

**REGULAR COUNCIL MEETING
CITY OF SKY VALLEY, GEORGIA
SEPTEMBER 18, 2012
TUESDAY, 9:30 AM
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

MINUTES

Mayor Martindale called the meeting to order.

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

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

APPROVAL OF MINUTES

Council President Howard made a motion to approve the minutes of the August 21, 2012 Regular Council Meeting, 2nd Councilor Larsen, unanimously approved.

ADOPTION OF AGENDA

Councilor Platt made a motion to adopt the agenda, 2nd Councilor Whatley, unanimously approved.

MAYOR'S REMARKS

Mayor Martindale thanked those in attendance for coming to the meeting even though the weather was bad. He also encouraged everyone to support the golf course.

COUNCIL REMARKS

Councilor Platt commended Officer Edwards for assisting a couple who had lost their camera while visiting the City. There was a letter to the editor in the Tribune thanking him for assistance.

Council President Howard also encouraged support of the golf course and Sky Valley Club adding that the Club is working to rebuild the atmosphere in Sky Valley.

DEPARTMENT REPORTS

- (a) Police Chief's Report – given by Chief Dills
- (b) City Financial Report – given by City Clerk Cantrell
- (c) Tax Commissioner's Report – given by Tax Commissioner Mullins
- (d) Building Inspector's Report – given by City Manager Smith
- (e) City Manager's Report – given by City Manager Smith

These reports are incorporated by reference and attached hereto as Exhibits A – E.

COMMITTEE REPORTS

Planning & Economic Development Committee (PEDC)

Committee Member Ray Becker presented the Committee's report. He said the committee received the sewer research that was done by Merrill Trust. They are currently reviewing the report, and have received two proposals for engineering services on the possible sewer project.

OLD BUSINESS

- Approval of Right-of-Way encroachment permit for permanent structure in cul-de-sac of McClure Lane – requested by Al Lee

Citizen Al Lee said he got quotes ranging from \$2,300 to \$7,500. The \$2,300 quote was from Anthony Thompson. He requested the demolition price for removing and disposing of the current cross ties. Mr. Thompson said he would charge \$10 for gas plus the actual disposal fee. It will probably be spring time before the work will be done. Mr. Lee is requesting the City pay 100-percent of the removal fee plus one-half of the installation. Councilor Larsen made a motion to approve the City pay the removal fee and one-half of the \$2,300, 2nd Councilor Platt, unanimously approved.

NEW BUSINESS

- Approval of Resolution Amending the 2012 Budget

City Manager Smith presented the amendment. The Council has made several budget amendments during the year, and this amendment reflects those changes plus shows additional funding received from the State for road resurfacing. Council President Howard made a motion to approve the 2012 Budget Amendment, 2nd Councilor Boyle, unanimously approved.

- Procedural Requirement for 1021 Saddleback

City Manager Smith explained the situation on a roof installed at 1021 Saddleback that does not meet the City's building code. A variance was requested to allow the installed roof. City Clerk Cantrell attempted to schedule a Planning & Zoning Commission meeting to hear the request and make a recommendation to Council. When she tried to schedule the meeting, the Commission refused to hold a meeting, so she requested Attorney Dickerson's recommendation on how to proceed. Attorney Dickerson said that given the situation, this can be dealt with as a special exception use. It still requires a Public Hearing under the Zoning Procedure Law. The Planning & Zoning Commission would then make their recommendation to the Council. He recommends proceeding with the Public Hearing notices as required by Zoning Procedure Law and to be consistent with the enforcement of the City zoning and building ordinances. Councilor Whatley made a motion to follow the direction of the City Attorney regarding the request, 2nd Councilor Larsen, unanimously approved. Attorney Dickerson said that a notice will be filed with the deed, if the request is granted, stating that an exception was made to approve this request and that the roof installed does not meet the City's building code.

- Discussion of 1174 Saddleback Drainage

Citizen Bill Moore presented the history of his request. Saddleback Circle was paved when he purchased his home. In around year 2000, he paved a section of the right-of-way to allow for a parking area and to assist with water pooling. When the City resurfaced Saddleback Circle this summer, the road surface is higher than the asphalt he had installed. He is requesting the City correct the problem. Mayor Martindale said that the asphalt installed by Mr. Moore has a low spot in it that helps create the puddle. The area Mr. Moore paved is on the City's right-of-way. City Manager Smith said that the City has looked at this. There is a ditch on the opposite side of the road, and the city could install a drain-pipe under the road but would have to cut the new asphalt to install a drain or the City could cut the parking area and install the drain to the right side of the house. Councilor Whatley asked if the City has any responsibility to maintain a private citizen's paved parking area when it is on the right-of-way.

Attorney Dickerson said that the City has no responsibility to maintain the paving. Councilor Boyle made a motion to authorize the City to install a drain through the parking area, 2nd Councilor Platt. City Manager Smith said it would be a six-inch drain. The motion passed unanimously.

PUBLIC FORUM AND GENERAL COMMENTS

Citizen Al Lee said he left off the landscaping portion of his request. He said that including landscaping, the one-half of the cost is \$1,407.50. Councilor Platt made a motion to approve \$1,407.50, 2nd Councilor Boyle, unanimously approved.

City Manager Smith said that she was approached about painting "Y'all Come Back" on the back of the Welcome to Sky Valley sign. The Council does not want to paint anything on the back of the sign. Councilor Whatley thanked Attorney Dickerson for the update on the Gwinnett County Ad-Valorem tax lawsuit and asked Attorney Dickerson to explain how this might apply to Sky Valley and Rabun County. Attorney Dickerson said that when the Cities in Rabun County and Rabun County negotiate the next service delivery strategy, this can be brought up and negotiated. Attorney Dickerson said there does have to be a rational relationship of services for the Counties to charge a higher millage rate.

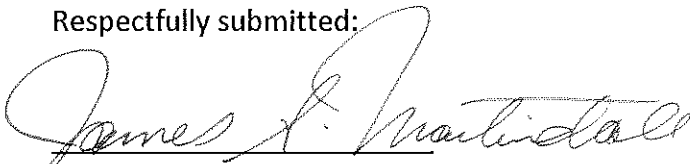
EXECUTIVE SESSION

Councilor Whatley made a motion to go into executive session to discuss personnel employment and real estate, 2nd Councilor Platt, unanimously approved.


Councilor Whatley make a motion to reconvene regular session, 2nd Councilor Platt, unanimously approved.

Councilor Boyle made a motion to adjourn, 2nd Councilor Platt, unanimously approved.

Respectfully submitted:


James Martindale, Mayor

Attested:


Mandi Cantrell, City Clerk