

**CITY OF SKY VALLEY  
NOTICE OF PUBLIC HEARING  
BOARD OF ZONING APPEALS  
TUESDAY, APRIL 21, 2026, AT 9:00 A.M.  
3608 HWY 246 (COUNCIL CHAMBERS) & VIA TELECONFERENCE (ZOOM)  
SKY VALLEY, GA 30537**

**AGENDA**

**1. Call to Order**

**NEW BUSINESS**

- 2. Consideration of Geraldine (Jerri) Smith’s Appeal of Administrative Interpretation of March 11, 2026 by the Zoning Administrator that the ordinance is (a) an administrative/personnel action and (b) that the amendment does not constitute a “zoning decision” under Georgia law and thus does not implicate the specific procedural requirements under O.C.G.A. §36-66-4.**

- 3. Public Forum and General Comments.**

**OTHER BUSINESS**

- 4. Adjournment**

**You may join the meeting at the following link:**

**<https://us02web.zoom.us/j/82822161482>**

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to call 706-746-2204 promptly to allow the City to make reasonable accommodations for those persons.

*Karen Fleming*  
Karen Fleming, City Clerk

CERTIFIED COPY

RECEIVED

MAR 17 2026

IN THE BOARD OF ZONING APPEALS  
CITY OF SKY VALLEY  
STATE OF GEORGIA

GERALDINE (JERRI) SMITH],  
Petitioner,

v.

THE CITY OF SKY VALLEY, GEORGIA, and  
JASON STREETMAN, in his official capacity  
as City Manager of Sky Valley,  
Respondent.

26 MAR 17 3:47 PM

NOTICE OF APPEAL: ADMINISTRATIVE INTERPRETATION

**1. Authority for Appeal**

Pursuant to the Sky Valley Zoning Ordinance and the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1 et seq.), I hereby file this formal Notice of Appeal to the City of Sky Valley Board of Zoning Appeals.

**2. Decision Being Appealed**

This appeal challenges the administrative interpretation and determination issued on **March 11, 2026**, by the Zoning Administrator (and/or Mayor/City Council). Specifically, I am appealing the determination that:

- **A.** The amendment to the Sky Valley Zoning Ordinance text regarding board residency requirements is a "clerical" or "personnel" matter; and
- **B.** That said amendment is therefore exempt from the mandatory public notice and hearing requirements established by O.C.G.A. § 36-66-4 and the Sky Valley Zoning Ordinance.

I contend this interpretation was a bad-faith effort to facilitate a predetermined legislative outcome for a specific campaign contributor, as documented in **Exhibits D, E)**

**3. Grounds for Appeal**

**Violation of O.C.G.A. § 36-66-3(4)(B):** The Georgia ZPL defines a "zoning decision" to include the "adoption of an amendment to a zoning ordinance which **changes the text** of the zoning ordinance." The change from resident-only to nonresident/renter eligibility is a substantive change to the regulatory framework.

- **Mandatory Hearing Requirement (O.C.G.A. § 36-66-4):** State law mandates that a local government taking action resulting in a zoning decision **shall provide for a hearing**. The Administrator lacks the authority to waive this statutory requirement.
- **Failure of Due Process Notice:** The City failed to provide the required published notice in a newspaper of general circulation (15–45 days prior). This bypassed the public's right to notice and comment on a fundamental shift in city governance. • **Evidence of**

- **Predetermined and Discriminatory Intent:** Internal communications (**Exhibits D, E**) reveal that the outcome was predetermined. A councilmember explicitly assured the nonresident individual—a known campaign contributor of the Mayor—that the amendment would be an "easy pass" and to "stay tuned... for the vote" (**Exhibit E**).
- **Internal Admission of Improper Purpose:** As documented in **Exhibit D**, a sitting member of the City Council explicitly identified this move as "politically motivated" for the express purpose of seating **Jim Phelps**.
- **Corroborating Evidence from Public Record:** These concerns are verified by the **Official Meeting Minutes (Exhibit F)**, which show a "No" vote was cast specifically due to these political motivations.
- **Ultra Vires Action:** The Administrator's interpretation effectively creates an unauthorized procedure for amending the City Code, bypassing state-mandated safeguards.

#### **4. AUTOMATIC STAY OF PROCEEDINGS (O.C.G.A. § 36-66-5.1)**

Pursuant to O.C.G.A. § 36-66-5.1(d), the filing of this Notice of Appeal **stays all proceedings in furtherance of the action appealed from.**

**NOTICE IS HEREBY GIVEN** that the City is legally required to halt any actions based upon the challenged March 3rd amendment. This specifically includes the proposed appointment of two Councilmember's and one non-resident to the Planning and Zoning Commission scheduled for the **March 17, 2026** meeting. Any such appointments made during the pendency of this appeal will be *ultra vires* and legally void.

#### **5. Request for Relief**

I request that the Board of Zoning Appeals void all Administrative Interpretation Decision's made to amend the Zoning Ordinance (Exhibit B), specifically Paragraph 3 of Exhibit "B" that it was an: "Administrative/Personnel action that does not constitute a "zoning decision" under Georgia law and thus does not implicate the specific procedural requirements under O.C.G.A. § 36-66. I request that any proposed text amendment regarding residency requirements undergo the full public notice and hearing process required by O.C.G.A. § 36-66-4.

#### **6. List of Exhibits**

**Exhibit A: City Manager Interpretation Article XVII**

**Exhibit B: Certified Copy of the Zoning Ordinance Amendment**

**Exhibit C: Existing Sky Valley Zoning Ordinance Residency Rules.**

**Exhibit D: January 15th Email Meeting of Mayor Cotton Orr and Councilmember's.**

**Exhibit E: February 16th Email Meeting of Mayor Cotton Orr, City Manager and City Council regarding Amendment to Zoning Ordinance and Non-resident Phelps.**

**Exhibit F: City Council Meeting Minutes Re" Item 12-Consider Amendment to Sky Valley Zoning Ordinance.**

**7. TRANSMISSION OF THE RECORD**

Pursuant to standard administrative appeal procedures and the Sky Valley Zoning Ordinance, the City Manager and/or City Clerk are hereby requested to **forthwith transmit to the Board of Appeals** all papers, documents, electronic data, and other materials constituting the entire record upon which the challenged actions (and inactions) were taken. This record must include, but is not limited to, the drafted Public Hearing Notice dated [Date] and all formal requests for interpretation submitted by the Appellant.

  
GERALDINE (JERRI) SMITH  
Petitioner

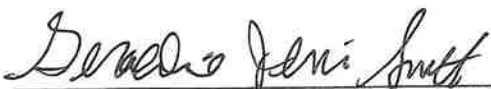
Filed with: Sky Valley, Ga. City Clerk March 17, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, March 17, 2026, served a true and correct copy of the foregoing **NOTICE OF APPEAL: ADMINISTRATIVE INTERPRETATION** upon the following parties as follows:

**PERSONAL HAND DELIVERY**  
**Jason Streetman, City Manager**  
City Hall  
City of Sky Valley  
Sky Valley, GA 30536

**PERSONAL HAND DELIVERY**  
**Karen Fleming, City Clerk**  
City of Sky Valley  
City Hall  
Sky Valley, GA 30537

  
GERALDINE (JERRI) SMITH  
PO BOX 291  
DILLARD, GA. 30537

**EXHIBIT "A"**

**City Manager Interpretation Article XVII**

- (1) Email from City Attorney Kidd with the Public Notice Hearing for the P&Z Hearing Zoning Ordinance Amendment;**
- (2) Formal Request for Administrative Interpretation;**
- (3) Mandatory Interpretation of Article XV Amendment; March 11th Email Response of City Manager, Streetman.**

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**Public Hearing Notice**

1 message

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**Doug Kidd** <douglas.terry.kidd@gmail.com>  
To: Jason Streetman <citymanager@skyvalleyga.com>

Tue, Feb 24, 2026 at 10:24 AM

Jason,

Here is the public hearing notice for the P&Z hearing.

Doug Kidd

--  
Douglas T. Kidd  
Law Office of Douglas T. Kidd, P.C.  
P.O. Box 628  
Lavonia, GA 30553  
(706) 356-1778  
dougaskiddlaw.com

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 **2.24.26 - Public Hearing Notice for Zoning Ordinance for Sky Valley.docx**  
20K

**City of Sky Valley Public Hearing**

The Sky Valley City Council will conduct a public hearing for the purpose of adopting changes to the qualifications for appointments to the Planning and Zoning Commission. The public hearing will be held on \_\_\_\_\_, 2026 at 10 a.m. at the Sky Valley City Council Chambers at 3608 Hwy. 246, Sky Valley, GA 30537.

**CERTIFIED COPY**

Karen Fleming  
Karen Fleming, City Clerk

3/16/2026  
Date

'26 MAR 16 3:14 PM

VIA EMAIL AND HAND DELIVERY

**From : Jerri Smith**  
193 Pleasant Mountain Drive  
Sky Valley, Ga. 30537

**TO: Mr. Jason Streetman**  
City Manager, City of Sky Valley  
3608 Highway 246  
Sky Valley, GA 30537

**RE: Formal Request for Administrative Interpretation of Article XVII  
per Section 18.01 of the Sky Valley Zoning Ordinance**

Dear Mr. Streetman,

I am writing to you in your capacity as the official responsible for the administration and interpretation of the City of Sky Valley Zoning Ordinance, as mandated by **Section 18.01**.

I am formally requesting a written interpretation regarding the procedural requirements for amending the text of the Zoning Ordinance under **Article XVII**. Specifically, I request your interpretation of whether an amendment to the text of the ordinance is classified as an "administrative personnel decision" or a "legislative zoning decision." My request is based on the following provisions:

1. **Local Procedure (Section 1702):** The Sky Valley Ordinance states that procedures for any zoning decision "will be governed by The Zoning Procedures Law of the State of Georgia (ZPL)".
2. **State Definition (O.C.G.A. § 36-66-3):** The ZPL defines a "zoning decision" as a **final legislative action** resulting in the "adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance."
3. **Conflict Resolution (Section 1901):** Section 1901 of our ordinance dictates that where state statutes require more restrictive standards, those state provisions shall govern.

Could you please clarify for the record if you consider a text amendment to be exempt from the public notice and hearing requirements of the ZPL? If you maintain that such an amendment is an administrative decision, please provide the specific legal basis for that interpretation, given the definitions found in O.C.G.A. § 36-66-3.

I look forward to your formal response within a reasonable time frame so that I may understand your position and determine a course of action.

Sincerely,

*Jerri Smith*  
Jerri Smith  
PO Box 291  
Dillard, Ga. 30537

*Karen Fleming*  
Karen Fleming, City Clerk  
3/05/2026  
Date

Received  
3/05/2026  
1/5f

VIA HAND DELIVERY AND EMAIL

**TO: City Manager, Jason Streetman**

**DATE: March 10, 2026**

**RE: Mandatory Interpretation of Article XV Amendment; Deadline for Response**

Dear City Manager,

On March 5, 2026, I formally requested an administrative interpretation regarding the applicability of the Georgia Zoning Procedures Law (ZPL) to the text amendment of Article XV passed on March 3rd. To date, I have received no response.

**Time is of the Essence**

Formal "Zoning Verification" or "Administrative Interpretations" generally requires 5 to 7 business days response. Your continued silence is effectively a "pocket veto" of my right to due process and an Abuse of Discretion through Delay. In *R.W. Holdco, Inc. v. City of Sandy Springs* (2010), Georgia courts reinforced that administrative officials cannot use "unfettered discretion" or indefinite delays to block a citizen's right to a zoning decision. Under the "Reasonable Time" standard established in *City of Tifton v. Smith*, a response is required immediately

I must have your formal, written interpretation **no later than 12:00 Noon on Friday, March 13, 2026.**

As a courtesy and to facilitate an expedited response, I have attached a Letter of **Administrative Interpretation** form. This document allows you to simply indicate the City's position and provide the necessary legal basis for your determination.

**Notice of Implied Denial**

Failure to provide a written response by this deadline will be treated as a **de facto denial** of my request. I will proceed with a formal **Notice of Failure to Act and Administrative Review** if I do not receive your written interpretation by that time.

I strongly urge you to provide this interpretation to prevent the City from knowingly violating ZPL the Sky Valley Zoning Ordinance and State and Local Ethics Codes,

Sincerely,



JERRI SMITH

193 Pleasant Mountain Drive  
Sky Valley, Ga. 30537  
678-314-2109

CERTIFIED COPY

RECEIVED

MAR 10 2026



Karen Fleming, City Clerk

3/10/2026

Date

## LETTER OF ADMINISTRATIVE INTERPRETATION

**Subject:** Applicability of Georgia Zoning Procedures Law (O.C.G.A. § 36-66) to Article XV Text Amendment.

**YES.** The City of Sky Valley acknowledges that the text amendment to **Article XV** constitutes a "zoning decision" as defined by **O.C.G.A. § 36-66-3(4)**. Consequently, the City confirms that all notice and hearing requirements of the **Georgia Zoning Procedures Law (ZPL)** were, or will be, strictly followed.

**NO.** The City of Sky Valley interprets the amendment to **Article XV** as an administrative or regulatory action that does *not* fall under the definition of a "zoning decision" per the ZPL.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_  
*City Manager, Sky Valley, GA*

**Re: Formal Request for Administrative Interpretation of Article XVII per Section 16.01 of the Sky Valley Zoning Ordinance.**

smithjerri@att.../Inbox



**Jason Streetman** <citymanager@skyvalleyga.com>  
To: Jerri Smith <smithjerri@att.net>, Doug Kidd <douglas.terry.kidd@gmail.com>  
Cc: Karen Fleming <cityclerk@skyvalleyga.com>

Mar 11 at 9:18 AM

Ms. Smith

Good morning

I have forwarded your request to our city attorney and it is my understanding he will be reaching out to you shortly.

Thank you

Jason Streetman

**Jason Streetman, AICP, MPA**  
**City Manager**  
**City of Sky Valley Georgia**  
**3608 Highway 246**  
**Sky Valley, GA 30537**  
**706-746-2204**

E-mail: [citymanager@skyvalleyga.com](mailto:citymanager@skyvalleyga.com)

City Website: <https://skyvalleyga.com/>

On Tue, Mar 10, 2026 at 5:44 PM Jerri Smith <[smithjerri@att.net](mailto:smithjerri@att.net)> wrote:

Dear Mr. Streetman,

Attached is your courtesy copy of my follow up to my March 5th Formal Request for Administrative Interpretation of Article XVII per Section 16.01 of the Sky Valley Zoning Ordinance. The original was hand delivered to the city clerk today along with a courtesy form that you may use for convenience to expedite your compliance.

Thank you for your immediate attention in this regard..

Respectfully,

Jerri Smith

193 Pleasant Mountain Drive

Sky Valley, Ga. 30537

**EXHIBIT "B"**  
**Certified Copy of the Zoning Ordinance Amendment**

STATE OF GEORGIA  
COUNTY OF RABUN

ORDINANCE NO. 26-01

**AN ORDINANCE TO AMEND THE CITY'S ZONING ORDINANCE TO ADDRESS ELIGIBILITY FOR APPOINTMENT TO PLANNING AND ZONING COMMISSION**

**WHEREAS**, the City of Sky Valley, Georgia is a municipality duly constituted and existing pursuant to Georgia law;

**WHEREAS**, the City Council wishes to clarify the requirements of who is eligible to serve on the City's planning and zoning commission; and

**WHEREAS**, the composition of the planning and zoning commission falls under an administrative/ personnel action and does not constitute a "zoning decision" under Georgia law and thus does not implicate the specific procedural requirements under O.C.G.A. §36-66-4; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED** by the Mayor and Council of the City of Sky Valley, Georgia, by the lawful authority vested in them, that Article XV – Planning and Zoning – Section 1501 is hereby added to the Code of Ordinances as the following:

**SECTION 1:**

**Sec. 1501. - Creation and appointment.**

The Planning and Zoning Commission for the City of Sky Valley is hereby created. The Planning and Zoning Commission as it exists at the time of the adoption of this Ordinance will continue serving subject to elections as provided herein. The Planning and Zoning Commission shall be composed of five (5) members appointed by the City of Sky Valley in such a manner as hereinafter provided. Three (3) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman of the Planning and Zoning Commission by the Planning and Zoning Commission members. All members appointed to the Planning and Zoning Commission shall be residents of the City, **whether part-time or full-time**. The members shall serve concurrent terms of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning and Zoning Commission shall be as established by the City of Sky Valley. Any vacancy in the membership of the Planning and Zoning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The City of Sky Valley may remove any member of the Planning and Zoning Commission for due cause after written notice to such member and after a public hearing. Members of the Planning and Zoning Commission shall appoint a secretary, or in lieu of such appointment, the City Clerk shall serve as the secretary of the Planning and Zoning Commission.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** This ordinance shall become effective upon the mayor affixing her signature below.

APPROVED:

Benita Cotton-Orr  
BENITA COTTON-ORR, MAYOR

Jim Curtis  
JIM CURTIS, COUNCILOR

ATTEST:

Karen Fleming  
KAREN FLEMING  
CITY CLERK

Beth Pence  
BETH PENCE, COUNCILOR

Tony Allred  
TONY ALLRED, COUNCILOR

APPROVED AS TO FORM:

Douglas Kidd  
DOUGLAS KIDD  
CITY ATTORNEY

Jesse Price  
JESSE PRICE, COUNCILOR

Careysue Beasley  
CAREYSUE BEASLEY,  
COUNCILOR

1<sup>st</sup> Reading and Introduction: 17<sup>th</sup> of February, 2026.  
2<sup>nd</sup> Reading and Adoption: 3<sup>rd</sup> of March, 2026



CERTIFIED COPY

Karen Fleming  
Karen Fleming, City Clerk

3/16/2026  
Date

**EXHIBIT "C"**

**Existing Sky Valley Zoning Ordinance Residency Rules.  
Article XV Planning and Zoning Commission -Article XVII  
Administration, Interpretation, Enforcement**

## ARTICLE XV

### PLANNING AND ZONING COMMISSION

#### Section 1501. Creation and Appointment.

The Planning and Zoning Commission for the City of Sky Valley is hereby created. The Planning and Zoning Commission as it exists at the time of the adoption of this Ordinance will continue serving subject to elections as provided herein. The Planning and Zoning Commission shall be composed of five (5) members appointed by the City of Sky Valley in such a manner as hereinafter provided. Three (3) members present shall be required to constitute a quorum. One (1) such member shall be annually elected chairman of the Planning and Zoning Commission by the Planning and Zoning Commission members. All members appointed to the Planning and Zoning Commission shall be residents of the City. The members shall serve concurrent terms of three (3) years and shall serve until their successors are appointed. The compensation of the members of the Planning and Zoning Commission shall be as established by the City of Sky Valley. Any vacancy in the membership of the Planning and Zoning Commission shall be filled for the unexpired term of such vacancy in the same manner as the original appointment. The City of Sky Valley may remove any member of the Planning and Zoning Commission for due cause after written notice to such member and after a public hearing. Members of the Planning and Zoning Commission shall appoint a secretary, or in lieu of such appointment, the City Clerk shall serve as the secretary of the Planning and Zoning Commission

#### Section 1502. Meetings and Records.

The Planning and Zoning Commission shall meet at the call of the chairman, or at such other times as the Planning and Zoning Commission may determine, and all such meetings shall be open to the public. The Planning and Zoning Commission shall adopt rules for the transaction of business, or in lieu of such rules, the Commission shall follow "Robert's Rules of Order," latest edition. The Planning and Zoning Commission shall keep record of its resolutions, recommendations, transactions, findings, and determinations, and all such records shall be public record and available for purchase by interested parties at a reasonable cost.

#### Section 1503. Powers and Duties.

The Planning and Zoning Commission shall have the following functions, powers and duties:

1. Prepare and recommend for adoption by the City of Sky Valley zoning regulations, zoning amendments, subdivision regulations and other such land use regulations; prepare and recommend for adoption by the City of Sky Valley amendments to any of the land use regulations; and to review and make recommendations concerning applications for zoning map amendment, special exception approvals, variances, conditional zoning, or other such applications.
2. Perform other planning functions and duties as may be required by the City of Sky Valley.

**ARTICLE XVIII**  
**ADMINISTRATION, INTERPRETATION, ENFORCEMENT,**  
**PENALTIES AND REMEDIES**

Section 1801. Administration and Interpretation.

The provisions of this ordinance shall be administered by the City Manager. The City Manager shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

Section 1802. Enforcement.

The provisions of these regulations shall be enforced by the Building Inspector and City Manager.

Section 1803. Development Permit Required.

A development permit shall be required for any proposed use of land(s) or structure(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, tree cutting, land disturbing activity or alteration of land(s) or structure(s) commences; provided, however, that development permits for individual structures within approved single-family residential subdivisions or for single-family dwelling units on individual lots shall not be required. Approval of a preliminary plat in accordance with all applicable provisions of the Subdivision Regulations shall constitute approval of the development permit for each subdivision or condominium development as specified in these regulations shall constitute approval of a development permit.

All development permits shall be issued by the Building Inspector only after prior approval by the City Manager, who shall in no case approve a development permit for the use, construction, or alteration of any land or structure if the land or structure as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Development permits shall be valid for two (2) years from its issuance. If work described in any development permit has not begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained.

9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Sky Valley.

The Planning and Zoning Commission and the City of Sky Valley may consider other factors deemed relevant before formulating recommendations and taking action on a particular special exception application.

Section 1708. Recommendation by City Manager.

The City Manager after consultation with the Building Inspector will, as appropriate, customarily submit to the Planning and Zoning Commission and/or the City of Sky Valley, prior to a scheduled public hearing, copies of the site plan and letter of intent along with a written recommendation for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include reasons for said recommendations, considered within the context of the appropriate criteria as specified by these regulations. The recommendations of the City Manager shall have an advisory effect only and shall not be binding on the Planning and Zoning Commission or the City of Sky Valley. Copies of the City Manager's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the appropriate bodies and at the public hearing.

Section 1709. Planning and Zoning Commission Recommendation.

Prior to the public hearing held by the City of Sky Valley, the Planning and Zoning Commission shall hold a public hearing on all applications for amendment to the text of the zoning regulations, amendments to the official zoning map, special exception permit applications, petitions for alteration or extension of conditional zoning, request for development plan approval for site plan approval, variances, or other actions that may ultimately lead to a zoning decision as defined by O.C.G.A. §36-66-3(4) as the same currently exists or as may be amended.

After completing its studies of the particular petition, the Planning and Zoning Commission shall submit a recommended action in writing to the City of Sky Valley. The Planning and Zoning Commission may submit any additional report it deems appropriate. The

recommendations of the Planning and Zoning Commission shall have an advisory effect only and shall not be binding on the City of Sky Valley. Copies of the Planning and Zoning Commission's recommendations and reports shall be made available to the applicant and other interest parties upon completion and distribution to the City of Sky Valley and at the public hearing before the City of Sky Valley.

The Planning and Zoning Commission shall have thirty (30) days within which to submit its recommendations. The City of Sky Valley shall not take action on any of said applications, until it has received the recommendation of the Planning and Zoning Commission within the specified time period. If the Planning and Zoning Commission fails to submit a recommendation within the thirty (30) day period, it shall be deemed to have approved the proposed application.

Section 1710. Conduct of Public Hearings.

All public hearings regarding applications considered by the Planning and Zoning Commission and the City of Sky Valley shall be held in accordance with procedures adopted by the City of Sky Valley and the law of Georgia.

CERTIFIED COPY

Karen Fleming  
Karen Fleming, City Clerk  
3/16/2024  
Date

'26 MAR 16 3:13 PM

**EXHIBIT "D"**

**January 15, 2026 Email Meeting of Mayor Cotton Orr with  
Councilmembers Allred, Pence, Beasley, Price, Curtis and  
Councilmember Beasley Decision To Vote No on the  
Zoning Ordinance Amendment**

## Subject: Re: Proposed Committees

Thu, Jan 15, 4:33

?

**Benita Cotton-Orr** <mayor@skyvalleyga.com>

to CareySue Beasley, Jesse Price, Beth Pence, TALLred, CouncilorJim, City Of Sky Valley Streetman, Doug Kidd City A

I expect to tackle the landscape advisory committee at the February meeting.

Thank you for asking.

On Thu, Jan 15, 2026 at 4:30 PM CareySue Beasley <cbeasley@skyvalleyga.com> wrote:

When are you anticipating "tackling" the landscaping committee?

Respectfully, I will be voting "NO" on your request to amend the planning & zoning ordinance. You presented it solely to retain Jim Phelps on the P&Z for his last year. Technically, he is not a "legal" member.

In stewardship of our community,

CareySue Beasley

Sky Valley City Council

850-533-9558

On Jan 15, 2026, at 4:20 PM, Benita Cotton-Orr <mayor@skyvalleyga.com> wrote:

Apologies. I did not respond to everyone. "Asked" means these potential members have yet to respond to my request and are still thinking about it. I expect to have responses by tomorrow at the latest and the City will update that item.

I will not be tackling the planning and zoning or Landscape Advisory committees at the meeting next week. As I mentioned before, I will be asking the council to vote on an amendment to the planning and zoning committee ordinance to allow part-time residents to participate.

On Thu, Jan 15, 2026 at 4:13 PM CareySue Beasley <cbeasley@skyvalleyga.com> wrote:

Good afternoon,

Im just now seeing the proposed committee members list. Im assuming that "asked" means that they said "no" or there is no response? There are still quite a bit of missing affirmed members.....

As it stands, and because the committees aren't being filled, I will be voting "no" on the resolutions. Perhaps, this vote should be postponed until the time the committees can be filled? Or perhaps, there are too many committees and they should be streamlined? I, personally, will not Chair a committee that cannot be filled. As demonstrated by the goals & agenda that I have published, there is a LOT on the Community Connections Committee. That will need a LOT of people to execute.

I shared this opinion before - it is my belief that there are too many committees and that the resolutions represent WAY too much. The resolutions do not represent a reasonable amount to

**EXHIBIT "E"**

**February 16, 2026 Email Meeting of Mayor Cotton Orr with  
City Manager, Streetman, Councilmembers Allred, Pence,  
Beasley, Price, Curtis and Councilmember Curtis Stating  
Zoning Ordinance Amendment to allow Part-time  
Residents is Easy Pass & for Phelps to Stay Tuned & Hope  
to see him Back in the Saddle Soon**



Karen Fleming <cityclerk@skyvalleyga.com>

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## Re: Planning and Zoning Commission resignation

1 message

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CareySue Beasley <cbeasley@skyvalleyga.com>

Thu, Feb 19, 2026 at 3:29 PM

To: Karen Fleming <cityclerk@skyvalleyga.com>

Cc: Jim Curtis <councilorjim@gmail.com>, Benita Cotton-Orr <mayor@skyvalleyga.com>, James Phelps <jrphelps12@gmail.com>, "jprice@skyvalleyga.com" <jprice@skyvalleyga.com>, Tony Allred <taillredsvc@gmail.com>, Jason Streetman <citymanager@skyvalleyga.com>, Beth Pence <bpence@skyvalleyga.com>

In stewardship of our community,  
CareySue Beasley

Sky Valley City Council  
850-533-9558

On Feb 17, 2026, at 6:58 AM, Beth Pence <bpence@skyvalleyga.com> wrote:

Yes!

On Mon, Feb 16, 2026 at 10:34 PM Jim Curtis <councilorjim@gmail.com> wrote:

Jim,

Tune into the council meeting tomorrow. Changing the wording to permit part-time residents to serve is on the agenda, and I expect it to pass easily. You were a real contributor on P&Z and, if you are willing, I hope to see you back in the saddle soon!

Jim C

On Mon, Feb 16, 2026 at 11:33 AM Beth Pence <bpence@skyvalleyga.com> wrote:

Thank you Benita. Thank you Jim, I appreciate your service very much.

On Mon, Feb 16, 2026 at 10:11 AM Benita Cotton-Orr <mayor@skyvalleyga.com> wrote:

Jim, I'm disappointed to see your resignation letter. As we all are aware, until now there has never been a single complaint about your participation on the Planning and Zoning Commission. You have served for the past two years of your three-year term with integrity and dedication and the City of Sky Valley has benefited greatly from your expertise. I regret your departure from the Commission; I had hoped we could have you complete the term you were appointed to by Mayor Hollie Steil.

I intend to ask the Council to approve an amendment that would clarify that part-time residents are able to participate as members of the city's Planning & Zoning Commission. As a majority second-home community, we do ourselves a great disservice in disallowing participation by the experts such as yourself who make up such a large part of our population, who pay property taxes, and who are also affected by the decisions we make as a City Council, based on the advice of our committees.

Thank you again for your service.

Benita Cotton-Orr

On Sun, Feb 15, 2026 at 4:25 PM James Phelps <jrphelps12@gmail.com> wrote:

Dear Mayor, Council Members, and City Manager:

Please be advised that, despite having one year left in my term after being appointed by Mayor Hollie Steil two years ago, I hereby resign from the Sky Valley Planning and Zoning Commission, effective immediately.

I appreciate the opportunity to have served in this important capacity. However, a council member has questioned my eligibility for this position, and, until the eligibility of part-time residents to serve on the commission is clarified by amendment of the city ordinance, I conclude that, as a part-time resident, my resignation is in the best interest of the city by removing the issue as a potential touchpoint for conflict or uncertainty. I stand ready to serve in this or any other future capacity at the pleasure of the mayor and council, who have my unreserved support.

I extend my thanks and continued support to the mayor, council and staff for their service.

Sincerely,

Jim Phelps

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Beth Pence  
Sky Valley City Council Member  
President  
bpence@skyvalleyga.com  
706-829-0397

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**EXHIBIT "F"**  
**City Council Meeting Minutes Re: Item 12-**  
**Consider Amendment to Sky Valley Zoning Ordinance**

The Committees will have Ex Officio Members. Mayor Cotton-Orr will serve on all Committees, along with City Manager Streetman. Also duly designated staff members will serve as well.

- 11. Consider approval of Sky Valley/Scaly Mountain Volunteer Fire and Rescue Annual Agreement**  
City Manager Streetman stated that the annual agreement is for \$174,778.84 which is 1.5 mils of the 2025 property tax digest. The City will make quarterly payments of approximately \$43,000.

Councilor Beasley made a motion to approve the \$174,778.84 agreement, seconded by Councilor Curtis. Councilor Curtis thanked Fire Chief Sigler for stating that the department will be reducing the annual amount for next year. Sky Valley is not privy to the budget along with not knowing what the other contributions are but he appreciates all that they do for Sky Valley. Councilor Beasley stated that the fire department is priceless. Mayor Cotton-Orr stated that she appreciates the comment of coming back with a lower amount for next year. She called for the vote and it was unanimously approved.

- 12. Consider amendment to the Sky Valley Zoning Ordinance (1<sup>st</sup> reading & introduction)**  
City Attorney Kidd stated that he was asked to clarify the eligibility for section 15-01, "whether part-time or full-time. He said that typically a Zoning Ordinance change would require public hearings, and advertising in local paper for personal property but this amendment would not change any personal property. Administrative and personnel would fall outside of a Zoning decision. Section 15-01 deals exclusively with the creation and appointment of members and it does not regulate any use of land so therefore does not affect any zoning regulations. He stated that he has done research concerning administrative and personnel decisions with zoning and feels confident with his decision to move forward with this amendment without going through the special procedural rules. He addressed Ms. Smith's letter stating that the decision to appoint Committee members is based on "citizens at large" and in changing that would be changing the Charter. City Attorney Kidd stated that "citizens at large" is not defined in the Charter, nor State Law, nor Case Law. It does say in the Charter that the Mayor and Council members are elected as "citizens at large" rather than by district, so therefore the members could conceivably live in the same condominium association and would not have to live in different districts of the City. The Charter also does not specify full-time or part-time residency and this Council has the right to appoint part-time residents to the Committees to use their expertise. This amendment is just for clarification purposes only. Domicile was also mentioned in the letter and he explained and gave examples of how to determine domicile and how hard it would be to determine if the resident owned several properties. Ultimately, the Council has the right to decide who can serve on the Committees.

Councilor Allred asked if the amendment specifically addresses being a property owner and City Attorney stated no as they could be a renter. Councilor Beasley asked why make a change now to a long-standing Ordinance as there has only been two changes made since 2005. At the end of 2004 Merrill Trust purchased and closed down the ski slopes and invested four million in the golf course over a two-year period. He also proposed that an urban village along with condominiums to be built in place of the ski area. She viewed the minutes of the City Council and the minutes of the October 17, 2005 meeting were missing which were to discuss the plans of Harrison Merrill. However, the minutes of November 14<sup>th</sup> show that the changes were passed addressing the welfare, congestion, and urban spread in Sky Valley, also 15-01 was discussed and passed at that time. The only other changes since then, were solar panels and a updated tree ordinance. She stated the elected Council positions, which were compared to, had to be full-time residents with domicile and she feels the Committee members should be the same. She references two emails that were received from Mayor Cotton-Orr discussing the past appointee Jim Phelps on the Planning and Zoning Committee and to accommodate his future position with the Committee. Councilor Beasley feels that this is the sole driver for amending the Zoning Ordinance. She also thinks this change could result in a Committee that is filled with part-time only residents with no voting power. She stated that the whole Planning and Zoning Ordinance needs to be reviewed and updated.

President Councilor Pence stated that there was more to the emails from the Mayor than what was mentioned such as transparency, expertise, and part-time taxpayers having a say. A discussion ensues between President Councilor Pence and Councilor Beasley concerning Jim Phelps' position on two Committees and his part in the recent campaigning, being "politically friendly". Councilor Curtis stated that Sky Valley would benefit from not having just full-time residents for the expertise but part-time residents as well. Getting advice and opinions from all is wise and he trusts the nominations of the Mayor. Mayor Cotton-Orr stated that she just proposes but the Council disposes. The Council has the right to refuse any nominations. Councilor Allred stated that the Council would be wise to listen to the opinions of all the residents of Sky Valley.

**13. Consider proclamation for Arbor Day to be celebrated on Friday February 20, 2026**

City Manager Streetman read the proclamation and stated that a cherry tree had been selected for the Council to plant. This is the 10<sup>th</sup> year of the City celebrating Arbor Day and signs have been received showing this achievement. Signs will also be placed at the overlook and waterfall stating to leave nothing behind other than footprints.

Councilor Price made a motion to approve the Arbor Day Proclamation, seconded by Councilor Curtis, unanimously approved.

**OTHER BUSINESS**

**14. Executive Session**

None

**15. Adjournment**

There being no further business to come before the Mayor and Council, Councilor Beasley made a motion to adjourn, seconded by Councilor Curtis, unanimously approved.

The meeting adjourned at 11:45 a.m.

Respectfully submitted:



Benita Cotton-Orr, Mayor

Attest:



Karen Fleming, City Clerk

Sky Valley Mayor, City Council, and City Clerk

From: Jerri Smith, 193 Pleasant Mountain Drive

Date: February 17, 2026

Subject: Legal Requirements for Amending Planning & Zoning Commission Residency Qualifications

### Statement of Purpose

The City Council is currently considering a change to allow nonresidents to serve on the Planning and Zoning Commission. While the act of *appointing* an individual is an administrative function, changing the *legal qualifications* for that office—which are currently embedded in the Sky Valley Zoning Ordinance—is a legislative act governed by the Georgia Zoning Procedures Law (ZPL).

#### 1. Statutory Definition of a "Zoning Decision"

Under O.C.G.A. § 36-66-3(4)(B), a "zoning decision" is defined as any final legislative action that results in:

*"The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance."*

Because Sky Valley's residency requirements are part of the Zoning Ordinance text, any modification is legally a "zoning decision," not an administrative personnel matter.

#### 2. Mandatory Procedural Requirements

Per O.C.G.A. § 36-66-4, the city must complete the following to ensure the amendment is legally valid:

- **Public Hearing:** A formal hearing must be held before the city council or planning commission.
- **Newspaper Notice:** Notice of the hearing must be published in the city's legal organ (the newspaper) at least 15 but not more than 45 days prior to the hearing.
- **Due Process:** The hearing must provide at least 10 minutes for both proponents and opponents to speak.

#### 3. The Risk of Non-Compliance

In Georgia, courts require "strict compliance" with the ZPL. If the city skips these steps:

- The amendment will be "void ab initio" (legally dead from the start).
- The board would be considered "illegally constituted," meaning every variance, site plan, or zoning recommendation they make could be challenged and overturned in Superior Court.
- This creates significant liability for the city and uncertainty for property owners who rely on the commission's decisions.

### Recommendation

To protect the city from litigation, it is recommended that the council direct the City Attorney to draft a formal **Text Amendment to the Zoning Ordinance** and follow the standard ZPL notification and public hearing process before making any nonresident appointments.

**Legal Requirements for Amending Zoning Board Qualifications**  
**Official Code of Georgia Annotated § 36-66-3(4)**

**(4) "Zoning decision" means final legislative action by a local government which results in:**

**(A) The adoption of a zoning ordinance;**

**(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;**

**(C) The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;**

**(D) The adoption of an amendment to a zoning ordinance by a municipal local government which zones property to be annexed into the municipality; or**

**(E) The grant of a permit relating to a special use of property.**

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**Legal Authorities: Mandate for Zoning Procedures (ZPL)**

- **Little v. City of Lawrenceville, 272 Ga. 340 (2000)**
  - **The Rule:** The Georgia Supreme Court held that the **Zoning Procedures Law (ZPL)** is a "general law" that **preempts** local city charters and administrative powers.
  - **Application:** The City Council cannot claim "administrative authority" to bypass the ZPL if the action involves changing the text of the Zoning Ordinance.
- **City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001)**
  - **The Rule:** Confirmed that a "zoning decision" includes any legislative action that results in an **amendment to the text** of a zoning ordinance.
  - **Application:** Because Sky Valley's commission qualifications are in the Zoning Ordinance text, any change to residency is legally a "zoning decision" requiring a 15-45 day newspaper notice and a public hearing.
- **McClure v. Davidson, 258 Ga. 706 (1988)**
  - **The Rule:** Georgia courts require "**strict compliance**" with the ZPL. Any zoning action taken without following the exact notice and hearing requirements is **legally void**.
  - **Application:** If the council skips the ZPL process, the nonresident appointment is "void from the start," leaving the city open to lawsuits over every decision that board member makes.
- **Schumacher v. City of Roswell, 301 Ga. 635 (2017)**
  - **The Rule:** Distinguished between specific "adjudicative" acts and "**legislative**" text amendments.
  - **Application:** Changing the eligibility rules for a board is a legislative act that sets a new city-wide standard. This reinforces that the change is a "**text amendment**" under O.C.G.A. § 36-66-3(4).
- **Tilley Properties, Inc. v. Bartow County, 273 Ga. 153 (2000)**
  - **The Rule:** Reaffirmed that if a local government fails to follow the ZPL notice requirements, the resulting ordinance is **invalid and unenforceable**.
  - **Application:** This serves as a warning that the city's attempt to amend the ordinance without the correct procedure is invalid.

**Compliance with O.C.G.A. § 36-66 (Zoning Procedures Law) for Residency Amendments**  
Because the residency requirements for the Sky Valley Planning & Zoning Commission are established within the text of the **Sky Valley Zoning Ordinance**, any change to those qualifications is a "**Zoning Decision**" under Georgia law. It is not an administrative personnel matter.

**STATUTORY MANDATE: O.C.G.A. § 36-66-3(4)(B)**

A "Zoning Decision" is explicitly defined by the State of Georgia as:

*"The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance."*

**REQUIRED PROCEDURES (O.C.G.A. § 36-66-4)**

To ensure the amendment is legally valid and enforceable, the City must:

1. **Publish Notice:** In the Rabun County legal organ at least **15 but not more than 45 days** prior to the public hearing.
2. **Public Hearing:** Conduct a formal hearing with at least 10 minutes provided for public comment per side.
3. **Two Readings:** Following the hearing, adopt the text amendment via the standard ordinance process.

**JUDICIAL PRECEDENT & CITY LIABILITY**

Georgia courts require "**strict compliance**" with these procedures. Failure to follow the ZPL renders the ordinance—and any subsequent appointments—**void ab initio** (legally dead from the start).

- **Little v. City of Lawrenceville (2000):** The ZPL is a general law that **preempts** local administrative or charter powers.
- **City of Roswell v. Outdoor Systems, Inc. (2001):** Confirms that **text amendments** to a zoning ordinance are "zoning decisions" requiring full ZPL notice and hearing.
- **McClure v. Davidson (1988):** Any zoning action taken without strictly following the ZPL notice/hearing requirements is **legally void**.

**RISK MITIGATION**

If the City appoints a nonresident before the Zoning Ordinance text is properly amended via the ZPL process, that member is **illegally constituted**. This exposes the City to litigation; any variance, site plan, or permit approved by that board can be challenged and overturned in Superior Court.

Would you like a **one-page summary** of these points to hand to the City Attorney before the meeting starts?

his one-page summary is designed to be handed to the City Attorney or City Manager. It uses a professional, "risk management" tone to help them see that following the Zoning Procedures Law (ZPL) protects the city's future decisions from being overturned.

## SUMMARY

### LEGAL STANDING

Because the residency requirements for the Sky Valley Planning & Zoning Commission are established within the **text of the Sky Valley Zoning Ordinance**, any change to those qualifications is a **"Zoning Decision"** under Georgia law. It is not an administrative personnel matter.

### STATUTORY MANDATE: O.C.G.A. § 36-66-3(4)(B)

A "Zoning Decision" is explicitly defined by the State of Georgia as:

*"The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance."*

### REQUIRED PROCEDURES (O.C.G.A. § 36-66-4)

To ensure the amendment is legally valid and enforceable, the City must:

4. **Publish Notice:** In the Rabun County legal organ at least 15 but not more than 45 days prior to the public hearing.
5. **Public Hearing:** Conduct a formal hearing with at least 10 minutes provided for public comment per side.
6. **Two Readings:** Following the hearing, adopt the text amendment via the standard ordinance process.

### JUDICIAL PRECEDENT & CITY LIABILITY

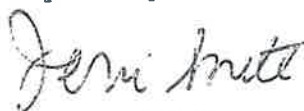
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### RISK MITIGATION

If the City appoints a nonresident before the Zoning Ordinance text is properly amended via the ZPL process, that member is **illegally constituted**. This exposes the City to litigation; any variance, site plan, or permit approved by that board can be challenged and overturned in Superior Court.

Respectfully Submitted this 17th day of February, 2026



JERRI SMITH