENT from the FTA. The obligation of the DEPARTMENT to pay or reimburse the SPONSOR is expressly limited to the amount of funds remitted to the DEPARTMENT by the FTA. Payments of invoices will be contingent upon the receipt of funds from the FTA, and therefore the DEPARTMENT does not make any commitment to the SPONSOR as to the timing of when payment to the SPONSOR will be made. In the event the funds made available to the DEPARTMENT by the FTA are insufficient for the PROJECT, the DEPARTMENT's payment obligations shall not exceed the availability of such FTA funds, and the DEPARTMENT shall

have the right at its sole discretion to terminate this Agreement immediately upon notice to the SPONSOR without further obligation of the DEPARTMENT.

ARTICLE IX

SUBSTANTIAL CHANGES

If, prior to the satisfactory completion of the PROJECT under this Agreement, the SPONSOR materially alters the scope, character, complexity or duration of the PROJECT from those required under the Agreement, SPONSOR shall provide prior notice to the DEPARTMENT and request an amendment to the Agreement by a Supplemental Agreement; which may be executed between the parties, at DEPARTMENT'S sole discretion. Minor changes in the work which do not involve increased compensation, extensions of time or changes in the goals and objectives of the work may be made by written notification of such change by either the DEPARTMENT or the SPONSOR with prior written approval by the other party.

ARTICLE X

PAYMENTS

A. PARTIAL PAYMENT

The SPONSOR shall submit to the DEPARTMENT monthly invoices of the Operating Assistance, Capital Projects, Mobility Management Activities and Capital Expenditures costs applicable to this agreement incurred during the period of this Agreement and submit to the DEPARTMENT itemized invoices stating, in reasonable detail, the actual expenses incurred by the SPONSOR on the PROJECT for the invoice period as well as a specific designation and certification of receipt of the item or items purchased as listed in ARTICLE I. Upon the basis of its review and approval of such invoices, the DEPARTMENT will, at the request of the SPONSOR, make payment to the SPONSOR pursuant to this ARTICLE as the PROJECT progresses but not more than once a month. Payments will be made by the DEPARTMENT for expenses incurred by the SPONSOR, less any previous partial payments, for any item and for each item specified in the invoice and which is specifically set for in ARTICLE I. It is agreed that under no circumstances will the DEPARTMENT be responsible or obligated to pay to the SPONSOR more than the amounts specified in Article VIII - Compensation covered under this Agreement.

The SPONSOR further expressly agrees that the DEPARTMENT may set-off against the partial payment provided hereunder, an amount equal to that amount which has been identified by either state or federal audit as an unallowable expenditure in any contract between the SPONSOR and the DEPARTMENT on which payments have been made, subject to final audit.

B. FINAL PAYMENT AND PROJECT CLOSEOUT

If a final monthly invoice is not received by the DEPARTMENT within ninety (90) days after each of the Operating Assistance, Capital Projects, Mobility Management Activities and Capital Expenditures date(s), the DEPARTMENT may, at its discretion, consider the last invoice submitted by the SPONSOR as the final invoice and may proceed with final close out proceedings. In completing the final close out, the DEPARTMENT may set-off against any remaining balance in any contract between the DEPARTMENT and SPONSOR an amount equal to the unallowable expenditure as provided for herein, under Partial Payment. If any costs covered under the terms of this Agreement are disallowed by either the DEPARTMENT or FTA, the SPONSOR, and not the DEPARTMENT or FTA shall be responsible for such disallowed costs. Upon approval of the final invoice by the DEPARTMENT, the DEPARTMENT will pay any remaining balance of compensation it owes the SPONSOR, not to exceed the DEPARTMENT'S maximum obligation set out in Article VIII. The SPONSOR agrees that the acceptance of this final payment shall be in full settlement of all terms stated under this Agreement and shall release the DEPARTMENT from any and all other claims of whatever nature whether known or unknown, for and on account of said Agreement.

IT IS FURTHER AGREED that the SPONSOR shall submit to the DEPARTMENT, if applicable, audited financial statements reflecting all eligible costs incurred for the SPONSOR'S public transportation services. The audit shall be performed by an independent auditor or audit firm and shall conform to the Federal Office of Management and Budget Uniform Grant Guidance, 2 CFR Part 200. DEPARTMENT reserves the right to perform an audit at any time to ensure compliance. The DEPARTMENT, at its discretion, may accept the independent audit or conduct its own audit at SPONSOR' s cost.

C. APPROVAL OF SUBCONTRACTS

Subject to the DEPARTMENT's prior approval under ARTICLE XI, the DEPARTMENT reserves the right to review all subcontracts prepared, if approved, in connection with the work required under this Agreement, and the SPONSOR agrees that it shall submit to the DEPARTMENT prepared estimates for the DEPARTMENT'S review and written concurrence in advance of their execution. All contracts shall provide that subcontracts exceeding \$10,000.00 in cost shall contain all the required provisions of the prime contract.

D. PROMPT PAYMENT OF SUBCONTRACTORS/DBEs

The SPONSOR agrees to pay each subcontractor or Disadvantaged Business Enterprise ("DBE") subcontractor (and extends to any second-tier subcontract(s)) under this FTA funded Agreement for satisfactory performance of its subcontract no later than thirty (30) days from receipt of each payment the

SPONSOR received from the DEPARTMENT's FTA funded transit program. Any disputes that arise regarding payment to any subcontractor after the satisfactory completion of work may be brought to the attention of the DEPARTMENT, who will make a determination whether there was good cause. Any delay of payment from the above-referenced time frame may occur only for good cause following prior written approval from the DEPARTMENT. This clause applies to both DBE and non-DBE subcontractors. Failure by the SPONSOR to carry out the requirements of prompt payment without just cause, is a material breach of this Agreement with the DEPARTMENT and may result in the DEPARTMENT withholding payment from the SPONSOR until all delinquent payments have been made (no interest will be paid to SPONSOR for the period that payment was withheld, when applicable), termination of this Agreement, or other such remedy as the DEPARTMENT deems appropriate. Additionally, the SPONSOR shall not withhold retainage from subcontractors.

ARTICLE XI
SUBCONTRACTING AND ASSIGNMENT

A. SUBCONTRACTING OF SERVICE

The SPONSOR agrees it will not engage, sub-contract or otherwise pass through funding authorized by this Agreement to any operator of public transportation services without the specific written consent of the DEPARTMENT. Such agreement shall be a written contract between the SPONSOR and the operator and shall be approved as to form and content by the DEPARTMENT.

B. ASSIGNMENT AND NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTY
AGREEMENTS

Unless otherwise authorized in writing by the DEPARTMENT, the SPONSOR shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the DEPARTMENT. The Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Recipient, SPONSOR or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

RTICLE XII CONTRACT
DISPUTES

This Agreement shall be deemed to have been executed in Fulton County, Georgia, and all questions of interpretation and construction shall be governed by the Laws of the State of Georgia.

ARTICLE XIII TERMINATION FOR CAUSE AND FOR CONVENIENCE

The Department reserves the right to terminate this Agreement for convenience or just cause at any time upon thirty (30) days written notice to the SPONSOR notwithstanding any just claims by the SPONSOR. The Termination for cause and convenience shall extend to all third-party contractors and their contracts at every tier and subrecipients and their subcontracts at every tier. It is understood by the parties hereto that should the DEPARTMENT terminate this Agreement prior to the completion of an element of work the SPONSOR shall be reimbursed for such work element based upon the percentage of work completed up to and including the date of termination set forth in the notice.

ARTICLE XIV COMPLIANCE WITH APPLICABLE STATE LAWS

- A. The undersigned certifies that the provisions of O.C.G.A. §45-10-20 through 45-10-28 relating to Conflict of Interest, have been complied with in full.
- B. The SPONSOR shall comply and shall require its subcontractors and third-party operators to comply with requirements in Georgia Department of Transportation, Exhibit B, Certification Of Sponsor, Compliance with State Audit Requirement, attached hereto and made a part of this Agreement as if fully set out herein.
- C. The SPONSOR certifies that the provisions of O.C.G.A. §50-24-1 through 50-24-6 relating to the "Drug-Free Workplace Act" have been or will be complied with in full, as stated in EXHIBIT C of this Agreement.
- D. The SPONSOR shall comply with and require its consultants to comply with the requirements in Georgia Department of Transportation, Georgia Security and Immigration Compliance Act Affidavit, EXHIBIT D.
- E. The SPONSOR shall comply and require its subcontractors to comply with the requirements of Executive Order No. 13153, Federal Leadership on Reducing Text Messaging while Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging December 30, 2009, incorporated by reference and made a part of this Agreement as if fully set out herein.
- F. The SPONSOR shall comply with the provisions of O.C.G.A. §16-10-6 relating to elected officers of a political subdivision who sell any personal property to political subdivisions of there are officers.
- G. Pursuant to O.C.G.A. § 50-5-85, the SPONSOR hereby certifies that it is not currently engaged in, and agrees that for the duration of this contract, it will not engage in a boycott of Israel.
- H. The SPONSOR shall comply and shall require its contractors, subcontractors and consultants to comply with the requirements of the State of Georgia's Sexual Harassment Prevention Policy as described in Exhibit J which is hereby made a part of this Agreement as if fully set out herein.
- I. The SPONSOR agrees that it will comply with the current State Management Plan (most recently updated as of October 1, 2020), and any other guidance that the Department may promulgate from time to time.

ARTICLE XV

COMPLIANCE WITH APPLICABLE FEDERAL TRANSIT ADMINISTRATION REQUIREMENTS

- A. he SPONSOR acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. part 31, apply to its actions pertaining to this Project.
- B. SPONSOR shall comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current Master Agreement between the DEPARTMENT and FTA, as they may be amended or promulgated from time to time during the term of the contract. SPONSOR's failure to comply shall constitute a material breach of the Agreement.
- C. Civil Rights Requirements
 - (a) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 USC 2000d, Sec. 303 of the Age Discrimination Act (1975), as amended, 42 USC 6102, Sec. 202 of the Americans with Disabilities Act (1990), 42 USC 12132, and 49 USC 5332, SPONSOR shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age or disability. SPONSOR shall also comply with applicable Federal implementing regulations and other requirements FTA may issue.
 - (b) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:
 Race, Color, Religion, Gender Identity, National Origin, Sex, Sexual Orientation - In accordance with Title VII of the Civil Rights Act, as amended, 42 USC 2000e, and 49 USC 5332, SPONSOR shall comply with all applicable equal employment opportunity requirements of USDOL, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, USDOL," 41 CFR 60 et seq., (implementing Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 USC 2000e), and any applicable Federal statutes, executive orders, regulations, and policies that may in the future affect construction activities undertaken in the course of the project. SPONSOR shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to Race, Color, Religion, Gender Identity, National Origin, Sex, and Sexual Orientation. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, SPONSOR shall comply with any implementing requirements FTA may issue.

- (c) Age - In accordance with Sec. 4 of the Age Discrimination in Employment Act (1967), as amended, 29 USC 623 and 49 USC 5332, SPONSOR shall refrain from discrimination against present and prospective employees for reason of age. SPONSOR shall also comply with any implementing requirements FTA may issue.
- (d) Disabilities - In accordance with Sec. 102 of the Americans with Disabilities Act (ADA), as amended, 42 USC 12112, SPONSOR shall comply with the requirements of US Equal Employment Opportunity Commission (EEOC), Regulations to Implement Equal Employment Provisions of the Americans with Disabilities Act, 29 CFR 1630, pertaining to employment of persons with disabilities. SPONSOR shall also comply with any implementing requirements FTA may issue. SPONSOR shall include these requirements in each subcontract financed in whole or in part with FTA assistance, modified only if necessary to identify the affected parties.
- D. The preceding provisions include, in part, certain Standard Terms & Conditions required by USDOT, whether or not expressly stated in the preceding contract provisions. All USDOT-required contractual provisions, as stated in FTA Circular 4220.1F, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The SPONSOR shall not perform any act, fail to perform any act, or refuse to comply with any request that would cause the recipient to be in violation of FTA terms and conditions.
- E. The SPONSOR agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
- F. The SPONSOR shall comply and require its consultants or third-party operator to comply with the requirements of 49 U.S.C. Section 5333(b), Labor Standards as more specifically referenced in U.S. Department of Labor correspondence dated August 2, 2010, incorporated by reference as if fully set out herein.
- G. It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 U.S.C. §§ 7401- 7671q); and the Federal Water Pollution Control Act as amended, (33 U.S.C. §§ 1251-1387).
- H. For all contracts that involve the employment of mechanics or laborers, the SPONSOR shall comply with the Prevailing Wage Requirements, Anti-Kickback" Prohibitions, and Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701-3708), as supplemented by the DOL regulations at 29 C.F.R. part 5.

- I. The SPONSOR agrees to comply with 49 U.S.C. 5323(d), 5323(r), and 49 C.F.R. part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities.
- J. According to 49 CFR Part 605, a SPONSOR is prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by the FTA Administrator under an allowable exemption.
- K. The SPONSOR, subrecipient or subcontractor shall not discriminate on the basis of Race, Color, Religion, Gender Identity, National Origin, Sex, Sexual Orientation in the performance of this contract. The SPONSOR shall carry out applicable requirements of 49 C.F.R. part 26 in the award and administration of DOT-assisted contracts. Failure by the SPONSOR to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:
 - (a) Withholding monthly progress payments;
 - (b) Assessing sanctions;
 - (c) Liquidated damages; and/or
 - (d) Disqualifying the SPONSOR from future bidding as non-responsible. 49 C.F.R. § 26.13(b).
- L. SPONSOR shall comply with 49 USC 5301(d), stating Federal policy that the elderly and persons with disabilities have the same rights as other persons to use mass transportation services and facilities and that special efforts shall be made in planning and designing those services and facilities to implement that policy. SPONSOR shall also comply with all applicable requirements of Sec. 504 of the Rehabilitation Act (1973), as amended, 29 USC 794, which prohibits discrimination on the basis of handicaps, and the Americans with Disabilities Act of 1990 (ADA), as amended, 42 USC 12101 et seq., which requires that accessible facilities and services be made available to persons with disabilities, including any subsequent amendments thereto.
- M. The SPONSOR agrees to comply with the current Federal substance abuse regulations: (a) Drug-Free Workplace. U.S. DOT regulations, "Drug-Free Workplace Requirements (Grants), " 49 C.F.R. Part 32, that implements the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701 et seq. b. Alcohol Misuse and Prohibited Drug Use. FTA Regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR Part 655, to the extent applicable. (b) Participate in Agency's drug and alcohol program established in compliance with 49 CFR 653 and 654.
- N. In all contracts at all tiers expected to equal or exceed \$25,000, the SPONSOR agrees to comply with mandatory standards and policies of FTA Master Agreement §39(b) to promptly provide notice related to fraud, waste, abuse, or other legal matters, as follows:

- (a) For the purposes of Subsection N., "Recipient" refers to the DEPARTMENT. The SPONSOR must promptly notify the Recipient, who will promptly notify the U.S. DOT Inspector General in addition to the FTA Chief Counsel or Regional Counsel for the Region in which the Recipient is located, if the SPONSOR or Recipient has knowledge of potential fraud, waste, or abuse occurring on a Project receiving assistance from FTA. The notification provision applies if a person has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729 et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. This responsibility occurs whether the Project is subject to this Agreement or another agreement between the Recipient and FTA, or an agreement involving a principal, officer, employee, agent, or SPONSOR (Third Party Participant). It also applies to subcontractors at any tier. Knowledge, as used in this paragraph, includes, but is not limited to, knowledge of a criminal or civil investigation by a Federal, state, or local law enforcement or other investigative agency, a criminal indictment or civil complaint, or probable cause that could support a criminal indictment, or any other credible information in the possession of the Recipient. In this paragraph, "promptly" means to refer information without delay and without change. This notification provision applies to all divisions of the Recipient, including divisions tasked with law enforcement or investigatory functions.
- (b) *Flow-Down Requirement.* If a current or prospective legal matter that may affect the Federal Government emerges, the SPONSOR must promptly notify the Recipient, who will promptly notify the FTA Chief Counsel and PTA Regional Counsel for the Region in which the Recipient is located. DEPARTMENT is required to include this notification requirement in its Third Party Agreements and must require each Third Party Participant, including SPONSOR, to include an equivalent provision in its sub-agreements at every tier, for any agreement that is a "covered transaction" according to 2 C.F.R. §§ 180.220 and 1200.220.
- (1) The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason.
 - (2) Matters that may affect the Federal Government include, but are not limited to, the Federal Government's interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government's administration or enforcement of federal laws, regulations, and requirements.
 - (3) Additional Notice to U.S. DOT Inspector General. The Recipient must promptly notify the U.S. DOT Inspector General in addition to the FTA Chief Counsel or Regional Counsel for the Region

in which the Recipient is located, if the Recipient has knowledge of potential fraud, waste, or abuse occurring on a Project receiving assistance from FTA. The notification provision applies if a person has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. This responsibility occurs whether the Project is subject to this Agreement or another agreement between the Recipient and FTA, or an agreement involving a principal, officer, employee, agent, or Third Party Participant of the Recipient. It also applies to subcontractors at any tier. Knowledge, as used in this paragraph, includes, but is not limited to, knowledge of a 95 criminal or civil investigation by a Federal, state, or local law enforcement or other investigative agency, a criminal indictment or civil complaint, or probable cause that could support a criminal indictment, or any other credible information in the possession of the Recipient. In this paragraph, "promptly" means to refer information without delay and without change. This notification provision applies to all divisions of the Recipient, including divisions tasked with law enforcement or investigatory functions.

0. The SPONSOR shall comply with the prohibitions of 2 CFR 200.216 on certain telecommunications and video surveillance services or equipment as follows:
 - (a) Recipients and sub-recipients are prohibited from obligating or expending loan or grant funds to:
 - (1) Procure or obtain;
 - (2) Extend or renew a contract to procure or obtain; or
 - (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

- (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
- (4) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.
- (5) For the purposes of Subsection 0., "Recipient" refers to the DEPARTMENT and sub recipient refers to the SPONSOR.

ARTICLE XVI

TERM

This Agreement shall be effective as of the Effective Date above and shall terminate upon the expiration of the Operating Assistance Period, unless terminated earlier under Article XIII of this Agreement (the "Term").

ARTICLE XVII

INSURANCE

The SPONSOR shall provide insurance under this Agreement as follows:

A. It is understood that the SPONSOR (*complete the applicable statement*):

☐ is self-insured and all claims against SPONSOR will be handled through
ACCG-Interlocal Risk Management Agency

OR

shall, obtain coverage from **SPONSOR's** private insurance company or cause its consultant/contractor to obtain coverage.

Prior to beginning the work, SPONSOR shall furnish to the DEPARTMENT, a copy of the certificates and the endorsement page for the minimum amounts of insurance indicated below in this Article XVII (Insurance) of the Agreement.

B. Minimum Amounts. The following minimum amount of insurance from insurers rated at least A- by A.

M. Best's and registered to do business in the State of Georgia:

(a) Commercial General Liability Insurance of at least \$1,000,000 per occurrence \$3,000,000 aggregate, including Automobile Comprehensive Liability Coverage with bodily injury in the minimum amount of \$1,000,000 combined single limits each occurrence. DEPARTMENT shall be named as an additional insured and a copy of the policy endorsement shall be provided with the insurance certificate.

(b) Professional Liability (Errors and Omissions) Insurance with limits of at least:

- (1) For Professionals - \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
- (2) For Sub-consultant Engineers and Architects - \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
- (3) For Other Consultants - \$1,000,000 per claim and \$1,000,000 in aggregate coverage.
- (4) Professional liability insurance that shall be either a practice policy or project-specific coverage. Professional liability insurance shall contain prior acts coverage for services performed for this PROJECT. If project-specific coverage is used, these requirements shall be continued in effect for two years following final completion for the PROJECT.

(c) The above-listed insurance coverages shall be maintained in full force and effect for the entire term of the Agreement.

(d) The insurance certificate must provide the following:

- (1) Name, address, signature and telephone number of authorized agents.
- (2) Name and address of insured.
- (3) Name of Insurance Company.

- (4) Description of coverage in standard terminology.
- (5) Policy number, policy period and limits of liability.
- (6) Name and address of DEPARTMENT as certificate holder.
- (7) Thirty (30) day notice of cancellation.
- (8) Details of any special policy exclusions.

(e) Waiver of Subrogation: There is no waiver of subrogation rights by either party with respect to insurance.

(f) If and to the extent such damage or loss (including costs and expenses) as covered by this indemnification set forth herein is paid by the State Tort Claims Trust Fund, the State Authority Liability Trust Fund, the State Employee Broad From Liability Fund, the State Insurance and Hazard Reserve Fund, and other self-insured funds established and maintained by the State of Georgia Department of Administrative Services Risk Management Division or any successor agency (all such funds hereinafter collectively referred to as the "Funds"), in satisfaction of any liability, whether established by judgment or settlement, the SPONSOR and its consultant/contractor agrees to reimburse the Funds for such monies paid out by the Funds.

ARTICLE XVIII

EXHIBITS AND APPENDICES

This Agreement includes the exhibits and appendices as listed below, which are hereto attached and incorporated herein by reference:

- EXHIBIT A Project Summary
- EXHIBIT B Certification of Sponsor, Compliance with State Audit Requirement
- EXHIBIT C Certification of Sponsor Drug-Free Workplace
- EXHIBITD Georgia Security and Immigration Compliance Act Affidavit
- EXHIBITE Certification of Sponsor
- EXHIBITF Certification of Department of Transportation, State Of Georgia
- EXHIBITG Primary Sponsor Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- EXHIBITH Lower Tier Sponsor Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- EXHIBIT I Reserved
- EXHIBIT J Certification of Compliance with the State of Georgia's Sexual Harassment Prevention

ARTICLE XIX
MISCELLANEOUS

- A. NOTICE & CONTACT INFORMATION. The telephone numbers, contact persons, and mailing addresses listed below for the DEPARTMENT's and the SPONSOR's representatives may be changed during the term of this Agreement by written notification to the other party. Notices given pursuant to this Agreement shall be in writing and shall be to the DEPARTMENT or SPONSOR by delivering them in person, via email, or by depositing it in the U.S. mail postage prepaid, addressed to the parties as follows:

DEPARTMENT

Name: Clement Solomon
Title: Intermodal Division Director
600 West Peachtree Street, NW,
6th Floor
Atlanta, Georgia 30308
Telephone#: (404) 347-0573
E-mail: csolomon@dot.ga.gov

SPONSOR

Name: Shannon K. Whitfield
Title: chairman/CEO
101 s. Duke Street
P.O. Box 445
Lafayette GA 30728
(706) 638-1437
commissioner@walkerga.us

In the event that any of the above identified individuals are no longer serving at their identified position, any notices, requests, demands and other communications shall be sent to the current individual in the position. If any of the above identified positions no longer exist, any notices, requests, demands and other communications shall be sent to an equivalent position within the party, as identified by the party.

- B. ASSIGNMENT. Except as herein provided, the parties hereto will not transfer or assign all or any of their rights, titles or interests hereunder or delegate any of their duties or obligations hereunder without the prior written consent of the other party, which consent will not be unreasonably withheld.
- C. NONWAIYER. No failure of either party to exercise any right or power given to such party under this Agreement, or to insist upon strict compliance by the other party with the provisions of this Agreement, and no custom or practice of either party at variance with the terms and conditions of this Agreement, will constitute a waiver of either party's right to demand exact and strict compliance by the other party with the terms and conditions of this Agreement.
- D. NO THIRD PARTY BENEFICIARIES. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the Parties hereto, any rights or benefits under or by reason of this Agreement.

- E. SOVEREIGN IMMUNITY. Notwithstanding any other provision of this Agreement to the contrary, no term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions under the Georgia Constitution.
- F. CONTINUITY. Each of the provisions of this Agreement will be binding upon and inure to the benefit and detriment of the parties and the successors and assigns of the parties.
- G. WHEREAS CLAUSE AND EXHIBITS. The Whereas Clauses and Exhibits hereto are a part of this Agreement and are incorporated herein by reference.
- H. SEVERABILITY. If any one or more of the provisions contained herein are for any reason held by any court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision hereof, and this Agreement will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- I. INTERPRETATION. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.
- J. EXECUTION. Each of the individuals executing this Agreement represents that they are authorized to execute this Agreement on behalf of their respective entities.
- K. COUNTERPARTS. This Agreement may be executed and delivered in counterparts, and if so executed, shall become effective when a counterpart has been executed and delivered by all Parties hereto. All counterparts taken together shall constitute one and the same Agreement and shall be fully enforceable as such. Delivery of counterparts via facsimile transmission or via email with scanned attachment shall be effective as if originals thereof were delivered.
- L. ENTIRE AGREEMENT. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has

made, any statement, agreement, representation or contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both parties and incorporated in and by reference made a part hereof.

The covenants herein contained shall except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, said parties have hereunto set their hands and affixed their seals the day and year above first written.

GEORGIA
DEPARTMENT OF TRANSPORTATION

SPONSOR: WALKER COUNTY GEORGIA

DocuSigned by:
Russell R McMurry
7608517D00644FA...
Commissioner (SEAL)

DocuSigned by:
Shannon K. Whitfield
AB90089431F74D4... (SEAL)

Name: Shannon K. Whitfield

Title: Chairman/CEO

ATTEST:

DocuSigned by:
Shannon K. Whitfield
74085B5B0FAC425...
Treasurer

IN THE PRESENCE OF:

[J-]
81M00F9B586D44A...

Witness
Name: Rebecca wooden

Title: Walker county clerk

FEDERAL EMPLOYER
IDENTIFICATION NUMBER:

58-6000901

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

DAY OF 9/20/2022, 202

DocuSigned by:
Tabi Cantrell
7595714A032F...

Notary Public
Name: Tabi Cantrell

My Commission Expires: 10/22/2023

EXHIBIT A
PROJECT SUMMARY
WALKER COUNTY GEORGIA

FY2023 FTA 5311Rural Transit Operating Assistance
Period of Eligible Expenses - July 1, 2022 - June 30, 2023

SECTION 1							
Item	Description	Scope/Suffix	FTA ALI Code	Total Cost	Federal Share (50%)	State Share(0%)	Local Share (50%)
1	Operating Assistance up to 50% Federal Share	300-00	300901	\$656,238.00	\$328,119.00		\$328,119.00
	Total Admin & Operating Cost			\$656,238.00	\$328,119.00		\$328,119.00

Funding Distribution		Fund Sources
Federal (50%)	\$328,119.00	212JA
State (0%)		
Local (50%)	\$328,119.00	452JA
Total Estimated Operating Cost	\$656,238.00	

FTA FAIN Number:	GA-2022-010-00
FTA Project:	GA-2022-010-00-01
FTAPO:	GA-18-X040
Federal Award Date:	5/20/2022

FY2023 FTA 5311Rural Capital Vehicles Purchases ONLY
Period of Eligible Expenses -Reserved -

SECTION 2									
Item	Description	Scope/ Suffix	FTAALI Code	Qty	Unit Cost	Total Cost	Federal Share (80%)	State Share (10%)	Local Share (10%)
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	Total Capital					\$0.00	\$0.00	\$0.00	\$0.00

Funding Distribution		Fund Sources
Federal (80%)	\$0.00	NA
State (10%)	\$0.00	NA
Local (10%) Deposited at GDOT	\$0.00	NA
Total Project Cost	\$0.00	

FTA FAIN Number:	NA
FTA Project:	NA
FTAPO:	NA
Federal Award Date:	NA

FY2023 FTA 5311 Rural Capital Purchases Other Than Vehicles
Period of Eligible Expenses - Reserved -

SECTION 3									
Item	Description	Scope/ Suffix	FTA ALI Code	Qty	Unit Cost	Total Cost	Federal Share (80%)	State Share (10%)	Local Share (10%)
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	Total Capital					\$0.00	\$0.00	\$0.00	\$0.00

Funding Distribution		Fund Sources
Federal (80%)	\$0.00	NA
State (10%)	\$0.00	NA
Local (10%)	\$0.00	NA
Total Project Cost	\$0.00	

FTA FAIN Number:	NA
FTA Project:	NA
FTA PO:	NA
Federal Award Date:	NA

FY2023 FTA 5311 Rural Transit Mobility Management
Period of Eligible Expenses - Reserved -

SECTION4									
Item	Description	Scope/ Suffix	FTA ALI Code	Qty	Unit Cost	Total Cost	Federal Share (80%)	State Share (10%)	Local Share (10%)
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
	Total /Mobility Management					\$0.00	\$0.00	\$0.00	\$0.00

Funding Distribution		Fund Sources
Federal {80%}	\$0.00	NA
State {10%}	\$0.00	NA
Local {10%}	\$0.00	NA
Total Project Cost	\$0.00	

FTA FAIN Number:	NA
FTA Project:	NA
FTAPO:	NA
Federal Award Date:	NA

Project Summary Pl#: T007274	Amount
Total Federal Cost - Operating, Capital Rolling Stock, Other Capital, & Mobility Management	\$328,119.00
Total State Cost - Capital Rolling Stock, Other Capital, & Mobility Management	\$0.00
Total Local Cost - Operating	\$328,119.00
Total Local Cost - Capital Rolling Stock, Other Capital, & Mobility Management	\$0.00
Total Project Cost	\$656,238.00

CFDA:	20.509
DUNS#	010126969
SAM ID:	PUJME2HJYDC1

INDIRECT COST RATE	
Approved ICR	Yes
De minimis CR	X 110% Fixed

EXHIBIT B
CERTIFICATION OF SPONSOR COMPLIANCE WITH STATE AUDIT REQUIREMENT

I hereby certify that I am the duly authorized representative of Walton County Board of Commissioners is

101 S. Duke Street Lafayette GA 30728

and it is also certified that:

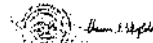
The provisions of Section 36-81-7 of the Official Code of Georgia Annotated, relating to the "Requirement of Audits" have been complied with in full such that:

- (a) Each unit of local government having a population in excess of 1,500 persons or expenditures of **\$550,000.00** or more shall provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of the local government for each fiscal year of the local government.
- (b) The governing authority of each local unit of government not included above shall provide for and cause to be made the audit required not less often than once every two fiscal years.
- (c) The governing authority of each local unit of government having expenditures of less than **\$550,000.00** in that government's most recently ended fiscal year may elect to provide for and cause to be made, in lieu of the biennial audit, an annual report of agreed upon procedures for that fiscal year.
- (d) A copy of the report and any comments made by the state auditor shall be maintained as a public record for public inspection during the regular working hours at the principal office of the local government. Those units of local government not having a principal office shall provide a notification to the public as to the location of and times during which the public may inspect the report.

9/20/2022

Date

UocuSigned by:



A860080434F74D4

Signature

Name: Shannon K. Whitfield

Title: chairman/CEO

EXHIBIT C
CERTIFICATION OF SPONSOR DRUG-FREE WORKPLACE

I hereby certify that I am a principal and duly authorized representative of walker county ⁸⁰ dst atffllile 1.!ners
1 0 1 s o u k e s t r e e t L a f a y e t t e G A 3 0 1 2 s (Sponsor), and it is also certified that:

The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and

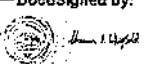
A drug-free workplace will be provided for the Sponsor's employees during the performance of the contract; and

Each subcontractor hired by the Sponsor shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. The Sponsor shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with the Sponsor, (subcontractor's name) certifies to the Sponsor that a drug-free workplace will be provided for the subcontractor's employees during the performance of this contract pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated Section 50-24-3"; and

It is certified that the undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the contract.

9/20/2022

Date

DocuSigned by:

A869D89424F74D4...

Signature

Name: shannon K. Whitfield

Title: Chairman/CEO

EXHIBITD**GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT**Name of Contracting Entity: WALKER COUNTY GEORGIAContract No. and Name: T007274 FY 2023-SEC.5311- OPERATIONS

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or entity which is contracting with the Georgia Department of Transportation has registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.G.A. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the Georgia Department of Transportation within five (5) business days after any subcontractor is retained to perform such service.

119896

E-Verify / Company Identification Number

05/13/2008

Date of Authorization



I am an authorized Officer or Agent

Shannon K. Whitfield

Printed Name of Authorized Officer or Agent

chairman/CEO

Title of Authorized Officer or Agency

9/20/2022

Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

9/20/2022

JAY OF _____, 202



Notary Public

My Commission Expires: 10/22/2023

~NOTARY SEAL~

EXHIBITD

Revised 12/01/11

EXHIBITE

CERTIFICATION OF SPONSOR

I hereby certify that I am the Chairman/CEO and duly authorized representative of the Firm walker county Board of ci)W}i mM.l@ffiSis 101 s Duke Street Lafayette GA 30728 I

hereby certify to the best of my knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, 'Disclosure Form to Report Lobbying', in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

The prospective participant also agrees by submitting its bid the participant shall require that the language of this certification will be included in all lower tier subcontracts which exceed \$10,000.00 and that all such sub- recipients shall certify and disclose accordingly.

I also certify that neither I nor the above firm I here represent has:

- (a) employed or retained for a commission, percentage, brokerage contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Sponsor) to solicit or secure this agreement.
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Sponsor) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the agreement; except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Department of Transportation and the Federal Transit Administration, U.S. Department of Transportation, in connection with this Agreement involving participation of Federal-aid Transit funds, and is subject to applicable State and Federal laws, both criminal and civil.

9/20/2022

Date

DocuSigned by:



AB93089431F74D4...

Signature

Name: Shannon K. Whitfield

Title: Chairman/CEO

EXHIBIT F
CERTIFICATION OF DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

I hereby certify that I am the Commissioner of the Department of Transportation of the State of Georgia, and that the above consulting firm, or its representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this Agreement to:

- (a) employ or retain, or agree to employ or retain, any firm or person, or
- (b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind; except as here expressly stated, (if any):

I acknowledge that this certificate is to be furnished to the Federal Transit Administration, U.S. Department of Transportation, in connection with this Agreement involving participation of Federal-aid Transit Funds, and is subject to applicable State and Federal Laws, both criminal and civil.

10/7/2022

Date



1808671900644

mm1ss10ner

EXHIBIT G
PRIMARY SPONSOR CERTIFICATION REGARDING DEBARMENT,
SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

I hereby certify that I am the Chairman/CEO and duly authorized representative of walker county Board of commissio EWliose address is 101 s Duke street Lafayette GA 30728, and I certify that I have read and understand the attached instructions and that to the best of my knowledge and belief the firm and its representatives:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by the Georgia Department of Transportation and by any Federal department or agency;
- (b) Have not within a three year period preceding this Agreement been convicted of or had a civil judgment rendered against the firm or its representatives for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State, or Local) transaction or contract under a public transaction in violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false invoices, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offense enumerated in paragraph (b) of this certification;
- (d) Have not within a three year period preceding this Agreement had one or more public transaction (Federal, State or Local) terminated for cause or default; and
- (e) That the firm will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" as attached hereto and without motivation, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

I acknowledge that this certification is provided pursuant to Executive Order 12549 and 49 CFR Part 29 and that this firm agrees to abide by the rules and conditions set forth therein for any misrepresentation that would render this certification erroneous, including termination of this Agreement and other remedies available to the Georgia Department of Transportation and Federal Government.

I further acknowledge that this certificate is to be furnished to the Georgia Department of Transportation, in connection with this Agreement involving participation of Federal-Aid Transit Funds, and is subject to applicable State and Federal laws, both criminal and civil.

9/20/2022

Date

Unclassified By:  (SEAL)
 480008431F7M04

Signature

Name: Shannon K. Whitfield

Title: Chairman/CEO

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions (Sponsors)

1. By signing and submitting this contract the Sponsor is providing the certification set out in Exhibit G.
2. The inability of the Sponsor to provide the certification required may not necessarily result in denial of participation in this covered transaction. The Sponsor shall then submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department's determination whether to enter into this transaction. However, failure of the Sponsor to furnish a certification or an explanation shall disqualify such person or firm from participation in this transaction.
3. The certification, Exhibit G, is a material representation of fact upon which reliance is placed by the Department before entering into this transaction. If it is later determined that the Sponsor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department may terminate this transaction for cause of default.
4. The Sponsor shall provide immediate written notice to the Department if at any time the Sponsor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in these instructions and the certification, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department for assistance in obtaining a copy of those regulations.
6. The Sponsor agrees by submitting this proposal/contract that should the proposed covered transaction be entered into, it shall not knowingly enter into a lower tier covered transaction with a person/firm who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by the Department.
7. The Sponsor further agrees by submitting this proposal/contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", as provided by the Department without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A Sponsor in a covered transaction may rely upon a certification of a prospective participant in lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. The Sponsor may decide the method and frequency by which it determines the eligibility of its principals.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by these instructions. The knowledge and information of Sponsor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if the Sponsor in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction in addition to other remedies available to the Federal Government, the Georgia Department of Transportation may terminate this transaction for cause or default.

EXHIBIT H
LOWER TIER SPONSOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND
OTHER RESPONSIBILITY MATTERS

I hereby certify that I am the chairman/CEO and duly authorized representative of Walker county Board of commissi<wlJo&e address is 101 south Duke street Lafayette GA 30728 and I certify that I have read and understand the attached instructions and that to the best of my knowledge and belief the firm and its representatives:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by the Georgia Department of Transportation and by any Federal department or agency;
- (b) I acknowledge that this certification is provided pursuant to Executive Order 12549 and 49 CFR Part 29 and that this firm agrees to abide by the rules and conditions set forth therein for any misrepresentation that would render this certification erroneous, including termination of this Agreement and other remedies available to the Georgia Department of Transportation and Federal Government.
- (c) I further acknowledge that this certificate is to be furnished to the Georgia Department of Transportation, in connection with the Prime SPONSOR Agreement involving the participation of Federal-Aid Transit Funds, and is subject to applicable State and Federal laws, both criminal and civil.

9/20/2022

Date

DocuSigned by:



AS80D80431F74D4

(SEAL)

Signature

Name: Shannon K. Whitfield

Title: chairman/CEO

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion and Other Responsibility Matters - Lower Tier Covered Transactions

This certification applies to subcontractors, material suppliers, vendors and other lower tier participants.

1. By signing and submitting this proposal, the lower tier participant is providing the certification set out in Exhibit H.
2. The certification, Exhibit G, is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which the proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "*covered transaction*", "*debarred*", "*suspended*", "*ineligible*", "*lower tier covered transaction*", "*participant*", "*person*", "*primary covered transaction*", "*principal*", "*proposal*", and "*voluntarily excluded*", as used in these instructions and the certification, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal/contract that should the proposed covered transaction be entered into, it shall not knowingly enter into a lower tier covered transaction with a person/firm who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal/contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in lower tier covered transaction that is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if the participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction in addition to other remedies available to the Federal Government, the department or agency may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal/contract.

EXHIBIT I

RESERVED

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EXHIBIT J**CERTIFICATION OF COMPLIANCE WITH THE STATE OF GEORGIA'S
SEXUAL HARASSMENT PREVENTION POLICY**

The State of Georgia promotes respect and dignity and does not tolerate sexual harassment in the workplace. The State is committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. All State of Georgia employees are expected and required to interact with all persons including other employees, SPONSOR, contractors, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment. Furthermore, the State of Georgia maintains an expectation that SPONSOR, its contractors and their employees and subcontractors will interact with entities of the State of Georgia, their customers, and other contractors of the State in a professional manner that contributes to a respectful work environment free from sexual harassment.

Pursuant to the State of Georgia's Statewide Sexual Harassment Prevention Policy (the "Policy"), SPONSOR and all contractors who are regularly on State premises or who regularly interact with State personnel must complete sexual harassment prevention training on an annual basis.

SPONSOR, including its employees and subcontractors, who have violated the Policy, including but not limited to engaging in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, notification to the employer, removal from State premises, restricted access to State premises and/or personnel, termination of contract, and/or other corrective action(s) deemed necessary by the State.

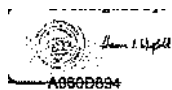
- (i) If SPONSOR is an individual who is regularly on State premises or who will regularly interact with State personnel, SPONSOR certifies that:
 - (a) SPONSOR has received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
 - (b) SPONSOR has completed sexual harassment prevention training in the last year; or will complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVtODDnc2s?rel=Q> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and,
 - (c) Upon request by the State, SPONSOR will provide documentation substantiating the completion of sexual harassment training.
- (ii) If SPONSOR has employees and subcontractors that are regularly on State premises or who will regularly interact with State personnel, SPONSOR certifies that:
 - (a) SPONSOR will ensure that such employees and subcontractors have received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy> ;
 - (b) SPONSOR has provided sexual harassment prevention training in the last year to such employees and subcontractors and will continue to do so on an annual basis; or SPONSOR will ensure that such employees and subcontractors complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training>

administration/sexual-harassment-prevention/hr-professionals/employee-training (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVtODDnc2s?rel=O> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and

- (c) Upon request of the State of the Georgia Department of Transportation, SPONSOR will provide documentation substantiating such employees and subcontractors' acknowledgment of the State of Georgia's Statewide Sexual Harassment Prevention Policy and annual completion of sexual harassment prevention training.

walker county Board of commissioners

SPONSOR's Name



Signature of SPONSOR's Authorized Official

Shannon K. Whitfield

Name of SPONSOR's Authorized Official

chairman/CEO

Title of SPONSOR's Authorized Official

9/20/2022

Date

ARTICLE XVII

INSURANCE

The SPONSOR shall provide insurance under this Agreement as follows:

A. It is understood that the SPONSOR (*complete the applicable statement*):

☐ is self-insured and all claims against SPONSOR will be handled through

OR

lectw

shall, obtain coverage from SPONSOR's private insurance company or cause its consultant/contractor to obtain coverage.

Prior to beginning the work, SPONSOR shall furnish to the DEPARTMENT, a copy of the certificates and the endorsement page for the minimum amounts of insurance indicated below in this Article XVII (Insurance) of the Agreement.

B. Minimum Amounts. The following minimum amount of insurance from insurers rated at least A- by A.

M. Best's and registered to do business in the State of Georgia:

(a) Commercial General Liability Insurance of at least \$1,000,000 per occurrence \$3,000,000 aggregate, including Automobile Comprehensive Liability Coverage with bodily injury in the minimum amount of \$1,000,000 combined single limits each occurrence. DEPARTMENT shall be named as an additional insured and a copy of the policy endorsement shall be provided with the insurance certificate.

(b) Professional Liability (Errors and Omissions) Insurance with limits of at least:

- (1) For Professionals - \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
- (2) For Sub-consultant Engineers and Architects - \$1,000,000 per claim and \$1,000,000 in aggregate coverage;
- (3) For Other Consultants - \$1,000,000 per claim and \$1,000,000 in aggregate coverage.
- (4) Professional liability insurance that shall be either a practice policy or project-specific coverage. Professional liability insurance shall contain prior acts coverage for services performed for this PROJECT. If project-specific coverage is used, these requirements shall be continued in effect for two years following final completion for the PROJECT.

(c) The above-listed insurance coverages shall be maintained in full force and effect for the entire term of the Agreement.

(d) The insurance certificate must provide the following:

- (1) Name, address, signature and telephone number of authorized agents.
- (2) Name and address of insured.
- (3) Name of Insurance Company.

Certificate Of Completion

Envelope Id: 942936C0E5904803B7650B542EDD5EAC

Subject: 48400-294-IGOIP2300322/WALKER COUNTY

Source Envelope:

Document Pages: 42

Signatures: 14

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

EnvelopeId Stamping: Enabled

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

Status: Completed

Envelope Originator:

GDOT DocuSign Admin

600 W Peachtree St, NW

Atlanta, GA 30308

gdot_contracts@dot.ga.gov

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Pool: StateLocal

Pool: Georgia Department of Transportation

Location: DocuSign

Location: DocuSign

Signer Events

Tabi Cantrell

t.cantrell@walkerga.us

Security Level: Email, Account Authentication
(None)**Signature**

Signature Adoption: Uploaded Signature Image

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Timestamp

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Signed: 9/20/2022 2:28:43 PM

Electronic Record and Signature Disclosure:

Accepted: 9/20/2022 2:27:45 PM

ID: 98ab52ce-a6bc-4f40-982d-c218f177a96e

Shannon K. Whitfield

commissioner@walkerga.us

Chairman/CEO

Walker County Board of Commissioners

Security Level: Email, Account Authentication
(None)

Signature Adoption: Uploaded Signature Image

Using IP Address: 64.18.124.146

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Rebecca Wooden

r.wooden@walkerga.us

Walker County Clerk

Security Level: Email, Account Authentication
(None)

DocuSigned by:

Signature Adoption: Drawn on Device

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Russell R McMurry

rmcmurry@dot.ga.gov

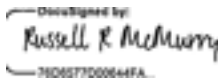
Commissioner

Georgia Department of Transportation

Security Level:

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Signer Events

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Angela O. Whitworth
awhitworth@dot.ga.gov
Treasurer

Security Level:

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Signature

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Signed: 10/11/2022 9:31:34 AM

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

John Logan
J.logan@walkerga.us

Security Level: Email, Account Authentication
(None)

| VIEWED |

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Signing Complete
Completed

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

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10/11/2022 9:31:34 AM

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From time to time, Georgia Department of Transportation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Georgia Department of Transportation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: gdot_contracts@dot.ga.gov

To advise Georgia Department of Transportation of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at gdot_contracts@dot.ga.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from Georgia Department of Transportation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to gdot_contracts@dot.ga.gov and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Georgia Department of Transportation

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to gdot_contracts@dot.ga.gov and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Reqm'redh ardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla Firefox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	• Allow per session cookies • Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

****** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify Georgia Department of Transportation as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by Georgia Department of Transportation during the course of my relationship with you.

WOMACK, RODHAM & RAY, P.C.



Ronald R. Womack
Steven M. Rodham*
Ryan L. Ray

Attorneys At Law
109 East Patton Street
P. O. Box 549
LaFayette, Georgia 30728

*also licensed in Tennessee

Telephone (706) 638-2234
Facsimile (706) 638-3173
Writer's email - rwomack@wrrlawfirm.com

May 26, 2022

HAND DELIVERED

Honorable Shannon Whitfield
Chairman, Walker County Board of Commissioners
P.O. Box 445
LaFayette, GA 30728

**Re: Appeal of Walker County Planning Commission's
Denial of Variance Request by Craig Davoulas**

Dear Chairman Whitfield:

Please accept this Appeal by Craig Davoulas ("Davoulas") of the denial by the Walker County Planning Commission ("Planning Commission") of his variance request.

Specifically, Davoulas requested a variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750, tax map & parcel no. 0-006-021 ("Property").

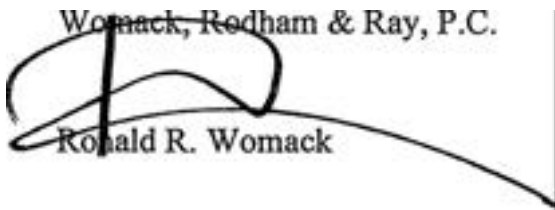
For all of the reasons and authority set forth in the Appeal, which is enclosed herein, Mr. Davoulas requests that the Board of Commissioners reverse the denial of the Planning Commission and grant his requested variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750. Copies of a notification letter from and an agenda of the Planning Commission are enclosed herewith.

Please place this matter on an agenda of the Board of Commissioners' meeting for a hearing on same.

Honorable Shannon Whitfield
May 26, 2022
Page Two

Should you have any questions, feel free to contact me.

Sincerely,

Womack, Redham & Ray, P.C.

Ronald R. Womack

RRW/mw

Enclosures



Walker County Planning & Development

122 Hwy 95
Rock Spring, Georgia 30739

March 21, 2022

To Whom It May Concern:

The Walker County Planning Commission will hold a public hearing on **Thursday, April 21, 2022 at 6:00 P.M. at the Walker County Civic Center located at 10052 N. Hwy 27 Rock Spring GA, 30739** to consider a request for a variance for property adjacent to your property boundaries or close to.

The Planning Commission will be considering the request from Craig Davoulas for a variance to add a seventh lot on a shared easement named Antigones Dream Drive. This request is for property located at 527 Antigones Dream Drive Lookout Mountain, GA. 30750. Tax map & parcel number 0-006-021.

The Planning Commission will hear the request on April 21, 2022. Since your property is located near the subject property, we are notifying you of the request in an effort to keep the community informed. **This is only a request for the above-mentioned properties.**

We respectfully request that you not contact or discuss this matter with any of the Walker County Planning Commission Members outside of the scheduled meeting, as this is considered ex parte communication and is not appropriate. Ex parte communication means that the member is receiving one-sided information without the benefits of both sides having a public hearing. It also puts our Planning Commission members in a very awkward and uncomfortable situation. Any concerns you may have should be directed to the Commission members during the public meeting.

You will be given an opportunity to speak in favor of or against the request at the Planning Commission's Public Meeting. If you choose to speak you will need to sign in and then you will have approximately 3 minutes to state what you feel is pertinent to the request. If there will be a large number of residents planning on attending in favor of or against the request, we recommend appointing a couple of spokesmen to represent the group as a whole so that presentations are not redundant. We thank you for your cooperation.

Sincerely,
Planning Department
Walker County



Walker County
Planning Commission Meeting

April 21, 2022

6:00 P.M.

Walker County Civic Center

AGENDA

I. CALL TO ORDER

II. ROLLCALL

III. READING AND APPROVAL OF MINUTES FOR MARCH 17, 2022 MINUTES

IV. MOTION TO OPEN PUBLIC HEARING:

A. VARIANCE:

1. Jeanette Thomas Underwood: Requests a variance for less than five acres in: an A-1 zone for property located at 952 Cannon Road LaFayette, GA. 30728. Tax map & parcel number 0-342-012.
2. **Craig Davoulas:** Requests a variance for more than six on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA. 30750. Tax map & parcel number 0-006-021.

V. MOTION TO CLOSE PUBLIC HEARING:

VI. MOTION TO GO INTO NEW BUSINESS:

A. Jeanette Thomas Underwood

B. Craig Davoulas

VII. ADJOURNMENT:



BEFORE THE WALKER COUNTY BOARD OF COMMISSIONERS

**Appeal of Walker County Planning Commission's
Denial of Variance Request by Craig Davoulas**

COMES NOW Craig Davoulas ("Davoulas") and makes this his appeal of the denial of his variance by the Walker County Planning Commission ("Planning Commission"), and shows to the Board of Commissioners the following, to-wit:

Davoulas requested from the Planning Commission a variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750, tax map & parcel no. 0-006-021 ("Property"). *See The Code of Walker County, Georgia* ("Code or The Walker County Code"), at § 22-401(3). After Davoulas made his presentation, the Planning Commission, without comment, denied the variance on April 21, 2022. The Planning Commission's denial was erroneous because Section 22-401(3) of the Code does not apply to the Property, the variance was justified under all the attendant circumstances, and the denial of the variance effects a taking of Davoulas' Property in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

1 History.

The following is some background of the Property. Nearly 40 years ago Davoulas and some friends purchased 77 acres of wooded property on Lookout Mountain and split it amongst themselves. This property had Rock Creek running through it and is bordered by Tucker Branch on the southern side. Davoulas and his friends parceled out the property so that each would have both road frontage and creek frontage. To achieve that end, the property was divided into several lots with unique shapes. The gentleman they had purchased the property from had acquired the property from a paper mill company. There were no roads, only a few logging trails. Davoulas and the others cleared a road, put down some gravel and that was the way everyone accessed the property. That private drive is now Antigone's Dream Drive.

At this time, there are five houses sharing that private drive. A sixth lot abuts the private drive. *See Maps* attached hereto as Attachments A & B. Davoulas lives in one house on Mt. Olive Road on a lot just over one acre in size. On a separate tract of about 32 acres, Davoulas built a small cabin on Rock Creek over 20 years ago. Davoulas' daughter, her husband and baby girl now live in that cabin.

What brought the present issue to a head was that Davoulas was going to survey a few acres out of that 32-acre plot with the cabin on it and give it to his daughter. A nearly 4-acre plot was surveyed out with the cabin thereon, and Davoulas was moving forward to transfer the property to his daughter when the surveyor asked if he had contacted the Planning Commission to make certain everything was in order. Davoulas called the Planning Commission and was informed that no more than six homes or lots can share a private drive. The Planning Commission also pointed out that the wooded lot adjoining one of his neighbor's homes counted towards the six homes or "lots" and adding the newly surveyed lot with the cabin would make seven. The lots and private drive are in the same condition now as when the Walker County adopted the subject Code provisions.

Accordingly, Davoulas requested a variance. Davoulas pointed out to the Planning Commission that if the variance were granted, the same five homes would share this private drive as they do now. No additional homes would be added with the granting of the variance. There would be no new construction. No new utilities would need to be installed. There would be no additional traffic on the private drive. And there would be no new residents. The private drive is the only means of access to the Property from Mt. Olive Road. Some of Davoulas' neighbors who use the private drive have options to get to Mt. Olive Road without using the private drive. As already noted, the Planning Commission, without comment, denied the variance.

11. Argument and Authority.

Section 22-401(3) of *The Walker County Code* does not apply to the Property for two reasons. First, Section 22-401(3) is contained within the County's subdivision regulations. See *The Code of Walker County, Georgia*, at §§ 22-383 - 22-424. The Property, parcels of land, and private drive at issue in this appeal are not part of a subdivision. Thus, regulations for a subdivision are not applicable to the subject Property.

Second, the section is triggered only when one is seeking a building permit. Section 22-401(3) of *The Walker County Code* provides as follows:

No building permit shall be issued for a building or use on a lot which does not:

- (3) Abut on a private drive, or a permanent recorded easement or right-of-way which serves no more than 6 separate residential dwellings, lots or tracts and provides access to a publicly accepted and maintained road, provided that the following criteria are met:

Davoulas was not seeking a building permit. Thus, Section 22-401(3) was not applicable to Davoulas carving out an approximate 4-acre lot from the 32-acre lot.

Next, the variance was justified under the circumstances. A variance is "a grant of relief from the [applicable regulations] which permits construction in a manner otherwise prohibited . . . where specific enforcement would result in unnecessary hardship." *The Code of Walker County, Georgia*, at § 22-115. As Davoulas pointed out to the Planning Commission, if the variance were granted, the same five homes would share the private drive as they do now. No additional homes will be added by the granting of the variance. There would be no new construction. No new utilities would need to be installed. There would be no additional traffic on the private drive. And there would be no new residents. The private drive is the only means of access to the Property from Mt. Olive Road. Some of Davoulas' neighbors who use the private drive have options to get to Mt. Olive Road without using the private drive. There was and is simply no rational reason for denying Davoulas' requested variance. In fact, it appears that the Planning Commission's denial was simply arbitrary and capricious. The purpose of variances is to alleviate the "extraordinary hardship [that] may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider[.]" *The Code of Walker County, Georgia*, at § 22-409(a). Nothing has changed about the Property and private drive except the County enacting Code provisions. As will be explained next, denying the variance deprives Davoulas of all economically beneficial use of his Property.

Lastly, denying the variance effects a taking of Davoulas' Property in violation of the Fifth and Fourteenth Amendments to the United States Constitution. "[W]hile property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1014 (1992) (citation omitted). The Supreme Court has described two discrete categories of regulatory action as compensable without case-specific inquiry into the public interest advanced in support of the restraint. *Id.* at 1015. The one pertinent here is the situation "where regulation denies all economically beneficial or productive use of land." *Id.* (citations omitted). "[T]he Fifth Amendment is violated when land-use regulation 'does not substantially advance legitimate state interests or denies an owner economically viable use of his land.'" *Id.* at 1016 (citation and footnote omitted) (emphasis in original).

In the present matter, Section 22-401(3) deprives Davoulas of all economically beneficial use of the subject Property. The Property is 32 acres in size with a small cabin located on it. The Planning Commission's application of Section 22-401(3) requires that the tract be left as-is. There is nothing else Davoulas can do with the property. Merely not allowing Davoulas to cut out an approximate 4-acre lot for his daughter shows that the Property could not be put to any other economically beneficial use.

Where the government seeks to sustain a regulation that deprives land of all economically

beneficial use, it may resist compensation only if the logically antecedent inquiry into the nature of the owner's estate shows that the proscribed use interests were not in the beginning part of his title. *See Id.* at 1027. "Any limitation so severe [*i.e.*, that prohibit all economically beneficial use of land] cannot be newly legislated or decreed (without compensation), but must inhere in the title itself, in the restrictions that background principles of the State's law of property and nuisance already place upon land ownership. A law or decree with such an effect must, in other words, do no more than duplicate the result that could have been achieved in the courts -- by adjacent landowners (or other uniquely affected persons) under the State's law of private nuisance, or by the State under its complementary power to abate nuisances that affect the public generally, or otherwise." *Id.* at 1029 (1992) (footnote omitted). That is, "[t]he use of these properties for what are now expressly prohibited purposes was *always* unlawful, and ... it was open to the State at any point to make the implication of those background principles of nuisance and property law explicit." *Id.* at 1030 (citation omitted) (emphasis in original).

The analysis requires consideration of, *inter alia*, "the degree of harm to public lands and resources, or adjacent private property, posed by the claimant's proposed activities, the social value of the claimant's activities and their suitability to the locality in question, and the relative ease with which the alleged harm can be avoided through measures taken by the claimant and the government (or adjacent private landowners) alike. The fact that a particular use has long been engaged in by similarly situated owners ordinarily imports a lack of any common-law prohibition (though changed circumstances or new knowledge may make what was previously permissible no longer so). So also does the fact that other landowners, similarly situated, are permitted to continue the use denied to the claimant." *Id.* at 1030-31 (citations omitted).

Consideration of these factors demonstrates that the Planning Commission's application of Section 22-401(3) deprives Davoulas of all economically beneficial use of the Property. Cutting out an approximate 4-acre lot would cause no harm to public lands, resources, or adjacent private property. The social value of creating the lot is high because it creates a new lot for purposes of property taxation. Creating the lot is suitable to the location because the cabin has existed on the 32-acre tract and used the private drive for at least 20 years. The long-time use of the private drive by the other six parcels, which continues to this day, demonstrates the absence of any common law prohibition on Davoulas' proposal to create the new lot. Each of these factors favors granting the variance requested by Davoulas.

For all of the reasons given above, Davoulas requests that this Board of Commissioners reverse the denial of the variance by the Planning Commission and grant his requested variance for more than six lots on a shared drive/easement for properly located at 527 Antigones Dream Drive Lookout Mountain, GA 30750.

Respectfully submitted this day of May, 2022.

Womack & Rodham, P.C.

 R. Womack

State Bar No. 773650

rwomack@wrrlawfirm.com



Steven R. Rodham

State Bar No. 611404

srodham@wrrlawfirm.com

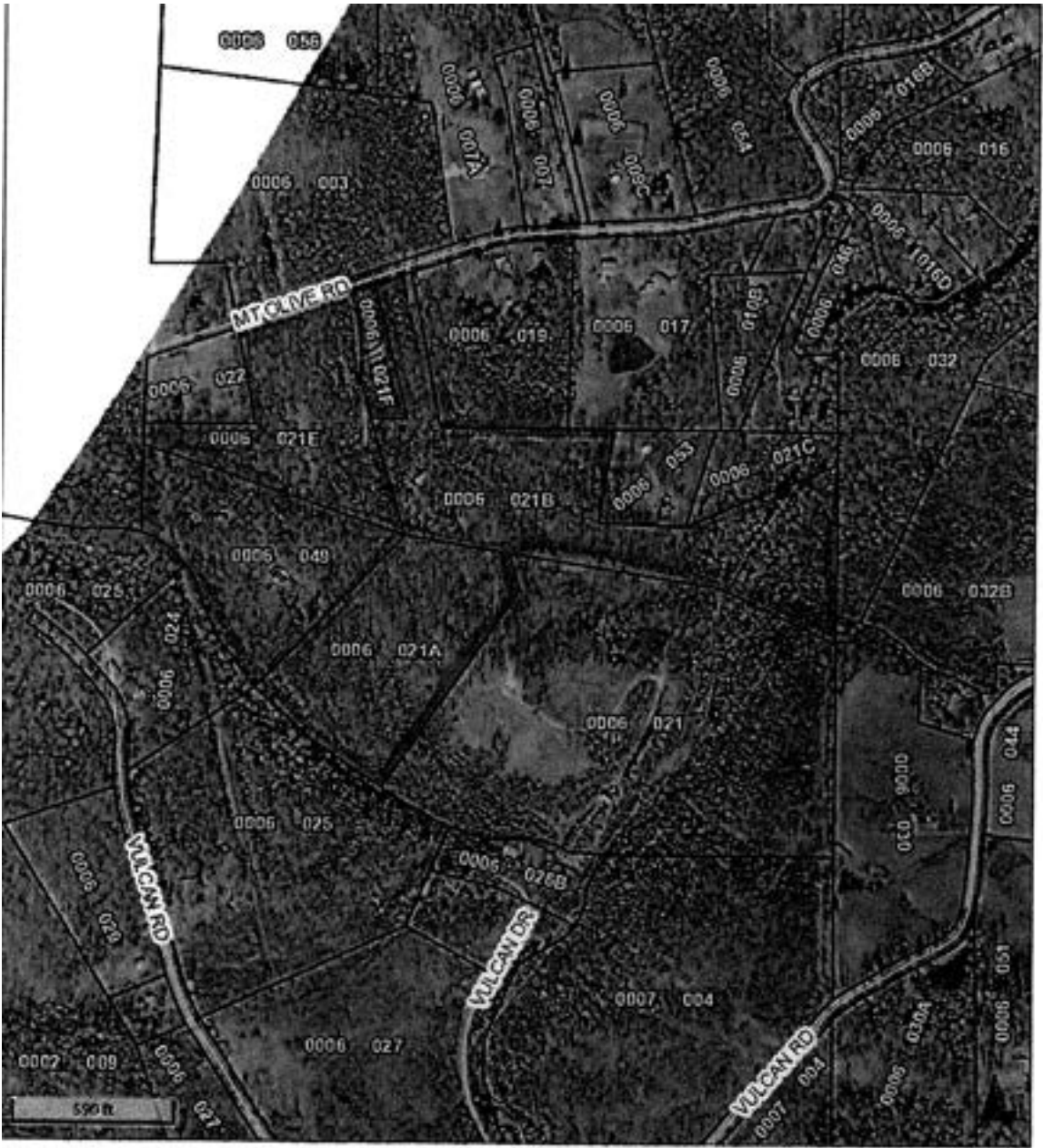
Attorneys for Craig Davoulas

P. O. Box 549

LaFayette, GA 30728

(706) 638-2234

OqPublic.netfM Walker County, GA



Overview



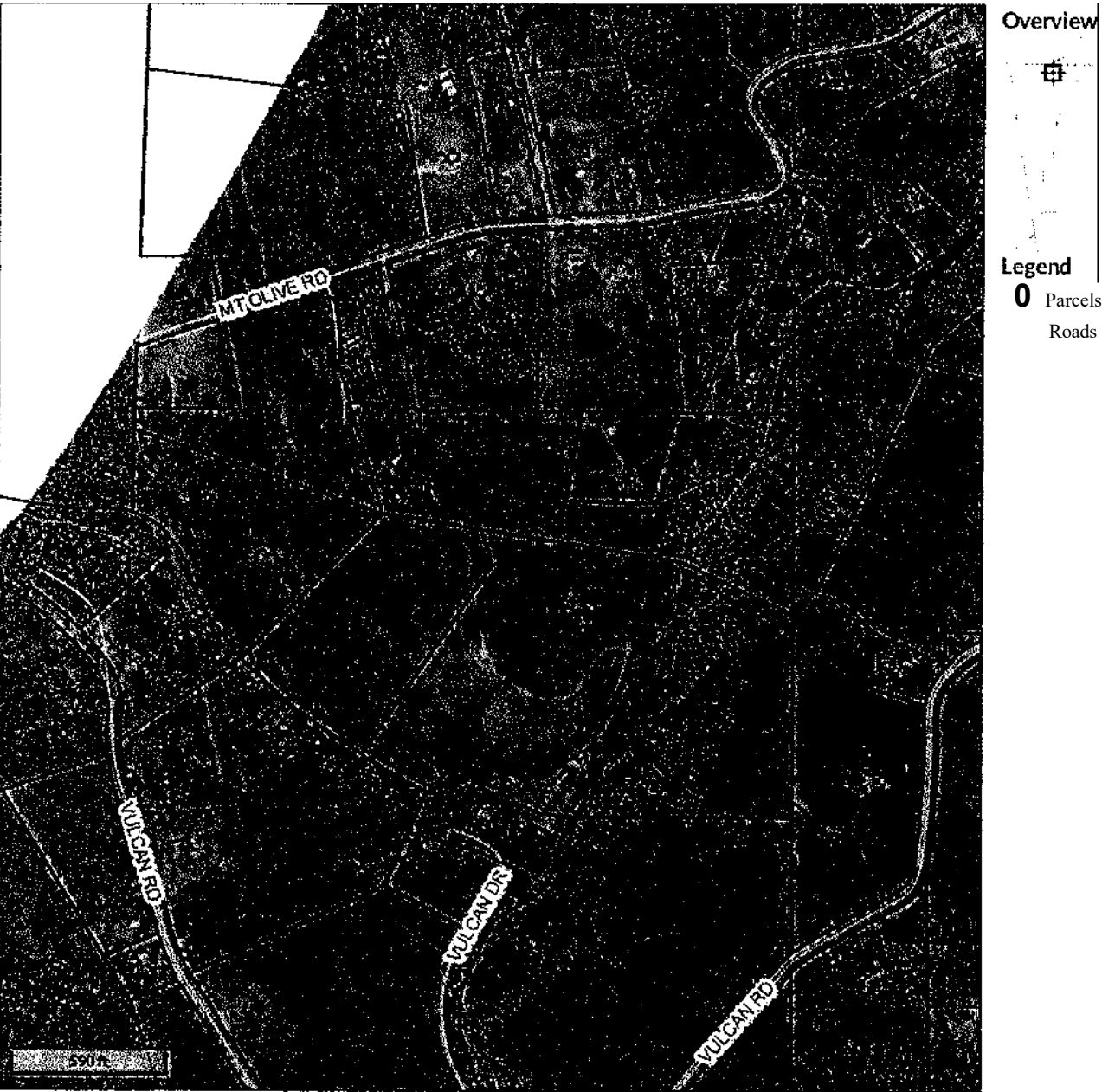
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- 0 Parcels
- Parcel Numbers
- Roads

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Joe Legge
Public Relations Director
Walker County, GA

June 15, 2022

To: Property owners near 527 Antigones Dream Drive
Walker County, GA

Re: **UPDATED DATE:** Craig Davoulas Variance Request Appeal

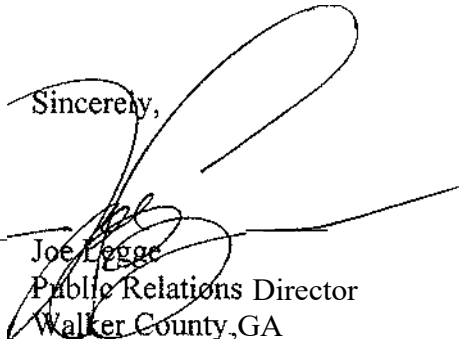
The Walker County Planning Commission denied a variance request for Craig Davoulas at its meeting on April 21, 2022. The request concerned more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive in Lookout Mountain, tax map & parcel number 0-006-021.

Due to a scheduling conflict with the attorney for Mr. Davoulas, there has been a change in the date of his appeal before the Board of Commissioners. **A hearing on this appeal will be on the Board's agenda for its July 28, 2022 meeting, which takes place at 7:00 p.m. at Courthouse Annex III, 201 S Main Street in LaFayette.** There will not be a hearing on June 23, 2022 as originally planned.

Since your property is located near the subject property, we are notifying you of the appeal in an effort to keep the community informed.

The public is always welcome to attend Board of Commissioner meetings. For those unable to attend, a live stream of the meeting is provided on the County's Facebook page and the meeting video is also available on the County's Youtube channel a day or two later.

Sincerely,



Joe Legge
Public Relations Director
Walker County, GA

WALKER COUNTY
PLANNING & DEVELOPMENT
AGENDA ITEM

Owner: Craig Davoulas

Petitioner: same

Location of Property: 527 Antigones Dream Drive
Lookout Mountain, GA. 30750

Tax map & parcel number 0-006-021

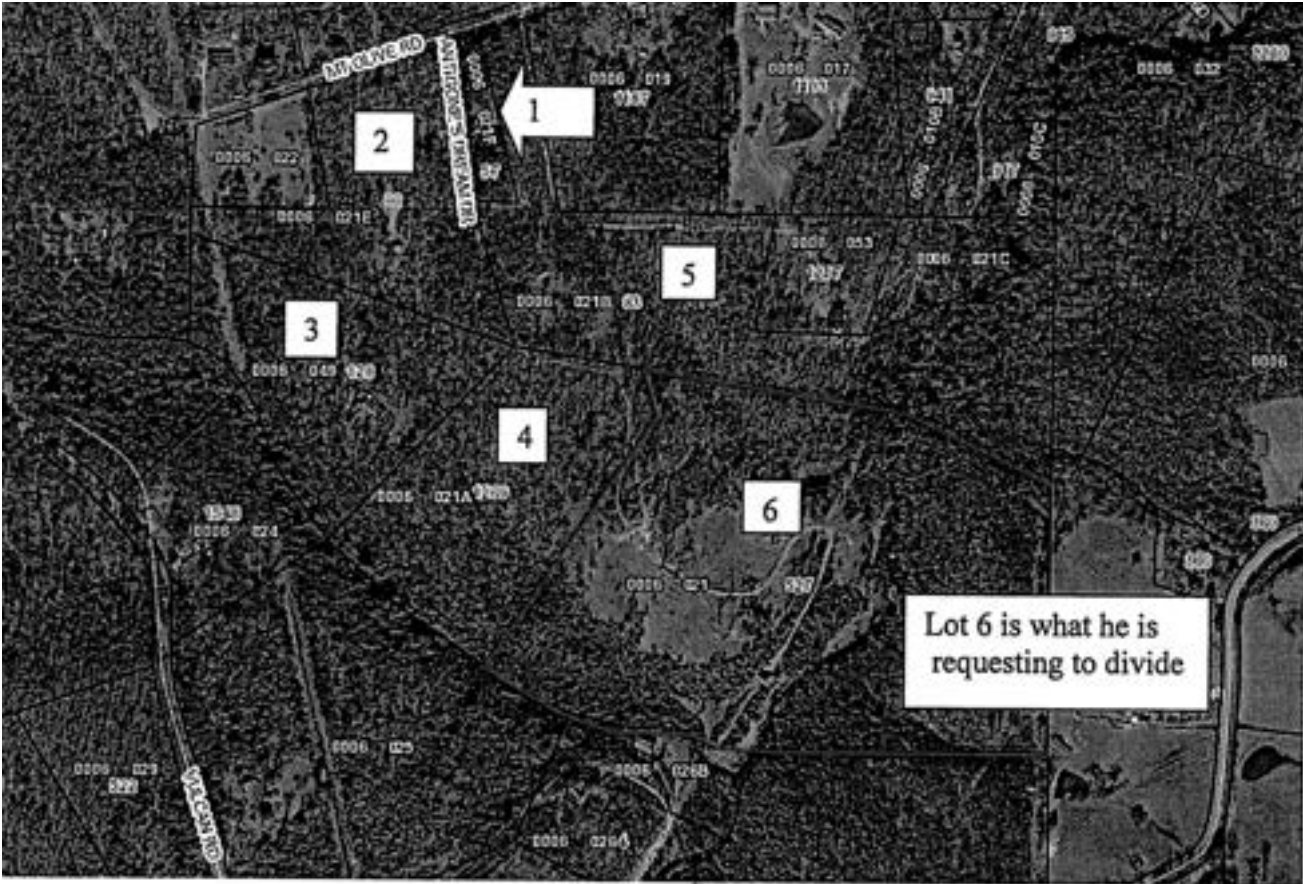
Date Applied: 3/10/2022
PC Meeting Date: 4/21/2022

Present Zoning: R-2 (Residential)

APPLICANT'S INTENT: To add a seventh lot on a shared drive/easement

DETAILS OF REQUEST: Mr. Davoulas owns two tracts on a shared drive along with four other lots. He would like to divide off 3.75 acres to give to his daughter. The total tract is 32.60 acres.

Projected Area:





Walker County Planning Commission

Minutes
April 21, 2022
Walker County Civic Center
6:00 PM

ATTENDEES:

Planning Commission Members

Jon Hentz
Stan Porter
John Morehouse
Daryl Brooks
Jack Mullinax
Michael Haney
Cindy Askew

Walker County Planning Staff

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

I. CALL TO ORDER:

Chairman Michael Haney called the meeting to order at 6:00 P.M.

II. ROLL CALL

.I. READING AND APPROVAL OF THE MINUTES FOR MARCH 17, 2022: Chairman Michael Haney asked if there were any corrections to last month's minutes. Stan Porter asked to amend the minutes because on the two rezones for Mr. Patel the minutes read that it was unanimous to deny, and he actually voted in favor of the rezones. Chairman Haney asked for a motion to approve with amendments. Jack Mullinax made a motion to approve with amendment. Daryl Brooks seconded the motion to approve. Vote was unanimous. Vote to approve with amendment carried.

II. MOTION TO OPEN THE PUBLIC HEARING: Chairman Haney asked if there was a motion to open the public hearing. Daryl Brooks made a motion to open. Jack Mullinax seconded the motion. Vote was unanimous. Motion to open the public hearing carried.

III. PUBLIC HEARING:

A. Variance:

1. Jeanette Thomas Underwood: Randall Underwood came forward and said that he was the oldest son of Ma. Underwood and executer over her estate and would like to divide off a lot where the old house sits on the property. He said that the property would be divided between him and his brother but that his mother wanted that part to be divided off. He said that the house is falling in and basically no good. There were questions from the Board as to why not just divide off five acres with it and Mr. Underwood said that he did not want to give p any good pastureland with it. Chairman Haney asked if there was anyone in the audience against the request but there was none. Mr. Underwoods brother stated he was in favor of the request.

2. Craig Davoulas: Mr. Davoulas came forward and read a statement telling how he and another landowner had bought the property years ago and some background on the layout of the property. He said that he had went to divide off some of the large tract at the end of the private drive for his daughter who lives in a house on the property. After having this done the surveyor had asked if he had made contact with the Planning Office regarding the split. He said that after he called he learned that there was an ordinance on the number of lots/houses on a private drive. He said that he had talked to all his neighbors, and they did not have any issues with it and that there would not be any new houses built on the divided lot. Chairman Haney asked if there was anyone in favor or against this request. There was no one that came forward.

IV. MOTION TO CLOSE THE PUBLIC HEARING:

Chairman Haney asked if there was a motion to close the public hearing. Daryl Brooks made a motion to close the public hearing. John Morehouse seconded the motion. Vote was unanimous. Motion to close the public hearing carried.

V. MOTION TO OPEN NEW BUSINESS: There was no motion to open new business

VI. NEW BUSINESS:

1. Jeanette Thomas Underwood: Chairman Haney asked if there was a motion. Jack Mullinax made a motion to deny the request. Stan Porter seconded the motion to deny. Vote was unanimous to deny. Motion to deny carried.

Craig Davoulas: Chairman Haney asked for a motion. Jack Mullinax made a motion to deny because he said that they may not intend on building a house, but future owners may. John Morehouse seconded the motion to deny. Five members voted in favor of the denial and one member (Jon Hentz) in favor of approving the request. Motion to deny carried.

VII. ADJOURNMENT:

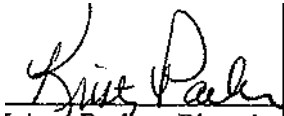
Chairman Haney asked if there was a motion to adjourn. Daryl Brooks made a motion to adjourn. Jack Mullinax second the motion to adjourn. Vote was unanimous. Motion to adjourn carried.

5/19/2022
Date Submitted



Planning Commission Chairman

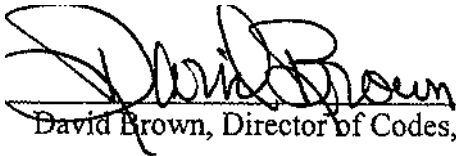
5-19-2022
Date Submitted



Kristy Parker, Planning Commission Secretary

5/22

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David Brown, Director of Codes, , Inspection & Planning

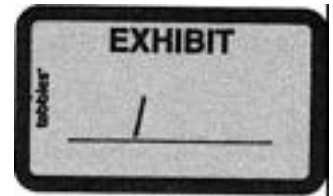
R

Ronald R. Womack
Steven M. Rodham*
Ryan L. Ray

WOMACK, RODHAM & RAY, P.C.

Attorneys At Law
109 East Patton Street
P. O. Box 549
LaFayette, Georgia 30728

Telephone (706) 638-2234
Facsimile (706) 638-3173
Writer's email - n11omack@111rrlm11jirm.com



**also licensed in Tennessee*

May 26, 2022

HAND DELIVERED

Honorable Shannon Whitfield
Chairman, Walker County Board of Commissioners
P.O. Box 445
LaFayette, GA 30728

**Re: Appeal of Walker County Planning Commission's
Denial of Variance Request by Craig Davoulas**

Dear Chairman Whitfield:

Please accept this Appeal by Craig Davoulas ("Davoulas") of the denial by the Walker County Planning Commission ("Planning Commission") of his variance request.

Specifically, Davoulas requested a variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750, tax map & parcel no. 0-006-021 ("Property").

For all of the reasons and authority set forth in the Appeal, which is enclosed herein, Mr. Davoulas requests that the Board of Commissioners reverse the denial of the Planning Commission and grant his requested variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750. Copies of a notification letter from and an agenda of the Planning Commission are enclosed herewith.

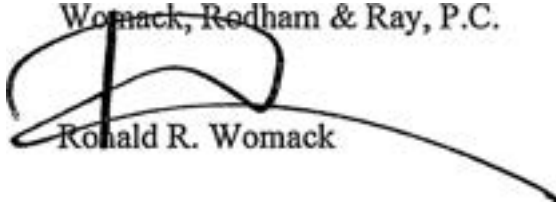
Please place this matter on an agenda of the Board of Commissioners' meeting for a hearing on same.

Honorable Shannon Whitfield
May 26, 2022
Page Two

Should you have any questions, feel free to contact me.

Sincerely,

Womack, Rodham & Ray, P.C.

A handwritten signature in black ink, appearing to be "Ronald R. Womack", written over the printed name. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Ronald R. Womack

RRW/mw

Enclosures



Walker County Planning & Development
122 Hwy 95
Rock Spring, Georgia 30739

March 21, 2022

To Whom It May Concern:

The Walker County Planning Commission will hold a public hearing on Thursday, April 21, 2022 at 6:00 P.M. at the Walker County Civic Center located at 10052 N. Hwy 27 Rock Spring GA, 30739 to consider a request for a variance for property adjacent to your property boundaries or close to.

The Planning Commission will be considering the request from Craig Davoulas for a variance to add a seventh lot on a shared easement named Antigones Dream Drive. This request is for property located at 527 Antigones Dream Drive Lookout Mountain, GA. 30750. Tax map & parcel number 0-006-021.

The Planning Commission will hear the request on April 21, 2022. Since your property is located near the subject property, we are notifying you of the request in an effort to keep the community informed. **This is only a request for the above-mentioned properties.**

We respectfully request that you not contact or discuss this matter with any of the Walker County Planning Commission Members outside of the scheduled meeting, as this is considered ex parte communication and is not appropriate. Ex parte communication means that the member is receiving one-sided information without the benefits of both sides having a public hearing. It also puts our Planning Commission members in a very awkward and uncomfortable situation. Any concerns you may have should be directed to the Commission members during the public meeting.

You will be given an opportunity to speak in favor of or against the request at the Planning Commission's Public Meeting. If you choose to speak you will need to sign in and then you will have approximately 3 minutes to state the information that you feel is pertinent to the request. If there will be a large number of residents planning on attending in favor of or against the request, we recommend appointing a couple of spokesmen to represent the group as a whole so that presentations are not redundant. We thank you for your cooperation.

Sincerely,
Planning Department
Walker County



Walker County
Planning Commission Meeting

April 21, 2022
6:00 P.M.

Walker County Civic Center

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. READING AND APPROVAL OF MINUTES FOR MARCH 17, 2022 MINUTES

IV. MOTION TO OPEN PUBLIC HEARING:

A. **VARIANCE:**

1. **Jeanette Thomas Underwood:** Requests a variance for less than five acres in an A-1 zone for property located at 952 Cannon Road LaFayette, GA. 30728. Tax map & parcel number 0-342-012.
2. **Craig Davoulas:** Requests a variance for more than six on a shared drive/easement for property located at 527 Antignes Dream Drive Lookout Mountain, GA. 30750. Tax map & parcel number 0-006-021.

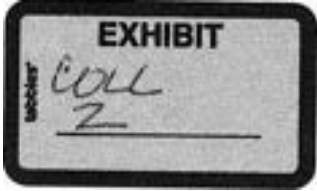
V. MOTION TO CLOSE PUBLIC HEARING:

VI. MOTION TO GO INTO NEW BUSINESS:

A. Jeanette Thomas Underwood

B. Craig Davoulas

VII. ADJOURNMENT:



Overview



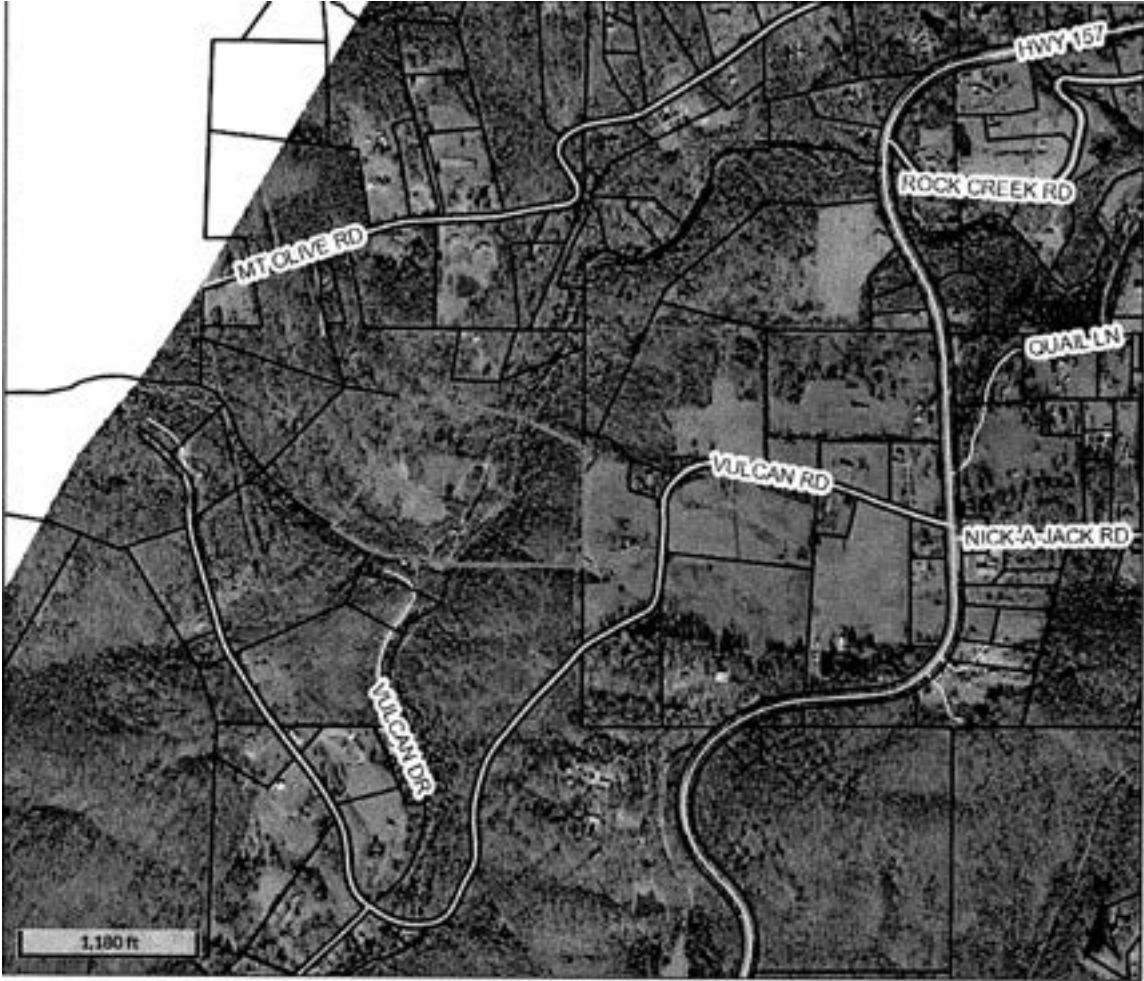
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- 0 Parcels
- Roads

Parcel ID	0006021F	Owner	DAVOULAS CRAIG C & DEBRAH	Last2Sales			
Class Code	Residential		57 ANTIGONES DREAM DRIVE	Date	Price	Reason	Qual
Taxing District	COUNTY		LOOKOUT MTN, GA 30750	2/16/1998	0	W	U
Acres	1.96	Physical Address	57 ANTIGONES DREAM DR	6/20/1990	0	W	U
		Assessed Value	Value \$242921				

(Note: Not to be used on legal documents)

OqPublic.netT"" Walker County, GA



Overview



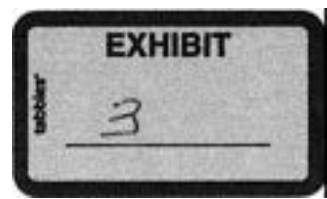
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- 0 Parcels
- Roads

Parcel ID	0006021	Owner	DAVOULAS CRAIG C	Last25ales			
Class Code	Consv Use		527 ANTIGONES\$ DREAM DR	Date	Price	Reason	Qual
Taxing District	COUNTY		LOOKOUTMTN,GA30750	4/5/1991	\$49229	3	U
Acres	33.8	Physical Address	527 ANTIGONES DREAM DR	4/4/1983	\$84000	LM	Q
		Assessed Value	Value \$184286				

(Note: Not to be used on legal documents)

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BEFORE THE WALKER COUNTY BOARD OF COMMISSIONERS

Appeal of **Walker County Planning Commission's**
Denial of **Variance Request by Craig Davoulas**

COMES NOW Craig Davoulas ("Davoulas") and makes this his appeal of the denial of his variance by the Walker County Planning Commission ("Planning Commission"), and shows to the Board of Commissioners the following, to-wit:

Davoulas requested from the Planning Commission a variance for more than six lots on a shared drive/easement for property located at 527 Antigones Dream Drive Lookout Mountain, GA 30750, tax map & parcel no. 0-006-021 ("Property"). *See The Code of Walker County, Georgia* ("Code or The Walker County Code"), at § 22-401(3). After Davoulas made his presentation, the Planning Commission, without comment, denied the variance on April 21, 2022. The Planning Commission's denial was erroneous because Section 22-401(3) of the Code does not apply to the Property, the variance was justified under all the attendant circumstances, and the denial of the variance effects a taking of Davoulas' Property in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

I History.

The following is some background of the Property. Nearly 40 years ago Davoulas and some friends purchased 77 acres of wooded property on Lookout Mountain and split it amongst themselves. This property had Rock Creek running through it and is bordered by Tucker Branch on the southern side. Davoulas and his friends parceled out the property so that each would have both road frontage and creek frontage. To achieve that end, the property was divided into several lots with unique shapes. The gentleman they had purchased the property from had acquired the property from a paper mill company. There were no roads, only a few logging trails. Davoulas and the others cleared a road, put down some gravel and that was the way everyone accessed the property. That private drive is now Antigone's Dream Drive.

At this time, there are five houses sharing that private drive. A sixth lot abuts the private drive. *See Maps* attached hereto as Attachments A & B. Davoulas lives in one house on Mt. Olive Road on a lot just over one acre in size. On a separate tract of about 32 acres, Davoulas built a small cabin on Rock Creek over 20 years ago. Davoulas' daughter, her husband and baby girl now live in that cabin.

What brought the present issue to a head was that Davoulas was going to survey a few acres out of that 32-acre plot with the cabin on it and give it to his daughter. A nearly 4-acre plot was surveyed out with the cabin thereon, and Davoulas was moving forward to transfer the property to his daughter when the surveyor asked if he had contacted the Planning Commission to make certain everything was in order. Davoulas called the Planning Commission and was informed that no more than six homes or lots can share a private drive. The Planning Commission also pointed out that the wooded lot adjoining one of his neighbor's homes counted towards the six homes or "lots" and adding the newly surveyed lot with the cabin would make seven. The lots and private drive are in the same condition now as when the Walker County adopted the subject Code provisions.

Accordingly, Davoulas requested a variance. Davoulas pointed out to the Planning Commission that if the variance were granted, the same five homes would share this private drive as they do now. No additional homes would be added with the granting of the variance. There would be no new construction. No new utilities would need to be installed. There would be no additional traffic on the private drive. And there would be no new residents. The private drive is the only means of access to the Property from Mt. Olive Road. Some of Davoulas' neighbors who use the private drive have options to get to Mt. Olive Road without using the private drive. As already noted, the Planning Commission, without comment, denied the variance.

II Argument and Authority.

Section 22-401(3) of *The Walker County Code* does not apply to the Property for two reasons. First, Section 22-401(3) is contained within the County's subdivision regulations. See *The Code of Walker County, Georgia*, at §§ 22-383 - 22-424. The Property, parcels of land, and private drive at issue in this appeal are not part of a subdivision. Thus, regulations for a subdivision are not applicable to the subject Property.

Second, the section is triggered only when one is seeking a building permit. Section 22-401(3) of *The Walker County Code* provides as follows:

No building permit shall be issued for a building or use on a lot which does not:

- (3) Abut on a private drive, or a permanent recorded easement or right-of-way which serves no more than 6 separate residential dwellings, lots or tracts and provides access to a publicly accepted and maintained road, provided that the following criteria are met:

Davoulas was not seeking a building permit. Thus, Section 22-401(3) was not applicable to Davoulas carving out an approximate 4-acre lot from the 32-acre lot.

Next, the variance was justified under the circumstances. A variance is "a grant of relief from the [applicable regulations] which permits construction in a manner otherwise prohibited . . . where specific enforcement would result in unnecessary hardship." *The Code of Walker County, Georgia*, at § 22-115. As Davoulas pointed out to the Planning Commission, if the variance were granted, the same five homes would share the private drive as they do now. No additional homes will be added by the granting of the variance. There would be no new construction. No new utilities would need to be installed. There would be no additional traffic on the private drive. And there would be no new residents. The private drive is the only means of access to the Property from Mt. Olive Road. Some of Davoulas' neighbors who use the private drive have options to get to Mt. Olive Road without using the private drive. There was and is simply no rational reason for denying Davoulas' requested variance. In fact, it appears that the Planning Commission's denial was simply arbitrary and capricious. The purpose of variances is to alleviate the "extraordinary hardship [that] may result from strict compliance with these regulations due to unusual topographic or other conditions beyond the control of the subdivider[.]" *The Code of Walker County, Georgia*, at § 22-409(a). Nothing has changed about the Property and private drive except the County enacting Code provisions. As will be explained next, denying the variance deprives Davoulas of all economically beneficial use of his Property.

Lastly, denying the variance effects a taking of Davoulas' Property in violation of the Fifth and Fourteenth Amendments to the United States Constitution. "[W]hile property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1014 (1992) (citation omitted). The Supreme Court has described two discrete categories of regulatory action as compensable without case-specific inquiry into the public interest advanced in support of the restraint. *Id.* at 1015. The one pertinent here is the situation "where regulation denies all economically beneficial or productive use of land." *Id.* (citations omitted). "[T]he Fifth Amendment is violated when land-use regulation 'does not substantially advance legitimate state interests *or denies an owner economically viable use of his land.*'" *Id.* at 1016 (citation and footnote omitted) (emphasis in original).

In the present matter, Section 22-401(3) deprives Davoulas of all economically beneficial use of the subject Property. The Property is 32 acres in size with a small cabin located on it. The Planning Commission's application of Section 22-401(3) requires that the tract be left as-is. There is nothing else Davoulas can do with the property. Merely not allowing Davoulas to cut out an approximate 4-acre lot for his daughter shows that the Property could not be put to any other economically beneficial use.

Where the government seeks to sustain a regulation that deprives land of all economically

beneficial use, it may resist compensation only if the logically antecedent inquiry into the nature of the owner's estate shows that the proscribed use interests were not in the beginning part of his title. *See Id.* at 1027. "Any limitation so severe [*i.e.*, that prohibit all economically beneficial use of land] cannot be newly legislated or decreed (without compensation), but must inhere in the title itself, in the restrictions that background principles of the State's law of property and nuisance already place upon land ownership. A law or decree with such an effect must, in other words, do no more than duplicate the result that could have been achieved in the courts -- by adjacent landowners (or other uniquely affected persons) under the State's law of private nuisance, or by the State under its complementary power to abate nuisances that affect the public generally, or otherwise." *Id.* at 1029 (1992) (footnote omitted). That is, "[t]he use of these properties for what are now expressly prohibited purposes was *always* unlawful, and ... it was open to the State at any point to make the implication of those background principles of nuisance and property law explicit." *Id.* at 1030 (citation omitted) (emphasis in original).

The analysis requires consideration of, *inter alia*, "the degree of harm to public lands and resources, or adjacent private property, posed by the claimant's proposed activities, the social value of the claimant's activities and their suitability to the locality in question, and the relative ease with which the alleged harm can be avoided through measures taken by the claimant and the government (or adjacent private landowners) alike. The fact that a particular use has long been engaged in by similarly situated owners ordinarily imports a lack of any common-law prohibition (though changed circumstances or new knowledge may make what was previously permissible no longer so). So also does the fact that other landowners, similarly situated, are permitted to continue the use denied to the claimant." *Id.* at 1030-31 (citations omitted).

Consideration of these factors demonstrates that the Planning Commission's application of Section 22-401(3) deprives Davoulas of all economically beneficial use of the Property. Cutting out an approximate 4-acre lot would cause no harm to public lands, resources, or adjacent private property. The social value of creating the lot is high because it creates a new lot for purposes of property taxation. Creating the lot is suitable to the location because the cabin has existed on the 32-acre tract and used the private drive for at least 20 years. The long-time use of the private drive by the other six parcels, which continues to this day, demonstrates the absence of any common law prohibition on Davoulas' proposal to create the new lot. Each of these factors favors granting the variance requested by Davoulas.

For all of the reasons given above, Davoulas requests that this Board of Commissioners reverse the denial of the variance by the Planning Commission and grant his requested variance for more than six lots on a shared drive/easement for properly located at 527 Antigones Dream Drive Lookout Mountain, GA 30750.

Respectfully submitted this ^{4/tL}sw _ day of May, 2022.

W, o, , na. "ck, R. o : : Ray, P.C.
1 ; : ack, . .'''

State Bar No. 773650
rwomack@wrrlawfirm.com

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! , II . / 1
Ste, vtr(1\1. Rddham
State Bar No. 611404
srodham@wrrlawfirm.com

Attorneys for Craig Davoulas

P. O. Box 549
LaFayette, GA 30728
(706) 638-2234



Overview

- Legend
- 0 Parcels
 - Parcel Numbers
 - Roads

Date created: 5/24/2022
Last Data Uploaded: 5/24/2022 7:23:42 AM
Developed by: **L. Schneider**

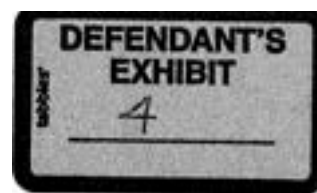


Overview

legend
0 Parcels
Roads

Date created: 5/24/2022
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BEFORE THE WALKER COUNTY BOARD OF COMMISSIONERS

AFFIDAVIT OF CRAIG DAVOULAS

Personally appeared before the undersigned attesting officer duly authorized by law to administer oaths, Craig Davoulas, who after first being sworn, states the following:

1. My name is Craig Davoulas, and I am competent in all respects to testify to the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true and give this affidavit freely and for use as evidence in the present appeal.

2. Nearly 40 years ago some friends and I purchased 77 acres of wooded property on Lookout Mountain and split it amongst ourselves. This property had Rock Creek running through it and was bordered by Tucker Branch on the southern side. My friends and I parceled out the property so that each of us would have both road frontage and creek frontage. To achieve that end, the property was divided into several lots with unique shapes. The gentleman we had purchased the property from had acquired the property from a paper mill company. There were no roads, only a few logging trails. The others and I cleared a road, put down some gravel and that was the way everyone accessed the property. That private drive is now Antigone's Dream Drive.

3. At this present time, there are five houses sharing that private drive. A sixth lot abuts the private drive. *See Maps attached hereto and made a part hereof as*

Attachments A & B. My wife and I live in one house on Mt. Olive Road on a lot just over one acre in size. On a separate tract of about 32 acres, I built a small cabin on Rock Creek over 20 years ago. My daughter, her husband and baby girl now live in that cabin.

4. What brought the present issue to a head was that I was going to survey a few acres out of that 32-acre plot with the cabin on it and give it to my daughter. A nearly 4-acre plot was surveyed out with the cabin thereon, and I was moving forward to transfer the property to my daughter when the surveyor asked if I had contacted the Planning Commission to make certain everything was in order. I called the Planning Commission and was informed that no more than six homes or lots can share a private drive. The Planning Commission also pointed out that the wooded lot adjoining one of my neighbor's homes counted towards the six homes or "lots" and adding the newly surveyed lot with the cabin would make seven. The lots and private drive are in the same condition now as when the Walker County adopted the subject Code provisions.

5. Accordingly, I requested a variance. I pointed out to the Planning Commission that if the variance were granted, the same five homes would share this private drive as they do now. No additional homes would be added with the granting of the variance. There would be no new construction. No new utilities would need to be installed. There would be no additional traffic on the private drive. And there would be no new residents. The private drive is the only means of access to the Property from Mt. Olive Road. Some of my neighbors who use the private drive have

options to get to Mt. Olive Road without using the private drive. The Planning Commission, without explanation, denied the variance.

FURTHER AFFIANT SAITH NOT.


CRAIG DAVOULAS

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 1st DAY
0 , 2022\


NOT BLIC
MY COMMISSION EXPIRES: /D-J-f()-c2.c./-





overview

- Legend
- 0 Parcels
 - Parcel Numbers
 - Roads

Date: 5/24/2012
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OqPublic.nefM Walker County, GA



overview



Legend

- 0 Parcels
- Roads

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WALKER COUNTY PLANNING COMMISSION

Application for Re-Zoning Amendment

		Date 5-11-2017	
PLEASE PRINT OR TYPE		FEE\$	Case No.
Owner's Name Eugene Hester		Mailing Address 141 Sfe. < l, e,, !4o\lt,w 1NCLUoe ROUTE ANo eox,IF ASs1GNeo	
LoFayette, GA. 30728		Phone 405-888-2668	
Tax Parcel# 2-00-1-1-00174		Street Name and Number C 14000 Sfe. < l, e,, !4o\lt,w 1NCLUoe ROUTE ANo eox,IF ASs1GNeo	
Zoning R-2 / C-1		Requested Zoning C 1 (4.33 acres)	
Reason for Change (Be Specific): to expand the lot from 4.33 acres			
Lessee's Name	Lessee's Address		
NAME AND ADDRESS OF ALL ADJACENT PROPERTY OWNERS WITH MAILING ADDRESSES			
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
LAND USE PLAN DESIGNATIONS		FUTURE	
CURRENT			
I SWEAR UNDER PENALTY OF LAW THAT THE WITHIN INFORMATION IS TRUE, CORRECT AND COMPLETE.			
Owner's Signature Eugene Hester		Date:	
Date Received by the Planning Office:			
Planning Commission Decision/Date			

II. The C>Nner/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, asig, 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: fuEr"€, tie..:if

Map&Parcel: D,3Zj>I OZIA

Rezone from: f/2JC.-1 to: C-1 (4.33 acres)

PLANNING COMMISSION RECOMMENDATION:

1-21-2022

APPROVED AS SUBMITTED

_____APPROVED WITH CONDITIONS

_____TABLED

_____DENIAL

COMMISSION DECISION:

_____APPROVED AS SUBMITTED

30-2022

_____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.
- BJ 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:

OWNER DATE

PETITIONER

DATE

WALKER COUNTY PLANNING COMMISSION

Application for Rezone Request

FEE\$ 75.00

Date June 13, 2022

Owner's Name Larry K. & Ramanda R. Melton

Mailing Address { 890 Kensington Rd

City/State/Zip Chickamauga GA 30707

Phone 423-762-0600

Tax Parcel# 0-274-2-001

Street Name & Number: Kensington Rd

Current Zoning: A-1

Requested Zoning: R-2

Reason for Change (Be Specific) Change zoning to A-1 to Split Property

Owner's Signature [Signature]

Date 6/13/2022

Date Received by the Planning Office:

Planning Commission Decision/Date

Map & Parcel: D-Q.74 Z- JD I Rezone from: to: 1 2

APPROVED AS SUBMITTED

_____.APPROVED WITH CONDITIONS

TABLED

1 Q 2 6. DENIAL

-----:APPROVED AS SUBMITTED

APPROVED WITH CONDITIONS

TABLED

_____DENIAL

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.

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- 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:

a @/1J/?J:? 2..2-

R

DATE

PETITIONER

DATE

WALKER COUNTY PLANNING COMMISSION

Application for Zoning Variance

PLEASE PRINT OR TYPE		FEE\$ / 0 .00	Date C.. - 1'i --
Owner's Name R-, ,, \A.!--\..?fr;_..." ...<0-<Vle.r...s		Mailing Address)'t. c_L_..._ lo.t. I) r-	Case No.
City/Zio Ro6-< v1 l} # 3 0·1 1-/ J		Phone '-/ rl,.._ "<, ';>._()7 -- \"(; _,	
Tax Parcel# D-1 00:))		Street Name and Number)3(; Lhc_l e.f D,	
Current Zoning R-3	Requested Variance n.A"™>+ 1	Owner Occupied?	
Reason for Variance {Be Specific): 0 bt>c.rcJ FSe.S...		Rental Property?	
Lessee's Name		Lessee's Address	
NAME ANO ADDRESS OF ALL PROPERTY OWNERS WITHIN 150' OF ANY PROPERTY LINE			
1.			
2.			
3.			
4.			
5.			
6.			
7. IF ADDITIONAL SPACE IS REQUIRED ATTACH A SEPAD&JE SHEJ:T			
I SWEAR UNDER PENALTY OF LAW THAT THE WITHIN INFORMATION IS TRUE ANO CORRECT			
Owner's Signature -____ \) /\		Date: (- 1'-/ -- A.	
Date Received by the Planning Office:			
Planning Commission Decision/Date			
THIS FORM MUST BE FULLY COMPLETED.			

The ONner/Applicantmustnotify eachproperty owner within 150'byprollidng themacopy of thisapplication. Proof ofnotification mustbe provided to the Planning Offioe.

This application must be fully complete prior to filing.

Allowable uses within each land use district are as follows:

Land Use	Land Use District									
	A-1	R-A	R-1	R-2	R-3	CBOD	C-1	CN	I	PUD
Residential	A	A	A	A	A	A	p	A	p	A
Institutional	A	A	P	A	A	A	A	A	A	A
Outdoor recreational	A	A	p	A	A	A	A	A	p	A
Professional service and office	p	A	p	A	A	A	A	A	p	A
Neighborhood commercial	A	p	p	p	p	A	A	A	p	A
General commercial	p	p	p	p	p	A	A	p	p	A
Public service	A	A	p	p	p	A	A	A	A	A
Utilities	A	A	A	A	A	A	A	A	A	A
Low intensity agriculture	A	A	p	A	A	A	p	p	p	p
General agriculture	A	A	p	p	p	A	p	p	p	p
Silvicultural	A	A	p	p	A	A	p	p	p	A
Industrial	p	p	p	p	p	p	p	p	A	p
Mining	A	p	p	p	p	p	p	p	A	p

Notes:

- A-Allowed use, must meet all applicable development and compatibility standards.
- P-Prohibited use

- (9) *General agricultural.*
- a. Agricultural uses include croplands, pastures, aquaculture, feedlots and buildings which *are* accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies.
 - b. Low density residential use is allowed (refer to the table of allowable uses set forth in section 22-148).
 - c. Indoor and outdoor firing ranges; however, must meet the requirements in section 22-155.
 - d. Animal care facilities including animal hospitals, veterinary clinics, kennels or other animal boarding facilities. Kennels include the commercial raising, breeding, and boarding of dogs. However, must meet the requirements in section 22-1.54.
 - e. Commercial livestock uses (including riding stables and schools) when located on lands of 10 acres or more, provided that if the property adjoins a residential area, the stable must have a minimum of 400 feet of buffer between the residential property line and the nearest stable area.
 - f. Bed and breakfast designed to fit in with the existing homes in the area. Must conform to the existing character of the surrounding area and meet requirements of the Walker County Environmental Health Services. Bed and breakfast establishments cannot be designed to share a private drive with another any other dwelling.
 - g. Recreational vehicle, *travel* trailer parks and campgrounds. However, must meet the requirements in section 22-151.
 - h. Retail selling of products raised on the premises shall be considered a permissible activity, *provided* that space necessary for the parking of customers' vehicles shall be provided off the public rights-of-way.
 - i. Vineyards, farm wineries (locations for the production of wine) that are located on the same property as the vineyard and are suitable for the area. Large wine production or processing facilities that are of a commercial or industrial nature are not suitable for the Agricultural Zoning District. Farm wineries must meet all requirements of section 4-209, brewpubs and farm wineries.
- (10) *Low intensity agricultural.* Low intensity agricultural uses include croplands, pastures, aquaculture, plant nurseries and buildings which are accessory to these agricultural uses. This category of uses does not include feedlots, poultry, hog and dairy operations, and processing or distribution plants for agricultural products and supplies. Low density residential use is allowed.

Applicant: v1ald 3altd.:ers

Map & Parcel: 0 -IQlo-C:o'3 Rezone from: k-=-.=-3 to: A:-"-:4 -

PLANNING COMMISSION RECOMMENDATION:

7-21-2022 APPROVED AS SUBMITTED

_____, APPROVED WITH CONDITIONS

_____, TABLED

_____, DENIAL

COMMISSIONERS FINAL DECISION:

_____ **APPROVED AS SUBMITTED**

Thanna K (with/ob) APPROVED WITH CONDITIONS-

_____, TABLED

_____, DENIAL

2022 |

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 filling 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:

OWNER

G -l'-t--d..
DATE

PETITIONER DATE

WALKER COUNTY PLANNING COMMISSION

Application for Zoning Variance

PLEASE PRINT OR TYPE		FEE\$	15.00	Date	6-14-22
Owner's Name		Mailing Address	Case No.		
Rock Springs		833 McIntire Rd			
Tax Parcel#		Phone			
0-356-014		423-596-0840			
Current Zoning		Street Name and Number	Owner Occupied?		
7-1		McIntire Rd	Rental Property?		
Requested Variance					
R-2 / R-3					
Reason for Variance (Be Specific):					
Son is Building a home we were giving the property					
Lessee's Name		Lessee's Address			
NAME AND ADDRESS OF ALL PROPERTY OWNERS WITHIN 150' OF ANY PROPERTY LINE					
1.					
2.					
3.					
4.					
5.					
6.					
7. IF ADDITIONAL SPACE IS REQUIRED ATTACH A SEPARATE SET					
I SWEAR UNDER PENALTY OF LAW THAT THE WITHIN INFORMATION IS TRUE AND CORRECT					
Owner's Signature		Date:			
Mary Harden		6-14-22			
Date Received by the Planning Office:					
Planning Commission Decision/Date					
THIS FORM MUST BE FULLY COMPLETED.					

The owner/Applicant must notify each property owner within 150' by providing them a copy of this application. Proof of notification must be provided to the Planning Office.

This application must be fully complete prior to filing.

Applicant: Jki¹/₄ O'.la.tt ar-d..e/l',

Map & Parcel: 0<360- D14

Rezone from: A..1 to: 7-2

PLANNING COMMISSION RECOMMENDATION:

_____.APPROVED AS SUBMITTED

_____.APPROVED WITH CONDITIONS

_____.TABLED

_____, -\ B c -z "l. G)

COMMISSIONERS FINAL DECISION:

_____.APPROVED AS SUBMITTED

_____.APPROVED WITH CONDITIONS-
_____.TABLED

_____.DENIAL

*my building what u
plans presented i
board tonight
07-28-2022*

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.

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- 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:

Mary Harder 6/4/22
WNER DATE

PETITIONER

DATE

WALKER COUNTY PLANNING COMMISSION

Application for Rezone Request

FEE\$ 150.00 Owner's Name: 5' h\, S fJ o L\.,E:, 6 t"-	Date -/0-2-0 °G Mailing Address f, O.Bo;-3 0 07 K u, 11e, Tw 37927
City/State/Zip Rock Springs, WY 83073	Phone 423-316-9569
Tax Parcel# 0-326-2-025	Street Name & Number: 4,te N6td f<d 183
Current Zoning: R-2	Requested Zoning: /Jr - f

Reason for Change (be specific)

1. Subdivision development plan for single family residential homes, phase 1

2. Grading & Excavation of Phase 1 engineering plan includes acreage to be designated as

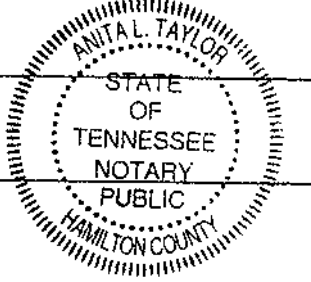
3. Subsequent phases to include engineering plan

Owner's Signature James Housh Date 10/20/2022

Date Received by the Planning Office:

Planning Commission Decision/Date

10th June 2022
Hamilton, Tennessee
Amy K. An
My Commission Expires: 7/30/2025



**WALKER COUNTY BOARD OF COMMISSIONER
EXECUTIVE SESSION
AFFIDAVIT**

The undersigned, having been duly sworn, states under oath that the following is true and accurate:

1.

The Walker County Board of Commissioners met in an open and duly advertised meeting on July 28, 2022.

2.

During the meeting the Walker County Board of Commissioners voted to enter into executive session.

3.

In my capacity as County Clerk, I preside over the executive session. The executive session was called to order at 5:00 p.m. The following Commissioners were present: Commissioners, Asst. Clerk, County Attorney, County Engineer, County Auditor.

Also in attendance: Gordon, 1 Abofil"eb

4.

The subject matter of the executive session was devoted to the following matter(s) within the exceptions provided in the open meeting law: (Initial all that are applicable):

 Litigation Matters: Consultation with the Walker County government attorney to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought, or to be brought, by or against Walker County government or any officer or employee in which Walker County government or any officer or employee may be directly involved; as provided in O.C.G.A. 50-14-2(1);

 Real Estate Matters: Discussion regarding the future purchase or acquisition, disposal, or leasing of real estate; as provided by O.C.G.A. 50-14-3(b)(1);

 Personnel Matters: Discussion or deliberation upon the appointment, employment, compensation, hiring, disciplinary action or dismissal of a Walker County government officer or employee; as provided in O.C.G.A. 50-14-3(6);

 Other: (describe exemption of the open meeting law)_____

_____ as provided in O.C.G.A. _____

.5 No other matters were discussed during the executive session.

____ Discussion occurred on a topic not authorized by law. The meeting was declared out of order, immediately ceased and was adjourned.

This 28th day of July, 2022.

Shannon K. Whitefield

Print Name: Shannon K. Whitefield

Print Title: Commission Chairman

Sworn to and subscribed before me this

2nd, 13;

,2022.

I .t

Notary Public

My commission expires: _____

