

**COUNCIL WORK SESSION  
CITY OF SKY VALLEY, GEORGIA  
MAY 15, 2018 AT 10:00 AM  
696 SKY VALLEY WAY (OLD LODGE)**

**AGENDA**

**1. CALL TO ORDER**

**2. ADOPTION OF AGENDA**

**NEW BUSINESS**

**3. COMPREHENSIVE LAND USE PLAN**

**4. FIRE DEPARTMENT LEASE**

**5. ANIMAL CONTROL – DISCUSSION OF ORDINANCE AMENDMENT**

**6. FUTURE SIGNAGE**

**7. HOTEL/MOTEL TAX AND DEVELOPING A DDA OR SIMILAR AUTHORITY**

**8. REPEAL ORDINANCE 14-06**

**9. UTILITY ROAD BETWEEN SADDLEBACK AND TAHOE**

**10. PUBLIC WORKS EQUIPMENT**

**11. SURPLUS PROPERTY**

**OTHER BUSINESS**

**12. ADJOURNMENT**

## **ECONOMIC DEVELOPMENT**

### ***Major Trend***

Cooperation between the Sky Valley Country Club and the Sky Valley Timeshare Association strives to increase and improve the available recreational activities for residents and visitors. Appropriate future commercial development is desired and needed to expand the services available to residents and visitors and the tax base of the City.

### **Issues and Opportunities**

Desire for more diversified retail services, entertainment, dining, and lodging opportunities within the community. Although the golf course and clubhouse are appreciated and utilized, residents of Sky Valley feel the residents, visitors, and economic buying power warrant more retail choices. Currently, the City loses sales tax dollars to surrounding communities as residents leave to city to conduct business, enjoy a night on the town, or shop outside of Sky Valley.

There exists no meeting space within the City for hosting conferences and conventions.

Current technology, transportation, utility, and wastewater infrastructure will need to be expanded to support the desired developments.

The old Ski Lodge property provides potential for a mixed-use town center development, providing both residents and visitors with a variety of retail, housing, and community oriented options.

The development of a commercial district for Sky Valley would lead to an increase in work opportunities for current or new residents, decreasing the imbalance which currently exists between employment location and housing. Increasing employment options within the City will also help attract a younger demographic of potential residents.

Retail growth would increase the tax base and shift the burden of funding government services from its heavy reliance on residential property taxes.

Development of additional greenspace, parks, and trails amenities will provide year round recreation opportunities for residents and visitors. Consideration should be given to unique options that attract a specific, desired, user group.

The development of meeting space, lodging, and dining accommodations to attract staff retreats and other short-term visitors.

The City is actively engaged in projects to expand the infrastructure to support the growth of new commercial and residential opportunities.

## HOUSING

### Major Trend

Homes in Sky Valley are an excellent value when compared to homes located in similar resort communities and provide residents with panoramic mountain views, an active community, and excellent city services.

### Issues and Opportunities

There are few housing options beyond single-family detached, which represent 71% of housing units within the City, significantly higher than that of the state and nation in 2010.

There is an increasing need for retirement and elderly housing. Approximately 52% of the Sky Valley residents were at or over the age of 65 in 2010 with approximately another 21% approaching the age of retirement. The facts highlight the need for housing options and designs that address the needs of the aging population.

An imbalance between location of available housing and location of major employment centers exists in Sky Valley, meaning residents who are not retired are having to travel outside of the community for employment.

Other than rental homes and timeshares there are no other lodging options within the City of Sky Valley for short-term rentals for individuals wishing to visit the community.

The development of a mixed-use town center at the location of the former Ski Lodge provides both new and current residents with alternative housing options to single-family detached.

The development of an independent living facility within the Sky Valley would provide an option of more accessible living accommodations for an aging population, and likely attract new residents to the community. The facility could also incorporate necessary healthcare facilities needed for this demographic.

The development of short-term housing such as a hotel and conference center or bed and breakfast would provide an alternative to limited existing rental and timeshare options.

## POPULATION

### Major Trend

Over the last decade Sky Valley has seen a 23% increase in population, increasing in size from 221 residents in 2000, to 272 in 2010. The majority of this growth has been in residents aged 65 and older (increasing from 101 in 2000, to 141 in 2010, representing a 39% growth rate for that age group).

### Issues and Opportunities

Often a retirement and second home community, Sky Valley faces the issue of an aging population in terms of growing its population and ensuring current residents are provided with social and health services to meet their needs. Options for aging in place will need careful planning for the 52% of the population over the age of 65. The community needs to consider how the City infrastructure and transportation can coordinate to assure housing, healthcare, and access for an aging population.

The seasonal population of Sky Valley exceeds 2000 residents and visitors from April through October. This increases demand on the City's infrastructure.

Many of the current residents reside in Sky Valley after retirement and have relocated to the community full time. This has led to a unique community of highly educated, skilled, and financially secure individuals which should be highlighted as the City strives to grow their population.

An experienced and educated population leads to the potential for wise decision making for the community and the potential for residents to invest in new business ventures within the community.

The development of an independent living facility will support attracting new residents to Sky Valley can have a positive influence on economic development activities and the tax base.

## **NATURAL RESOURCES**

### Major Trend

The community has a wealth of natural resources for outdoor activity with potential for future development of other outdoor recreations.

### Issues and Opportunities

Absence of a variety of outdoor recreation activities for all ages limits the kinds of residents and visitors to the community.

Developing recreation activities for all ages within the community will provide an incentive for new residents and visitors.

There exists a variety of potential options for outdoor recreation and events for Sky Valley and the City should identify the type(s) of activities that would complement the existing community.

## **COMMUNITY FACILITIES**

### Major Trend

As the population continues to grow the City will need to make improvements to the community's infrastructure system for both residents and commercial properties.

### Issues and Opportunities

The need for development of a City wastewater disposal system will need to be addressed if there are to be any major residential or commercial developments.

Support the expansion of infrastructure and access to new technologies.

## **ECONOMIC DEVELOPMENT**

- **Desire for more/ diversified commercial options**
- **No meeting space within the City**
- **Limited utilities and infrastructure**
- Potential for old Ski Lodge as mixed-use town center development
- Potential commercial district for Sky Valley would increase in work opportunities
- Retail growth would increase the tax base
- Potential for additional greenspace and outdoor recreation
- Potential for meeting space, lodging
- Proactive City officials

## **HOUSING**

- **Few options beyond single-family detached**
- **Increasing need for retirement and elderly housing**
- **Few local major employment centers**
- **Lodging options within the City restricted to rental homes and timeshares**
- Potential for a mixed-use town center at former Ski Lodge provides
- Potential for an independent living facility accommodating an aging population
- Potential for a hotel and conference center or bed and breakfast

## **POPULATION**

- **An aging population (Demands for aging services)**
- **Changes in seasonal demand on infrastructure**
- Many residents are highly educated, skilled, and financially secure
- Potential for residents to invest in the community
- Potential for an independent living facility attracting new residents

## **NATURAL RESOURCES**

- **Absence of variety of recreation activities**
- Potential for outdoor recreation and events

## **COMMUNITY FACILITIES**

- **Need for City wastewater disposal system**
- Potential for infrastructure and access to new technologies

	Clayton	Rabun Ga	Tiger	Sky Valle	Lakemon	Mtn City	Dillard	County	Total	
	9	1	1	21	5	1	2	63	103	
<b>1) (growth type)</b>										
<b>High Volume</b>	3		1	7	1		1	15	28	27.2%
<b>Some Limited</b>	6	1		12	4	1	1	43	68	66.0%
				2				5	7	6.8%
<b>5) Econ. Priorities</b>										
new manufacturing	4		1	4	3	1	1	40	54	
new commercial	5			14	3	1		28	51	
any business to downtown	3			6	2		2	24	37	
any business w/ high pay	1		1	10	2			17	31	
other	1	1							2	
<b>6) Housing</b>										
fewer dilapidated houses	8			12	2			37	59	
more affordable housing	2		1	2	2		1	30	38	
design guidelines	5	1		6	2		1	19	34	
more senior housing			1	8			1	11	21	
more apartments	1			4		1	1	2	9	
more high-end housing	1			2		1		3	7	
	1								1	
<b>7) Cultural resources</b>										
preserving structures	7		1	11	2	1	1	42	65	
design guidelines	2	1	1	11	3			35	53	
improving sidewalks	5			6	1	1	1	22	36	
need for more park space	2			7	1			13	23	
need civic space /City Hall	1			2				1	4	
<b>8) Public Services</b>										
Police/ Public Safety/ EMS	4.2	4.0	5.0	4.6	3.3	5.0	4.5	4.1	4.22	
Schools	4.1		5.0	3.1	4.0	5.0	4.5	4.2	4.02	
Fire protection	3.9	4.0	5.0	4.2	2.4	5.0	3.5	4.0	3.99	
General government	2.5		3.0	3.5	2.2	4.0	2.0	3.7	3.41	
Parks and recreation	3.0		5.0	3.1	2.3	4.0	3.0	3.6	3.38	
Water	3.0			4.4	0.9		2.0	2.9	3.06	
Roads	2.8	4.0	4.0	3.8	3.1	4.0	1.5	2.9	3.03	
Sewer	3.4			2.6	2.1	4.0	2.0	2.7	2.59	
<b>9) Issues</b>										
Preserving low cost of living	4.3	2.0	2.0	4.2	3.1	3.0	1.0	3.7	3.79	
Preserving standard of living	3.3	3.0	2.0	3.7	2.5		2.0	3.3	3.30	
Increasing tourism	3.3		1.0	2.9	1.6	2.0	1.5	3.0	2.94	
Preserving rural character	1.8	1.0	1.0	1.8	2.6	5.0	1.0	2.6	2.29	
Increasing job opportunities	1.9		1.0	2.5	2.4	4.0	1.0	2.1	2.09	
<b>10) Highway 441</b>										
Luring more/new dining	4.9			4.9	2.1	5.0	1.0	4.2	4.40	
Luring more/new retail	4.4			4.4	2.5	4.0	1.0	3.8	3.91	
Luring any new jobs	3.3		4.0	3.1	1.1	1.0	1.0	3.1	2.97	
Managing traffic volumes	2.8	1.0	3.0	2.2	3.3	2.0	2.0	3.1	2.81	
Managing safety	1.9	2.0	1.0	2.8	2.4	3.0	1.5	2.8	2.69	
Improving the appearance	2.8	3.0	2.0	3.1	1.3	6.0	1.0	2.4	2.57	

## **Sky Valley**

### **Where Should Growth Occur?**

In/around cities (16)  
Expand in Sky Valley (2)  
Along Hwy 441 (2)

### **Assets**

Mtns./Forests/Scenery (12)  
Streams/rivers/waterfalls (2)  
Open space (2)  
Small town feel  
Tourism  
Security  
Downtown Clayton  
Golf course, club house, pavilion

### **Liabilities**

Cellphone/ Internet (6)  
Lack of sewer (2)  
Ageing population (2)  
Lack/Condition of retail (2)  
Location - 5 miles from 441  
Lack of business (industrial and commercial)  
441 becoming a raceway  
Dog control, noise, crime  
Roads  
More qualified work force  
Lack of jobs  
Older homes need repair  
Large dying trees  
Tear down old lodge

### **Other Economic Priorities**

Develop travel packages (Hiking, bird watching, zip lines, rafting...)  
Limited growth in/around Sky Valley  
Attract baby boomer retirees (2)  
Small restaurants and maybe gift shops or convenience store  
Don't want to go down the mtn. for small necessities  
Any clean manufacturing

### **Other Housing Priorities**

More buyers (2)  
Ease permits for repairs to dilapidated houses

### **Other Cultural Priorities**

NA

### **Other Issues**

Cell tower/internet speed



## **Clayton**

### **Where Should Growth Occur?**

Along Hwy 441 (5)  
In/around cities (5)  
Expand in Main St and Savannah St  
Prefer to revitalize and reuse instead of build new

### **Assets**

Mtns./Forests/Scenery (3)  
Historic Clayton (2)  
Rural character (2)  
Streams/rivers  
Clayton's water and sewer systems  
Health care industry

### **Liabilities**

Joblessness  
Junky properties on hwy.,  
Unplanned suburban sprawl, fast food, chains  
Unpermitted signs  
Construction permits, failing mobile homes  
No "see Clayton" route.  
Lack of scenic community  
Vision in downtown  
Lack of qualified political candidates  
Infighting by City & County officials  
Vacant, rundown buildings; Removing unsightly debris

### **Other Economic Priorities**

Tourism/ Agri-tourism  
Attract educational facilities  
Downtown green space, parks, family rec  
Small quaint businesses - high end  
Attract business more towards the arts

### **Other Housing Priorities**

Retirement Communities

### **Other Cultural Priorities**

County took away Clayton's SPLOST which would have been used for city hall (renovation)  
Use Rock House as a community gathering spot  
Need to beautify the square with better light poles, landscaping, maybe a block of pedestrian only

### **Other Issues**

Preserve wild scenic wonders  
Red Lobster

## Other Cities

### **Where Should Growth Occur?**

Expand in Rabun Gap

Expand in appropriate areas (zoning)

in/around cities (3)

### **Assets**

Mtns./Forests/Scenery

Business

heritage and local people

### **Liabilities**

lack of city and county communication and co-operation

becoming just another tourist trap

Law Enforcement

to many unnecessary regulations

### **Other Economic Priorities**

Agriculture Business - potential to be herb capital of GA

### **Other Housing Priorities**

### **Other Cultural Priorities**

### **Other Issues**

New hotels and conference facilities

## Lakemont

### **Where Should Growth Occur?**

in/around cities (2)

Business Park

along Hwy. 441

### **Assets**

Mtns./Forests/Scenery (3)

Excellent public & private schools

### **Liabilities**

lack of and/or under-utilization of talent and leadership

lack of cooperation bw clayton & county

SEE PAPER APP

lack of leadership, county govt & clayton city govt

inability to work together constructively

### **Other Economic Priorities**

#### **Other Housing Priorities**

we do not need more govt control or mandato.

We do need logical zoning that protects everybody

Better zoning

#### **Other Cultural Priorities**

the money spent on main st was questionable. Too much money spent on govt bldgs

develop large outdoor venues - walking trails, concerts, etc.

Look into Rails to Trails

#### **Other Issues**

County Sherrifs very poor, corrupt

SEE PAPER APP. These are too general. We need less govt and more free enterprise. Period.

SEE PAPER APP make rules and enforce them. Unlike your zoning out sign ordinance people

## Rabun County

### **Where Should Growth Occur?**

along hwy 441 (20)  
in/around cities (37)  
main st. clayton  
business park (2)  
Sky Valley  
Lake Burton Marina  
hwy 76 (2)  
Dillard (2)  
Anywhere (4)

### **Assets**

Downtown Clayton (2)  
Foxfire  
health care  
small town charm - rural/mtn. character (10)  
agriculture (2)  
Mtns./Forests/Scenery (34)  
People (3)  
don't make this place like the city  
low crime rate  
Clean environment (Unspoiled, undisturbed)  
nature  
good school system (2)  
tourism lakes, shopping, recreation  
our youth  
local feel with increasing population and jobs  
quality of life  
tourism (2)  
antiques  
good food  
historical buildings

### **Liabilities**

county commission, county mgr  
struggling job base  
long term investments in non-viable business ventures  
business park  
better emergency vehicles to respond in case of major disaster  
youth activities for tourist  
disinterest in community involvement and community planning  
better govt leaders, people who have common sense  
resistance to technology - need more "clean" internet businesses  
govt leaders that won't work with other or listen to the public. Jim Bleckley is the worst at listening to the public  
we need services, local medical  
infrastructure issues. Water/sewer  
taxation  
nepotism in Rabun county govt  
visible eyesores  
lack of zoning - signs and poor building practices scar the landscape

uncoordinated commercial and residential development. We are starting to look like Pigeon Forge - tacky and congested water  
inter-govt squabbling and lack of cooperation  
emphasis on private property and desire to develop 441  
one party government  
ignorance of the natural beauty and the fact that it can be ruined  
unattractiveness, junk along 441  
lack of cooperation from locals. Upgrade the businesses. Remove junk from along hwys  
fighting bw city and county govt  
trashy, dilapidated structures and unkempt vacant property  
trash look on 441  
should have a consolidated govt too much dissention bw cities and counties  
water/sewer infrastructure  
community's unwillingness to evolve and adapt to changing economics  
city-county fighting  
billboards need restrictions and focus on landscape improvement of ugly trashy business just north of clayton on 441  
getting a workforce ready to work  
weak infrastructure (water, sewer)  
discord among elected officials  
multiple police depts as tourist traffic traps  
infrastructure  
not all county and city govt get along  
Rabun Business Park - need more businesses to fill it  
slums, run down buildings  
cronyism  
preventing development that deters from the beauty of the landscape  
upkeep of rds and hwys  
attitude to get along with each other  
the city and county should become combined to one govt - duplications of services  
too high of school taxes with poor teaching  
unregulated growth along with lack of enforcement  
government gridlock  
poverty and ignorance  
we need services, local medical  
clean up biways and unsightly private properties  
allowing blight along 441 or anywhere like past O'sage produces just clear cut and junk along the rds.  
preventing development that deters from the beauty of the landscape

### **Other Economic Priorities**

#### Supporting Local Healthcare

expand medical community, encourage community college to establish in Rabun County  
1-promote sustainable businesses - agri tourism, ecotourism, preserve and utilize farmland  
Entrepreneurship like Macon County, NC

#### Farming

small farms growing/producing for individuals, restaurants, local schools, and senior center

#### 1-Youth Activity Development

upgrade the look of RC along Hwy. 441

attract clean jobs, service, commercial, internet based

we need jobs for our young people. Concentrate the jobs so they are not strung out along the hwys

#### 1-expand eco and agritourism

Help support tourism growth and associated businesses

#### Tourism

If govt were more business focused we would already have more commercial development. Govt's job should be to make things easy to do, not to try to direct the progress.

No more thrift shops

### **Other Housing Priorities**

Tiny House 'Villages'

1-building code enforcement, forget non-binding guidelines

1-enhance human/cultural resources

we need a nice resort with upscale rooms and activities. Motels on 441 are not nice.

safer houses through building inspections

need more affordable housing for young couples and 1st time buyers for families that live and work here

1-let the market take its course

### **Other Cultural Priorities**

needs a theme (e1: Bears in Hendersonville, NC)

Bike Lanes on Major Rds - Especially 76

clean our county

A mtn town should look like a mtn town. Don't need more atl style stuff

1-Protect Natural Resources

Need Dog Parks

what do options 3, 4, 5 have to do with historic and cultural resources?

1-less govt ownership

### **Other Issues**

3-Hospital

Why isn't healthcare on the list

2-Upkeep of town and hwy area

S&S water needs testing

this reversed scale will confuse ppl and confound results

2-Open, transparent county govt

1-promoting and expanding our parks and trails

3-more farmers

3-Upgrading public outdoor recreation, improve water quality

1-preserve natural beauty and resources

4-Encourage more retirees to move-in

2-Improve standard of living

Develop enhanced sense of a united community. Stop the us against them mentality via education

Business would do better if open on Sundays

1-drawing through traffic off 441 by improving appearance and character

7-decrease highway access/encourage limited access to hwy

2-turn three lane sections into four lane

meeting the above issues will bring in the needed jobs

441 should not be developed. We should not look like Hiwassee

4-lack of billboards to focus on natural beauty

traffic volumes and safety are handled well here

IMPORTANT - forbid large advertising signs, such as beak and billboardds within city limits

## 2014 COMPREHENSIVE PLAN SURVEY

RABUN COUNTY ~ CLAYTON ~ DILLARD ~ MOUNTAIN CITY ~ SKY VALLEY ~ TALLULAH FALLS ~ TIGER

*Want to tell your civic leaders what your community should be like in 20-30 years?  
Want to tell them which issues you feel are most important?*

***Here's your chance!***

Rabun County and its municipalities are updating their joint Comprehensive Plan that will help guide development and capital projects through 2030 and beyond. Your hometown can only achieve its vision if it knows what that vision is, so please take part in this process and tell us your vision for the future of your hometown!

Please take a few minutes to complete the following survey and submit your results to the locations listed below. *All comments will be read and incorporated into the Comprehensive Plan, and all responses will be kept confidential.* Be sure to also check for future announcements about additional meetings and other opportunities to participate.

*Please submit all completed surveys to:*

Jim Bleckley, Manager  
Rabun County  
25 Courthouse Square  
Clayton, GA 30525

or to

Adam Hazell, Planning Director  
Georgia Mountains RC  
PO Box 1720  
Gainesville, GA 30503  
O: 770.538.2617  
F: 770.538.2625  
Email: ahazell@gmrc.ga.gov

*I am submitting comments for:*

**Rabun County ~ or ~ (list city)**

*I am a* \_\_\_\_\_

**Resident**

**Business Owner**

**Neither**

**Both**

1) I would like my community to try to \_\_\_\_\_ growth and development.:

a) attract a high volume of      b) attract some      c) limit

2) New growth and development should be directed toward:

a) in/around cities      b) along Hwy. 441      c) expand in \_\_\_\_\_ (please list location)

3) Our community's most important asset that should be *preserved* in the future is...

4) Our community's biggest liability that should be *changed* in the future is...

5) With respect to **economic development**, our top priorities should be (pick 2):

- \_\_\_\_\_ attract new commercial businesses
- \_\_\_\_\_ attract new manufacturing and industry
- \_\_\_\_\_ attract any business to downtown areas
- \_\_\_\_\_ attract any business with high paying jobs
- \_\_\_\_\_ Other (please list: \_\_\_\_\_)

## 2014 COMPREHENSIVE PLAN SURVEY

RABUN COUNTY ~ CLAYTON ~ DILLARD ~ MOUNTAIN CITY ~ SKY VALLEY ~ TALLULAH FALLS ~ TIGER

6) With respect to **housing**, our most important needs are (*pick 2*):

- more affordable housing
- more high-end housing
- more apartments
- more senior housing
- fewer dilapidated houses
- design guidelines for new construction
- Other (please list: \_\_\_\_\_)

7) With respect to **historic and cultural resources**, our most important issues are (*pick 2*):

- preserving existing historic structures
- design guidelines for new development
- improving sidewalks and pedestrian accessibility around the City
- need for more park space
- need for more/new civic space and/or City Hall
- Other (please list: \_\_\_\_\_)

8) On a scale of 1 (*Very poor*) to 5 (*Very good*), how do you rate each of the following public services:

- Water
- Sewer
- Police/ Public Safety/ EMS
- Fire protection
- General government
- Parks and recreation
- Roads
- Schools
- Other (please list: \_\_\_\_\_)

9) Please rank the following issues in terms of priority, with 1 being most important:

- Preserving Rabun County's rural character
- Increasing tourism
- Increasing job opportunities
- Preserving the low cost of living
- Preserving the standard of living
- Other (please list: \_\_\_\_\_)

10) Highway 441 is expected to see significant growth and development in the future. Regarding this vital corridor in Rabun County, please rank the following issues in terms of priority, with 1 being most important:

- Managing traffic volumes
- Managing safety
- Luring more/new retail
- Luring more/new dining
- Luring any new jobs
- Improving the appearance and character
- Other (please list: \_\_\_\_\_)

*Thank you for your time and for caring about your hometown!  
Be sure to participate in the public meetings!*



STATE OF GEORGIA

COUNTY OF RABUN

THIS LEASE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the City of Sky Valley, Georgia, first party, hereinafter called "Lessor" and Sky Valley-Scaly Mountain Volunteer Fire & Rescue Department, Inc., second party, hereinafter called "Lessee".

WITNESSETH:

1. The Lessor, for and in consideration of the rents, covenants, agreements and stipulations hereinafter mentioned, reserved and contained, to be paid, kept and performed by the Lessee, has leased and rented, and by these presents does lease and rent, unto the said Lessee, and said Lessee hereby agrees to lease and take upon the terms and conditions which hereinafter appear, the fire station building located at 1654 Saddleback Circle, Sky Valley, Georgia.
2. Rent: Lessee agrees to pay lessor, as rent, the sum of \$10.00 per calendar year, or any portion of a calendar year during which this lease is in effect.
3. Renewal of lease: This lease shall renew automatically annually on a calendar year basis.
4. Termination: Either party has the right to terminate this lease at any time provided the terminating party gives the other party a 12 month written notice of its intent to terminate.
5. Abandonment or sublet: Lessee agrees not to abandon or vacate the lease building during the term of this lease. Lessee shall not have the right or option to sublet any portion or all of the leased building. If Lessee determines the building is no longer needed for the purpose described herein, Lessor will take possession of the building for its own use and purposes.

6. Use and Services: Lessee agrees to only use the building in support of fire protection and other emergency services as stated in Lessee's contract with Lessor, and in support of said services to the remainder of Lessee's Rabun County fire district, the Scaly Mountain Community, and to other jurisdictions when deemed responsible and appropriate by Lessee.

7. Utilities: Lessee shall pay all utility bills for the leased building with the exception of water and sewer which shall be supplied by Lessor.

8. Maintenance and repairs:

A. Lessee agrees to make repairs as needed to maintain the usefulness and structural integrity of the building. Repairs of catastrophic damage not covered by Lessee's insurance and exceeding \$5,000 shall be paid for by Lessor.

B. Lessee agrees to perform routine maintenance, such as trimming shrubs and small trees, and raking leaves on Lessor's land immediately adjoining the leased building.

C. Lessor agrees to trim and remove trees as necessary to prevent them from damaging the building. Lessor further agrees to make any and all repairs as needed to the apron between the building and the street, water lines and hydrants serving the building, and the septic system. Lessor also agrees to remove snow and ice from the apron between the building and the street expeditiously to enable lessee's trucks to safely exit and enter the building.

9. Improvements: Lessee may make alterations and improvements to the building as needed for the furtherance of it's stated mission in paragraph 6 above. Any alteration that would change the exterior appearance of the building must first be approved by Lessor.

10. Lessee agrees to indemnify and save harmless the Lessor against all claims for damages to persons or property by reason of the use and occupancy of the leased building including any claims by Lessee's agents and employees, Lessee's customers and invitees. Lessee shall maintain liability insurance in an amount no less than One Million (\$1,000,000) Dollars per occurrence. Lessee shall provide property and casualty

insurance on the leased building. There shall be sufficient coverage to insure the fair market value of the building. Lessee shall provide proof of all insurance related to the leased building to Lessor on an annual or requested basis. In the event Lessee fails to maintain insurance Lessor has the right to increase the amount of rent to cover the insurance costs. Lessee shall be responsible for maintaining workers' compensation insurance and all other insurance as it deems appropriate on its property and equipment. Lessor shall be named as an additional insured on all insurance policies related to the building.

11. Lessee hereby appoints the Fire Department Chief as its agent to receive service of all dispossessory or distraint proceedings and notices thereunder, and all notices required under this lease.

12. Time is of essence of this agreement.

13. Lessee, upon expiration of this Lease or any extension thereof, may remove all fixtures, equipment, machinery and other property which it has placed in the premises. Lessee shall make any and all repairs required to the leased premises for damages resulting from removal of such furniture, equipment and machinery.

14. Lessee accepts the building in its present condition and as suited for the use intended by Lessee. Lessee shall protect the heating, water and electrical systems against freezing or damage to systems due to neglect of Lessee.

15. Lessor and its agents shall have the right at all reasonable times during the term of this Lease and any renewal thereof to enter the leased building for the purpose of inspecting the building and for the purpose of making any necessary improvements thereon.

16. This Lease contains the entire agreement of the parties hereto and no representations, inducements, promises or agreements, oral or otherwise between the parties not embodied herein, shall be of force or effect.

17. This agreement shall be governed by the laws of the State of Georgia and the parties agree that Rabun County, Georgia is the exclusive venue for the resolution of any dispute under the terms and conditions of this Lease.

IN WITNESS WHEREOF, Lessor has caused these presents to be executed by its duly authorized officer and has caused its corporate seal to be affixed hereto, and Lessee has hereunto set its hand and seal, in duplicate, the day and year first above written.

\_\_\_\_\_  
"Lessor" (Seal)

Signed, sealed and delivered as to  
Lessor in the presence of:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
"Lessee" Fire Chief (Seal)

Signed, sealed and delivered as to  
Lessee in the presence of:

\_\_\_\_\_  
"Lessee" Chairman of the Board (Seal)

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

ORDINANCE NO. 87-10

AN ORDINANCE TO CONTROL DOMESTIC ANIMALS IN THE CITY OF SKY VALLEY, GA.  
AND PROTECT WILD ANIMALS AND BIRDS.

SECTION - 1

Definitions

- (a) Animal shall be intended to mean any type of animal both large and small, which is normally a domesticated animal and not a wild animal with a habitat of the area.
- (b) Owner shall be intended to mean any person or persons, firm, association or corporation owning, harboring, keeping or maintaining an animal.
- (c) At large shall be intended to mean off the premises of the owner or other persons harboring, keeping or maintaining an animal and not under the control of such persons or a member of his immediate family.

SECTION - 2

All animals shall be kept under the control of the owner or his delegated representative at all times, whether on or off the premises of the owner.

SECTION - 3

No person, while in control of any animal, shall allow said animal to enter upon the private property of others without the expressed or implied consent of the owner or such property.

SECTION - 4

All animals shall be vaccinated against rabies for a period of not less than one year. A metal tag designating vaccination for rabies and date thereof shall be attached to a collar worn by the animal.

SECTION - 5

It shall be unlawful to pursue, capture or willfully kill any wild animal or bird within the City of Sky Valley. A fine of \$100.00 shall be assessed for any violation of this section.

SECTION - 6

Any violation of this ordinance shall subject an animal to be impounded with the Rabun County Humane Society Animal Shelter. The City of Sky Valley Police Department shall enforce this ordinance and investigate any violations thereof.

Be it ordained by the Mayor and Council of the City of Sky Valley as approved this 4th day of May, 1987.

Attest:

Jessie S. Benson  
City Clerk

Raymond M. ...  
Mayor, City of Sky Valley

ORDINANCE NO. 05-08  
ORDINANCE DEFINING PUBLIC NUISANCES; AND PROCEDURE TO  
ABATE

Whereas, it is important to the City of Sky Valley to appear clean, well kept and generally clear of public nuisances, eyesores, and unhealthy conditions; and,

Whereas, the appearance of a community weighs heavily in decisions of prospective residents and businesses locating to a particular area; and,

Whereas, a clean, safe, and well kept community can stabilize or increase property values, provide a healthy environment, and make citizens proud of the area in which they live.

Therefore, the City Council of the City of Sky Valley hereby ordains:

I. All nuisance ordinances in the City of Sky Valley, to include Ordinance Nos. 02-04, 87-11, 96-11, 88-4, and 87-15 are hereby deleted in their entirety and a new public nuisance ordinance is enacted to read as follows:

Section 1. For the purposes of this ordinance the following words are defined:

Abandoned vehicle: A vehicle, including cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle, that meets one or more of the following conditions:

- (a) Has been left unattended upon a highway, street, or alley or other public property outside a designated parking space for a period of 48 hours; and/or,
- (b) Is within public view and is inoperable, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 30 days.

Nuisance: Anything that causes hurt, inconvenience, or damage to another, and the fact that the act done may otherwise be lawful, shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinary, reasonable person.

Section 2. The following conditions, whether on occupied or unoccupied lands, public or private property, are hereby declared to be and constitute a public nuisance and shall be abated; although this section shall not be construed to be limiting with regard to its enumeration of public nuisances.

- (a) Weeds or grass allowed to grow to a height greater than 12 inches on the average, or any accumulation of dead weeds, grass, or brush, that may provide safe harborage for rats, mice, snakes and/or other vermin.
- (b) Vegetation that obstructs the safe passage or line-of-sight of motorists or pedestrians at an intersection or driveway connection with a public or private street or alley, or along any street or sidewalk.
- (c) Dead or dying trees or other vegetation which may cause a hazardous situation if they fall.
- (d) Accumulation of rubbish, trash, refuse, junk, construction debris, and other abandoned materials, metals, lumber, or other such items.
- (e) The keeping or maintenance of one or more abandoned vehicles in public view or in a manner inconsistent with this Ordinance.
- (f) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (g) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard.
- (h) All noises which may annoy or inhibit others in their enjoyment of the use of their property.
- (i) All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires.  
  
The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, creamery, industrial wastes, agricultural wastes, industrial wastes, or other substances.
- (k) Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of local, state, or federal law.
- (l) Any accumulation of stagnant water.
- (m) Any method of human excretion disposal which does not conform to the provisions of local ordinances, or state or federal law.

Section 3. It shall be unlawful for any person, firm, corporation or other entity to cause, permit, maintain, or allow the creation or maintenance of a nuisance, as defined or more specifically described in this Ordinance.

#### Section 4. Provisions for Specific Nuisances

**§4.1 Animals.** No domestic animals shall be permitted to run at large within the City limits. It shall be unlawful for any domestic animal to be running at large on the streets or sidewalks of the City of Sky Valley unless said domestic pet is under the control of a leash, collar, or chain. It shall be the responsibility of the

owner of any domestic animal to provide a proper enclosure or structure secured from the ground to a sufficient height so that the animal cannot escape enclosure. All animal enclosures or yards shall at all times be kept in a clean condition to prevent any condition detrimental to the public health of the City of Sky Valley.

§4.2 Abandoned Vehicles. It shall be unlawful to keep or maintain an abandoned vehicle as defined by this Ordinance and any abandoned vehicle is hereby declared to be a public nuisance and shall be abated as provided in this Ordinance.

§4.3 Trees and Other Vegetation. It shall be unlawful for the owner or occupant of any lot or land lying and abutting on an intersection of two streets or the intersection of a driveway and a street to allow any trees, shrubs, or bushes lying on said lot or land to grow to a height or in a manner which restricts the line of sight, or which threatens safety or restricts passage of motorists or pedestrians within a public right-of-way or sidewalk.

§4.4 Noise. It shall be unlawful for any person to create or assist in creating, permit, or continue any unreasonably loud, disturbing, or unnecessary noise in the City of Sky Valley. Noise of such character, intensity, and duration that is detrimental to the reasonable comfort, health, or life of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises that constitute a public nuisance in violation of this Ordinance and which shall be abated.

- (a) The keeping or maintenance of any domestic animal which, due to prolonged or habitual barking, howling, whining, or other noises, causes annoyance to neighboring residents, or interferes with the reasonable use and enjoyment of the premises occupied by such residents, is hereby declared to be a public nuisance and shall be abated as provided in this Ordinance.
- (b) The sounding of any bell, horn, whistle, mechanical device operated by compressed air, or signal device while not in motion, except as a danger signal, for an unnecessary and unreasonable period of time.
- (c) The use of any siren, other than police, fire, or emergency vehicle.
- (d) The use or operation of any musical instrument, radio, loud speaker, or sound amplifying device so loudly as to disturb persons in the vicinity thereof.
- (e) The erection, excavation, demolition, alteration, or repair of any building or structure in the vicinity of residential dwellings between the hours of 10:00 P.M. and 7:00 A.M., except in the case of urgent necessity in the interest of public safety, and then, only with a permit from the Land Use Officer.
- (f) The creation of excessive noise on any street adjacent to any school, institution of learning, court, or religious congregation while the same are in session, or within 150 feet of a hospital which unreasonably interferes with the working of such institution.



- (g) The shouting or crying of peddlers, vendors, or residents which disturbs the peace and quiet of a residential area.
- (h) The unnecessary creation of loud or excessive noise in connection with unloading or loading vehicles or merchandise.
- (i) The use of any vehicle that is in a state of disrepair as to create loud or unnecessary grinding, rattling, backfiring, or other noise.

Section 5. Whenever a nuisance is found to exist within the jurisdiction of the City of Sky Valley, the Building Inspector shall give written notice to the owner or occupant of the property upon which such a nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance.

Section 6. The notice to abate a nuisance issued under the provisions of this Ordinance shall contain the following:

- (a) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (b) The location of the nuisance, if the nuisance is stationary;
- (c) A description of what constitutes the nuisance;
- (d) A statement of acts necessary to abate the nuisance; and,
- (e) A statement that if the nuisance is not abated as directed, the County will file an action in the Municipal Court of Sky Valley pursuant to O.C.G.A. §41-2-5 to abate the nuisance.

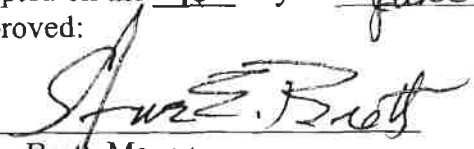
Section 7. The City of Sky Valley shall give written notice to the owner occupant of the property upon which a nuisance exists or upon the person causing or maintaining the nuisance, to abate the nuisance.


Section 8. The City will file an action in the Municipal Court to abate the nuisance as authorized by O.C.G.A. §4-2-5.

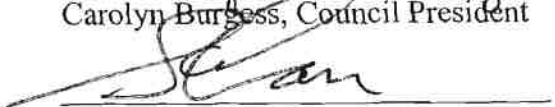
- II. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.
- III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF SKY VALLEY.


Read and introduced on the 16<sup>th</sup> day of June, 2005.  
Adopted on the 16<sup>th</sup> day of June, 2005.


Approved:

  
Steve Brett, Mayor


  
Carolyn Burgess, Council President

  
David Carr, Councilor

  
D. Starr Raye, Councilor

  
Delano Moore, Councilor

Attest:

  
Linda Wells, City Clerk

Read and adopted on the 16<sup>th</sup> day of June, 2005.

## BILLBOARD REGULATIONS PER SKY VALLEY SIGN ORDINANCE

- (c) *Billboard signs.*
- i. Billboard signs shall not exceed 50 square feet of sign area. Billboard signs shall not exceed eight (8) feet in height or eight (8) feet in length.
  - ii. Billboard signs shall only be located on parcels in industrial zoning areas.
  - iii. No billboard sign shall be located within 1,000 feet of another billboard sign.
  - iv. No billboard sign shall be located within 1,000 feet of residential zoned parcels.
  - v. No billboard sign shall be located within 500 feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery; provided, however, that such sign may be located within 500 feet of a public park, public playground, public recreation area, public forest, scenic area, or cemetery when the sign is separated by buildings or other obstructions so that the sign located within the 500 foot zone is not visible from the public park, public playground, public recreation area, public forest, scenic area, or cemetery.



*Helping to build strong, vibrant communities.*

Select Language ▼



## Local Government Authorities

Basic Info

### CONTACT

[DCA.Research@dca.ga.gov](mailto:DCA.Research@dca.ga.gov) (<mailto:DCA.Research@dca.ga.gov>)

Local government authorities are separate entities created for a specific public purpose. Local governments create authorities as a means of providing a wide range of services to their citizens and have used them in increasing numbers to deliver services. The 1992 Census of Governments notes that authorities are by far the most rapidly growing type of government. Realizing the ever-increasing role authorities play in service delivery at the local government level, the General Assembly passed the Local Government Authorities Registration Act O.C.G.A. 36-80-16 during the 1995 legislative session. This act requires local government authorities to register annually with the Department of Community Affairs (DCA) beginning January 1, 1996. The act also specifies that local government authorities may not incur any debt or credit obligations after January 1, 1996, unless they are

registered. Prior to this legislation, there was no official record of how many authorities were operating within the state.

## **Overview Of Registered Local Government Authorities**

As in the rest of the nation, Georgia's local government authorities have been steadily growing since the 1950s. The growth in authorities reflects the increased public demand for specialized services and local government's reliance on alternative methods of service delivery. Authorities are often better suited to deliver these services since they focus on one specific function, allowing a greater degree of concentrated effort in providing services. Financial considerations are also a very large part of the decision to provide services through an authority. As new programs are initiated, or new services required, the establishment of authorities may reduce the financial burden on cities and counties. Constitutional debt limitations are also an important reason for the increase in authorities since they are less restricted in their efforts to raise both capital construction and operating expenditure funds.

## **Method Of Creation**

Under Georgia Statute, local government authorities can be created in three ways: by general enabling act, local laws, and Constitutional Amendments. There are 11 types of authorities that can be created through a general enabling act:

- Development Authority
- Downtown Development Authority
- Hospital Authority
- Housing Authority
- Joint Development Authority
- Recreation Authority
- Regional Jail Authority
- Regional Solid Waste Management Authority
- Residential Care Facilities for the Elderly Authority
- Resource Recovery Development Authority
- Urban Residential Finance Authority (municipalities over 350,000)

Cities or counties are authorized to create authorities through general enabling legislation by passing an ordinance or resolution. The majority of authorities registered with DCA fall within this category.

Other authorities are formed under local law, to create a single, unique local government authority. Some authorities are created through this means even if there is a general

enabling statute available. For example, several development and downtown development authorities were created under local law rather than general enabling statute.

The third possible method of creating a local government authority is through a Constitutional Amendment. These are similar to local laws; however, they must be approved by the voters of the affected jurisdiction and, as such, are included in the Constitution. Authorities can no longer be created by Constitutional Amendment, but there are some existing authorities that were created this way. Most of the constitutionally created authorities are development authorities.

## **Authority Operations**

Authorities can be created to serve a single jurisdiction or may be established to provide services to multiple cities or counties. Most of the authorities registered with DCA were created to serve a single jurisdiction. Some authorities, however, are by their nature set up to serve more than one jurisdiction, such as regional solid waste authorities, regional jail authorities, and joint development authorities. Examples of other authorities that serve multiple jurisdictions include airport, hospital, housing, and development authorities.

Local government authorities may also function as either dependent or independent entities. If an authority's finances are included in a local government's audit or financial statements, or if its operating decisions are made by a local government's executive officer or governing board, it is considered to be dependent. All other authorities are classified as independent. Of those authorities registered with the Department, most indicated they were independent.

As mentioned earlier, local government authorities are established to carry out a specific public purpose. These purposes can include economic development, hospital operations, housing, the operation of a water and sewer system, and others. The largest percentage of authorities registered with DCA are development authorities, including downtown development, industrial development, and joint development authorities. The next most common type of authority is housing, followed by hospital and water and sewer.

DCA provides an annual on-line directory of registered local government authorities. To find out more about this directory or get additional information on the authority registration process, please contact the Office of Research

## **Report of Registered Authority Finances**

State law requires all local authorities that are authorized to issue bonds under the Georgia Constitution and laws of this state O.C.G.A 36-81-8 to submit to the Department of Community Affairs (DCA) an annual report of revenues, expenditures, assets, and debts. This requirement is in addition to the authority registration requirements. From these reports, DCA generates a consolidated, statewide report that is intended to provide useful

comparative financial information to assist local taxpayers and policy-makers in better understanding and evaluating local government service delivery and operations.

Prior to fiscal years ended in 2003, authorities reported to DCA using the Independent Authority Bonded Indebtedness Survey. Beginning with fiscal years ended in 2003, this survey was replaced with the Report of Registered Authority Finance which more adequately describes the financial data required, and more closely identifies which authorities required to submit this report (all authorities meeting the criteria in the first paragraph above, irrespective of whether they are included in the audited financial statements of a local government jurisdiction).

## Documents



Forms (/node/4244/documents/10)



Reports (/node/4244/documents/2086)

### Related Links:

[Authority Annual Registration and Board Member Training](http://www.dca.ga.gov/AuthoritiesRegistration/Index.aspx)  
(<http://www.dca.ga.gov/AuthoritiesRegistration/Index.aspx>)

[Report of Authority Finances](https://www.dca.ga.gov/secured/DCASurveys/RegisteredAuthorities/login.html)

(<https://www.dca.ga.gov/secured/DCASurveys/RegisteredAuthorities/login.html>)

[2018 Directory of Registered Authorities](http://www.dca.ga.gov/development/research/programs/RASearch/RASearch.asp)

(<http://www.dca.ga.gov/development/research/programs/RASearch/RASearch.asp>)

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## **DOWNTOWN DEVELOPMENT AUTHORITY LAW, O.C.G.A. § 36-42-1 THROUGH § 36-42-16**

### **Legislative Purpose, O.C.G.A. § 36-42-2.**

The expressed legislative purpose of the DDA is to revitalize and redevelop central business districts of cities in the state by financing projects to promote trade, commerce, industry, and employment opportunities.

### **Key Definitions, 36-42-3.**

the acquisition, construction, installation, modification, renovation or rehabilitation of land, interests in land, buildings, structures, facilities or other improvements within the downtown development area;

the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture or other property of any nature whatsoever used on, in or in connection with any such land, interest in land, building, structure, facility, or other improvement;

any undertaking authorized as part of a city business improvement district;

any undertaking authorized under the Redevelopment Powers Law when the DDA has been designated as a redevelopment agency;

any undertaking under the Urban Redevelopment Law when the DDA has been designated as an urban redevelopment agency.

*Project:* In the context of activities that DDAs are authorized to engage in, project means:

These activities are within the meaning of the word project if their overarching purpose is the development of trade, commerce, industry, or employment in the downtown development area. A project may be for any industrial, commercial, business, office, parking, public, or other use, provided that a majority of the members of the authority determine by resolution that the project and its use would further the purpose of the law. This expressly includes buildings and structures used as non-profit hospitals, non-profit skilled nursing homes, or non-profit intermediate care homes, along with related equipment.

*Cost of the project:* This term is defined by a long list including almost every cost and fee imaginable arising from the project, from the obvious cost of acquisition to the minute, such as title insurance, surveying fees and loan fees. All of these costs are expressly allowed to be repaid from the proceeds of revenue bonds, notes or other obligations issued by the DDA.

### **Creation of DDA, O.C.G.A. § 36-42-4.**

The General Assembly has created a downtown development authority for each municipality in Georgia, which only need be activated by the governing authority. Each such DDA shall consist of a board of seven directors, one of which may be a member of the city council. The initial terms of the board shall be two years for two members, four years for two members, and six years for three members. Subsequent terms shall be for four year periods, except for the member who is also a member of the local government governing body, whose term expires with his term in office.

### **Geographical Area of Responsibility, O.C.G.A. § 36-42-5.**

The city shall by resolution designate the geographical area in its central business district which shall be known as the downtown development area. The resolution must state that the city has a need for a downtown



development authority. Though it is not expressly required, the better practice is to reference a map, such as a tax map, clearly delineating the bounds of the central business district and the parcels within it.

A copy of the resolution creating the DDA must be filed with the Secretary of State and the Department of Community Affairs. The DCA may, but is not required to, furnish written comments to the authority which are to be informal and not affect any action taken by the DDA or the city government.

#### **Amendments to Authorizing Resolution, O.C.G.A. § 36-42-6.**

After adopting the authorizing resolution, the city council may by resolution adjust the boundaries of the central business district. Such change is effective prospectively only, and shall not affect any project undertaken in the downtown development area before the change. The city council may appoint new members to the DDA when authorized. The city council may disapprove the issuance of revenue bonds or other obligations by the DDA.

#### **Qualification and Reimbursement of Directors, O.C.G.A. § 36-42-7.**

A director must be a tax payer living in the city or the owner or operator of a business within the downtown development area who is also a resident taxpayer of the county within which the city is located.

At least four of the directors shall have an economic interest in the redevelopment and revitalization of the downtown development area. Thus, what some opponents to DDA activities would call a conflict of interest is actually required by the General Assembly.

The directors are required to elect one of their members as chairman and another as vice-chairman. They may select one to be secretary and one to be treasurer, or one to be both secretary and treasurer. The secretary and treasurer need not be a director. The directors are not paid for their services except they may be reimbursed for actual expenses incurred in the performance of their duties.

Each director, except the director who is an elected member of the city council, is required to complete at least eight hours of training on downtown development within the first twelve months of the director's appointment.

#### **Powers of the DDA, O.C.G.A. § 36-42-8.**

- to file suit or defend suits;

- to adopt a corporate seal;

- to enter into contracts and to make other agreements necessary to exercise the power of the authority, including construction contracts, leases, sales contracts, finance agreements, contracts regarding the use of projects, cooperative agreements with urban renewal finance authorities operating in the downtown development area regarding financing activities;

- to acquire by purchase or lease real property and personal property in furtherance of the DDA's purpose;

- to finance, refinance, and manage projects and to pay the cost of any project from the proceeds of revenue bonds or notes;

- to borrow money or to execute revenue bonds or notes and enter into mortgage agreements and security deeds as necessary to provide security for borrowing;

- to issue revenue bonds or notes and use the proceeds for paying the cost of any project authorized under the DDA laws;

- to apply to federal, state, or local governments for loans, grants, or other financial assistance;

to enter into agreements with the federal government to carry out the public purposes of the authority;

to contract for any period, not exceeding 50 years, with the state or any of its institutions or any city or county for use of facilities or services as long as the activities or transactions are in furtherance of an authorized undertaking of the DDA. This allows the DDA to avoid the general constitutional ban on local government contracts binding beyond the term of the existing city council;

to extend credit or make loans to anyone for the cost of any project authorized under the act;

to enter into any lease, trust indenture, trust agreement, or other security agreements as security for repayment of any revenue bonds or notes or other obligations of the authority. Such security agreements may allow the DDA to foreclose or force the sale of property to collect the principal, interest, or to ensure compliance with any condition in the agreement;

to receive and use taxes levied by the city to pay the cost of any project authorized under the act;

to receive and administer gifts and grants of money or property of any kind;

to use, sell, lease, exchange, transfer, dispose or grant options to any land, personal property, or to rent such property which is deemed to be in the best advantage of the authority and the public purpose;

to acquire any interest in real property or personal property by loan agreement, note, or mortgage;

to employ engineers, surveyors, city planners, attorneys, or other professionals needed for meeting the goals and objectives of the authority;

to make long-range plans or proposals for the downtown development area in cooperation with the city;

to adopt bylaws governing the business of the authority;

to exercise any power granted by the State to public or private corporations which is not inconsistent with the public policy of the DDA law;

to do all things necessary to carry out the powers conferred by the DDA law;

to serve as urban redevelopment agency under Chapter 61 of O.C.G.A. Title 36;

to contract with the city to carry out services in the city business improvement district established under Chapter 43 of O.C.G.A. Title 36; and

to serve as redevelopment agency as provided by Chapter 44 of O.C.G.A. Title 36.

The DDA has the power necessary to carry out the purposes and provisions of the DDA act, including the following:

**Eminent Domain Power, O.C.G.A. § 36-42-8.1.**

A DDA has the authority to exercise the power of eminent domain to take real property necessary for purposes authorized under the DDA laws. This is subject to certain procedural limitations contained within the DDA law.

**Revenue Bonds, O.C.G.A. §§ 36-42-9, 10 & 11.**

Revenue bonds, notes or other obligations issued by an authority shall be paid solely from the property (real, personal and revenues) encumbered to secure the bonds or obligations. The DDA board must adopt a resolution authorizing the issuance of the bonds.

The bonds shall be dated, show a maturity date of no more than 40 years from issuance, and bear interest which may be fixed or adjustable. The bonds shall be redeemable, and may be subject to other terms as provided by the authorizing resolution. The terms of the bonds are binding on the directors of the authority and their successors.

The DDA may refund bonds by the issuance of new bonds, at or before maturity. There is no limit upon the amount of bonds that an authority may issue. The DDA's bonds are exempt from all general laws pertaining to maximum interest rates. DDA bonds must be issued in accordance with the Revenue Bond Law. The bonds are validated by a procedure in which a petition and complaint for validation is filed in the superior court of the county and served upon the district attorney. The superior court then conducts a validation hearing, of which the public must be notified. The bonds may be sold at public or private sale.

The DDA may also issue notes in anticipation of bonds. Such notes may be issued for the same purposes as the anticipated bonds. No judicial validation is required for the notes to be issued. The issuance of the notes shall not exceed the par value of the anticipated bonds.

#### **Obligations of authority not public debt, O.C.G.A. § 36-42-12.**

The debts of the DDA are not binding on the municipality, nor may creditors compel the performance of the taxing power to repay the indebtedness.

#### **Tax Exempt Status of DDA, O.C.G.A. § 46-42-13.**

The DDA is exempt from taxes on any property acquired by the authority, but this does not include exemption from sales and use tax on property purchased by the authority or used by the authority.

#### **Creation of Special Districts, O.C.G.A. § 36-42-16.**

Cities may create one or more special districts within the area of operation of the DDA for levying and collecting taxes, fees, or assessments to pay the cost of any project authorized under the DDA law.

### **CITY BUSINESS IMPROVEMENT DISTRICTS, O.C.G.A. § 36-43-1 et seq**

#### **General Purpose.**

This chapter of the Georgia code authorizes municipalities to create city business improvement districts, and then collect extra fees and an increased millage rate in the district to pay for supplemental services intended to restore and promote business activity within the business district.

#### **Key Definitions.**

*District Plan:* A plan adopted by the municipality which includes:

- a map of the CBID,
- a description of the boundaries proposed for creation or extension,
- the present and proposed uses of the properties within the CBID,
- the supplemental services to be provided in the CBID.

- the maximum millage rate to be levied in the CBID,
- the proposed time for implementation of the plan,
- design and rehabilitation standards which may be mandated for buildings within the CBID,
- any rules and regulations applicable to the CBID,

*Supplemental services* means those services provided for the improvement and promotion of the CBID, including, but not limited to, advertising, promotion, sanitation, security, and business recruitment and development.

Municipal Powers in the CBID, O.C.G.A. § 36-43-4.

To adopt a district plan for the provision of supplemental services in the CBID,

To fix and levy an annual millage upon real and personal property within the district, which may be liens upon the properties in the CBID,

To provide supplemental services in the CBID, and to contract with non-profits and DDA for all or part of the supplemental services.

To mandate design and rehabilitation standards for buildings in the CBID subject to historic preservation requirements,

To levy and collect a surcharge on existing business licenses and occupation taxes upon businesses and occupations within the district, which may be liens upon the properties in the CBID.

#### **Procedural Requirements for the Adoption of the District Plan, O.C.G.A. § 36-43-5.**

A central business improvement district may not be created unless it is approved by at least 51% of the taxpayers of the district or by the taxpayers owning at least 51% of the taxable property in the district.

This requires a written petition signed by the taxpayers which must include a proposed district plan and a budget for payment of the services to be provided within the district.

Upon receipt of the petition, the governing authority shall refer it to the appropriate municipal departments for review of its sufficiency, reasonableness of assessments, and financial feasibility. The departments shall submit to the governing authority reports approving, disapproving or giving qualified approval with modifications to the district plan, with reasons. The governing authority shall hold a public hearing upon whether or not the CBID should be created, with notice in a newspaper of general circulation in the community at least ten days prior to the date of hearing. The governing authority may then approve, approve with modifications, or disapprove the plan. Once the plan is adopted, it may be amended, rescinded or revised by ordinance.

Because the CBID involves both taxation and land use regulation, the procedural requirements should be strictly followed to avoid legal challenge.

#### **Earmarking of Funds, O.C.G.A. § 36-43-6 & 7.**

The expense of supplemental services in the CBID may be paid from the increased millage rate, occupation and business license fees charged in the CBID, which shall be collected at the same time and manner, and by the same officers as the general millage and fees. The extra taxes levied under the central business improvement

district plan shall be expended only for the services or other improvements authorized under the district plan, and the extra taxes shall not be used to pay for services provided by the City on a city-wide basis.

### **Design and Rehabilitation Standard, O.C.G.A. § 36-43-9.**

The governing authority may adopt special building standards for buildings in the CBID if it finds that such standards are necessary to prevent or eliminate blight, improve property values, or to foster economic development. Compliance with these standards may be enforced just like any other municipal ordinance, including citation to the municipal court or civil enforcement action.

### **Termination of Plan and Districts, O.C.G.A. § 36-43-9.**

Any special district created under this law shall terminate on a specific date no less than five years nor more than ten years from its creation or renewal by ordinance.

### **REDEVELOPMENT POWERS LAW, O.C.G.A. § 36-44-1 ET SEQ.**

#### **Purpose, O.C.G.A. § 36-44-2.**

The Redevelopment Powers Law allows counties and municipalities to redevelop economically depressed areas, and to fund such redevelopment with bonds secured by the increased ad valorem tax revenues from the redeveloped areas.

#### **Key Definitions, O.C.G.A. § 36-44-3.**

*Redevelopment* means any activity, project or service necessary or incidental to achieving the development or revitalization of a redevelopment area under a redevelopment plan, or the preservation or improvement of historical or natural assets within a redevelopment area, including the following:

-renovate, construct, reconstruct, preserve, restore, expand or demolish:

- 1) buildings for and demolition of buildings for business, commercial, industrial, governmental, educational, charitable or social activity purposes,
- 2) public or private housing,
- 3) public facilities to provide governmental services,
- 4) historic properties,
- 5) green spaces,
- 6) mass transit and pedestrian facilities,
- 7) telecommunication infrastructure;

- improving property values;

- acquisition, retention, use and disposition of real property.

*Redevelopment area* means any one or combination of the following:

-any urbanized or developed area which, for a number of reasons including dilapidated buildings, faulty layout, or unsanitary conditions, sound community growth is impeded or conditions detrimental to public health and welfare exist;

-any area located within an urbanized or developed area which is substantially underutilized because of open lots, buildings more than 40 years old, buildings of low value in comparison to surrounding areas, airport or transportation noise, environmental degradation; or an area in which there is a shortage of affordable housing;

-any geographic area designated in the comprehensive plan for redevelopment which has previously been developed for commercial, residential, industrial or office uses which would benefit from redevelopment;

-any geographic area adversely affected by airport or transportation noise or other environmental degradation that retards the redevelopment of the area;

-any urbanized or developed area, or area between two such areas, that has inadequate transportation facilities;

*Redevelopment costs* means any expenditures made or estimated to be incurred to achieve redevelopment under a redevelopment plan, including:

-capital costs;

- financing costs;
- professional service costs;
- administrative costs;
- relocation costs;
- payments to political subdivision or board of education in lieu of taxes to compensate for loss of tax revenues because of redevelopment activity;
- real property assembly costs.

*Redevelopment plan* means a written plan for the redevelopment of the redevelopment area which:

- specifies the boundaries of the redevelopment area,
- explains the grounds for the local legislative body's finding that the redevelopment area has not been subject to growth and development through private enterprise and is not anticipated to be developed without approval of the redevelopment plan, or that the area includes natural or historic assets which have not been adequately preserved and which will not be preserved without the redevelopment plan,
- explains the proposed uses after redevelopment,
- describes the proposed redevelopment projects under the plan, including their estimated cost and proposed financing,
- describes proposed long-term contracts and agreements,
- describes proposed relocation payments,
- states that it conforms with the local comprehensive plan and land use regulations, and explains exceptions,
- estimates redevelopment costs to be incurred,
- recites the last known assessed value of the redevelopment area and the estimated assessed value after redevelopment,
- shows that historic properties in the area will not be substantially altered in a manner inconsistent with technical standards for rehabilitation, and will not be demolished unless reuse is found to be infeasible,
- provides effective and termination date for the tax allocation district,
- provides a map of the proposed tax allocation district, showing existing uses of property in the district,
- specifies the estimated tax allocation increment base of the tax allocation district,
- specifies property taxes for computing tax allocation increments,
- specifies the amount of the proposed tax allocation bond issue, including the term and assumed rate of interest applicable,
- estimates positive tax allocation increments for the term of the proposed bonds,
- specifies the property proposed to be pledged as security for the bonds, which may include positive tax allocation increments from the tax allocation district, general funds derived from the tax allocation district, and certain other property.

*Tax Allocation District (TAD)* means a contiguous geographic area within a redevelopment area which is created to issue tax allocation bonds to finance redevelopment in the area.

*Tax allocation increment* is a formula expressed as:

$$\frac{1 \text{ year's total tax value of all TAD property} - \text{tax allocation increment base}}{\text{ad valorem taxes in the TAD tax value of all property in the TAD}}$$

Thus, as redevelopment increases the tax value of the property in the TAD, more of the ad valorem taxes collected in the TAD are available for bond financing.

*Tax allocation increment base* means the taxable value of all taxable property located in the TAD on the date of its creation.

### **Redevelopment Agency, O.C.G.A. § 36-44-4, 5 & 6.**

- describe the boundaries of the redevelopment area,
- prepare redevelopment plans,
- create tax allocation districts,
- issue tax allocation bonds,
- deposit and disburse money to and from the special fund of the TAD,
- Enter contracts, leases, mortgages, finance agreements as necessary and convenient to effectuate the redevelopment plan. These documents may include restrictions and covenants that run with the

land and regulate the use of land,

-Acquire, retain, use and dispose of property,

-all powers in the Urban Redevelopment Law.

The adoption of the redevelopment plan, the boundaries of the redevelopment area and the TAD, and the issuance of the tax allocation bonds must still be accomplished by the adoption of a resolution of the local government. DDAs are authorized to exercise eminent domain, in conjunction with the Downtown Development Authority Law.

Several corporate bodies are authorized to serve as the redevelopment agency, including the local government, a newly created public body, a housing authority, a previously created urban redevelopment agency, a joint redevelopment agency created by multiple local governments, and DDAs within their downtown development area.

The local government may designate some or all of its redevelopment powers to the redevelopment agency. These powers, which may only be used to effectuate the redevelopment plan, are:

#### **Procedure for adopting redevelopment plans, O.C.G.A. § 36-44-7.**

Once the plan is prepared, it is submitted to the local government, which must hold a public hearing within 60 days. Notice of the public hearing shall be published in a newspaper of general circulation in the area at least once in a period at least 5 days immediately preceding the date of the public hearing. Within 45 days after the public hearing, the local government shall hold a public meeting to consider approval of the plan, which must be published in the same fashion. The local government must approve, amend and approve, or reject and return the plan to the redevelopment agency. If a plan is resubmitted, the same public hearings must be held. After the plan is adopted, it may be amended subject to the same procedures.

#### **Creation of the TAD, O.C.G.A.36-55-8.**

The redevelopment plan that is approved by the local government must describe the boundaries of the TAD and create the TAD on December 31 following the adoption of the resolution or some subsequent year. The TAD is named Tax Allocation District 1, (name of local government). The plan must specify the estimated tax allocation increment base, the property taxes to be used for computing the tax allocation increments, and the property to be used to secure the payment of tax allocation bonds. Finally, the plan must contain a finding that the redevelopment area has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the redevelopment plan, and that the improvement of the area is likely to enhance the value of a substantial portion of the other real property in the district.

#### **Computation of tax allocation increments, O.C.G.A. § 36-44-9.**

In cities having independent school systems, ad valorem taxes for education purposes are included in computing the tax allocation increments. In cities where a board of education sets the millage rate and the city has no authority to change it, the ad valorem taxes used for educational purposes may only be used for computation of tax increment credits if the board of education consents. County ad valorem property taxes collected in the TAD may be included in the computation if the county consents. A county may pledge all or part of the general funds derived from a municipal TAD as security for tax allocation bonds and for payment of other redevelopment costs of the TAD. Each of these consenting actions requires a resolution from the consenting body.

#### **Determining the tax allocation increment base, O.C.G.A. § 36-44-10.**

Prior to the date of creation of the TAD, the redevelopment agency must apply to the state revenue commissioner for a determination of the tax allocation increment base of the TAD. Such determination must be made within 60 days after the creation of the TAD. If the TAD boundaries are later amended, the base must be redetermined as

of the date of the amendment, in the same manner. The state revenue commissioner will presume that any property within the TAD that is acquired by the local government or any agency thereof within one year prior to the creation of the TAD was done so in contemplation of the creation of the TAD. If that presumption is not rebutted, the property will not be treated as exempt from taxation for the purpose of determining the tax allocation increment base.

#### **Allocation of tax allocation increments, O.C.G.A. § 36-44-11, 20.**

All positive tax allocation increments received for a TAD are paid out to the redevelopment agency each year until all redevelopment costs are paid off. The increments received are put into a special fund. General funds arising from the TAD that have been pledged, and moneys derived from lease or contract payments, should also be deposited into the special fund, but accounted for separately. General funds may only be used to pay bonds if positive tax allocation increments and lease payments are insufficient, and the local legislative body enters a resolution making such finding. After the bonds and redevelopment costs have been repaid, any money left over in the special fund is paid back in a proportionate manner to the various local governments whose ad valorem taxes were affected by the TAD. Once all redevelopment costs have been paid, the local government may dissolve the TAD.

#### **Issuance of Tax Allocation Bonds, O.C.G.A. § 36-44-14.**

Tax allocation bonds may be issued to pay redevelopment costs in conjunction with a TAD created by the local government. The bonds are declared to be essential for governmental purposes, and are therefore tax exempt. Bonds must be authorized by resolution stating the name of the TAD and the aggregate principal of the bonds authorized, which may not exceed the estimated aggregate redevelopment costs of the TAD. The local government may create a lien upon the public improvements financed by the bonds, or the revenues therefrom, for the benefit of bondholders. Tax allocation bonds shall mature within 30 years, and are subject to the Revenue Bond Law, and are judicially validated. The local government may issue notes in anticipation of the tax allocation bonds.

#### **Redevelopment loans, O.C.G.A. § 36-44-16.**

In addition to bonds, a redevelopment agency may borrow funds from financial institutions and pledge lease contracts or revenue from lease contracts as security. The terms of such loans shall be no greater than 25 years.

#### **Limitation on TADs, O.C.G.A. § 36-44-17.**

No local government may create a TAD when the total taxable value within the TAD along with the total taxable value of the other TADs in the local government jurisdiction exceeds 10% of the total current taxable value of all taxable property located within the jurisdiction.

#### **Private contracts, O.C.G.A. § 36-44-19.**

Political subdivisions may enter contracts with private persons and entities related to the exercise of redevelopment powers, provided such contracts are for no more than 30 years.

#### **Conflicts of Interest, O.C.G.A. § 36-44-21.**

Elected and appointed officials, and employees of local governments and redevelopment agencies, may not voluntarily acquire any interest in any property included or planned to be included in a redevelopment area, or in redevelopment contracts. Where such interest is not voluntary, it must be immediately disclosed to the local government and entered upon the minutes. Any such official or employee that acquires an interest in property in the two years prior to the submittal of the redevelopment plan, and retains the interest at the time the plan is submitted, shall disclose the interest at least 30 days prior to the public meeting scheduled for the adoption of the plan, and shall not participate in any action which affects that property.



Thus, no official or employee may acquire property in the redevelopment area while the redevelopment plan is in effect, and if the property was acquired two years before the submittal of the plan, it must be disclosed. This appears to suggest that if the property interest was acquired more than two years before the submittal of the plan, there may not be a disclosure requirement; however, that assumption is inconsistent with the intent of the law, and should not be relied upon.

It should be remembered too that the Downtown Development Authority Law expressly requires 4 out of 7 DDA board members to have an economic interest in the downtown development area. This creates a potential conflict catch-22 about which DDA members must be wary.

### **Local law required, O.C.G.A. § 36-44-22.**

Before redevelopment powers may be exercised under this chapter, a local law must be passed which may authorize some or all of the powers provided. Such local law, and all amendments, shall only become effective if approved in a special election.

### **URBAN REDEVELOPMENT LAW, O.C.G.A. § 36-61-1 et seq.**

#### **General purpose.**

Under this act, a city may declare an area as a slum area and appropriate for an urban redevelopment project.

#### **Key definitions.**

*Slum area* means an area where the predominance of buildings, by reason of dilapidation, deterioration, or obsolescence, is conducive to ill health, disease transmission, infant mortality, juvenile delinquency, crime, or is otherwise harmful to the public health. The definition is generally consistent with the Redevelopment Powers Law's definition of redevelopment area.

*Urban redevelopment area* is a slum area that has been designated as appropriate for an urban redevelopment project.

*Urban redevelopment project* includes undertakings in an urban redevelopment area for the elimination or prevention of slum, including clearing and redevelopment, rehabilitation, or both, in accordance with the urban redevelopment plan.

### **Resolution of necessity, O.C.G.A. § 36-61-5.**

The process must begin with the city or county adopting a resolution finding that:

- One or more slum areas exist in the jurisdiction,
- The rehabilitation of such areas is necessary for public health, safety, morals and welfare.

### **Preparation of plan, O.C.G.A. § 36-61-6 and 7.**

Upon designating a slum area for redevelopment, a city is required to prepare a plan or a program to eliminate and prevent the development or spread of slums or to provide for redevelopment of slum areas. The plan may be prepared by the local government, or by a designated redevelopment agency. Prior to adoption or

amendment of the plan, a public hearing must be held, with prior notification in a newspaper of general circulation.

After the hearing, the local government may approve the plan if it finds:

- a feasible method exists for relocation of displaced families,
- the urban redevelopment plan confirms with the plan for the local government as a whole,
- the plan will afford maximum opportunity for redevelopment by private enterprise.

**General powers, O.C.G.A. § 36-61-8.**

to carry out urban redevelopment projects within the area of operation;  
to make and enter contracts necessary in the exercise of the powers;  
to contract for improvements within the urban redevelopment area;  
to enter into any building within the urban redevelopment area to make surveys, appraisals or other tests;  
to invest urban redevelopment project funds in property or banks;  
to borrow money and obtain other forms of financial assistance from governments or from other sources, public or private, to carry out the purposes of the Urban Redevelopment Law;  
to make plans necessary to carry out the purposes of the Urban Development Law which plans shall include:

- a general plan for the locality;
  - urban redevelopment plans;
  - plans for repair and rehabilitation of buildings and improvements;
  - plans for enforcement of state and local laws and codes; and
  - appraisals, title searches, and other plans to prepare for urban redevelopment projects.
- to prepare plans and provide reasonable assistance for relocation of families displaced from an urban redevelopment area;  
to appropriate funds and make expenditures to carry out the purposes of the chapter; and  
to organize, coordinate, and direct the administration of the provisions of the chapter in order that the objective of remedying slums and preventing the causes may be most effectively promoted and achieved.

The law authorizes cities and counties to exercise the following powers:

**Eminent domain, O.C.G.A. § 36-61-9.**

Local governments may exercise the power of eminent domain in furtherance of the purposes of the redevelopment plan after adoption of a resolution finding that the acquisition of a particular property is necessary. If the property is not to be acquired for the purpose of devoting it to a public use, the owner has the right to notify the local government of his intention and willingness to rehabilitate the property and maintain it in accordance with the redevelopment plan, and enter an enforceable agreement with the local government to ensure performance.

**Disposal of property, O.C.G.A. § 36-61-10.**

A local government may sell, lease or otherwise transfer property in an urban redevelopment area for residential, recreation, commercial, industrial or other uses or for public use, or may retain the property for public use, in accordance with the redevelopment plan. The local government may place restrictions on the property that run

with the land so that it may only be used in conformance with the redevelopment plan after it is transferred. Prior to disposing of property, the local government must comply with competitive bidding procedures, including running a notice in the newspaper each week for two consecutive weeks prior to the execution of any contract to sell, lease or otherwise transfer real property. In contracting to transfer property, the local government may take into consideration the ability of the purchaser to comply with the terms of the redevelopment plan, and may consider factors other than prices.

The local government may exchange real property with veterans' administration organizations if the property to be acquired is to be used for civil improvements.

### **Bonds, O.C.G.A. § 36-61-12.**

A local government may issue bonds to finance an urban redevelopment project. Such bonds are payable solely from income and revenues from the urban redevelopment projects, and from grants or loans from federal or other sources. Such bonds do not constitute an indebtedness within the meaning of the local government debt limitation, and are tax exempt.

### **Powers of the DDA as the Urban Redevelopment Agency.**

- the power to determine an area as a slum area for an urban redevelopment project;
- the power to approve and amend urban redevelopment plans;
- the power to establish a general plan for the locality as a whole;
- the power to formulate a workable program;
- the power to define conditions which render structures unfit for human habitation or to designate the officials to enforce ordinances or to provide for the enforcement of ordinances of the municipality;
- the power to issue general obligation bonds; or
- the power to appropriate funds, to levy taxes, or to close a street.

If the DDA is designated by a city as the urban redevelopment agency, it is authorized to exercise all the rights and powers granted under the Urban Redevelopment Act except the following:

### **Urban redevelopment agency, O.C.G.A. § 36-61-18.**

In the alternative to having a DDA serve as the redevelopment agency, a local government may authorize an urban redevelopment agency under this section of the law.

### **Conflicts of interest, O.C.G.A. § 36-61-19.**

The conflict of interest provision in the Urban Redevelopment Law is very similar to that provision in the Redevelopment Powers Law, discussed above. One difference is that there is no wording discrepancy in regard to the ownership of an interest in the two years prior to the submittal of the urban redevelopment plan. If any official or employee owns, or if he owned in the preceding two years, an interest in any property included in the urban redevelopment project, he must immediately disclose in writing the interest, which shall be entered on the minutes, and he shall not participate in any activity affecting that property. Again, this creates the potential conflict with the Downtown Development Authority Law's requirement that 4 out of 7 board members have an economic interest in the downtown development

## Downtown Start-Up Program



In 2013 the Office of Downtown Development combined the existing Main Street and Better Hometown network to create the Classic Main Street Program eliminating all population and staff thresholds. Communities wishing to become a part of the Georgia Main Street Network can do so by applying to participate in the Georgia Main Street Start-up Program. Communities are selected as part of a competitive application process using indicators such as a downtown's current financial, municipal and community support to determine the city's eligibility and capacity for success. Communities that are accepted in to the Start-up program will work with a fellow group of beginner programs to outline, identify and train their staff, board and community on the necessary steps to achieve National Main Street program accreditation and success within the Main Street Approach.

H.B. No. \_\_\_\_\_

LOCAL ACTS—SKY VALLEY—BUILDING AUTHORITY

AN ACT To create the Sky Valley Building Authority: to authorize such authority to acquire, construct, equip, maintain, and operate or contract for services to provide municipal and civic properties, facilities and structures including but not limited to athletic and recreational centers, facilities, and areas, playgrounds, parks, hiking, camping, and picnicking areas and facilities, swimming and wading pools, lakes, tennis courts, athletic fields and courts, clubhouses, gymnasiums, auditoriums, youth centers, senior citizen centers, stadiums, performing arts centers, cultural centers, related buildings, golf courses, and the usual, convenient and customary facilities appertaining to such undertakings and extensions and improvements of such facilities; to acquire parking facilities and parking areas in connection therewith; to acquire the necessary property therefor, both real and personal, and to lease or sell any or all of such facilities, including real property; to confer powers and to impose duties on the authority, the determination of which shall be in the sole discretion of the mayor and city council; to provide for the membership and for the appointment of members of the authority; to authorize the authority to contract with others pertaining to such recreational facilities, including the authority to contract for services to operate any facility or portion thereof, to execute leases of such facilities, to convey title to real property of the authority in fee simple, and to do all things deemed necessary or convenient for the operation of such undertakings; to authorize the authority and other political subdivisions to enter into contracts pertaining to uses of such facilities for the term thereof and to pledge to that purpose revenues derived from taxation; to provide that no debt of Rabun County or the City of Sky Valley or other political subdivisions, within the meaning of Article IX, Section III, Paragraph I of the Constitution of the State of Georgia, shall be incurred by exercise of the powers granted; to authorize the issuance of revenue bonds or obligations of the authority; to authorize the collection and pledging of the revenues and earnings of the authority for the payment of such bonds or obligations and to secure the payment thereof; to define the rights of the holders of such bonds or obligations; to make the property of the authority exempt from taxation and assessment; to grant the authority and its members certain immunities; to authorize the issuance of refunding bonds or obligations; to fix the venue or jurisdiction of actions; to provide that bonds be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for construction; to provide for personnel; to provide for conveyance of property upon dissolution; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Sky Valley Building Authority Act."

SECTION 2.

(a) There is created a body corporate and politic to be known as the Sky Valley Building Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation. By that name, style, and title, said body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity, except that the authority or the trustee acting under the trust indenture shall in no event be liable for any torts committed by any of the officers, agents, and employees. The authority shall not be a state institution nor a department or agency of the state but shall be an instrumentality of the state, a mere creation of the state, having a distinct

corporate entity and being exempt from the provisions of Article 2 of Chapter 17 of Title 50 of the O.C.G.A., the "Georgia State Financing and Investment Commission Act." The authority shall have its principal office in the City of Sky Valley and its legal situs for the purposes of this Act shall be Rabun County. The authority is granted the same exemptions and exclusions from taxes as are now granted to cities and counties for the operation of facilities similar to facilities to be operated by the authority as provided under the provisions of this Act.

(b) The authority shall consist of not more than five members who shall be property owners or spouses of property owners or person with a beneficial ownership in a corporation or other legal entity that owns real estate in the City of Sky Valley and who shall be appointed by the mayor. An appointment by the mayor must be confirmed by a majority vote of the City of Sky Valley councilmembers or such appointment shall not be effective. The mayor shall initially appoint two members for a term of two years each, two members for a term of four years each and one member for a term of three years. After expiration of the initial terms, the terms of all members shall be four years. If at the end of any term of office of any member, a successor to such member has not been appointed, the member whose term of office has expired shall continue to hold office until a successor is appointed and confirmed.

(c) One member of the council or the mayor of the City of Sky Valley may be appointed to serve as a member of the authority.

(d) Any member of the authority may be selected and appointed to succeed himself or herself for one additional term. Members will be limited to serving two consecutive terms, but may be reappointed by the mayor after a period of at least one year. Immediately after such appointments and confirmations, the members of such authority shall enter upon their duties.

(e) Any vacancy on the authority shall be filled in the same manner as was the original appointment of the member whose termination of membership resulted in such vacancy, and the person so selected and appointed shall serve for the remainder of the unexpired term.

(f) The authority shall elect one of its members as chairperson and one of its members as vice chairperson. The clerk of the City of Sky Valley shall be the secretary and treasurer. Said clerk shall not be a member of the authority.

(g) No less than four members in attendance at a meeting of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority.

(h) The members of the authority shall be reimbursed for all actual expenses incurred in the performance of their official duties out of funds of the authority.

(i) The authority shall make rules and regulations for its own government subject to approval by the City Council. It shall have perpetual existence.

(j) Any member of the authority may be removed from office by the mayor for failure to perform his or her duties as a member of the authority. Any such removal must be confirmed by a majority vote of the city councilmembers, or such removal shall not take effect. Such failure shall include without limitation absence from three consecutive meetings of the authority, unless excused by reasonable grounds as determined by the mayor. Any office so vacated shall be filled within 60 days by appointment as provided in subsection (e) of this section. The new appointee shall serve the remainder of the unexpired term to which he or she is appointed.

### SECTION 3.

(a) As used in this Act, the term:

(1) "Authority" shall mean the Sky Valley Building Authority created in Section 2 of this Act.

(2) "Cost of the project" shall embrace the cost of acquisition and construction: the cost of all lands, properties, rights, easements, and franchises acquired and the cost of all conveyances in fee simple of the authority's title thereto and leases thereof: the cost of all machinery and equipment and financing charges and interest prior to and during construction and for one year after construction: the cost of engineering.

architectural, fiscal, and legal expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses and such other expenses as may be necessary or incident to the financing authorized by this Act; and the cost of the acquisition and construction of any project and the placing of the same in operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such projects.

(3) "Mayor" shall mean the Mayor of the City of Sky Valley.

(4) "Project" shall be deemed to mean and include the acquisition, construction, equipping, maintenance, and operation of municipal and civil properties, facilities and structures including but not limited to athletic and recreation centers, playgrounds, parks, hiking, camping, and picnicking areas and facilities, swimming and wading pools, lakes, tennis courts, athletic fields and courts, clubhouses, gymnasiums, auditoriums, youth centers, senior citizen centers, stadiums, museums, related buildings, golf courses, and the usual, convenient and customary facilities appertaining to such undertakings and extensions and improvements of such facilities; the acquisition of parking facilities or parking areas in connection therewith; the acquisition of the property necessary therefor, both real and personal, and the lease and sale of any part or all of such facilities, including real or personal property, so as to assure the efficient and proper development, maintenance, and operation of such recreational facilities and areas deemed by the authority to be necessary, convenient, or desirable.

(5) "Revenue bonds," "bonds," and "obligations" mean revenue bonds as defined and provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and such type of obligations may be issued by the authority as authorized under the "Revenue Bond Law" and any amendments thereto and, in addition, shall mean obligations of the authority, the issuance of which are specifically provided for in this Act.

(b) Any project shall be deemed "self-liquidating" if, in the judgment of the authority, the revenues and earnings to be derived by the authority therefrom, including the anticipated revenues and earnings from the lease of any project, and all properties used, leased, and sold in connection therewith will be sufficient to pay the cost of acquiring, operating, maintaining, repairing, improving, and extending the project and to pay the principal of and interest on the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects.

#### SECTION 4.

(a) The authority shall have the following powers:

(1) To have a seal and alter the same at its pleasure;

(2) To acquire by purchase, lease, or otherwise and to hold, lease, pledge and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, real property or rights or easements therein or franchises necessary or convenient for its corporate purposes, to use the same so long as its corporate existence shall continue, to lease or make contracts with respect to the use of the same, or to dispose of the same in any manner it deems to the best advantage of the authority. If the authority shall deem it expedient to construct any project on any lands, the title to which shall then be in the State of Georgia, the Governor is authorized to convey for and in behalf of the state title to such lands to the authority upon payment to the State of Georgia for the credit of the general fund of the state of the reasonable value of such lands upon the receipt of such lawful consideration as may be determined by the parties to such conveyance. If the authority shall deem it expedient to acquire and construct any project on any lands, the title to which shall be in the name of the City of Sky Valley, Rabun County or any municipality incorporated in said county, the governing authority or body of said municipalities is authorized to convey title to such lands to the authority upon the receipt of such lawful consideration as may be determined by the parties to such conveyances or upon payment for the credit of the general funds of such county or municipalities of the reasonable value of

such lands, such value to be determined by mutual consent of such county or municipality and the authority or by an appraiser to be agreed upon by the governing authority or body of such county or municipality and the chairperson of the authority;

(4) To appoint, select, and employ officers, agents, and employees, including engineers, architectural and construction experts, fiscal agents, and attorneys, and fix their respective compensation;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for the acquisition and construction of projects and leases of projects or contracts with respect to the use of projects which the authority causes to be erected or acquired, including contracts for acquiring, constructing, renting, selling and leasing of its projects for the use and/or sale of Rabun County or any municipality in Rabun County, and to dispose by conveyance of its title in fee simple of real and personal property of every kind and character; any and all persons, firms, and corporations and the state and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, authorization is specifically granted to municipal corporations and counties and to the authority to enter into contracts and lease and sublease agreements with the State of Georgia or any agencies or departments thereof relative to parks and recreation centers, areas, and facilities and relative to any property which such department or agency of the State of Georgia has now or may hereafter obtain by lease from the United States government or any agency or department thereof, and the authority is specifically authorized to convey title in fee simple to any and all of its lands and any improvements thereon to any persons, firms, corporations, municipalities, or the State of Georgia or the United States government, or any agencies or departments thereof, subject to the rights and interest of the holders of any of the bonds or obligations authorized to be issued pursuant to this Act and by the resolution or trust indenture of the authority authorizing the issuance of any of its bonds or obligations as provided in this Act;

(6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects as defined in this Act, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds or other funds of the authority or from such proceeds or other funds and any grant from the United States of America and any agency or instrumentality thereof;

(7) To accept loans, gifts, and grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality thereof may impose;

(8) To accept loans, gifts, and grants of money, materials, or property of any kind from the State of Georgia or any agency, instrumentality, or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency, instrumentality, or political subdivision thereof may impose;

(9) To borrow money for any of its corporate purposes, to execute evidence of such indebtedness, to secure the same, to issue negotiable revenue bonds payable solely from the funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(10) To exercise any power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of this state;

(11) To borrow money for any of its corporate purposes from any banks or other lending institutions and to execute evidence of such indebtedness and to secure the same by pledging real and personal property of the Authority, assigning all rights to and pledging all funds to be received by the authority from a lease or leases or install sale agreement entered into by the authority as the lessor or seller;

(12) To do all things necessary or convenient to carry out the powers expressly given in this Act: and

(13) To make recommendations to the mayor and City Council of Sky Valley on land acquisitions, facilities, development, and other matters relating to the activities of the Authority.

(b) The authority and the trustee acting under a trust indenture are specifically authorized from time to time to sell, lease, grant, exchange, or otherwise dispose of any surplus property, both real and personal, or interest therein not required in the normal operation of the authority and usable in the furtherance of the purpose for which the authority was created.



#### SECTION 5.

The authority, or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act, shall have power and is authorized at one time or from time to time to provide by resolution for the issuance of negotiable revenue bonds for the purpose of paying all or any part of the cost as defined in this Act of any one or more projects. The principal of and interest on such revenue bonds shall be payable solely from the special fund provided for in this Act for such payment. The bonds of each issue shall be dated and shall bear interest at such rate or rates as determined by the authority, payable on such dates as determined by the authority. The bonds shall be payable in such medium of payment as to both principal and interest as may be determined by the authority and may be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds. Such revenue bonds or obligations shall be issued pursuant to and in conformity with the "Revenue Bond Law," and all procedures pertaining to such issuance and the conditions thereof shall be the same as those contained in the "Revenue Bond Law" and any amendments thereto.

#### SECTION 6.

All revenue bonds issued under the provisions of this Act are declared to be issued for an essential public and governmental purpose, and such bonds and the income thereof shall be exempt from all taxation by the state.

#### SECTION 7.

The authority may sell such revenue bonds in such manner and for such prices as it may determine to be for the best interest of the authority, and the proceeds derived from the sale of such bonds shall be used solely for the purpose provided in the proceedings authorizing the issuance of such bonds.

#### SECTION 8.

Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified or required by the "Revenue Bond Law." Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular, special, or adjourned meeting of the authority by a majority of its members, subject to the provisions of Chapter 14 of Title 50 of the O.C.G.A., governing open and public meetings.

#### SECTION 9.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State of Georgia or of the City of Sky Valley or a pledge of the faith and credit thereof; but such bonds shall be payable solely from the rentals, revenues, earnings, and funds of the authority as provided in the resolution or trust indenture authorizing the issuance and securing the payment of such bonds. The issuance of such revenue bonds shall not directly, indirectly, or contingently obligate the state or any

political subdivision thereof, specifically such city, to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section. However, the City of Sky Valley or any political subdivision of the state contracting with the authority may obligate itself to pay the amounts required under any contract entered into with the authority from funds received from taxes to be levied and collected for that purpose to the extent necessary to pay the obligations contractually incurred under this section and from any other source; and the obligation to make such payments shall constitute a general obligation and a pledge of the full faith and credit of the obligor but shall not constitute a debt of the obligor within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia. When such obligation is made to make such payments from taxes to be levied for that purpose, then the obligation shall be mandatory to levy and collect such taxes from year to year in an amount sufficient to fulfill and fully comply with the terms of such obligation.

#### SECTION 10.

The revenues, rents, and earnings derived from any particular project or projects and any and all revenues, rents, and earnings received by the authority, regardless of whether such revenues, rents, and earnings were produced by a particular project for which bonds have been issued, unless otherwise pledged, may be pledged by the authority to the payment of the principal of and interest on revenue bonds of the authority as may be provided in any resolution authorizing the issuance of such bonds or in any trust indenture pertaining to such bonds. Such funds so pledged from whatever source received, which may include funds received from one or more or all sources, may be set aside at regular intervals into sinking funds for which provision may be made in any such resolution or trust indenture and which may be pledged to and charged with the payment of (1) the interest upon such revenue bonds as such interest shall become due, (2) the principal of the bonds as the same shall mature, (3) the necessary charges of any trustee or agent of paying such principal and interest, and (4) any premium upon bonds retired by call or purchase. The use and disposition of any sinking fund may be subject to such regulation as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture securing the payment of the same.

#### SECTION 11.

The exercise of the powers conferred upon the authority in this Act shall constitute an essential governmental function for a public purpose, and the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of property acquired by it or of buildings erected or acquired by it or any fees, rentals, or other charges for the use of such property or buildings or other income received by the authority. The tax exemption provided in this Act shall include an exemption from sales and use tax on property purchased by or for the use of the authority.

#### SECTION 12.

The authority shall have the same immunity and exemptions from liability for torts and negligence as the State of Georgia and the officers, agents, and employees of the authority, when in performance of work of the authority. shall have the same immunity from liability for torts and negligence as officers, agents, and employees of the State of Georgia. The authority may be sued the same as private corporations on any contractual obligation of the authority.

#### SECTION 13.

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the Superior Court of Rabun County and any action pertaining to the validation of any bonds issued under the provisions of this Act shall likewise be brought in that court which shall have exclusive original jurisdiction of such actions.

#### SECTION 14.

Bonds issued by the authority shall be confirmed and validated in accordance with the procedures of the "Revenue Bond Law." The petition for validation shall also make party defendant to such action the State of Georgia or any municipality, county, authority, political subdivision, or instrumentality of the State of Georgia or the United States government or any department or agency of the United States government, if subject to being sued and if consenting to same, which has contracted with the authority for the services and facilities of the project for which bonds are to be issued and sought to be validated, and the state or such municipality, county, authority, political subdivision, or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts be adjudicated as part of the basis of the security for the payment of any such bonds of the authority. The bonds, when validated, and the judgment of validation shall be final and conclusive with respect to such bonds and the security for the payment thereof and interest thereon and against the authority issuing the same, the state and any municipality, county, authority, political subdivision, or instrumentality, if a party to the validation proceedings, contracting with the authority.

#### SECTION 15.

While any of the bonds issued by the authority remain outstanding, the powers, duties, or existence of the authority or of its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interest and rights of the holders of such bonds, and no other entity, department, agency, or authority will be created which will compete with the authority to such an extent as to affect adversely the interest and rights of the holders of such bonds, nor will the state itself so compete with the authority. The provisions of this Act shall be for the benefit of the authority and the holders of any such bonds and, upon the issuance of bonds under the provisions of this Act, shall constitute a contract with the holders of such bonds.

#### SECTION 16.

All funds received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds or as revenue, rents, fees, charges, or other earnings or as grants, gifts, or other contributions, shall be deemed to be trust funds to be held and applied by the authority solely as provided in this Act, and the bondholders entitled to receive the benefits of such funds shall have a lien on all such funds until the same are applied as provided for in any such resolution or trust indenture of the authority.

#### SECTION 17.

The Sky Valley Building Authority is authorized to appoint, select, and employ officers, agents, and employees and adopt rules and regulations governing their services and fix their respective compensations and terms of employment.

SECTION 18.

This Act and any other law enacted with reference to the Sky Valley Building Authority shall be liberally construed for the accomplishment of the purposes of the authority.

SECTION 19.

Should the authority for any reason be dissolved after full payment of all bonded indebtedness incurred under the provisions of this Act, both as to principal and interest, title to all property of any kind and nature, real and personal, held by the authority at the time of such dissolution shall be conveyed to the City of Sky Valley; or title to any such property may be conveyed prior to such dissolution in accordance with provisions which may be made therefor in any resolution or trust indenture relating to such property, subject to any liens, leases, or other encumbrances outstanding against or in respect to said property at the time of such conveyance.

SECTION 20.

All laws and parts of laws in conflict with this Act are repealed.

Approved \_\_\_\_\_.

ORDINANCE NO. 14-06

**AN ORDINANCE TO PROTECT NATIVE SHRUBBERY, TREES AND PLANTS AND TO REASONABLY PREVENT SURFACE RUNOFF AND SOIL EROSION CAUSED BY CLEAR CUTTING WITHIN THE CORPORATE LIMITS OF THE CITY OF SKY VALLEY AND FOR OTHER PURPOSES**

WHEREAS, the City of Sky Valley recognizes that from time to time property owners want or need to remove or trim trees, shrubbery and undergrowth; and,

WHEREAS, the City of Sky Valley wishes to establish appropriate guidelines so as to protect native shrubbery, trees and plants and reasonably prevent surface runoff and soil erosion caused by clear cutting.

The Council of the City of Sky Valley hereby ordains:

- I. Ordinance No. 12-01 is hereby amended by adding the following sections, which sections shall read as follows:

Section 7A. Clear Cutting

- (1) It shall be the policy of the City of Sky Valley that native shrubbery, trees and undergrowth such as mountain laurel, rhododendron, rare wildflowers, ferns, etc. shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to protect their native species.
- (2) Clear cutting and the removal of native vegetation shall be prohibited, except as follows:
  - a. As necessary for placing public roads, utilities, structures and parking areas.
  - b. As necessary to protect a "Home Ignition Zone." Home Ignition Zones are defined as 60 feet around any habitable structure.
  - c. Underbrushing or selective cutting of a group of small trees or native shrubbery in excess of a 10' x 10' area may be allowed with a permit as long as a sufficient canopy and cover is left as a sizable buffer between the area to be cut and the public right-of-way or adjacent property owner.
- (3) A permit shall be required for any such cutting or clearing. An application for clear cutting consistent with the policy enumerated as Section 7A(1) for clear cutting shall be established by the city manager and all applicable penalties and rights of appeal set forth in ordinance 12-01 shall be applicable to this section.

- II. SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE

ORDINANCE AS A WHOLE OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID. ALL RESOLUTIONS AND ORDINANCES AND PARTS OF RESOLUTIONS AND ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

III. THIS ORDINANCE WILL BECOME EFFECTIVE UPON ADOPTION BY THE CITY COUNCIL AND APPROVED BY THE MAYOR AS PROVIDED BY THE CHARTER OF THE CITY OF SKY VALLEY.

It is so ordained and approved by vote of the City Council of the City of Sky Valley this 16<sup>th</sup> day of December, 2014.



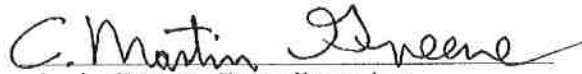
Hughel Goodgame, Mayor




Robert Larsen, Council President



Liz Carr, Councilmember



Martin Greene, Councilmember

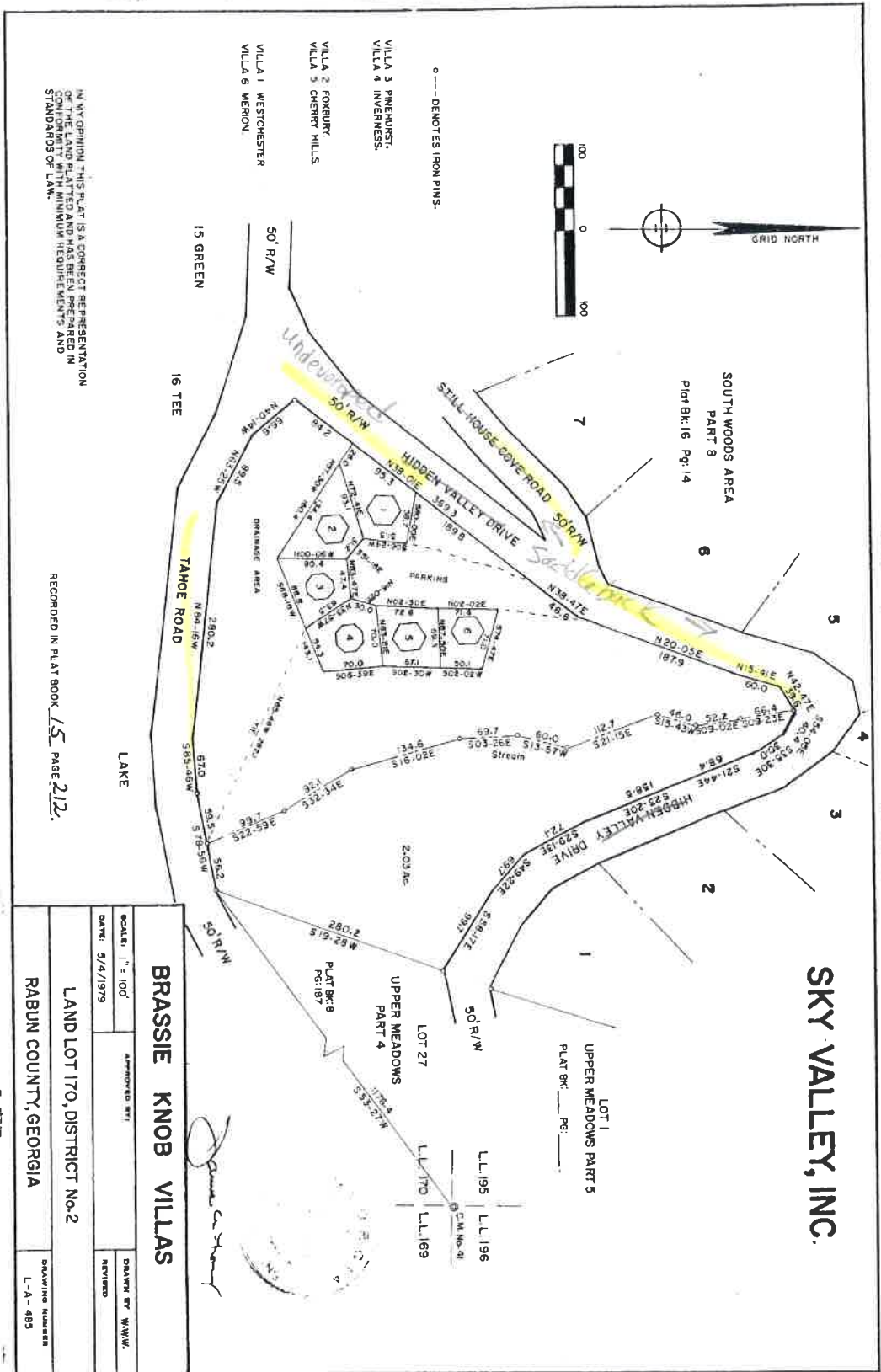


Neil Howard, Councilmember

Attest:



Mandi Cantrell, City Clerk



*Would like the 170 to stay of 1979.*

*W.M.W.*

**ITEMS AVAILABLE TO SOLD**

Portable Water Tank  
 Slide In Dump  
 Jeep Cherokee 1997  
 Ford 3930 Tractor  
 Wacker RD12A Vibratory Roller  
 Small Arm Mower  
 John Deere Backhoe  
 Chevrolet Bucket Truck 1994  
 Box Trailer  
 Leaf Vac

**Total Estimated**

**PRIORITY ITEMS TO BE PURCHASED**

**Est. Value**      **Est. Cost**

2,000      40,000  
 Used Bucket Truck  
 500      59,506  
 Excavator  
 3,000      4,500  
 Low Profile Trailer  
 5,000      15,000  
 RTV with snow plow  
 5,000  
 400  
 25,000  
 10,000  
 500  
 20,000

**Total Estimated**      **119,006**

Kubota KX057-4      Kubota KX057-4 Municipal      Herc Rentals 9000-  
 Lease 600 hrs per year for 2      Lease 600 hrs per year for 2      11999 lbs with less  
 60 MONTHS/0%      10,000 - 11,499 lbs      than 160 hrs/mnth  
 991.77      1,263      2,327      3200

Monthly cost