

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE COMBINED WORK SESSION & CALLED MEETING HELD

MONDAY, JANUARY 27, 2020 AT 4:30 P.M.

The White County Board of Commissioners held a combined Work Session & Called Meeting on Monday, January 27, 2020 at 4:30 p.m. in the Board Room at the White County Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to designate Commissioner Bryant as the Board's Vice-Chair for the 2020 calendar year.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Robert Allums to redistrict property located on Claude Sims Road Cleveland, GA 30528 from A-1, Agricultural Forestry District to R-1, Residential Single Family District - total acreage to be changed is 1.15 acres of tax map and parcel 033B-108. He explained that Mr. Allums plans to place a mobile home on the property for his personal residence, the Planning Commission held a public hearing on the application with no opposition noted, and the Planning Commission unanimously recommended approval of the application. Mr. Allums confirmed that the information presented by Mr. Sell was correct.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Robert Allums to redistrict property located on Claude Sims Road Cleveland, GA 30528 from A-1, Agricultural Forestry District to R-1, Residential Single Family District.

Mr. John Sell presented the land use application filed by Jason Carson to redistrict property located at 1085 Ridge Road Helen, GA 30345 from R-1, Residential Single Family District to R-3, Residential Seasonal District – total acreage to be changed is .60 acres on tax map and parcel 042C-023. He explained that the Carson's owned several short term rental properties in North Georgia, wanted to add this property (which they do not plan to use as a residence), the Planning Commission held a public hearing on the application with no opposition noted, and the Planning Commission recommended approval of the application by a 4-1 vote. Mikyla Carson, 595 Devonshire Farms Way Alpharetta, GA, confirmed the information stated by Mr. Sell. She stated that the camper on the property is not inhabitable and will only be used to store supplies for the rental. She explained that the occupancy of the rental would be 4-6 people and two vehicles maximum. Chairman Turner asked for a show of hands in support of the application – there were hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Jason Carson to redistrict property located at 1085 Ridge Road Helen, GA 30345 from R-1, Residential Single Family District to R-3 Residential Seasonal District.

Mr. Sell presented the land use application filed by Chattahoochee Baptist Church to redistrict property located at 7905 Duncan Bridge Road Cleveland, GA 30528 from C-1, Community Commercial District to C-2, Highway Business District – total acreage to be changed is 25.89 acres on tax map and parcel 076-106 and 076-132. He stated that the church is planning to construct a new 17,000 square foot sanctuary on the property and

would be required to rezone the property for that purpose, the Planning Commission held a public hearing on the application with no opposition noted, and the Planning Commission unanimously recommended approval of the application. Mr. Bryan Lee spoke on behalf of the church and confirmed the information stated. Chairman Turner asked for a show of hands in support of the application – there were no hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Chattahoochee Baptist Church to redistrict property located at 7905 Duncan Bridge Road Cleveland, GA 30528 from C-1, Community Commercial District to C-2, Highway Business District.

Mr. Sell presented the land use application filed by George and Lori David to request a conditional use permit at 193 Sara Lane Sautee Nacoochee, GA 30571 – total acreage to be effected is .93 acres on tax map and parcel 055D-092 with the proposed use being to place in a short term rental program in a R-1, Single Family Residential District. He stated that the subdivision where this property is located does have covenants which specifically allow short term rentals, the Planning Commission held a public hearing on the application with no opposition noted, and the Planning Commission unanimously recommended approval of the application. Mr. George David confirmed the information presented and stated that they had rented the property since October, however they had just become aware of the county's regulations and wanted to come into compliance. Chairman Turner asked for a show of hands in support of the application – there were no hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by George and Lori David to request a conditional use permit at 193 Sara Lane Sautee Nacoochee, GA 30571 with the proposed use being to place in a short term rental program in a R-1, Single Family Residential District.

Mr. Sell presented the land use application filed by Ryan Hodge to request a conditional use permit at 113 River Road in Cleveland, GA 30528 - total acreage to be effected is 2.89 acres on tax map and parcel 089-028 with the proposed use being to place in a short term rental program in a R-1, Single Family Residential District. He stated that this property is not located in a subdivision, the Planning Commission held a public hearing on the application with no opposition noted, and the Planning Commission unanimously recommended approval of the application. Mr. Hodge confirmed the information presented and stated they would be renting this property directly at this time and would not be utilizing a management company. Chairman Turner asked for a show of hands in support of the application – there were no hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Ryan Hodge to request a conditional use permit at 113 River Road in Cleveland, GA 30528 with the proposed use being to place in a short term rental program in a R-1, Single Family Residential District.

Mr. Sell presented the land use application filed by Clay Knaus to redistrict property located at the intersection of Hwy 129 and Tesnatee Gap Valley Road Cleveland, GA 30528 from R-1, Residential Single Family District to A-1, Agriculture Forestry District – total acreage to be changed is 5.80 acres on tax map and parcel 018-092. He stated that Mr. Knaus would be combining this parcel with another 25 acre parcel currently zoned A-1, which he owns to create a 30 acre A-1 tract. Mr. Sell explained that the Planning Commission held a public hearing on the application with no opposition noted and the Planning Commission unanimously recommended

approval of the application. Mr. Knaus explained that he planned to construct a barn on the property; however he did not plan to do farming there at this time. Chairman Turner asked for a show of hands in support of the application – there were no hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Clay Knaus to redistrict property located at the intersection of Hwy 129 and Tesnatee Gap Valley Road Cleveland, GA 30528 from R-1, Residential Single Family District to A-1, Agriculture Forestry District.

Mr. Sell presented the land use application filed by Mossy Creek United Methodist Church requesting a variance to Appendix C / Article IX / Section 901-6 for building setbacks located at 2154 Post Road Cleveland, GA 30528 – total acreage is 11.98 on tax map and parcel 063-003 and present use is A-1, Agriculture / Forestry District. He stated that the required setback is 50’ and there is only 23’ to the ditch on the property. He noted that the church is expanding their family life center / fellowship hall and are requesting a variance from the 50’ setback required. Mr. Sell explained that the Planning Commission held a public hearing on the application with no opposition noted and the Planning Commission unanimously recommended approval of the application. Mr. C.J. McDonald confirmed the information presented. Chairman Turner asked for a show of hands in support of the application – there were no hands raised – and for anyone in opposition of the application – there were no hands raised.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Mossy Creek United Methodist Church requesting a variance to Appendix C / Article IX / Section 901-6 for building setbacks located at 2154 Post Road Cleveland, GA 30528.

Mr. Melton presented information to the Board on the proposals received for the Yonah Preserve playground project. He stated that seven (7) responses were received to the request for proposal and after the evaluation was completed – he was now presenting the three (3) best scoring options to the Board. Mr. Melton indicated that funding for the project is available through SPLOST funds or Tourism Product Development funds. The Board asked for additional information on warranty of the proposed surfaces and there was discussion regarding the \$50,000.00 grant which had been awarded to the county but not yet disbursed due to an issue with the federal / state agreeing on contract language. Chairman Turner directed Mr. Melton to send correspondence to our state legislators regarding our questions and concerns on the logistics of awarding the contract for the project. There was a consensus that this item would be placed on the February 3, 2020

Chairman Turner asked that Mr. Melton get with Joe Gailey, Director of Parks & Recreation, and determine if there are any options for adding sun shades in the spectator area in the central portion of the Yonah Preserve Ballfield Complex.

Commissioner Goodger stated that he would like to see the Board move forward with plans for a ribbon cutting at Yonah Preserve Trails in early spring.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to amend the proposed local legislation for the creation of the White County Board of Elections & Registration to allow for five (5) board members instead of three (3) board members – with the adoption of County Resolution 2019-21 (c).

RESOLUTION NO. 2019-21(C) – AMENDING 2019-21(A) & (B)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
REQUESTING LOCAL LEGISLATION FOR THE ESTABLISHMENT OF THE
WHITE COUNTY BOARD OF ELECTIONS AND REGISTRATION**

WHEREAS, in compliance with the Official Code of Georgia Annotated § 21-2-40, the White County Board of Commissioners, along with the express consent of Probate Judge Garrison Baker, are desirous of creating a White County Board of Elections and Registration, and

WHEREAS, it is necessary to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide-for offices and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes; and

WHEREAS, in order to achieve this objective, local legislation establishing the same must be passed by the Georgia General Assembly;

THEREFORE, BE IT RESOLVED, that the White County Board of Commissioners, hereby requests the filing of local legislation to establish the White County Board of Elections and Registration for consideration and approval in the 2020 Georgia General Assembly Legislative Session. Said Board shall be governed in accordance with the terms and conditions of the proposed legislation attached hereto as Exhibit A.

RESOLVED this 2nd day of December, 2019.

RATIFIED following final revisions by Legislative Counsel this 17th day of December, 2019.

Further AMENDED by the White County Board of Commissioners on this 27th day of January, 2020.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

s/Terry D. Goodger

Terry D. Goodger, District 1

Lyn Holcomb

Lyn Holcomb, District 2

s/Edwin Nix

Edwin Nix, District 3

Attest: s/ Shanda Murphy
Shanda Murphy, County Clerk

s/Craig Bryant

Craig Bryant, District 4

LC 47 0218

24 SECTION 2.

25 As used in this Act, the term:

26 (1) "Board" means the White County Board of Elections and Registration.

27 (2) "Commissioners" means the Board of Commissioners of White County.

28 (3) "County" means White County.

29 (4) "Election," "elector," "primary," and "public office" shall have the same meanings

30 as ascribed to those terms by Code Section 21-2-2 of the Official Code of Georgia

31 Annotated, unless otherwise clearly apparent from the text of this Act.

32 SECTION 3.

33 (a) The board shall be composed of ~~three~~ **five** members, each of whom shall be an elector and
34 resident of the county and who shall be appointed by the commissioners.

35 (b) The initial members of the board shall be appointed for terms of office beginning
36 January 1, 2021. The commissioners shall designate ~~one~~ **two** of the initial members to serve for
37 a term of two years and ~~the second and third members~~ **three of the initial** to serve for a term of four years.

38 Thereafter, all members shall be appointed for terms of four years.

39 (c) Every two years the board shall appoint or reappoint one of its members to serve as
40 chairperson for a two-year term. The chairperson shall preside over all meetings of the board
41 and shall be entitled to vote on all matters coming before the board.

42 SECTION 4.

43 (a) No person who holds elective public office or any member of his or her immediate
44 family shall be eligible to serve as a member of the board during the term of such elective
45 service. The position of any member of the board shall be deemed vacant upon such
46 member's, or a member of such member's immediate family, qualifying as a candidate for
47 elective public office. Further, there shall be no members of the same immediate family
48 serving on the board or on the staff of the board at the same time.

49 (b) For the purpose of this section, immediate family members shall be defined as a spouse,
50 mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother,
51 sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law,
52 brother-in-law, and sister-in-law.

53 (c) Board members must have been registered to vote in White County prior to the date of
54 appointment.

55 SECTION 5.

56 Each member of the board shall:

57 (1) Be eligible to be reappointed to succeed himself or herself;

January 27, 2020 – Work Session & Called Meeting Minutes (continued)

Sheriff Neal Walden presented information to the Board regarding a 2004 Freightliner mobile command unit owned by Duluth Police Department which is for sale on GovDeals through January 31, 2020.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to authorize a bid of up to \$60,000.00 for the mobile command unit – subject to staff inspection – with funds to be taken from 911 & Sheriff’s Department Funds.

Mr. William King, 156 Rattlesnake Hill Cleveland, GA, voiced his support for the Board of Commissioners to adopt a Second Amendment Sanctuary Resolution. Chairman Turner stated that the matter had already been brought to the Board’s attention and the County Attorney was currently reviewing the resolution adopted by Habersham County. The Board expressed their support for the second amendment.

The agenda for the February 3, 2020 Regular Meeting was reviewed.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to enter into Executive Session in order to discuss matters of personnel.

-See The Following Closed Meeting Affidavit-

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to exit Executive Session.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to adjourn the meeting.

The minutes of the January 27, 2020 Work Session & Called Meeting are hereby approved as stated this 3rd day of February, 2020.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Murphy
Shanda Murphy, County Clerk