

**REGULAR COUNCIL MEETING
CITY OF SKY VALLEY, GEORGIA
JANUARY 18, 2011
TUESDAY, 9:00 AM
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

MINUTES

Mayor Martindale called the meeting to order.

Those present: Mayor Martindale, Councilors Boyle, Howard, Kleiber, Moore, and Platt, Attorney Dickerson, City Manager Smith, City Clerk Cantrell, and Tax Commissioner Mullins.

SPECIAL BUSINESS

- Swear in Newly Elected Officials

City Clerk Cantrell administered the Oath of Office to Councilors Richard Boyle and Neil Howard.

- Nomination and Selection of 2011 Council President

Councilor Boyle nominated Dee Moore, 2nd Councilor Platt, unanimously approved.

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

APPROVAL OF MINUTES

Councilor Howard made a motion to approve the December 14, 2010 Regular Council Meeting minutes, 2nd Councilor Platt. There were two corrections: Councilor Platt gave the invocation and to add the words "send a letter" under the Putter Lane discussion. The minutes were unanimously approved with these changes.

ADOPTION OF AGENDA

Council President Moore made a motion to adopt the agenda, 2nd Councilor Boyle unanimously approved.

MAYOR'S REMARKS

Mayor Martindale had a moment of silence for the tragedy in Arizona. He then encouraged civil discord to help prevent such tragedies.

Mayor Martindale said that he received a letter from Jon Shebel, and that he has responded to it. He said he will not respond again because he does not want to encourage this type of behavior.

COUNCIL REMARKS

Councilor Platt asked Attorney Dickerson about the City's liability or vulnerability by the police escorting residents home during bad weather. Attorney Dickerson said that the City is liable up to the limits of our liability coverage in the event of an accident if the passenger finds the officer acted negligently.

Councilor Kleiber welcomed Neil Howard to council and wished him a happy birthday. She also thanked Chief Dills for his assistance during the snow.

Councilor Howard thanked the people who encouraged him to run and who voted for him. He said that he applauded the former councilors who have served in the past because he believes that everyone has done so with wanting the best for Sky Valley in their hearts. He said he supports the Mayor and thanks him for letting everyone speak. He said that he would like to see the council be able to make decisions faster, holding workshops if necessary to do so.

Council President Moore and the other councilors stated they supported Mayor Martindale and his efforts to keep civility.

Mayor Martindale read a letter from Andrew Lee thanking the City for their assistance helping him get out during the snow. He said that Duncan also called and thanked him for the fast responses from the road crews so he was able to get to work. He also read a letter from Cathy Leach, Timeshare Office Manager, thanking the roads and police departments for their assistance in helping their guests get around.

DEPARTMENT REPORTS

Police Chief's Report – given by Chief Dills

City Financial Report – given by City Clerk Cantrell

Tax Commissioner's Report – given by Tax Commissioner Mullins

The tax sale for 2008 and 2009 delinquent taxes is March 1, 2011.

Building Inspector's Report – given by City Manager Smith

City Manager's Report – given by City Manager Smith

OLD BUSINESS

- Street lights

City Manager Smith presented quotes from Jeff Hunter Electric and Georgia Power. Jeff Hunter's quote includes trenching and Georgia Power's does not. Councilor Kleiber made a motion to approve four square-poled lights with yellow light fixtures, 2nd Councilor Boyle. Councilor Platt asked if the City had enough funds to spend on lighting and the item on the agenda requesting approval of an anti-icing/deicing sprayer and truck. City Manager Smith said that both expenditures would use reserve funds and will require a budget amendment, and there is enough reserve funds to cover both expenditures if the Council chooses. Council President Moore said that with tax collections down, he does not know if we should spend money on this at this time. Councilor Boyle said that he believes the lighting is important. Councilor Kleiber said that she believes this will be an asset to the City by providing lighting in the more highly traveled areas. Councilor Howard said that he believes it is wise for the City to spend money on aesthetics to make the area more attractive. Citizen Buck Betancourt asked if there is a power use difference in the yellow lights and the white lights. City Manager Smith said the high-pressure sodium lights are less expensive, and will cost \$56.40 per month. Councilor Kleiber said she believes the yellow lights are not as bright as the white lights. Citizen David Carr said that at his condo, there are white and yellow lights and he thinks they are both intrusive. He said that installing these lights will be very intrusive to people who live close by. Citizen Shirley Boyle said that the lights will shine down and they are a safety feature. City Manager Smith confirmed that they

wanted the bronze fixtures and poles. The motion passed 3:2 with Councilors Boyle, Howard, and Kleiber voting yea and Council President Moore and Councilor Platt voting nay.

- Putter Lane

Mayor Martindale said that he wrote a letter to the County and he and City Manager Smith met with them. He said that the County is offering to provide a larger culvert for the Turner's property. This is all they will do. Councilor Platt made a motion to approve the \$680 expense to install the culvert because it is causing damage to someone's property, 2nd Councilor Boyle. Mayor Martindale said we will need a release agreement from the homeowners. Council President Moore made an amended motion to pay the homeowner toward the culvert installation so they can enter into the contract with the contractor, 2nd Platt. John Washington recommended getting a release from the homeowner that states the City is providing them with the money to install the culvert and that the homeowner absolves the City from any future responsibility relating to drainage. Councilor Kleiber made a motion to add absolving the City from future responsibility, 2nd Council President Moore, unanimously approved. The motion to allow the homeowner \$680 toward the installation of the culvert passed unanimously. The original motion for the City to install the culvert failed unanimously.

NEW BUSINESS

- Set qualifying fee for 2011 General Election

City Clerk Cantrell said that the qualifying fee has been \$15 for the past few years and that it cannot exceed \$35. Council President Moore made a motion to set the qualifying fee at \$15, 2nd Platt, unanimously approved.

- Set meeting dates for 2011 Regular Meetings

City Clerk Cantrell explained a few conflicts for holding the regular meetings the second Tuesday of the month. The Council discussed changing all of the meeting dates. Councilor Kleiber made a motion to change the regular meetings to the 3rd Tuesday of the month at 9:00 AM, 2nd Moore, unanimously approved.

- Approval of purchase of anti-icing/deicing sprayer and truck

City Manager Smith said that North Carolina uses a saltwater spray on the roads before it snows. She said that we got salt from North Carolina during the last snow and it made a huge difference. She presented information on the sprayers. She said that the red truck is a 2000 model, and the rear-end is going out and will need replaced soon. The red truck is overloaded by the weight of the chat spreader. She said we could use the red truck for the sprayer and purchase a larger truck for the spreader. This way, there will be two trucks with chat spreaders and one truck with the sprayer. Councilor Platt said that pre-treating the roads made a difference because the roads in North Carolina were much cleaner than our roads. Councilor Kleiber asked if we could lease something like this for the winter months. Council President Moore made a motion to approve purchasing the deicer for \$5,820.91, 2nd Councilor Platt. Councilor Platt asked if we have a truck that we can use for this. City Manager Smith said that we will have to use one of the trucks that usually has a spreader on it, so we will only have one spreader operating. Councilor Kleiber asked how much it would cost to fill the tank. City Manager Smith said that North Carolina makes their own and said it cost about \$.19 per gallon. We do not have the equipment to mix it ourselves. She said that she will try to purchase it from North Carolina first, and if we can't get it from them, it will be around \$3.00 per gallon. The Council discussed the need for the hose reel kit. Council President Moore amended his motion to remove the hose reel kit, 2nd Platt.

The first motion failed unanimously. The amended motion passed unanimously. Councilor Platt made a motion to table the truck, 2nd Howard, unanimously approved.

- Appointment of 2011 Five Year Planning Committee members

Council President Moore made a motion to postpone this item, 2nd Howard, unanimously approved.

- Appointment of 2011 Community Development Committee members

Moore made a motion to reappoint the current committee members, 2nd Councilor Boyle. Councilor Carr said that the City Clerk is planning the committee meetings at the timeshare meeting room and that this violates the ADA. He said that we do not have the ability to quickly remove a guest in the event of an emergency. Attorney Dickerson said that the building is not required to be compliant with the ADA because it was build before this act was created. Dickerson added that the City does have to make reasonable accommodation to assist someone in attending the meeting. Mayor Martindale asked if Pam Martindale could be appointed as a recording secretary to the committee. Council President Moore amended his motion to include that Pam Martindale be appointed recording secretary, 2nd Councilor Boyle. Councilor Platt volunteered to serve as a backup recording secretary. Council President Moore amended his motion to reappoint the current members, have Pam Martindale serve as the recording secretary, and have Councilor Platt as a backup secretary, 2nd Councilor Boyle, unanimously approved.

- Appointment of 2011 Planning and Zoning Commissioners

Council President Moore made a motion to appoint Bob MacNair, who has agreed to serve, to the three-year term, 2nd Platt, unanimously approved. There were no recommendations to fill the other vacancy. Mayor Martindale asked if David Carr would like to serve and he agreed. Councilor Platt made a motion to appoint David Carr to fill the two-year term, 2nd Councilor Kleiber, unanimously approved.

- Summit Change Orders

City Manager Smith presented change order 19 and explained that this was to install a new six-inch check valve in Winding Ridge. Kleiber, 2nd Platt, unanimously approved.

- Review and award of bid recommendation for water system improvements

John Washington, RMA, gave a synopsis of the water system improvements. These improvements are planned as one project and were separated into four divisions. The total is \$1,221,067. He explained that the reason the Council did not have information on the bids at this time is because he and City Manager Smith spent last week working on ways to reduce costs. By making these changes, the cost would be \$214,785 less and will be 10-percent higher than budgeted. GEFA requires the notice to proceed be issued by January 31. Council President Moore made a motion to postpone and have a workshop on Friday to discuss, 2nd Councilor Platt. Mr. Washington recommended the Council having a workshop to discuss this. Citizen David Carr said that if Mr. Merrill does donate the property, we will not need the tank in Bee Gum. City Manager Smith said that we will still need the tank, but it can be smaller. Mr. Washington said that he will have the information to the City by tomorrow afternoon at the latest. The workshop will be Friday at 9:00 AM.

- Selection of auditor for 2010 Fiscal Year

Councilor Kleiber made a motion to approve Jack Green, 2nd Councilor Platt. Attorney Dickerson said that Mr. Green does live in Clayton with his office in Toccoa. He said he performs the audit for several

cities he works for. The motion passed 4:1 with Councilors Boyle, Howard, Kleiber, and Platt voting aye and Council President Moore voting nay.

- Resolution establishing an additional 180-day moratorium on construction in Bee Gum Gap area where elevation exceeds 3600 feet

Councilor Kleiber made a motion to approve, 2nd Council President Moore. Councilor Kleiber asked how many houses were above this elevation. Mr. Washington said eight to ten houses and there are several lots. The motion passed unanimously.

- Workers Compensation Membership Resolution

City Manager Smith said that we bid the workers compensation and that GMA was lower by approximately \$2,000. Council President Moore made a motion to approve the workers compensation membership resolution with GMA, 2nd Councilor Howard. Mayor Martindale explained what the experience modification meant and how a lower experience modification translates to savings. The motion passed unanimously.

- Extension of Workers Compensation Benefits

City Manager Smith said that approving this will extend coverage to volunteers. Council President Moore made a motion to approve, 2nd Councilor Platt. Council President Moore withdrew his motion and made a new motion approving coverage to elected officials and volunteer firefighters, 2nd Platt, unanimously approved.

Council President Moore made a motion to add approval of Attorney Dickerson's \$5 per hour rate increase to the agenda, 2nd Councilor Platt, unanimously approved. Council President Moore made a motion to approve the \$5 per hour rate increase, 2nd Councilor Kleiber, unanimously approved.

PUBLIC FORUM AND GENERAL COMMENTS

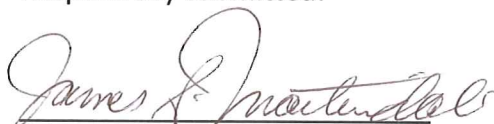
Citizen David Carr said his water bill was only increased by \$3.00 and it should have been \$3.33. The billing correction will be made.

Citizen Carolyn Burgess asked for an update on the sensor installation at the corner of Mud Creek and Highway 246. City Manager Smith said that it was approved by North Carolina adding that she had not yet received information on when it will be installed.

Ms. Burgess also asked about using the new tractor for snow removal. City Manager Smith said that without a cab, the tractor is too cold to use for snow removal. Smith said that tractor tires are also very dangerous on snow and ice because of the tires not having good traction and could only be used in level areas.

There being no further comments, Mayor Martindale adjourned the meeting.

Respectfully submitted:


James Martindale, Mayor

Attested:


Mandi Cantrell, City Clerk