

**REGULAR COUNCIL MEETING
CITY OF SKY VALLEY, GEORGIA
JUNE 21, 2011
TUESDAY, 9:00 AM
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

MINUTES

Mayor Martindale called the meeting to order.

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

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

APPROVAL OF MINUTES

May 17 – Regular Council Meeting

Council President Moore made a motion to approve subject to two corrections, the wording of the motion to move forward with the sign ordinance, and the deletion of the word “try” on the last page, 2nd Platt, unanimously approved.

ADOPTION OF AGENDA

Council President Moore made a motion to adopt the agenda with the addition of new business item – A Proclamation Declaring June 20 Louise Kail Day, 2nd Councilor Platt, unanimously approved.

MAYOR’S REMARKS

Mayor Martindale said he looked at old Fruit of the Loom building with the Development Authority who is asking for help finding businesses that can use the space for manufacturing. He said it is 1,000,000 square feet and is about 15% full at this time.

He said there have been two summer celebration events so far. There were 180 people served at the first and a little over 100 at the second. He encouraged everyone to attend when they can to support the activities.

COUNCIL REMARKS

Councilor Platt thanked the employees who worked the event Saturday evening through the rainstorm.

Councilor Kleiber thanked the employees, Jim and Pam Martindale for all their work. She also thanked the golf course and POA for their support. Week for Weber will be August 8 – 14.

Councilor President Moore gave ticket information for an event to raise money for Habitat for Humanity.

Councilor Howard said that with the aging population and conflict with the Garden Club meetings, he would like the Council to reconsider the regular meeting time so it will be easier for people to attend.

Councilor Platt said she would support having the meeting at a different time. Mayor Martindale said he would place it on next month's agenda.

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

Building Inspector's Report – given by City Manager Smith

City Manager Smith also gave a report on 271 Labelle Circle and 696 Sky Valley Way.

City Manager's Report – given by City Manager Smith

A citizen asked if the city had seen the State's recommendation regarding tree cutting. Mayor Martindale said we would look into it and make sure we are compliant.

SPECIAL BUSINESS

Presentation of 2010 Audit – Jay Green

Mr. Green said the books were found to be in good order. The city was within budget for all accounts. There is a significant amount of construction in progress for the work on the water system. The city also did quite a bit of paving.

Citizen David Carr asked what surplus funds were at the end of the year. Mr. Green responded that net assets in the general fund are \$1,030,048 and \$1,662,385 in the enterprise funds. Mr. Green said that part of the cash on hand is deferred revenue for property taxes collected in 2010 and that the fund balance was around \$700,000.

- Approval of 2010 Audit

Councilor Platt made a motion to approve the 2010 audit, 2nd Councilor Boyle, unanimously approved.

PUBLIC HEARING

Sign Ordinance

Attorney Dickerson conducted the public hearing for the proposed sign ordinance. He asked for anyone in favor of or in opposition to adopting the sign ordinance to speak. Planning and Zoning Commission Chairman David Carr gave a presentation of the recommended sign ordinance. Citizen Allen Jackson said that he understands the hardship of trying to sell a house without high visibility from the street and that only in those circumstances, should someone be allowed to place a sign in the yard. Citizen Ray Brooker said that he believes the signs should be attached to the house. Hughel Goodgame said that he is in favor of For Sale signs in yards.

- Approval of Sign Ordinance

Councilor Kleiber made a motion to approve the proposed ordinance, 2nd Councilor Platt. Councilor Kleiber said that she does not like seeing the For Sale signs in the yards and recommends that a sign in the yard only be allowed if the For Sale sign cannot be seen from the window. Councilor Boyle said that he does not support the For Sale signs in yards. Carr said that having For Sale signs will help bring people to Sky Valley because they will be coming to look for houses. Councilor Platt said that she is in agreement with Mr. Jackson's comments. She said she does believe people should be able to have their signs seen, but would like avoid the look of a fire sale. Council President Moore said there was around 59 houses currently for sale. Citizen Jim Kobacker said that the existing ordinance does not help with people who are trying to sell their homes themselves and that the city should work to help

the individual homeowners. He said that he is in favor of the simple sign proposed with the basic information needed to contact either the homeowner or the real estate agent. Bob MacNair, Planning and Zoning Commissioner, said that the Commission came up with the recommendation to have small, uniform signs. Mayor Martindale said he does not find the signs at the street as offensive as some of the real estate signs in windows. Ray Becker said he agrees with the compromise. Councilor Kleiber restated her motion to amend the proposed ordinance so that if the sign in the window cannot be read, a sign will be allowed to be placed at the street. She said that if the window sign is visible from the street, no sign should be allowed in the yard. Council President Moore made a motion to postpone, 2nd Councilor Boyle, unanimously approved. Councilor Kleiber recommended a council workshop, but no action was taken.

OLD BUSINESS

- Reconsideration/Approval of bid for Sky High water tank recoating

City Manager Smith said that the project was re-bid because of the possibility of the appearance of a possible conflict because her husband was the low bidder on the first bid, and it was not a sealed bid process. Council President Moore made a motion to accept the new sealed bids, and the lowest bid from Smith's Car Care for \$33,600, 2nd Councilor Kleiber, unanimously approved.

- Authorization to proceed with Color Palette

Planning and Zoning Commissioner David Carr gave the recommendation of the Commission to implement a color palette eliminating outlandish colors. Councilor Kleiber made a motion to accept the proposed ordinance, 2nd Councilor Boyle. City Manager Smith said that this is not to approve the ordinance, but to move forward with the public hearing required to implement a color palette ordinance. Councilor Platt said that she has heard complaints because of the Council trying to make more rules. She recommended making it a recommendation of colors instead of a rule. Councilor Boyle said that he would like the ordinance to be written stronger than it is, that is has come up over the years and he is in strong support of a color palette. Council President Moore said that he is not in favor of another ordinance controlling what people can do on their property. Councilor Kleiber said that if this had been created 25 years ago, there would not be the problems with outlandish colors that we have now and that she is in favor of color palettes. Citizen Sara Bennett asked if the city was going to control the shades also because color is subjective to each person. She said that not everyone sees color the same way because of inherited traits and that she is not in favor of implementing a color palette. Council President Moore made a motion to postpone indefinitely, 2nd Platt. The motion passed 3:2 with Moore, Howard and Platt voting aye and Boyle and Kleiber voting nay.

NEW BUSINESS

- Proclamation Declaring June 20 Louise Kail Day

Council President Moore made a motion to approve a Proclamation declaring June 20th, 2011 Louise Kail Day, 2nd Councilor Platt, unanimously approved.

- Role and Purpose of Planning & Zoning Commission – Chairman David Carr

Mayor Martindale asked Attorney Dickerson to give a legal definition of the Planning and Zoning Commission. Attorney Dickerson gave the State statute regarding the roles of the Commission. The City can delegate roles to the Commission, however the Commission cannot deviate from said delegated authority that was given to the Commission by the Council and that the Council is not bound by recommendations from the Commission. The ultimate decision is the exclusive right of the Mayor and Council. The Commission is limited to zoning decisions broadly defined to include any decision to

affect real property, such as the sign ordinance discussed today. P & Z Chairman David Carr said that GA DCA has stated that the role of the commission is to work with community citizens and the governing body to define and implement plans for the future, and also to review and advise the City Council on all public and private activities involving fiscal, social, and economic development of the City and to prepare and recommend plans of the development of the City. The Commission also prepares and devises plans for the long-range planning of the City. Chairman Carr said that the Role and Purpose of the Commission may be amended at any meeting by a majority of the Commission as long as notification was given to each member at least two weeks prior to the meeting. He said there was no place in the rules for transaction of business that address planning for the future, which is a function of the Commission. He said that at the next meeting, he will make a motion that these items be added to the Rules of Transaction of Business, and that the Council can delete those functions if they choose.

Attorney Dickerson said the Council sets the policies and procedures to be employed by the Commission. The Commission can ask the Council to amend the rules. The Commission cannot do anything without the Council's authorization. Mayor Martindale said the role and purpose of the commission is what is on the agenda, and Attorney Dickerson gave the role and purpose. P & Z Chairman Carr said he does not agree with Attorney Dickerson because the DCA is a State agency and they would not prepare these roles and guidelines if they were illegal. Attorney Dickerson said that they are legal guidelines, but the rules and procedures of the City's Planning and Zoning Commission are set by City Council, and the Council has not tasked the Commission with those items. Council President Moore made a motion not to amend the current rules of the commission, 2nd Platt, unanimously approved.

Jim Kobacker said that he believes Mr. Carr has the best interest of the city at heart. He said that to the best of his knowledge, the Five Year Planning Committee has done great work creating plans for the City and that we do not need two separate groups working on a plan for the future. He said that we do not need power struggles but we need rational decisions and a way that business be conducted that every citizen understands.

Councilor Howard said the Mayor and Council are responsible for the planning whether through the P & Z or the Five Year Planning Committee. He said the Council cannot delegate responsibility, it can only ask for assistance and recommendation from Committees.

- Consolidated Pipe Change Order #2 – 60 Day Contract Extension

John Washington said there was a delay caused from fittings being different than what was expected and time delay getting the materials needed. Council President Moore made a motion to approve, 2nd Platt. Moore asked about the contract time being total of 319 days. Mr. Washington said the current time is beginning October 14 and that the previous contract time is a typo that should have began the day that a contract extension was granted to begin the work in the spring. Councilor Platt asked who is supervising the work to make sure they go back to install homeowner valves skipped because they are in asphalt. Mr. Washington said that there is an inspector and also water operator Godwin making sure the contractor is completing the work and will be completed before final payment is issued.

- "Children at Play" Signage – Requested by Jeff Kotzan

Mr. Kotzan requested "Children at Play" signage to be installed on Sky Valley Way. Councilor Platt made a motion to install a sign, 2nd Moore, unanimously approved.

- Adoption of 2010 Rabun County Joint Partial Comprehensive Plan Update

City Manager Smith said that the Council approved the resolution to submit the plan update, and this resolution is to adopt the plan update. Council President Moore made a motion to approve, 2nd Councilor Howard, unanimously approved.

- Establishing a Building Authority

Mayor Martindale said that a building authority can purchase property and issue bonds, but does not have the authority to obligate the city to debt. Attorney Dickerson said the City could go ahead and adopt and create this to send to be approved by the state if the council wants to give the authority to issue bonds. Council President Moore motion to proceed with drafting, 2nd Boyle, unanimously approved. Citizen John Temple said this creates a way to obtain the golf course, club house, if the City chooses.

EXECUTIVE SESSION

None

PUBLIC FORUM AND GENERAL COMMENTS

Jim Kobacker congratulated Pam Martindale for working so hard trying to get people to Sky Valley and the staff for their hard work and for making people feel so welcome at the events. This is an attempt to make Sky Valley more attractive to potential residents and guests. He thanked everyone for their efforts.

Milton Johnston asked about the status of the old clubhouse. Mayor Martindale said that Mr. Merrill said he was going to tear the building down.

Ray Brooker asked when Labelle Circle will be paved. City Manager Smith said that that street was requested to be paved with the State's paving fund and that she is waiting on their determination if the street is 16 feet wide as they will not pave it if it is not that wide.

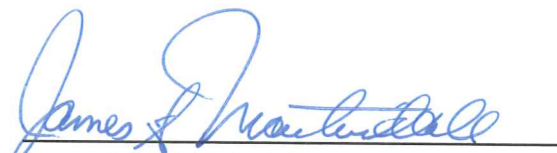
Ray Brooker asked about making a four-way stop at Ridgepole and Labelle. Chief Dills said that he thinks it would be beneficial to add another stop sign.

John Hoppes asked if the City can ask GA and NC DOT to stripe Highways 246 and 106.

Councilor Kleiber asked about the status of a light on the corner at Mud Creek and Hwy 106. City Manager Smith said that NC DOT said they would install the light when funding was available.

Council President Moore made a motion to adjourn, 2nd Councilor Howard, unanimously approved.

Respectfully submitted:


James Martindale, Mayor

Attested:

Mandi Cantrell, City Clerk