

Approved by the City Council March 7, 2023

**Regular City Council Meeting**

**February 7, 2023**

**6:30 P.M.**

The Young Harris City Council met Tuesday, February 7, 2023, at 6:30 PM for their Regular Monthly Meeting. Present at the meeting were the Mayor: Andrea Gibby; City Clerk: Nicolette Wade; Finance Office: Ana Hess; City Council Members: Matt Miller, Terry Ingram, Steve Clark, Donald Keys and John Kelley; Main Street/Economic Community Development Director: Rosemary Royston; Public Works Superintendent: Dean Stanley; Economic Development Director: Denise McKay; Gordy Jones and Jim Olson of the Towns County Civic Association; Vice President of Finance and Operations at Young Harris College: Bo Wright; Staff Writer for the Towns County Herald: Brittany Holbrooks. Also in attendance were 33 or more members of North Mount Zion Church of God.

**Call to Order:** Mayor Gibby called the meeting to order at 6:30 PM. She told the Council that the City Attorney, Marvin Harkins, would not be at the meeting but would be available by telephone. She asked the Council to look over the Agenda. She said there would be a Closed Session to discuss real estate and legal.

**Agenda:** John Kelley said he would like to add Bureau Veritas, a company that does inspections, to the Agenda. As a matter of introduction he wanted to give the Council some information about Bureau Veritas. Steve Clark made a motion to approve the Agenda with the addition suggested by John Kelley, seconded by Donald Keys and approved unanimously. A copy of the corrected Agenda is attached and incorporated herein by reference.

**Approval of Minutes of Organizational Meeting January 3, 2023:** Steve Clark made a motion to approve the January 3 Minutes as presented, seconded by John Kelley and approved unanimously. A copy of the Minutes is attached and incorporated herein by reference.

**Appearances:**

**Kyle Deering:** Mayor Gibby introduced Kyle Deering who is our Sales Representative from United Systems which is the system for our entire billing, accounting and meter readings.

Kyle told the Council that the new system is G5 where the old system is G4. United Systems handles cyber security and backup of our entire system. Our current system is backed up at City Hall on a server. The new software called UPM is backed up on the cloud. With the new software United Systems takes care of running our bills and mailing them with a return

envelope. It includes delinquent notices, credit card processing, customer bill pay, auto pay, mobile field service. This will streamline and automate our processes. This also includes website and phone system support.

The meters used are ITRON meters which are used by Hiawassee and Towns County. ITRON was founded in 1977 and is the global leader from an automated reading standpoint. In the late 90's automated meter reading came about where readings would automatically transfer into billing. He showed the council the new transmitter, meter and adapter that would go with the new software. Customers can be notified immediately that they have a leak. The meters have a 20 year meter accuracy rating. The meter readings are backed up simultaneously in three different clouds. A copy of the UPM Proposal is attached and incorporated herein by reference.

Ana presented the Council with a cost comparison between the current costs as opposed to what the cost would be under the new system. A copy of her analysis is attached and incorporated herein by reference. She said the initial costs would be made up in a couple of years and the billing would get out on time and our payments would come back in faster.

Kyle explained the warranty is 10 years full warranty and after that it is pro-rated. The software will tell you when batteries are failing. Regarding the current hardware time Kyle state that if we ordered today we could get 1000 by September. Replacement time is 18 weeks. Cost of the meter is \$130 and the transmitter is \$130 and there is an adapter which is \$24.

Mayor Gibby said that she wants Ana and Dean to compile information as to how many new meters have been installed and get that information back to the Council.

Steve Clark said this is a lot to consume and suggested the Water/Sewer Committee meet to discuss the UPM Proposal. The Council decided to meet February 28, 2023 at 6:00 PM.

**Matthew Allen:** Robert Penland and Jeremy Usher spoke for North Mount Zion Church of God and asked the Council to expedite approval of the LDP Permit, Building Permit, and Special Use Permit. Robert Penland said that Reid Dyer notified him they had to file an LDP and Building Permit with the City of Young Harris which they did on January 30. They were notified on Thursday, February 2, that they needed a Special Use Permit. He has a metal building that will be arriving on site at the end of March. This will present a problem if the building arrives before grading. He asked that they get the LDP first so they can start grading.

Mayor Gibby explained the City has ordinances and processes and churches are permitted. There is a 3000 square feet permissive use to increase the size of the building above that and there has to be a Public Hearing which is a legal process that cannot be circumvented. She said she has the money for the LDP and Building Permit. The LDP has to be approved by the EDP before we can issue a permit which we have not received yet. The Planning Commission has to

review the plans. She said everyone wants to help them but there are legal hurdles that have to be met. Deb Edwards said the Planning Commission will be meeting February 21 at 5:00 PM and will be reviewing all the permit applications. Mayor Gibby said the Public Hearing can be held prior to the March 7 meeting at 6:15. Reid Dyer sent us an email saying he filed the LDP on January 30.

Robert Penland explained they only have to bring down the elevation 3 feet. They had previous Land Disturbing Permits in 2015 and 2018 and they wanted to use the same LDP from those years. The building is around 38,000 square feet.

Mayor Gibby asked Robert Penland if he has ever been in trouble with the EPD. She explained there would be fines if we don't get EPD approval and they cannot use previous permits because this is different. She said it is possible for all 3 permits to be approved at the same meeting on March 7.

Mayor Gibby asked Mr. Penland if he has DOT permission and approval to build a road and a DOT permit in his hand. Mr. Penland said they have a construction entrance only. Reid Dyer is working on the DOT deceleration lane with the DOT. Mayor Gibby asked how he is going to get a 15,000 square foot building into the property. Mr. Penland said through the construction entrance. John Kelley said we need to work together and figure out what we can do.

Steve Clark said we just got the plan seven days ago. He stated that he is a Civil Engineer and made his living doing what is rolled up in the plans. Telling my client that he needed a Special Use Permit is my job and I would have told my clients before the plans were submitted that a Special Use Permit was required. He is trying to figure out how to move this expeditiously. He explained that he keeps coming back to in a perfect world everything falls into place and we all do our jobs and work really hard, but there are a lot of things that have to happen. It has to go to the Planning Commission and we have to get State approval. The DOT cannot deny you access to your property. He envisions being able to approve everything at the March meeting. Reid Dyer is actually a consultant for the City so we have to get someone else to review the plans since he is the person working with the Church on their plans. The Church will also need a tree plan. We just got the plans but we will all work really hard together to try to get the plans approved in March. John Kelley agreed they should have been notified of this by the engineer.

Donald Keys made a motion that they can move enough dirt to unload the building that is coming. John Kelley seconded for purposes of discussion and to ask Steve a question. John Kelley had asked if the area was less than one acre. Steve said that the one acre review removes it back from a State review to a local review but it does not relieve the review process so we are back to the same problem.

Mayor Gibby asked Robert Penland who gave him the advice to go ahead and order the building. He said he made the decision because he had to give them a purchase order. He has had to move delivery back and will have to move it back again. He said they hired a Civil Engineer and followed his direction. He feels like this should have happened well before now and he fills like someone dropped the ball.

Steve Clark said there are only two issues for a Land Disturbing Permit:

1. The State Permit
2. Someone to review the plans since it would be a conflict of interest for Reid Dyer to review the plans since he prepared the plans

He explained if we can figure out a way to say how we are going to get plans reviewed quickly with a condition that you cannot do anything until the State issues a permit then he has no problem with signing on to a permit just to move dirt. The building has to stop until it goes through the process. If Donald will move his motion to the condition of State approval and review of the Land Disturbance Plan Steve said he had no problem with it.

Donald changed his motion to approve the LDP on condition of State Approval and review of construction plans prior to any site grading. John Kelley modified his second to the motion as changed by Donald Keys and it was approved unanimously.

John Kelley told Mr. Penland there will be a cost for the plan review.

Matt Miller made a motion to set a Public Hearing regarding the Special Use Application for Tuesday, March 7, at 6:15 PM, seconded by Terry Ingram and approved unanimously.

Donald Keys said he thinks the church will be a beautiful building and an asset to the City.

Mayor Gibby called for a 5 minute break at 7:45 PM

Mayor Gibby called the meeting back to order at 8:00 PM.

**Financial Report – Ana Hess:** Ana reported a yearly system update of United System's billing and accounting program, Alliance. She was able to get the 1099's reported on time before the January 31<sup>st</sup> deadline. The auditor will be starting the Audit on February 8 with 3 days this week and 3 days the next week. Ana went over some of the features of the Financial Report pointing out analysis reports on pages 26 and 35. Steve Clark made a motion to approve the Financial Report as presented, seconded by Donald Keys and approved unanimously. A copy of the Financial Report is attached and incorporated herein by reference.

**Timberline Booster Pump:** Steve Clark reported receipt of approved plans from the State. He met with Mark Bond. Attorney Harkins has started putting together the bids to be opened on

March 31. Steve explained the building will be bid separately but you cannot pour the slab until a set of pipes have been stubbed in. The pipes are a part of the pump station and water line. There will be a lump sum for pipe work and the pump equipment. He is asking for a unified schedule for the rock. Dean will verify the quantity of the rock. John Kelley made a motion to approve publishing bids for the Timberline Pump Project, seconded by Matt Miller and approved unanimously.

**School Street Rehabilitation:** Steve Clark stated the fact that we have finished refurbishing a couple of sewer lines. Hayes-James did a study about 10 years ago identifying a bunch of stuff that needed to be fixed. Steve had given everyone a chart showing the flow rate in blue at the Wastewater Plant and the rainfall rate in orange. He said every time it rains our sewer system gets full of rainwater. We should not be spending money on electricity and chemicals for something ultimately passing to our sewer to treat that we should not be treating. He said this is a really clear picture that infiltration is affecting our sewer flow. He said this is why we need to continue fixing sewer lines. He is working through a list of improvements needed. The sleeve that has been run through the sewer lines can also be used on manholes. A copy of the chart Steve handed out is attached and incorporated herein by reference.

**Mueller Water Meters:** Dean told the Council that we are getting in warranty meters pretty good. The 85 that Brandon Sprouse from Mueller agreed to have finally come in.

**Building Permit – Patty Flick – 1159 Main Street:** Mayor Gibby had asked John Kelley to get an electrical inspection for electrical upgrades at 1159 Main Street. He contacted a company named Bureau Veritas who did the inspection so the owner, Patty Flick, could proceed with Blue Ridge Mountain EMC connecting to their upgrades. Their inspector came the next morning after John called them. Patty has done additional work and John has personally inspected the property and they have done a great job. Deb Edwards explained the Planning Commission has approved her Building Permit with stipulations. A copy of the Building Permit Application and the Planning Commission recommendations is attached and incorporated herein by reference. John Kelley made a motion to approve the Building Permit, seconded by Terry Ingram and approved unanimously.

**Sign Permit – Eagle Ridge Buildings:** Deb Edwards explained the Georgia Department of Transportation took a corner of the property for the round-about that will be constructed when the bypass is run. He had to move all his buildings back away from that area. The Commission recommended a movable sign. He wanted banners and needed a sign variance to do so but the Council recommended not do the variance so he withdrew the variance. Matt Miller made a motion to approve the Sign Permit, seconded by Donald Keys and approved unanimously. A copy of the Sign Permit Application with Planning Commission recommendations is attached and incorporated herein by reference.

**Business License Renewals:** Included in the Council Packets was a list of Business License Applications that needed Council approval. Those needing approval were:

Eagle Ridge Buildings, LLC

Enota Village Apartments

J. Kevin Tharpe, PC

Sodexo – Chic-Fil-A, Starbucks, Dining Hall – No Longer Managing the Physical Plant

John Kelley made a motion to approve Business Licenses for those businesses listed above, seconded by Terry Ingram and approved unanimously. A copy of the Business License Renewal List is attached and incorporated herein by reference.

**Civility Pledge and Embrace Civility:** Mayor Gibby explained the GMA is rolling out a couple of things this year. In the packet there was a Civility Pledge and Embrace Civility. These are an explanation of the Civility Resolution. These are being promoted all over the State of Georgia.

**Civility Resolution:** Mayor Gibby went over some of the points in the Pledge, Embrace Civility, and the Resolution. John Kelley made a motion to approve the Civility Resolution, seconded by Terry Ingram and approved unanimously. A copy of all three documents is attached and incorporated herein by reference.

**Second Reading of the Ordinance to Provide Employee Health Insurance:** Mayor Gibby explained the First Reading of the Health Insurance Ordinance was conducted at the February meeting. This is so we can have great insurance for our employees and the Ordinance just puts the final pieces in place. Steve Clark made a motion to approve the Employee Health Insurance Ordinance, seconded by Donald Keys and approved unanimously. A copy of the Ordinance is attached and incorporated herein by reference.

**Bureau Veritas - John Kelley:** With Patty Flick's Building Permit application came an opportunity to outsource our building inspections among other services that a company might offer. Hiawassee has been using Bureau Veritas, an international company that has been in business for many years. They were kind and courteous and they knew their business. He quizzed the manager and he said his company would like to come to the city and do a presentation to review the services they offer and after that at a later date come back and present their fees. They want to review our Master Fee Schedule and give the City feedback since some of our fees are too low. They offer plan review, design review, LDP construction review, and soil and erosion review.

Steve Clark made a motion for John Kelley to contact Bureau Veritas and negotiate a paid review of the plans (LDP and Building Permit) for the church, come to the Council Meeting in March, and find out the cost, and the City Clerk will relay that cost to the church. Matt Miller seconded the motion which was approved unanimously.

**Mayor's Report:** Mayor Gibby introduced a new employee, Rosemary Royston, who is our Main Street/Economic Community Development Director. Mayor Gibby is thrilled to have Rosemary as an employee. Rosemary told the Council she has lived in the valley for about 30 years. She raised her children here. She is happy to be not only Mayor Gibby's right hand but also her left hand. Mayor Gibby has permission for Rosemary to attend the Newly Elected Official's Institute so that she can learn about government operations.

**Denise McKay:** Denise is working on the year end update and the plans for next year. Hiawassee already has their plans and she is working with the Commissioner on his plans. It all goes into a consolidated plan. They finished up with the Georgia Collaborative Placemaking Commission and Mayor Gibby picked up an award in Atlanta. There is still a lot of work to do. They received a small grant of \$2000 for a water fountain.

**Council Updates:** John Kelley told the Council that Mike Cable brought up the fact that there is potential danger to young children with a sedimentation pond that did not have a fence on College owned property. John called Bo Wright at the College and he had a fence installed within 3 days so it is a safe sedimentation pond. They are looking at a fence by the ballfields that is going to encroach on traffic and ease of getting in and out of homes. They are working on a mutual resolution. It's an example of cooperation between the City and the College. Bo Wright said they have been looking at it and hopefully will have a resolution soon.

**Mayor's Report:** Mayor Gibby said February 22 and April 16 will be volunteer days and College students will be working with them and Gordy Jones who is coordinating everything with the various groups.

Steve Clark made a motion to go into Closed Session to discuss real estate and legal issues, seconded by Terry Ingram and approved unanimously. While in Closed Session the Council authorized the Mayor to sign an affidavit stating that the only issues discussed were real estate and legal matters. A copy of the affidavit is attached and incorporated herein by reference.

Steve Clark made a motion to adjourn Closed Session and return to open session. In Open Session Mayor Gibby was reminded that letters need to be written to banks currently used by the City to secure better rates.

Donald Keys made a motion to adjourn the meeting, seconded by Terry Ingram and approved unanimously.

Minutes Regular Monthly City Council Meeting – February 7, 2023

Date: \_\_\_\_\_

\_\_\_\_\_  
Andrea C. Gibby, Mayor

Attest: \_\_\_\_\_

Nicolette Wade, City Clerk