

**REGULAR COUNCIL MEETING  
CITY OF SKY VALLEY, GEORGIA  
AUGUST 19, 2013  
MONDAY, 2:00 PM  
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

**AGENDA**

**CALL TO ORDER**

**INVOCATION/PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

July 15, 2013 Regular Council Meeting

**ADOPTION OF AGENDA**

**MAYOR'S REMARKS**

**COUNCIL REMARKS**

**DEPARTMENT REPORTS**

Police Chief's Report  
City Financial Report  
Tax Commissioner's Report  
Building Inspector's Report  
City Manager's Report

**OLD BUSINESS**

- Memorandum of Agreement – Park and Overlook

**NEW BUSINESS**

- Election Resolution
- Haney tree cutting request
- Advertising
- City Charter/Rules of Procedure Ordinance
- Nuisance Abatement Procedure
- Street Lighting
- Rebel Circle Entrance

**POA REPORT – President Sam LaMonte**

**PUBLIC FORUM AND GENERAL COMMENTS**

**ADJOURNMENT**

**REGULAR COUNCIL MEETING  
CITY OF SKY VALLEY, GEORGIA  
JULY 15, 2013  
MONDAY, 2:00 PM  
FELLOWSHIP HALL, 817 SKY VALLEY WAY**

**MINUTES**

Council President Howard called the meeting to order.

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

Hays Howard gave the invocation. Council President Howard led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

There being no corrections or additions to the minutes of the June 17, 2013 Regular Council Meeting, the minutes stand approved.

**ADOPTION OF AGENDA**

Councilor Whatley asked to add two items to the agenda, update on the lodge and information kiosk. There being no other additions to the agenda, the agenda stands adopted.

**MAYOR'S REMARKS**

**COUNCIL REMARKS**

Council President Howard thanked the police for their response to a call at the Club. He said Officer Baumes was on patrol. He addressed concerns over the response time and explained how the police procedure works. The officers leave flags in the roads from the entrance to the incident location. He said the officer was on site within five minutes and the first responders were there within 12 minutes.

Connie Larsen thanked the police department for their fast response to a call at her house and for their help.

Council President Howard read a letter from Citizen Bill Otis regarding the old lodge. This letter is hereby incorporated by reference and attached hereto.

Council President Howard said that he spoke to Mayor Martindale before he left for his trip regarding an information kiosk at the overlook. He reported that he is gathering information on this and will report back at a future meeting. Mr. Merrill had told Mayor Martindale that he has a price from Tom Adams regarding the demolition of the lodge. Mayor Martindale had not heard back from Mr. Merrill since trying to contact him last week on Wednesday. Council President Howard asked Attorney Dickerson for legal advice on how to proceed with this issue of the demolition of the lodge.

Councilor Carr reported that she attended the annual Georgia Municipal Association convention in Savannah. She attended a class called Taxation 101 and the district caucus luncheon.

Councilor Platt said she has received several phone calls from summer residents with complaints about Windstream, the local phone and internet provider. She said that they feel they are being treated

differently than fulltime residents by the company. Council President Howard said that his internet went out Sunday, and he called them. He said the earliest response time he received was this Friday afternoon. The Windstream representative said that the response calls are computer generated. Councilor Whatley said that TruVista (the local cable company) said they were adding internet service.

Councilor Whatley said that after the last meeting he met with Bill Futral from Macon County regarding the mutual aid agreement with Macon County. Mr. Futral will present the agreement to the Macon County Commission and follow up with the Sheriff. Councilor Whatley said that he will continue to follow up on this.

Councilor Larsen thanked everyone for all the cards and calls with well wishes for his recovery.

## **DEPARTMENT REPORTS**

Police Chief's Report – given by Chief Dills

Chief Dills showed and explained how the police department leads emergency responders to a location in the city. They use bundles of pink ribbons laid in the road. He asked that if anyone sees these in the road, to leave them. The police department will remove them after the call.

City Financial Report – given by City Clerk Cantrell

Tax Commissioner's Report – given by Tax Commissioner Mullins

Building Inspector's Report – given by City Manager Lapeyrouse

City Manager's Report – given by City Manager Lapeyrouse

Councilor Carr thanked the City for putting an extra truck at the dump site for the July 4<sup>th</sup> holiday weekend.

Citizen Ray Becker asked if the water department knew that the Club would loan them a golf cart to access well houses from the golf cart path instead of a truck. City Manager Lapeyrouse said that they were aware of it and are working to reallocate vehicles so that a smaller truck can be used at times. She said that sometimes, such as delivering chemicals, or if a pump has to be pulled that a larger truck has to be used.

## **POA REPORT – President Sam LaMonte**

Mr. LaMonte reported on the 4<sup>th</sup> of July events. With the weather, they had to cancel the fireworks. They would like to have the fireworks over Labor Day weekend, on Sunday, September 1. He said the tentative plan is for a dinner to be provided from the Club, and they will get details out as soon as possible. He said he will work with the City and the Club regarding this event and would like to have some joint advertisements.

The POA's Beautification Committee has come up with a list of priorities. He reported that they are working on a proposal for the entrance and will present it to the City as soon as possible. There are so many signs at the entrance, and they wonder if the event announcement signs can be placed farther back from the road. There are several signs at the intersection of Highway 106 and Old Mud Creek at the Junction store in North Carolina. Discussion followed regarding how and who can help with this.

Mr. LaMonte asked about the waterway and property across from the postal facility. City Manager Lapeyrouse said that the City does have an 80-foot right of way, however we would have to have a survey done to know exactly where the City's right of way ends and Mr. Merrill's property line begins.

Mr. LaMonte asked about the shrubs along the road at Valley View condos. City Manager Lapeyrouse said that their board needed to meet to make a decision as to if they were going to remove the hedges completely or cut them back.

#### **NEW BUSINESS**

- Ratify approval of:
  - Paving contract award to Allied Paving

Councilor Whatley asked if the contract total included funds from the County, and if we are expecting the \$60,000 over what we had budgeted to come from the County. City Manager Lapeyrouse said that the County will give us that amount after the project is completed.

Citizen Pamela Greene on Rebel Circle said that Rebel Circle is in horrible shape, the asphalt is falling away, and it is a bad welcome to the City.

Councilor Whatley made a motion to approve, 2<sup>nd</sup> Councilor Platt, unanimously approved.

- MOU whereby Allied will do repairs to Sugarbush
- City Manager Lapeyrouse presented the agreement. Allied is to provide the labor and the City will pay for the asphalt.

Citizen Pamela Greene on Rebel Circle said there is a house on Rebel Circle with a yellow tape around it. City Manager Lapeyrouse said that she will check on that and report back at the next meeting.

Citizen David Carr said that the water runoff from Bald Mountain and Rebel Circle is what is destroying the road and damaging homes. He said that Rebel Circle is a disgrace. City Manager Lapeyrouse said the roads department is working to address drainage problems. She said that drainage issues were not addressed for a long time, but that they are working to repair the most serious issues now and will address the others during the cold season.

Citizen Pamela Greene said there are also two large dead hemlock trees on Rebel Circle. City Manager Lapeyrouse said that she would look at the trees to determine if they were on the right of way or on personal property.

Councilor Whatley said that with the previous SPLOST funds, the City spent the entire funds received on water system improvements. He said that at the same time, the City came up with a road resurfacing schedule and are now following that schedule.

Councilor Whatley made a motion to approve, 2<sup>nd</sup> Councilor Platt, unanimously approved.

- Structural change to sign on Hwy 106 to remove the roof
- Lease agreement for sign

Councilor Whatley made a motion to approve both, 2<sup>nd</sup> Councilor Platt, unanimously approved.

Citizen David Carr asked if we are violating the sunshine law by doing business by email. Attorney Dickerson said that when the Council votes to ratify they are confirming the sunshine law.

- Approval of Ordinance to allow the sale of alcoholic beverages under limited circumstances

Councilor Whatley made a motion to approve the temporary license ordinances for both catering off-site and for non-profit organizations, 2<sup>nd</sup> Councilor Platt, unanimously approved.

Citizen Helen Kleiber thanked the City for approval.

- Information kiosk at the overlook.

Council President Howard said the expenditure is less than \$500. Councilor Carr asked if the location has been set and who is going to maintain it. Council President Howard said that he would like to approve the funding before he requested plans. Councilor Whatley asked if it is a legal use of city funds for this building on private property. Attorney Dickerson said that it is and that we will need an MOA with the property owner. Councilor Whatley made a motion to approve the expenditure pending plans. After discussion Council President suggested to postpone the item until the next meeting. Councilor Platt made a motion to postpone, 2<sup>nd</sup> Councilor Whatley, unanimously approved. POA President LaMonte said that this will be a great opportunity for the POA, the Club, and the City to work together. Councilor Carr said the Club should be involved with this decision.

Demolition of lodge – Councilor Whatley said that Attorney Dickerson was preparing the City to proceed with the necessary steps to codemn the lodge if Merrill doesn't follow through with demolition.

Bill Otis's letter – City Manager Lapeyrouse said that demolition will include the building and the concrete slab, but does not include the parking lot.

Linda Durrence said that several years ago, she was contacted by people who offered to tear the building down to reclaim the wood. She said she referred those people to Mr. Merrill. Councilor Whatley said that because Mr. Merrill took so much of the interior wood for other projects, he is not sure if there is enough left for people to reclaim.

Citizen David Carr said that he was able to attend the GMA convention with his wife, Councilor Carr, and attended the district caucus lunch with her. He said they spoke with the Mayor of the City of Helen who said they got over two million visitors last year. Councilor Whatley encouraged people to put pressure on the County Commission and the cities of Clayton and Dillard to support the Conventions and Visitors Bureau.

George Shearon asked if the City is making plans to take care of employees with the implementation of "Obamacare". City Manager Lapeyrouse said that we have less than 50 employees so we will not be subject to these changes. Mr. Shearon said that he is concerned with rising costs of health insurance.

Mr. Shearon asked if the City ever gave a list of property owners to the POA. Councilor Platt said that she has a list of every homeowner in the City. She has gone through the list, and they are planning to contact the non-members of the POA to encourage joining.

Mr. Shearon asked why a contractor cannot pull a permit from the City. City Manager Lapeyrouse said that if the contractor is licensed, they can pull the permit. If the homeowner chooses an unlicensed contractor, the homeowner is responsible for the permit. It is always the homeowner's responsibility to make sure they have a permit.

- Lighting Grant – Christine LaMonte  
Postponed until the next meeting.

#### **PUBLIC FORUM AND GENERAL COMMENTS**

Helen Kleiber said that the month of August is full of activities for the Sid Weber Memorial Cancer Fund. She encouraged people to support these activities and said she could be contacted for more information.

Helen Kleiber asked about the return envelope in the water bills, and if there is a way to not have to send the envelope.

Councilor Whatley said that the City's health insurance is through the Georgia Municipal Association and therefore is grandfathered into the plan. He said that there is no way to control the cost increases. Dick Parrott said that at 7:30 this morning there was a momma bear and two cubs trying to get into the dumpster at the tractor shed.

Ray Becker reported on a meeting of the Rabun County Water and Sewer Authority. He said that it will be very difficult to unify.

Bill Otis thanked Council President Howard for reading the letter. He said that he would like to see the parking lot be removed along with the lodge building.

#### **ADJOURNMENT**

Councilor Whatley made a motion to adjourn, 2<sup>nd</sup> Councilor Platt, unanimously approved.



SKY VALLEY POLICE DEPARTMENT MONTHLY STATISTICS

INCIDENT	MONTH	YTD 2013	MONTH	YTD 2012	STAT
Fire	2	2	0	7	
Medical Emergency	5	15	3	19	
Vehicle Accident	2	5	0	6	
Family Violence	0	1	0	0	^
Fight/Assault	0	1	0	0	^
Suicide/Death	2	3	0	0	^
Missing Person	0	1	0	0	^
Burglary	0	0	0	2	
Theft	0	2	0	4	
Suspicious Activity	1	15	4	25	
Suspicious Person	3	7	0	0	^
Suspicious Vehicle	0	13	2	9	^
Alarm	0	3	1	12	
Investigation	1	3	2	5	
DUI/ Public Drunk	0	0	0	0	
Drug Related	0	0	0	0	
Juvenile	0	0	0	3	
Stationary Patrol	0	0	0	0	
Traffic Control	0	0	0	13	
Traffic Stop	1	5	10	32	
Mutual Aid	0	3	2	11	
Animal	5	17	3	15	^
Lost & Found	0	0	0	2	
Complaint	0	3	1	4	
City Ord. Violation	1	6	1	4	^
All Others	2	17	0	0	
Assisting Residents	1	18	4	23	
Escorting Visitors	2	11	5	9	^
Residential Check	00	284	26	153	^
Discovered Unsecure	0	3	0	0	
Welfare Check	0	11	2	7	^
Water/Tree/Infrastructure	8	24	12	45	
Vehicle Assistance	7	19	12	44	
Arrested	0	0	0	0	
Incarcerated	0	0	0	0	
Warning	1	3	0	0	
Citations	1	1	2	2	
Total Calls	43	244	64	302	
911 Calls	09	34	0	0	
Mileage	4015	28,626	3671	27,958	^
<b>July 2013</b>					

**Totals Report For 2009 Taxes  
July 2013  
Tax Commissioner**

	Billed	Collected	Adjustments	Outstanding
2009 Ad Valorem Tax	1,027,030.12	1,023,450.63	2196.72-	1382.77
Interest	9412.11	8,831.33		580.78
Penalty	11,368.38	11,230.10		138.28
Costs	9978.00	9491.00		487.00
<b>Totals</b>	<b>1,057,788.61</b>	<b>1,053,003.06</b>	<b>2196.72-</b>	<b>2588.83</b>

**Collected: 99.87%**

**Totals Report For 2010 Taxes  
July 2013  
Tax Commissioner**

	Billed	Collected	Adjustments	Outstanding
2010 Ad Valorem Tax	948,598.92	946,536.07	680.08-	1,382.77
Interest	5843.58	5414.90		428.68
Penalty	2196.24	2057.96		138.28
Costs	3559.82	3332.82		227.00
<b>Totals</b>	<b>960,198.56</b>	<b>957,341.75</b>	<b>680.08-</b>	<b>2,176.73</b>

**Collected: 99.85%**

**Totals Report For 2011 Taxes  
July 2013  
Tax Commissioner**

	Billed	Collected	Adjustments	Outstanding
2011 Ad Valorem Tax	938,737.03	938,451.19	(285.84)-	0.00
Interest	1627.10	1,625.80	(1.30)-	0.00
Penalty	1,279.53	1,279.53		0.00
Costs	6,188.00	6,188.00		0.00
<b>Totals</b>	<b>947,831.66</b>	<b>947,544.52</b>	<b>(287.14)-</b>	<b>0.00</b>

**Collected: 100.00%**



**Totals Report For 2012 Taxes  
July 2013  
Tax Commissioner**

	Billed	Collected	Adjustments	Outstanding
2012 Ad Valorem Tax	834,170.00	825,365.32	312.29+	9116.97
Interest	1808.29	1192.85		615.44
Penalty	3096.15	2206.40		889.75
Costs	432.00	144.00		288.00
<b>Totals</b>	<b>839,506.44</b>	<b>828,908.57</b>	<b>312.29+</b>	<b>10,910.16</b>

**Collected: 98.91%**

<b>Housing &amp; Development Departmental Data Report</b>	<b>For month ending July 31, 2013</b>		
	<b>Jul-13</b>	<b>YTD</b>	<b>2012 YTD</b>
New Residential & Commercial permits issued	0	0	1
All other addition, remodel and repair permits	10	65	60
Certificates of Occupancy issued	0	0	0
Total New Construction not yet finalized	1		3
Total Other Construction not yet finalized	5		81
Notices to Comply issued	0	3	4
Stop Work Orders issued	0	2	0
Tree Cutting permits issued	11	30	25
Code & Ordinance Violations cited	0	0	2
<b>Fees Collected</b>			
	<b>Jul-13</b>	<b>YTD</b>	<b>2012 YTD</b>
New Residential or Commercial Permits	\$0	\$0	\$0
Other Addition, Remodel, Repair Permits	\$100	\$3,892	\$5,287
Tree Cutting Permits	\$525	\$1,620	\$840
Land Disturbing Permits	\$0	\$200	\$0
Fines Collected for for Ordinance Violations	\$0	\$0	\$10,000



# CITY MANAGER'S REPORT

August, 2013

## *Announcements -*

### **Labor Day Celebration**

The rain cancelled Sky Valley's annual Independence Day Celebration so we are trying again this upcoming Labor Day weekend. The extravaganza kicks off with a Pancake Breakfast on Saturday, August 31<sup>st</sup>. On Sunday, the Sky Valley Country Club will be serving up a BBQ feast starting at 5:30 PM. The dinner will be followed by a fireworks display beginning at dark. BBQ tickets are available at the Pro Shop, City Hall and the Timeshare Office.

### **Rainfall**

Sky Valley has received 70 inches of rain so far this year and the forecast looks like more of the same. The total annual average precipitation for Sky Valley is approximately 72 inches. In July alone, we had a whopping 19 inches of rain.

### **Paving**

Resurfacing will continue on Buttermilk, Sugarbush and Eagle Circle beginning early Monday, August 19<sup>th</sup>, if it dries out enough. Please be patient with paving crews and pay close attention to signs and re-routing instructions. It should take them about three more good weather days to complete the paving.

### **Cruisin' for Coats Car Show and Coat Drive**

The Georgia Mountains Regional Commission and the Georgia Mountains Workforce Development are hosting their 1<sup>st</sup> Annual Cruisin' for Coats car show and coat drive. There are donation boxes in every county in the region so clean out your closets and donate! The donation site for Rabun County is located at the Recreation Department. We will be accepting donations in each county through October. The Car Show will be the wrap-up event. It will be held at the Georgia Racing Hall of Fame in Dawsonville on September 14<sup>th</sup>.

### **Utilities**

TruVista has been working with me to make some progress on their unburied cables and broken boxes. This has been a slow process with the change in ownership of the cable company, but they have assured me that they will improve on the repairs and maintenance of their infrastructure throughout Sky Valley.

## *Housing & Development & Code Enforcement*

### **Public Nuisances**

The City receives complaints from time to time of nuisances on private property. If we find that there is a public nuisance that exists in violation of our ordinances, our Code Enforcement Officer will write the property owner a letter advising them of the nuisance and giving them notice to abate the nuisance. If necessary, the City will file an action in the municipal court to abate the nuisance. Please understand that this process takes time.

### **Permits**

Please be reminded that work done on your home may likely require a permit. When in doubt, please contact the Building Inspector's Office or City Hall. If you are found to be doing work without a permit, your first offense will subject you to a penalty fee equal to double the cost of the permit, a \$50 minimum. The homeowner is ultimately responsible for making sure his/her contractors obtain the necessary permits. Permits are required for, but not limited to, all structural, mechanical, electrical, plumbing, soil & erosion, roofing, decking, stairs, concrete, tree cutting, additions and remodeling. Many repair permits have no cost associated with them but are still required and will still be subject to the penalty fee if they are not properly obtained.

### *Public Works -*

Resurfacing has been completed for Bayberry Lane. Remaining resurfacing will take place next week if the weather will cooperate. Striping for the new asphalt will begin once the asphalt has had time to cure. We will communicate through our phone list when the work is going to begin. Please avoid travelling through the wet paint so that the paint does not get on your car. With sunny conditions, the paint should dry within about 5 minutes. Please be patient.

### **Tree Cutting/Trimming/Topping**

Please don't forget that any tree with a trunk that is 8" or more in diameter or 25" or more in circumference at 18" above the ground requires a permit for cutting, trimming & topping. You are allowed to remove limbs from a tree up to twelve feet above the ground without a permit. If you had to obtain a permit to cut, it would not qualify for city chipping service. Contractors are responsible for the removal of all tree cuttings and debris within fourteen days.

### **Chipping Service**

Homeowner chipping service is done on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month, weather permitting. Please take this schedule into consideration when planning your trimming. The City provides 15 minutes of chipping service to every homeowner each month at no cost. Chipping service is then provided at a rate of \$100/hour for any time exceeding the first 15 minutes. Cuttings must be less than 8" in diameter and must be stacked in one direction on the right-of-way, out of the road and not in an area that will block culverts or otherwise impede storm water drainage.

### **Leaves and Yard Waste Pick-up**

Yard waste is collected separately from household garbage on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. It shall not be placed for pickup prior to 72 hours before the pickup date. Yard waste shall be placed for pickup within 5 feet of the roadway. Un-bagged leaves are collected semi-annually in the fall and spring during designated times. Leaves must be bagged for pick-up at

all other times of the year. Unscheduled special collection arrangements can be made for an additional fee. Please call City Hall for all yard debris pick-up.

### Mulch

Mulch from our chipping service is available for purchase from the City for \$25 per load delivered.

### Water -

All paperwork and testing has been turned over to EPD for the permitting of the Winding Ridge Water System. We received source approval for the two refurbished wells and are currently awaiting approval of our permit.

### Solid Waste -

Garbage service will continue with our Monday and Thursday pick-up service until further notice. Don't forget that garbage should not be placed out for pick-up any earlier than the morning of the service. Animals scatter garbage even when put in the underground cans. Our garbage collectors are not responsible for picking up any garbage that is not properly bagged once they arrive. The dumpster at the tractor barn on Knob Drive can be utilized when you need to take your garbage somewhere prior to a garbage collection day. This is especially important when your garbage contains food items. **NO** garbage other than regular household garbage should be put out by the road or in the dumpster. **Anyone found dumping lumber, carpeting, paint, etc. in the dumpsters will be cited.** These materials must be hauled to the transfer station on Boggs Mountain Road in Tiger. Recyclables and other household garbage can be taken to the recycle center on Kelly's Creek Road. The recycle center is open 7 AM – 7 PM Monday – Saturday and 12 PM – 5 PM on Sunday.

With the nation becoming more environmentally conscious, we need to recognize the importance of recycling. By the end of the 2<sup>nd</sup> quarter last year we had hauled a total of 60.74 tons of garbage to the landfill. This year, we hauled 63.75 tons during the first 2 quarters. This is a 5% increase. It is essential that we encourage ourselves and our neighbors to recycle.

### Reduce... Reuse... Recycle...

**Reduce the amount and toxicity of trash you throw away**

**Reuse containers and products**

**Recycle as much as possible and buy products with recycled content**



GEORGIA, RABUN COUNTY.

This memorandum of agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Sky Valley, hereinafter referred to as "City," and Merrill Trust Communities and Resorts, LLC, hereinafter referred to as "Merrill Trust."

WHEREAS, Merrill Trust Communities and Resorts, LLC owns certain property in the corporate limits of Sky Valley, to include the park across from the Post Office, hereinafter "Park", and the area commonly known as "The Overlook"; and

WHEREAS, the City of Sky Valley wishes to maintain the Park and erect an informational kiosk at The Overlook.

THEREFORE, it is hereby agreed as follows:

1.

Merrill Trust, the owner of the property across from the Post Office and the owner of the property at The Overlook, agrees that the City will have the right to maintain the Park across from the Post Office. Further, the City will have the right to maintain The Overlook, to include tree trimming, general maintenance, and will also have the right to erect and maintain an information kiosk on the property known as The Overlook.

2.

This memorandum of agreement will extend for a period of twenty-four (24) months. There will be an automatic right of renewal provided either party has the right to rescind this memorandum of agreement upon \_\_\_\_\_ (\_\_\_\_\_) days' notice.

3.

The City agrees to indemnify and hold harmless Merrill Trust for any claim asserted or which might be asserted as a result of the utilization by the City of the Park across from the Post Office and the area known as The Overlook.

4.

It is agreed that the City is obtaining no prescriptive rights pursuant to this memorandum of agreement.

5.

This memorandum reflects the complete understanding of the parties with regard to the maintenance of the Park and the maintenance and utilization of The Overlook.

CITY OF SKY VALLEY, GEORGIA

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

MERRILL TRUST COMMUNITIES AND  
RESORTS, LLC

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

RESOLUTION 13-\_\_\_\_\_

**A RESOLUTION TO SET THE DATE AND FOR THE GENERAL ELECTION, SET CANDIDACY QUALIFYING DATES, AND FEES, SET THE LAST DAY TO REGISTER TO VOTE FOR THE 2013 GENERAL ELECTION, TO APPOINT AN ELECTION SUPERINTENDENT, ELECTION MANAGERS, CHIEF MUNICIPAL REGISTRAR, AND ABSENTEE BALLOT CLERK AND TO SET FORTH THE COMPENSATION THEREOF.**

The Council of the City of Sky Valley hereby ordains that the General Election shall be held on November 5, 2013 (21-2-9).

The opening date for announcing candidacy for the General Election is set for August 26, 2013 at 8:30 AM, and the closing date is set for August 30, 2013 at 4:00 PM for any candidate wishing to qualify for the offices of Mayor or City Councilmember. The person receiving the most votes for the office of Mayor will be elected for a two-year term. There being three Councilmembers whose terms expire in 2013, the three candidates receiving the most votes city-wide will be elected for a two-year term.

Any qualified candidate wishing to qualify for any said office should do so within said opening and closing date by signing the Notice of Candidacy at the office of the City Clerk in said city (21-2-132).

The qualifying fee for said offices shall be \$15.00 (21-2-131). A pauper's affidavit may be filed in lieu of paying the qualifying fee.

The last day to register to vote in said election is October 7, 2013 (21-2-244).

The Council of the City of Sky Valley hereby makes the following appointments and sets the compensation for each appointment to be paid from municipal funds:

<u>Appointment</u>	<u>Title</u>	<u>Compensation</u>
Mandi Cantrell	Election Superintendent OCGA 21-2-70.1	Regular pay
Linda Lapeyrouse	Chief Elections Manager OCGA 21-2-90	Regular pay
Alyssa Mullins	Assistant Manager OCGA 21-2-90	Regular pay
TBD after qualifying	Assistant Manager OCGA 21-2-90	\$150.00
Mandi Cantrell	Chief Municipal Registrar OCGA 21-2-212	Regular Pay



Alyssa Mullins

Absentee Ballot Clerk OCGA 21-2-380

Regular pay

The City Council grants the election superintendent the authority to appoint any election managers as may be required according to Section 21-2-90 of the Official Code of Georgia Annotated.

Adopted this \_\_\_\_\_ day of August 2013.

Approved:

\_\_\_\_\_  
Jim Martindale, Mayor

\_\_\_\_\_  
Neil Howard, Council President

\_\_\_\_\_  
Liz Carr, Councilor

\_\_\_\_\_  
Robert Larsen, Councilor

\_\_\_\_\_  
Maureen Platt, Councilor

\_\_\_\_\_  
David Whatley, Councilor

Attested:

\_\_\_\_\_  
Mandi Cantrell, City Clerk

623 Overlook Way #352  
Sky Valley, GA 30537  
August 2, 2013

To: The Sky Valley City Council

Request to remove trees:

There are two large maple trees in the yard next door, the home of Barbara McKinley, who, originally asked for the permit to remove these trees which are in her yard, but are definitely encroaching on our house on Overlook Way, and have become a health problem to me. I have emphysema and the pollen from the trees keeps us from utilizing the golf course side of our house. Trimming the trees is not an option. We cannot open the windows on the side or use the deck and find we cannot be in Sky Valley when the pollen is so high and so close to us.

As you can tell from the enclosed pictures, the roots have become very large and invasive. The largest limbs are splitting very badly due to the rapid growth of the trees and will soon have a tendency to break off from the tree, causing considerable damage to our property.

The limbs are now reaching into our carport and fast approaching reaching into our deck. In fact, the roots are as long underground as the limbs are above ground. Mrs. McKinley sent in a request to have the trees removed and because there are not enough trees in her yard, your city inspector tells me that we need your permission to remove the trees. When you approve this request, we will have two new trees planted in Mrs. McKinley's yard.

This is a very important issue to me and to my health and to our enjoyment of living in Sky Valley. Please grant us the permission we need to remove the trees which are a serious problem to me.

Thank you very much,

Dottie and Don Haney

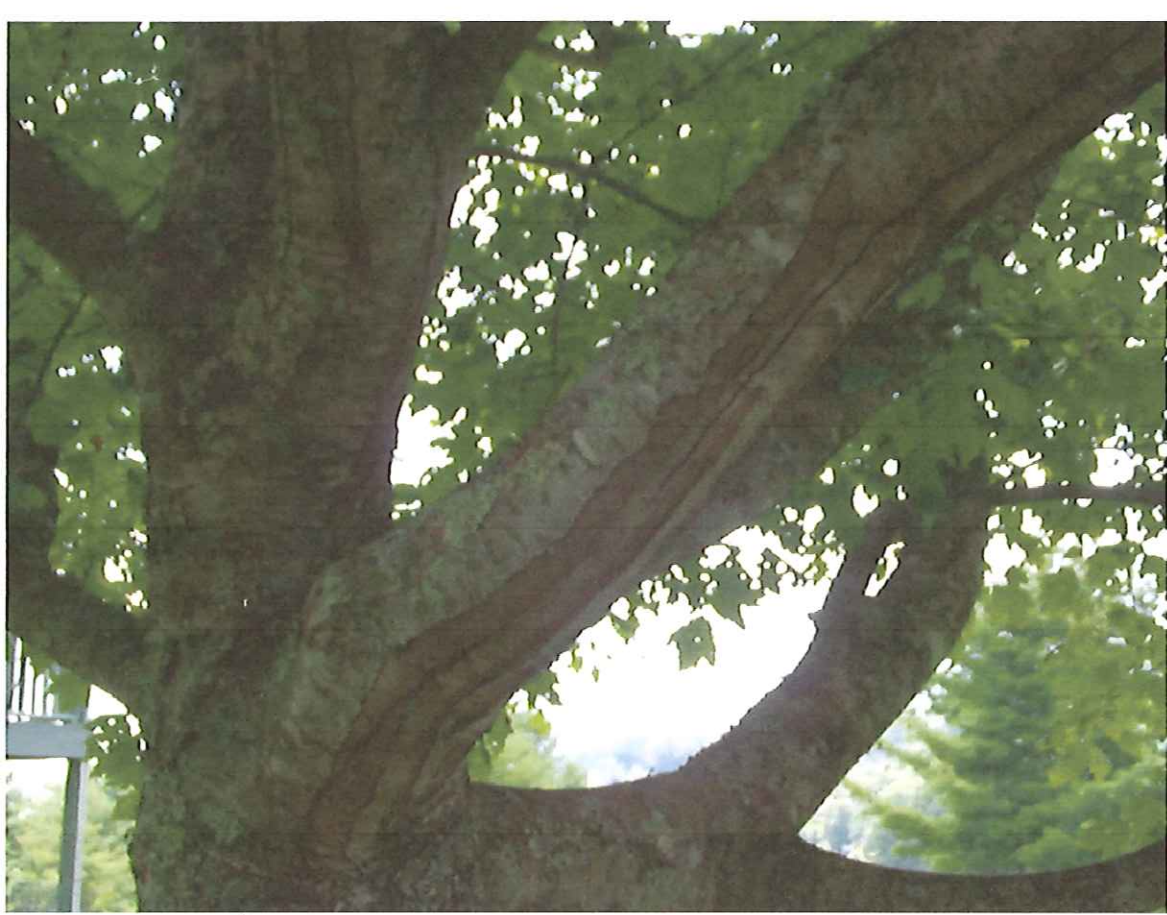
Cc: Barbara McKinley



This marks  
what I can see  
above ground - the roots  
are going towards our  
AC unit







the longest limbs are splitting

end of roots we can see



AC unit

where we see large roots



## LANGUAGE FROM THE CITY CHARTER

### ARTICLE 1 GOVERNMENT STRUCTURE

#### SECTION 2.10 City council: composition; number; election.

The legislative authority of the government of the City of Sky Valley, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. The city council established in this charter shall in all respects be a successor to and continuation of the city governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by this charter.

#### SECTION 2.12 Vacancy; forfeiture of office; filling of vacancies.

(2) In the event that the office of mayor shall become vacant for any cause whatsoever, the president of the city council shall act as mayor until the next general or special election, as provided in this paragraph, with all the powers and duties of the mayor. The president of the council shall temporarily vacate his or her seat on the city council to act as mayor and shall lose all voting privileges while serving as mayor. Upon election of the mayor as provided herein, the council president shall be entitled to return to his or her seat on the city council for the remainder of his or her term, if any, provided that the president of the city council who is serving as mayor does not qualify to run for the unexpired term of the mayor at the next general or special election. When the office of president of the city council becomes vacant because the president of the city council becomes the acting mayor due to a vacancy in the office of mayor, such vacancy in the president of the city council position shall be filled by election by the remaining members of the city council. The term of office for a councilmember so elected shall continue until the next general or special election for the office of mayor.

#### SECTION 2.21 Quorum; voting.

Any four members of the city council shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote, and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of the majority of the quorum shall be required for the adoption of any ordinance, resolution, or motion. In the event any councilmember or the mayor leaves the meeting after the motion is made but before the motion is decided, he or she shall be deemed absent for quorum purposes.

**Ordinance No. 11-01**

**AN ORDINANCE TO REPEAL ORDINANCE 03-01 and 08-01 AND TO REPLACE IT WITH AN  
ORDINANCE TO ESTABLISH RULES OF PROCEDURE, PUBLIC ACCESS,  
AND ORDER OF BUSINESS FOR ALL MEETINGS**

WHEREAS, Section 2.22 of the Charter of the City of Sky Valley provides for the adoption of rules of procedure and order of business; and,

WHEREAS, well-organized meetings allow a City Council to reach decisions in a fair and consistent manner; and,

WHEREAS, efficiency is served when the process of planning for and conducting public meetings is clearly stated and understood by public officials and citizens; and,

WHEREAS, public participation and access to the governmental decision-making process is a key element of our democratic system; and,

NOW, THEREFORE, The City of Sky Valley hereby ordains that all meetings of the City Council of the City of Sky Valley shall be conducted in accordance with the provisions of these rules of procedure and organization ordinance.

Section 1. Open Meetings. Notwithstanding any provisions to the contrary, the requirements set forth in this ordinance are in addition to the provisions of § 50-14-1 et seq. of the Official Code of Georgia Annotated and all meetings of the City Council shall be held in accordance with the requirements of the Open Meetings Act as it existed or as amended.

Section 2. Executive Sessions. Executive sessions of the Mayor and City Council may be held as provided by law.

(a) Non-Exempt Topics. If a Councilor attempts to discuss a non-exempt topic during an executive session, the presiding officer shall immediately rule that Councilor out of order and such discussion shall cease. If the Councilor persists in discussing the non-exempt topic, the chairperson shall adjourn the meeting immediately.

(b) Procedure For Entering Into Executive Sessions. No executive session shall be held except pursuant to a majority affirmative vote of the City Council taken in a

public meeting. The minutes of the public meeting shall reflect the names of the Councilors present, those voting for the executive session, and the specific reasons for the executive session. All votes taken on items discussed in executive session shall be taken in an open meeting.

(c) Executive Session Minutes. The Mayor or designee of the Mayor will provide an outline of the subject matter of the executive session. This outline shall be maintained in a confidential file and shall not be subject to disclosure except as otherwise provided by law.

(d) Executive Session Affidavit. The Mayor or other presiding officer and all Councilors present shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall include the specific exemption to the open meetings law. The affidavit shall be filed with the minutes of the open meeting.

Section 3. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public hearings.

Section 4. Quorum. A quorum must be present for conducting meetings of the Council. A quorum is any four members of the City Council. It is the duty of the Mayor to enforce this rule. Any Councilor may raise a point of order directed to the Mayor if he or she believes that a quorum is not present. If, during the course of a meeting, a Councilor or Councilors leave and a quorum no longer exists, the meeting may not continue. If a quorum is not attained within thirty minutes, the meeting may be rescheduled by the Mayor with the approval of the Councilors present.

Section 5. Mayor. The Mayor of the City Council, as presiding officer, is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Mayor shall enforce the rules of procedure that are adopted by the City Council. The Mayor shall be impartial and conduct the meetings in a fair manner. **The Mayor may not introduce motions, second motions, or vote.**

Section 6. Council President. The Council shall select a Council President from the Council members at the beginning of each calendar year. The Council President shall fulfill the duties of the Mayor if the Mayor is not in attendance.

Section 7. Presiding Officer. If the Mayor and the Council President are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Councilors is present, the remaining Councilors shall select a Councilor to serve as presiding officer of the meeting until either the Mayor or Council President is present at the meeting.

Section 8. Parliamentarian. The city attorney shall serve as the parliamentarian for City Council meetings.

Section 9. Order of Motions; Rules of Order.

(a) When a question, motion or resolution is before the Council, the following chart of precedence of motions and summary of rules governing them:



(b) Except as herein provided, the proceedings of the Council shall be governed by Robert's Rules of Order Revised.

Section 10. Suspending the Rules of Order. Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable, and requires a two-thirds vote of the Council. Rules governing quorums (Section 4), voting methods and requirements (Section 17 and Section 18), the notification to Councilors of meetings (Section 12(a) and (b)) and rules necessary for compliance with state law may not be suspended; provided, however, that, in the event that a state of emergency is declared by the Governor or other authorized state official, the Council may waive time-consuming procedures and formalities imposed by state law.

Section 11. Regular Meetings. Regular meetings of the City Council shall be set at the first meeting of each year. All regular meetings shall be held at City Hall or a location otherwise designated by the City Council. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at City Hall.

Section 12. Meetings Other Than Regular Meetings. The Council may meet at times and locations other than those regularly scheduled meetings.

(a) Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled or moved to a new location within the city by the Mayor for any reason. Other special meetings may be scheduled by the Mayor or at the request of at least three Councilors. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 48 hours, when possible, at City Hall. In addition, written or oral notice shall be given by the Clerk at least 48 hours, when possible, in advance of the meeting to either the legal organ of the city or a newspaper having general circulation at least equal to that of the legal organ, as well as to each member of the city governing authority.

(b) Meetings With Less Than 24 Hours Notice. When emergency circumstances occur, the Council may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the Clerk shall provide notice to the legal organ of the city or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the city governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

(c) Meetings During a State of Emergency. When it is imprudent, inexpedient or impossible to hold Council meetings at the regular meeting place due to emergency or disaster resulting from manmade or natural causes, as declared by the Governor or other authorized state official, the Council may meet anywhere within or outside of the city. Such a meeting may be called by the Mayor or by any three Councilors. At the meeting, the Councilors shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such

meetings shall have the same effect as if performed at the regular meeting site.

Section 13. Order of Business. All regular Council meetings shall substantially follow an established order of business. The order shall be as follows:

- Call to Order
- Invocation/Pledge of Allegiance
- Approval of Minutes
- Approval of Agenda
- Mayor's Remarks
- Council Remarks
- Invited guests
- Department Reports
- Committee Reports
- Old Business
- New Business
- Tabled Items
- Public Form and General Comments
- Adjournment

Section 14. Agenda. The City Clerk, with the advice of the City Manager, Mayor, and Councilors, shall prepare an agenda of subjects to be acted on for each meeting. Agenda items shall be submitted to the City Clerk two weeks prior to the regular Council meeting. The agenda for regular council meetings shall be made available one week prior to the regular Council meeting, and at least one business day before any other scheduled Council meeting

(a) Requests For Agenda Items. Members of the public may request that a particular subject be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the City Clerk and received at least two weeks prior to a regular Council meeting.

(b) Changing The Agenda. The order or addition of any new items to the agenda may be done prior to the adoption of the agenda by a majority vote of the Council. A change in order or additions of any new items may be added to the agenda *during a meeting* by a two-thirds vote of the Council.

(c) Agenda Must Be Made Public. The agenda of all matters to come before the Council shall be made available to the public upon request and shall be posted at City Hall as far in advance as reasonably possible, but not more than two weeks prior to the meeting.

Section 15. Decorum. All Councilors shall conduct themselves in a professional and respectful manner. All remarks shall be directed to the Mayor and not to individual Councilors, staff, or

citizens in attendance. Personal remarks are inappropriate and may be ruled out of order. A Councilor may not speak at a meeting until he or she has been recognized by the Mayor. All comments made by a Councilor shall address the motion that is being discussed. The Mayor shall enforce these rules of decorum. If a Councilor believes that a rule has been broken, he or she may raise a point of order. A second is not required. The Mayor may rule on the question or may allow the Council to debate the issue and decide by majority vote.

Section 16. Voting. Passage of a motion shall require the affirmative vote of a majority of Councilors present and voting at a meeting at which a quorum is present. Unless otherwise specified in these procedures, a majority shall exclude abstentions. When a two-thirds majority is specified, a majority vote shall mean at least two-thirds of the Councilors present excluding abstentions.

Section 17. Silence is Consent. Those Council members who do not vote agree to go along with the decision of the majority by their silence.

Section 18. Abstentions. A Councilor shall vote on all motions unless he or she has a conflict of interest preventing him or her from making a decision in a fair and legal manner. If a conflict of interest does exist, the Councilor shall explain for the record his or her decision to abstain on any vote.

Section 19. Public Participation. Public participation in meetings of the City Council shall be permitted in accordance with the provisions of this section.

(a) Public Comments. All members of the public wishing to address the Council during the period of the meeting designated as "Public Forum and General Comments," or at such other time as a majority of the Council shall allow, or at public hearings on local laws, zoning law and the city budget, or any other time required by state law or City Charter. Speaker must stand, if possible. Speakers are requested to give their name, address and organization, if any. Speakers must be recognized by the presiding officer. Speakers are requested to limit their remarks to five minutes and will be advised by the City Clerk when five minutes have expired. Speakers are requested to conclude their remarks at that time. The "Public Forum/General Comments" period is intended to afford citizens an opportunity to express opinions and to bring important matters to the attention of the Common Council. Although they may, nothing herein shall require the Mayor or the Council to answer questions or engage in debate at any Council meeting. All remarks shall be addressed to the Council as a body and not to any member thereof. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste. Interested parties or their representatives may address the Council by written communications. Written communications shall be delivered to the City Clerk to be distributed to the Mayor and Council.

(b) Public Participation on Agenda Items. The presiding officer shall allow public comment on an agenda item at the time the item is being considered by the Council. These comments shall be limited to the subject that is being debated. Members of the public may speak for five minutes and may speak only once. These limits may be waived

by a majority vote of the Council. Anyone wishing to speak at any Council meeting must be recognized by the Mayor before addressing the Council.

(c) Decorum. Members of the public shall not make inappropriate or offensive comments at a Council meeting and are expected to comply with the rules of decorum that are established for Councilors. Individuals violating any rules of the Council may be ruled out of order by the Mayor or on a point of order made by a Councilor. A majority vote of the Council shall rule on the point out of order. An individual violating the rules of decorum may be removed from the meeting at the direction of the Mayor.

(d) Sergeant at Arms. The Chief of Police, or such member of the Department of Police as the Mayor may designate, shall be Sergeant at Arms at the Council meetings. The Sergeant at Arms shall carry out all orders given by the Mayor for the purpose of maintaining order and decorum at the meetings. On the instruction of the Mayor, the Sergeant at Arms shall remove from the meeting any person who disturbs the proceedings of the Council.

(e) Public Hearings. The Council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Council. Hearings may be held immediately prior to, during or following a meeting of the Council or at such other places and times as the Council may determine. Hearings require at least 10 minutes per side. No official action shall be taken at any such public hearing. Hearings on zoning decisions shall be governed in accordance with the zoning policies and procedures.

Section 20. Meeting Summary. A summary list of the subjects acted upon in a meeting and the names of the Councilors present at a meeting shall be written and made available to the public for inspection within two business days of the adjournment of the meeting.

Section 21. Minutes. The City Clerk shall promptly record the minutes for each Council meeting. The minutes shall specify the names of Councilors present at the meeting, a description of each motion or other proposal made at the meeting, the name of the Councilor who proposed each motion, the name of the Councilor who seconded each motion, and a record of all votes. In the case of a roll call vote, the name of each Councilor voting for or against a proposal shall be recorded. It shall be presumed that a Councilor has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Council.

The official record of the Sky Valley City Council meetings consists of the written meeting minutes approved by a majority vote of the Council. At such time, all other copies of the minutes, including electronic media, will be destroyed. The minutes shall be open for public inspection once approved as official by the Council. A copy of the minutes from the previous meeting shall be distributed to the Councilors at least one business day before the following meeting. The minutes of the previous meeting shall be corrected, if necessary, and approved by the Council at the beginning of each meeting. Conflicts regarding the content of the minutes

shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the Mayor and attested to by the City Clerk.

Section 22. Committees. The Mayor, with the concurrence of the Council, may create committees of members of the Council to study any issue before the Council. Any such committees may make recommendations to the City Council but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to Council members, committees may include other city officials, staff or citizens at large. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places, and periods of time for which the committee may operate shall be determined by the Mayor with the concurrence of the Council. The Mayor shall serve as an ex officio member of all committees. Committee meetings shall be open to the public and shall comply with the requirements of this meeting organization ordinance and state law.

Section 23. All ordinances or portion of ordinances in conflict with the provisions hereof are hereby repealed.

Section 24. This ordinance will become effective upon adoption by City Council and approval 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 15<sup>th</sup> day of February, 2011.

Approved:

\_\_\_\_\_  
James Martindale, Mayor

Attested:

\_\_\_\_\_  
Mandi Cantrell, City Clerk

Under the SV charter section 2.10 defines the legislative authority to include the mayor and five councilmembers. The mayor and five councilmembers comprise the "city council". That is the reason for a four member quorum since you have an even number on the council. Section 2.17 vests the powers of government with the city council.

Mayor as member of the legislative or governing authority has the right to vote. Typically the presiding officer does not vote unless necessary but the Mayor can vote. As an example Mayor plus 3 councilors can constitute a quorum. Obviously if that meeting (with 4) took place it would take 3 voters to pass legislation, ordinance, etc or to act on behalf of SV. Clearly 2 councilors cannot act on behalf of SV. It never occurred to me that there has been any question about what the 2008 charter provides.. As far as I know I have never been asked that question after the 2008 charter was passed.. I do have a vivid recollection of there being discussion that if 2008 charter passed the Mayor would then become a part of the governing authority. I can vividly remember that discussion with Tom Ray in the Time Share meeting room at a session devoted to the new charter. This would have been before the charter was sent to the General Assembly. That would also have been the last in many charter review sessions –most of which I did not attend as they were held at times other than the regular or called meeting. I am absolutely certain that with all of the review of the charter for almost 2 years the language in section 2.10 was perfectly clear and if I had been asked about that language I would have said then exactly what I am saying now. \The fact that the Mayor has veto power does not change the status of the governing authority. The mayor is serving in a legislative role and in an executive role. As you look through most charters of smaller municipalities you will find it is not uncommon for mayors to serve as members of the governing authority and also chief executive officers.

Clearly quorum does not take four councilors but requires 4 members of the governing authority ("city council"), ,,,,,,"the legislative authority ...shall be vested in a city council to be composed of a mayor and five councilmembers." That language seems to me to be very clear. Section 3.11 imposes the additional duties on the Mayor as CEO. If we need to discuss in greater detail let me know. I am unaware of any action taken by the governing authority that is at all inconsistent with the 2008 charter and I have not interpreted that fact that the Mayor has not voted as indicating anything inconsistent with the 2008 charter.

As a side note it is clear that the Mayor per the 2008 charter is a member of the legislative/governing authority when also looking at other provisions of the charter. Eg. Sec 2.21""In the event any councilmember or the mayor leaves...he or she shall be deemed absent FOR QUORUM PURPOSES." I see nothing in the 20008 charter that would even suggest that the Mayor IS NOT a member of "City Council" and the Mayor is thus entitled to vote and also to be counted in establishing a quorum.

Regardless I am delighted to deal with this as SV chooses. IF THE CITY COUNCIL DECIDES THE MAYOR SHOULD CONTINUE SERVING AS A LEGISLATIVE OFFICER IT WOULD BE INCONSISTENT TO PROHIBIT THE MAYOR FROM VOTING –SUCH A PROHIBITION WOULD BE IN DIRECT CONFLICT WITH THE ROLE OF A MEMBER OF THE LEGISLATIVE AUTHORITY. A "legislator" would be ineffective without a vote. If all of this results in a need for a charter change that might be accomplished at this session of the General Assembly provided we can get the Representative and Senator to agree and provided we can meet the time constraints. A change that would change the composition of the legislative authority could not be done by Home Rule.

Mayor as ex officio is only serving as a result of the office. Depending on the appointment the Mayor in most instances as ex officio would not be an appointed member of any committee and unless otherwise

provided in the creation of the board, committee, authority, or other agency would not have a right to vote. Remember a committee, board, etc can be created giving the Mayor as ex officio the right to vote. In most instances I do not recommend that the Mayor as ex officio be given the power to vote since ultimately the Mayor has the right to vote on recommendations from the appointed committees.

Remember not only is the Mayor a member of the City Council, the Mayor is also the CEO of the City. This is referred to as a strong mayor form of government. This is especially true since the Mayor also has a veto power.

Of course there have been a number of new councilors since 2008. The first thing all elected officials are told at the required session sponsored by GMA and the Institute of Government is to read and understand the charter. Since I have never had a question about these provisions I assumed that each councilor had read and understood the charter. Truthfully I cannot remember all of the discussions and comments related to the "new Charter". My only understanding of "intent" is what is reflected in the version approved by the City and sent to the General Assembly.

Looking back at my charter file, it looks like the original draft from 2006 included the mayor as part of the legislative authority and in Section 2.21 gave the mayor the right to vote in the case of a tie. Council at the time voted in March 2007 to not allow the mayor to break a tie and that provision was removed from the draft. The draft was not further amended to remove the mayor from the legislative authority and ultimately left the mayor with the right to vote any time.

As a matter of information a point can also be made that the minutes of the work session to include the removal of breaking a tie language is arguably consistent with the idea that the Mayor's vote was not to be limited to just breaking ties. I know there were other work sessions after March and before submission of the charter to the General Assembly for passage in 2008. The copy of the draft you sent is from the office of Legislative Council (LC 38 0120) and I am certain that there were other work sessions which reviewed in detail the draft charter. It is also clear to me that the "Summary of Charter Changes" clearly delineated that the Mayor was to become a member of the City Council as the legislative/governing authority.

Roberts Rules of Order no 51 provides where the presiding officer is an ex officio member of all committees he is permitted to act but is not required to act and therefore in counting a quorum he should not be counted as a member. \*\*\*\*remember if the appointment designates the presiding officer as a member and not merely as a member as a result of the office then the presiding officer would count for establishing a quorum.. Most often such an appointment is...The Mayor shall serve as a member of the \_\_\_\_\_committee.....

I also remember several public hearings (in the Time Share facility I think – at least for one of the public hearings) when each paragraph of the new charter was discussed. Clearly in the pre 2008 charter the Mayor was not a part of the governing authority. The Mayor is now a part of the governing authority (Sec 2.10) and has been since July 1, 2008. The legislative authority is in the hands of 6 people (Mayor plus Councilors) and two cannot make a decision. Four constitutes a quorum and if only four were present it would take three to decide. Obviously the decision of having the mayor a part of the governing authority was a policy and not a legal decision. For general information most of the municipalities that I know of with a strong mayor (serving as a part time position) include the Mayor in the governing authority. Actually this is also true with most municipalities with a city manager form of government and a weak mayor system.