

**REGULAR COUNCIL MEETING
CITY OF SKY VALLEY, GEORGIA
JULY 13, 2010
TUESDAY, 1:00 PM
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

MINUTES

Mayor Martindale called the meeting to order.

Those present: Mayor Martindale, Council President Moore, Councilors Boyle, Carr, Kleiber, and Platt, Attorney Dickerson, Chief Dills, City Manager Smith, City Clerk Cantrell, and Tax Commissioner Mullins.

Pam Martindale gave the invocation. Mayor Martindale led the Pledge of Allegiance.

APPROVAL OF MINUTES

June 8, 2010 Regular Council Meeting

Councilor Carr made a motion to approve the minutes, 2nd Councilor Kleiber. Councilor Platt said there is a typographical error on page two. Councilor Carr said that Council President Moore voted against approving the \$1,700 contribution for the annual Fourth of July events. Councilor Carr made a motion to accept the minutes as amended, 2nd Councilor Platt, unanimously approved.

ADOPTION OF AGENDA

Councilor Platt made a motion to adopt the agenda, 2nd Councilor Moore. Mayor Martindale requested that discussion of the entrance sign and police station plans be moved to the first item under new business. Councilor Carr made a motion to adopt the agenda as amended, 2nd Councilor Platt, unanimously approved.

MAYOR'S REMARKS

Mayor Martindale gave the following tribute to former Councilor Dee Starr Raye who passed away June 26, 2010: Today I would like to recognize the passing of former City Councilor Dee Raye. Dee and her husband Tom moved to Sky Valley in 1999, making this city their retirement home. Dee had creative and artistic talents and limitless energy and was not content to just retire. She wanted to make an impact on her beloved Sky Valley, so she ran for and was elected to the City Council for two terms, first in 2004 and again in 2006. She served as Council President in 2007. Although she was a Texan at heart, Dee found her calling and her little spot of heaven here in Sky Valley. Dee passed away on the 26th of June, 2010, in her sleep. Her four years in office made an impact on this community that will be felt for years to come. She will be missed. I would like to take this opportunity to extend my deepest sympathy to her husband Tom, her sister Sharon Smith, and her many friends in Sky Valley.

Mayor Martindale read a letter from Lynda Brett thanking the City for its contribution to the Fourth of July activities.

Mayor Martindale read a letter from LaMoyne Fleming thanking the City for all the work done to clean up after the winter storm debris.

Mayor Martindale read a letter from Hayes Howard thanking Officer Gary “Bart” Brown for assistance when she had a flat tire. She said that Sky Valley is fortunate to have such a dedicated police officer. She and her husband Neil wish to thank Officer Brown again and report his efforts on their behalf.

COUNCIL REMARKS

Councilor Boyle thanked the following Sky Valley residents and family members for serving in the armed forces: Admiral William Gortney, US Navy Commander, Staff Sergeant Tracy Hernion, Lt. Jennifer McCullough, Marine helicopter pilot, Petty Officer Koop Ferwerda, Sergeant First Class Brian G Chavez, and Contractor Matthew Hull.

Councilor Klieber said it was wonderful to see everyone, including so many children, at the Fourth of July activities. She also thanked Lynda Brett for her work in planning this event.

Councilor Klieber also said she has sent out information regarding Sid Weber fund raising activities and there is a copy of this information at City Hall if anyone needs it.

Councilor Carr said he had 17 family members at the Fourth of July activities.

Mayor Martindale said that the bank has taken over the golf course and encouraged everyone to support the course because having the course open will help property values.

DEPARTMENT REPORTS

Police Chief’s Report – given by Chief Dills

Chief Dills encouraged everyone to call if they see suspicious people or activity, as he reported on a failed attempt by someone to steal a lawn mower. He also asked the residents to let him know if they are interested in firearms training.

Chief Dills thanked Ms. Kail who donated the flag used at her late husband’s funeral to the police department.

City Financial Report – given by City Clerk Cantrell

Tax Commissioner’s Report – given by Tax Commissioner Mullins

Building Inspector’s Report – given by City Manager Smith

City Manager’s Report – given by City Manager Smith

Citizen Sam LaMonte said his family started recycling this year and now they only need one day a week of garbage collection. He encouraged people to recycle and do their share.

Councilor Carr asked City Manager Smith to give an update on the 911 sign posting requirements. City Manager Smith gave the requirements on posting 911 signs and said that residents are not required to have the signs provided by the County; however signs must meet the posting requirements.

Citizen Richard Butt asked how residents will receive the information about firearms training. Chief Dills said posters will be placed at the post office and it will be emailed. Property Owners Association President Paul Wheeler said he will be happy to send something out as well.

Citizen Richard Butt also said he would like audience members to have access to financial information reported at the meetings. He asked if a comparison to last year could be provided as well. Mayor Martindale said that the information is available at City Hall. City Clerk Cantrell added that she had the website functioning and there is a link to the reports on the agenda page. Council President Moore said that a one-page summary comparison would be helpful.

OLD BUSINESS

- **Building Code Amendment – exterior and retaining wall covering**

Council President Moore made a motion to approve, 2nd Councilor Kleiber. Citizen Don Haney said that painting exposed concrete does not make sense in many applications. City Manager Smith said that in the past, the City interpreted it's ordinance that retaining walls were required to be covered. Now, the City realizes that only exterior walls were covered by the requirement. Citizen David Whatley asked if there could be an exception for walls that are not visible from the right of way or by adjoining property owners. Citizen Bob Sprecher said that if concrete is finished, it can be beautiful. Councilor Platt expressed concern about over regulating and that painting concrete can be an ongoing maintenance issue due to damage during the winter months. Councilor Kleiber recommended the Planning and Zoning Commission look at this and make a recommendation. Discussion followed as to whether to remove the painting requirement. Councilor Platt made a motion to adopt this ordinance with the deletion of the requirement to paint poured concrete walls, 2nd Councilor Carr, unanimously approved.

- **Street lights – Attorney's opinion**

Attorney Dickerson said that the light poles are not mentioned in the deed when the City obtained the roads and right of way from the resort. He said the City can send a letter to Merrill Trust stating that the lights are on the right of way and will therefore be claiming the lights. Council President Moore made a motion for Attorney Dickerson to prepare a letter and send to Merrill Trust, 2nd Councilor Platt, unanimously approved.

Citizen Sam LaMonte said he had a light installed on his property to help keep the area from being so dark.

NEW BUSINESS

- **Entrance sign and police station plans**

City Manager Smith said that at the last meeting, the Council approved sending an offer to Merrill Trust to rent the sign at the entrance for \$500 per month. City Manager Smith talked with Mr. Harrison Merrill, and he has accepted the offer. She read the draft agreement provided by Attorney Dickerson. Councilor Boyle made a motion to approve the agreement, 2nd Councilor Platt. Citizen Milt Gillespie asked if the agreement mentioned lighting. Mayor Martindale said that it did not. Citizen Ken Smith presented a plan to brighten the sign and

remove Merrill Trust from the sign that he was working on before this agreement came about. Citizen Don Haney asked if the Council wanted to give the impression of supporting Merrill Trust. The motion to approve the lease passed unanimously.

Councilor Boyle made a motion to authorize the City Manager to expend up to \$2,000 to research and prepare preliminary construction plans for a 15 X 20 building at the entrance for a police building, 2nd Councilor Platt. Councilor Boyle said that he constantly has citizens asking why there is not police presence at the entrance. He said he and other Councilors are committed to giving the citizens the opportunity to have a vote as to whether or not there will be a building at the entrance. He said that his motion allows the City Manager to research and present a plan to the citizens to allow the taxpayers an opportunity to vote as to whether or not they want to spend the money to build a building. Council President Moore said that he believes the survey should be completed before any money is spent. Mayor Martindale said it will be hard to get people's opinions without having the cost available. Councilor Carr said that the Council should be able to look at the issue and make a decision without a survey. He said that hard decisions are hard decisions and the Council should be prepared to make a hard decision. Councilor Carr added that he does not believe any money should be spent unless the Council decides to build a building. Council President Moore said that he believes the City should provide services at a level that citizens want and are willing to pay for. Sam LaMonte said that moving the police department to a location other than the entrance has gotten the officers out on the streets patrolling where they belong, not sitting in the building. Citizen Clifford Bell said that the building at the entrance discriminates against people who do not live past the entrance. Citizen Sara Bennett said that she feels more secure with a police station at the entrance. She said it does not have to be a multi-million dollar building, adding that a small station will be just as effective. Ms. Bennett added that no one was asked when the building at the entrance was removed. Clifford Bell asked if the crime rate is higher or lower than when the police were at the entrance. Council President Moore said that the crime rate is down. Chief Dills said that crime is down; however thefts have risen the last few weeks. Citizen Allen Jackson asked why the Council is looking at placing a building at the entrance when crime is down adding that the City should be looking at a long-range plan. Councilor Carr asked Chief Dills how many thefts have occurred because his last report only shows one. Chief Dills said that the theft for last month was an attempted theft. Citizen Ray Becker asked how much time officers spend filling out paperwork. Chief Dills said that he spends most of his time in the office when he is not filling in for an officer. Councilor Boyle said that this will take months to have a plan and the survey completed for Council to vote. He said he is not afraid to make difficult, unpopular decisions, but he believes the Council has an obligation to the residents to find out what they want. Don Haney said he thinks the program we have now is working and encouraged the Council not to look at building this building without looking at a long-range plan. Councilor Kleiber said that one of the questions at the candidate forum in 2007, when she ran for office, was "What are your thoughts of the relocation of the Police Station?". She gave her comments at the time, to have the police department at city hall and put a small welcome center at the entrance. Since then, the City has purchased two lots across from the main entrance that would better serve the city for a fire department and possibly the police department. She said that she believes a building should match the architecture within the City and that she does not believe a building should be built until the City can build on the property it purchased across the street. Councilor Platt said that she does not believe the City needs to build a fire station because the fire department is building a new building in Scaly. Councilor

Carr made a substitute motion to obtain a non-binding vote of the citizens of Sky Valley before any funds are expended. The motion died to a lack of a second. Citizen Ray Becker said the Council can estimate what the cost of a building will be without spending any funds. He said the property across from the entrance was purchased to build a larger fire department in Sky Valley and to house an ambulance. He said that the City has more important problems, like the roads. The original motion failed 2:3 with Councilors Boyle and Platt voting yea and Council President Moore, Councilors Carr and Kleiber voting nay. Council President Moore made a motion to survey citizens asking them if they want a building at the entrance or not, 2nd Councilor Platt. Citizen Milt Gillespie said the survey should provide alternatives. He said the City also needs to consider the ongoing expense of having another building to maintain. Citizen David Whatley said that the building at the entrance encouraged people to buy property in Sky Valley. He said that the City needs to look at surveillance cameras. The Mayor had the motion restated by City Clerk Cantrell. She said that Council President Moore made a motion to survey citizens asking them if they want a building at the entrance or not, 2nd Councilor Platt. Councilor Kleiber said she can support the survey if it is put together professionally by a group of at least five people to make sure it is appropriately worded. Councilor Boyle said he was not against the survey but is opposed to the survey, but he thinks having five people put it together will muddle it up. Mayor Martindale said we will get a survey together and let the Council review it. The mayor called for the vote. The motion passed unanimously.

- **Lighting plan**

Chip Wright, Georgia Mountain Regional Commission presented a lighting plan for lights at the entrance and City Hall. He provided information on lighting that is dark sky friendly and lighting that can enhance landscaping throughout the City. Councilor Platt said that the entrance gets quite a bit of sunlight and asked if solar powered lights could be used, and if so, is it cost effective. Mr. Wright said that the up-front cost can be higher, but the cost savings will show after a few years. Councilor Kleiber asked if the lights we have are dark sky friendly. Mr. Wright said that they are not in their current state, but that they are modifiable to make them more dark sky friendly. Citizen Ray Becker asked if the lighting can be done in a way that reduces the amount of light seen by people at lower elevations. Mr. Wright said that it depends on the lighting used and the surrounding landscape.

- **Water bill adjustment – White**

Council President Moore made a motion not to give further adjustment than allowed by ordinance to the bill, 2nd Councilor Platt. Councilor Platt asked what efforts have been made to inform people to turn their water off when they will be gone. City Manager Smith said that it has been emailed, has been posted on the website, and announced at meetings. She said that it will be added to the water bills when the City has the technology to do so. Councilor Carr read Ms. White's letter requesting an adjustment to her water bill. He asked if we have not found the leak, what could be the problem. Mayor Martindale said that she used the water in some way. Councilor Carr said that he cannot charge this amount for water in good faith. Council President Moore said it cost the City the same amount of money to produce this amount of water and the Council needs to be budget conscious and not give away water. Councilor Platt said that she had trouble with water leaks in the past and now does not leave without requesting the City turn her water off. Councilor Boyle said he had a leak at his house this week and he has no idea how much water he used. Councilor Boyle amended Council President Moore's motion to reduce the water bill by an additional one-half on top of the

amount reduced by ordinance, 2nd Councilor Carr. Councilor Carr said the Councilors need to be consistent with their votes. Councilor Boyle said that in light of his leak, he feels differently. The amended motion failed 2:3 with Councilor Carr and Boyle voting aye and Council President Moore, Councilor Kleiber, and Platt voting nay. The original motion made by Council President Moore not to give further adjustment to the bill passed 3:2 with Council President Moore, Councilors Kleiber and Platt voting yea, Councilors Boyle and Carr and voting nay.

- **180 Day Moratorium in the Bee Gum Gap Area**

City Clerk Cantrell stated that the moratorium has been in place since 2005 due to the lack of adequate water for fire protection. The City received a letter from Tom Martin requesting to add this item to the agenda at the last meeting and in support of continuing the moratorium. She explained that since the moratorium was last approved in January, it would be on the July agenda. A motion to extend the moratorium in the Bee Gum Gap area for 180 days was made by Councilor Kleiber, 2nd Councilor Platt. Council President Moore said that this has been in place for five years and asked if any property owners have requested to build in this area. City Manager Smith said that no permits have been applied for. Councilor Platt said she understands that the new water project will help this situation. City Manager Smith said that the new tank would resolve this issue. She said it will be put out to bid and completed next year. John Washington, from Rindt-McDuff Associates, said it could possibly be completed within a six month time period. The motion passed unanimously.

- **2010 Election Ordinance**

City Clerk Cantrell read the 2010 Election Ordinance. A motion to adopt the 2010 Election Ordinance was made by Council President Moore, 2nd Platt, unanimously approved.

- **Robinson deed/easement**

City Manager Smith explained that Lee and Carol Robinson, residents at 677 Alex Mountain, are building a garage and would like to build steps from the garage to the existing deck. The survey shows that the deck is encroaching on the city right of way. The steps are an additional encroachment. In many cases the City handles the encroachment by a quit claim deed or an easement. City Manager Smith said there is a tree in the city right of way that was not taken out when the garage was built. The inspector said the tree is leaning toward the house and needs to be removed. Estimates have been done for the tree removal. The least expensive of the tree cutting proposals is \$1,750.00. City Manager Smith said a crane will be required since the tree is near the garage. She said that with the easement the tree is still on city property, but if the property is deeded then the tree will owned by the Robinsons. Councilor Carr made a motion to approve the quitclaim deed, 2nd Councilor Boyle. Councilor Boyle said the Robinsons have done a wonderful job improving this property. Mrs. Robinson said that two city employees said the tree could be a problem when they were building the garage. She said they were asked to provide a survey to show whose property the tree is on. She said they have already spent between \$1,000 and \$1,500 trying to resolve this problem. Councilor Kleiber made a substitute motion for the City to cover one-half of the cost of tree removal, 2nd Councilor Boyle. City Manager Smith asked Attorney Dickerson if there are utilities in this property, could there be an issue with utility easements. Attorney Dickerson said that with the easement, the City maintains rights to the utilities and with the quitclaim deed the City loses any interest in the property. Councilor Carr withdrew his motion to approve the quitclaim

deed. Council President Moore made a motion to approve a perpetual easement and pay one-half of the tree removal, 2nd Councilor Platt, unanimously approved.

- **10 year road resurfacing plan**

City Manager Smith presented a ten-year road resurfacing plan. She said that the priority can be changed and asked Council to give consideration to what she proposed paving this year. Council President Moore said that he comes up with a different total for the expense this year. Councilor Platt said that the Council postponed resurfacing roads with water line cuts until next year. She asked if resurfacing roads with cuts due to water line installation is included in this plan or if that is separate. City Manager Smith said that the resurfacing of the roads with water line cuts was included in the 10 year road plan.

- **Delinquent tax collection**

Tax Commissioner Mullins presented the request to obtain assistance with the collection of delinquent taxes from Appalachian Mountain Services. She stated that with the numerous amount of delinquent properties she alone would not be able to do the required title work and has looked for companies that handle tax collections. She said the fees are added to the delinquent property owners' tax bills and the City incurs no charges. Councilor Carr said that this is the best program he has seen and made a motion to approve the contract with Appalachian Mountain Services to collect delinquent taxes, 2nd Councilor Kleiber, unanimously approved.

- **Contribution for Regional Commission meeting held in Rabun County**

City Clerk Cantrell explained that Rabun County and the City of Clayton are the primary sponsors for the Regional Commission meeting that is held in Rabun County once a year. The City of Clayton has sent a letter asking for a contribution. The letter was received after the last council meeting and the Regional Commission meeting was held before this council meeting. City Clerk Cantrell said that \$45.00 was contributed to cover expenses for three people from the City of Sky Valley who attended. She said in the past the City has contributed \$200.00 for the meeting, while the total cost of the meeting is \$1200.00. City Clerk Cantrell stated that the City of Clayton contributed \$500.00, and the City of Mountain City made a contribution. She said that the County has been covering any additional cost. She said she asked Clayton's City Manager if a specific amount was requested and was told that any contribution would help. City Clerk Cantrell stated that the concern is that unless more cities participate, Rabun County and the City of Clayton might not be able to continue hosting the meetings. Councilor Kleiber made a motion to contribute \$100, 2nd Councilor Platt. Councilor Platt asked what the purpose of the meeting are. City Manager Smith said that are meetings that bring you up to date on what is going on across our region and services provided by the Regional Commission. The Regional Commission is made up of eleven counties. Council President Moore amended the motion to contribute \$200. The motion failed due to lack of a second. The original motion to contribute a total of \$100.00 passed unanimously.

- **Investment options**

City Clerk Cantrell said she had been watching the CD rates to see if there is a possibility to earn more interest than is currently accruing in the checking accounts. She stated that so far this year the checking account is earning .5 percent. City Clerk Cantrell said she found some CD

rates for a twelve month period earning 1.5 percent. She said there is no financial benefit to investing a CD for less than 12 months. She said it might be possible to get a rate better than 1.5 percent with a formal bid process. Based on investing \$200,000 in a CD at 1.5 percent for 12 months and having a balance of \$800,000 in the general fund checking account, the City could earn an additional \$2,000 interest. Council President Moore made a motion to table this item to get more information, 2nd Councilor Platt. Councilor Carr stated that the City needs to put some money in another bank. He said that some banks that are taken over by the FDIC will hold funds for three to four weeks before releasing it. Council President Moore said that the money is secure. The motion passed 4:1 with Councilor Carr voting nay.

- **GMA Convention report**

Councilor Carr asked to move this to the first item under new business at the August meeting.

PUBLIC FORUM AND GENERAL COMMENTS

None

EXECUTIVE SESSION

Councilor Carr made a motion to go into executive session to discuss the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer, 2nd Councilor Platt, unanimously approved.

Councilor Carr made a motion to reconvene regular session, 2nd Councilor Platt, unanimously approved.

There being no further business of the Council, the meeting was adjourned.

Respectfully submitted:

James Martindale, Mayor

Attested:

Mandi Cantrell, City Clerk