The Lyerly Town Council met for their regular monthly meeting on Tuesday, August 9, 2016 at Lyerly Town Hall. Those in attendance were:

Josh Wyatt, Mayor

Ellen Wyatt

Robert Thompson, Jr.

Gwen Fisher

AUGUST 9, 2016

The meeting was called to order by Mayor Wyatt at 7:00 pm.

Everyone welcomed by Mayor Wyatt.

***New Business:***

*Financial Reports –* No Discussion

*Approval of Minutes –* Robert Thompson made a motion to approve the July 12th Meeting minutes. Gwen Fisher seconded. All in favor.

*Land & Water Conservation Fund Project –* Mayor Wyatt said that all council members should have a copy of the Resolution for the Land and Water Conservation Fund. He said basically, if we approve this at the next meeting, it will allow us to apply for funding to rehabilitate the existing LWCF project at the park, which were our lights for the ball field, old concession stand and the actual work to build the big ball field. All of that was done around 1980/1981. The concession stand got in disrepair and we had to tear it down and the actual light poles were wood and 1 fell back in the spring so we took all of those down as a safety precaution. Mayor Wyatt added that what we would be applying for would be money to put new lights on both fields, laser grade both fields and build a small concession stand/storage building with bathrooms between the fields. He said that the way the grant is set up, it is a 50/50 grant. The maximum award is $100,000 and he thinks that we should consider using Tillotson to make up some of the match funds. Mayor Wyatt said that we would submit a pre-app, just a small packet of information telling what you plan to do, and then they score it. If it meets the scoring criteria, they will get back with us and award you the grant. Then we would have to get with an architect and go through the planning stages and provide them with plans of what you are going to do. Mayor Wyatt said that he doesn’t know how good our chances of getting approved are but you do get more points if it is a rehab project like this.

*Down Home Day –* Mayor Wyatt this is coming up on Saturday, September 24 from 9-2. We have confirmed that the band Small Town Rumor will be our entertainment. We are currently accepting applications for vendors. The vendor fee is $15 for a 15’ x 15’ space. Clerk Sally Kerce confirmed the pony rides today and Ellen Wyatt said that the inflatables are lined up. Lyerly PTO has already booked a spot for cow patty bingo.

Millage Rate – Mayor Wyatt said that we haven’t heard from the county yet but he does not expect a significant change in the digest amount for Lyerly, so we will probably be looking at going to the rollback rate again.

Joe Cook with CRBI (Coosa River Basin Initiative) – Mayor Wyatt introduced Joe Cook to everyone and explained that he would be speaking about regulations for fracking, which is a method of drilling and pumping stuff into the ground to harvest natural gas.

### Joe Cook said that North West Georgia sits on top of the [Conasauga Shale Formation](http://scholar.google.com/scholar?q=conasauga+shale+formation&hl=en&as_sdt=0&as_vis=1&oi=scholart&sa=X&ved=0ahUKEwiOrbH5yZTPAhVEyj4KHePhD7oQgQMIGjAA). It runs basically from Polk County down toward Rome and all the way up to the Tennessee State Line. He said that everyone has probably heard about people purchasing mineral rights from the land owners here in Chattooga County. He said that this has taken place periodically over the past several decades. He added that people come in and purchase the mineral rights and then sell them to the companies that actually do the drilling. These companies are looking to buy mineral rights up here because of the Conasauga Shale Formation and they believe that by using some of the new drilling techniques that they can access the natural gas. According to the state geologist, there is about 625 trillion cubic feet of natural gas that may be in the Conasauga Shale. He said that Georgia’s Environmental Protection Division, which issues the permits for drilling wells, has issued 3 permits in the past several years. One was for a property in Floyd County and the other two were in Whitfield County. The entity that applied for the permit in Floyd County never took advantage of it or did anything with it. In Whitfield County, they drilled two exploratory wells. One of them did not work and they abandoned it and the second one, they did find natural gas. Right now, with natural gas prices low, there is no immediate threat that people are going to come in and start drilling wells for natural gas. But, when prices go back up, that will make this area more sought after as a place to extract natural gas. He said that when they learned about this at CRBI, they began looking at the state laws that regulate drilling. What they found is that the law that is on the books was passed in 1975, long before we had wide spread use of horizontal drilling, directional drilling and the hydraulic fracking. What they do when they frack is, they inject chemical laced water into the ground and that helps loosen and break up the shell to release the natural gas. Other areas where it has been used, it has caused contamination of ground water, service water, earthquakes and has even been linked to sink holes. He added that this does not happen at every well but it does happen. He then said that what they want to get in place is to update that 40 year old law so that rural communities here in North West Georgia are protected. To give everyone an example of what is on the books and how it would affect the people of Chattooga County, right now; a company can go to EPD and submit an application to drill a well. EPD has 15 days to either deny or issue that permit. There is no provision for public notice. There is no provision for public comment. So in 15 days, a company can get a permit and begin drilling within 330 feet of a property line without anyone being notified. He added that because there are no zoning laws here in Chattooga County, there are no local ordinances that will allow property owners to know. For Chattooga County in particular, the only fall back we have is the state law, which is 15 days from application to drilling, with no public notice. The provisions that are set for the bonds, when they apply, they have to get a bond to make sure that the well is closed properly just in case the company just walks off and leaves; were limited to $50,000 in 1975 when the law was passed. That is not enough in today’s world to make sure that the wells are properly closed. There is also no requirements in state law that if a company injects the chemically laced water into the ground, that they have to expose what they injected. There is also no requirement for the operators of these wells to monitor ground water around the wells to make sure that what they put into the ground is not migrating into people’s well water. And finally, there is no severance tax. In other states, where they do have oil and natural gas industry and they are extracting oil and natural gas, they have to pay a tax on the amount of gas that they take out of the ground. It is a revenue generator for the state and those revenues help fund the man power to regulate and inspect these wells to make sure they are operating properly and are not causing problems for nearby property owners. So as of now, someone could come into Georgia and drill and the state would not get any revenue off of it. He said that they saw a lot of holes in the existing laws and feel that we need to do something about this and get ahead of it before we have an actual natural gas boom here in Georgia. The time to do it is now while we have time to look at it and make decisions before we have a crisis. He said that they have drafted legislation and have been working with the Southern Environmental Law Center and he has been meeting with state legislators and also talking to those that may be opposed to this project of updating these laws, people like Municipal Gas Authority, which Summerville is a member of. He has made contact with the Georgia Chamber of Commerce and other people who are involved in economic development. He stated that he wanted to make it clear that this resolution is neither pro fracking, it is only about making sure that state leaders know that this is a concern for local leaders, local communities and that the state needs to address this issue of a 40 year old law. He said that their effort is not to prohibit natural gas exploration here in North West Georgia; all they want are reasonable regulations, common sense regulations that will protect property owners from potential impacts of this type of economic development. He said that he hopes that we will adopt the resolution and send it to your local legislative delegations. Also send it to the speaker of the house, lieutenant governor and governor. He said that they just hope to get everyone together and get some laws into place, to improve on what we have now, which is not much. Mayor Wyatt added that we get a portion of our water supplies from wells. We have 3 wells. Two are here in the city limits and one is on Lick Skillet Road so we would definitely have an interest in what goes into the ground as far as the water supply. He added that we also get water from the county and their entire supply comes from wells. We feed Mohawk with water from Summerville and that water comes from Berryton creek. Mayor Wyatt then said that he thinks that it is something that we need to look at just to be safe and not to find out after the fact.

### Robert Thompson said that he has two things that he would like to bring up. First, he asked about the notice on the front door that says beginning August 1st, the late penalty for water payments will be 10%. He asked if that was not something that needed to be approved by the council or at least them have a say so in the matter. He added that he doesn’t have a problem with it; he just thinks that the council should have been aware of something like that. Mayor Wyatt said that the problem we are having is not individuals, it is the larger customers like commercial type stuff. They let their bills go for 2 or 3 month and we are trying to stop that. He added that we do have residential customers that are late most of the time but it is usually the same ones. The problem is when the bills are a couple thousand dollars and they let it go for a couple of months and only receive a $3 late fee. Robert Thompson said that he understands now.

### Robert Thompson said that the second thing is the use of City trucks for personal use. There has been 2 particular times the he has seen the utility truck up at the tennis courts in Summerville. He said that if they are going to use these trucks for personal use and we furnish the gas, they need to park the city trucks at City Hall. He added we shouldn’t have to furnish them with a vehicle plus buy the gas for them to take care of their personal business. He then added that it isn’t only that truck, it is the other truck as well. Mayor Wyatt said that he would ask them about it. He said that it is necessary for someone to have a truck in case we have an on call issue. Robert Thompson then said that it isn’t like they live 10 miles away from City Hall. They live here local and it would take any time at all for them to come to City Hall and get a truck. He said it is just the fact that we buy the gas and they are using it to take care of personal business. He said that you don’t see the fire fighters going out to the fire hall and getting the fire trucks to use for personal business. He added that he said that he thinks that this is something that needs to be addressed and if push comes to shove, they need to leave the trucks parked at City Hall. Mayor Wyatt said that he will talk to Michael and see what the reason was for the truck being in Summerville. Robert Thompson said that if he is doing City business, its fine but if he’s not, then he doesn’t need to be up there because we are having to buy the gas.

Mayor Wyatt opened the floor to the public at 7:24.

Ellen Wyatt made the motion to adjourn. Robert Thompson seconded. All in favor.

Meeting was adjourned at 7:25.

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Mayor Town Clerk