

## **WHITE COUNTY BOARD OF COMMISSIONERS**

### **MINUTES OF THE COMBINED WORK SESSION & REGULAR MEETING HELD**

**MONDAY, JUNE 1, 2020 AT 4:30 P.M.**

The White County Board of Commissioners held a combined Work Session & Regular Meeting on Monday, June 1, 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 Jason Cobb, Finance Director Jodi Ligon, and County Clerk Shanda Murphy. This was the first meeting which allowed in person attendance by the public since March 2020 due to the COVID-19 pandemic. All social distancing guidelines were implemented and the meeting was made available in a view / hear only mode via the Zoom application.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Patrick Ballington of The Bridge Church and the White County Ministerial Alliance, provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt the minutes of the Called Meeting held April 27, 2020, the Called Meeting held May 7, 2020 (including Executive Session Minutes), and the Called Meeting held May 19, 2020 (including Executive Session Minutes).

Chairman Turner summarized the process to be observed with the consideration of the land use items on the meeting agenda.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Jeff and Stacy Grow to request a conditional use permit at 1257 Poplar Stump Road Helen, Georgia 30545 – tax map / parcel 041-019 with a total acreage of 0.68. The proposed use was to place in a Short Term Rental Program within the present use of R-1, Residential Single Family. Mr. Sell stated that the Planning Commission had conducted a public hearing on the application – for which there was no opposition. He stated that the Planning Commission had recommended approval of the application. Ms. Stacy Grow stated they reside in Florida and purchased the property a few months ago. She explained that they wanted to use the residence for short term vacation rental when they were not utilizing the property and there were several other short term vacation rentals in the vicinity. She also said they would be managing the property themselves and had a local contact in case of any emergencies or complaints.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Jeff and Stacy Grow for a conditional use permit at 1257 Poplar Stump Road Helen, Georgia 30545 – tax map / parcel 041-019 with a total acreage of 0.68. The approved use is to place the property in a Short Term Rental Program within the present use of R-1, Residential Single Family.

Mr. Sell presented the land use application filed by Braden Hansen to request a conditional use permit at 35 Allen Summit Cleveland, Georgia 30528 – tax map / parcel 075-045 with a total acreage of 3.74 acres. The proposed use was to place in a Short Term Rental Program within the present use of R-1, Residential Single Family. Mr. Sell stated that the Planning Commission had conducted a public hearing on the application – at which there was opposition to the application expressed. He noted the opposition’s concerns were safety, security, traffic, access and the property being off a shared driveway. Mr. Sell stated that the Planning Commission did make a recommendation to approve the Hansen’s application following their review - based on the acreage and access. He explained that the property was not in a platted subdivision and was subject to a road maintenance agreement. Chairman Turner stated that a letter from Attorney Chad Knott – written on behalf of his client Mark Tapley who resides at 92 Allen Summit and is in opposition to the application – was included in the Board’s agenda package. Mr. Braden Hansen, 211 Sara Lane Lawrenceville, GA and Jenna Gracek, 261 Sara Lane Lawrenceville, GA – stated that their family had visited the area since they were children and now they bring their families to the area so they purchased the property as a family destination and wanted to use the property as a short term rental about 30% of the time to off-set their expenses of the property. They spoke about their experience in real estate and long term rentals and about the high standards they would have for renters since this is property they also use as a family. The Commissioners discussed their access to the property, the road maintenance agreement, fees paid for road maintenance, and any restrictions on the property. Mr. Cobb read an opinion provided by County Attorney Mary Jane Henneke stating that the property was not part of a platted subdivision, therefore did not fall under the regulations in 702(d) related to short term rentals being allowed in subdivisions only under specific conditions. Commissioner Goodger read portions of the Road Maintenance Agreement aloud and stated that due to short term vacation rentals being much more prevalent now than in 1989 when this agreement was drafted – it sounded like the allowance or restriction of short term vacation rentals would be within the Road Owner’s Association’s authority to prescribe and although the property was not in a platted subdivision, it meets a lot of the criteria that has been considered in the past. Chairman Turner asked for a show of hands for those in support of the application (1) and those in opposition of the application (3). Chairman Turner stated that he did not feel that the access / maintenance of Allen Summit was an issue, nor did he think access to Washboard Road was an issue – however in review of Mr. Chad Knott’s letter he felt there are some compelling arguments made that this property should be evaluated as a subdivision, as created by the Road Maintenance Agreement. Commissioner Nix and Commissioner Holcomb expressed that they agreed. Chairman Turner did state that all the documentation being considered by the Board is available to the public. Ms. Gracek stated that there is not a homeowner’s association and if the property owners wanted to restrict short term rentals they should have amended the agreement. Mr. Hansen stated that he felt the Road Maintenance Agreement was being enforced at a higher level than intended on them and certainly if the property owner’s wanted a homeowner’s association they could have formed one. There was discussion regarding other neighborhood properties where a business operated from and one that had been used as a short term rental in the past. Mr. Hansen stated that they had selected a property on 4 acres that did not have a homeowner’s association specifically for the purpose of being a good neighbor while operating a short term rental.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to deny the land use application filed by Braden Hansen to request a conditional

use permit at 35 Allen Summit Cleveland, Georgia 30528 – tax map / parcel 075-045 with a total acreage of 3.74 acres. The denied use was to place in a Short Term Rental Program within the present use of R-1, Residential Single Family.

Mr. Sell presented the land use application filed by John Kevin McCraney to request a conditional use permit at 11 Country Breeze Drive Sautee Nacoochee, Georgia 30571 – on tax / map parcel 055D-102B with a total acreage of 1.0 acres. The proposed use was to place in a Short Term Rental Program within the present use of R-1, Single Family Residential. He stated that the Planning Commission has held a public hearing on the application, there was no opposition, and the Planning Commission had issued a recommendation to approve the application. Mr. Sell stated that 7 of the 11 properties in the neighborhood were short term rentals. Mr. McCraney explained that he and his wife had owned the property as a second home for several years and are now looking to sell. He stated that several potential buyers had inquired about the ability to make this a short term rental – therefore he was seeking the conditional use permit in order to increase the marketability of the property.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by John Kevin McCraney to request a conditional use permit at 11 Country Breeze Drive Sautee Nacoochee, Georgia 30571 – on tax / map parcel 055D-102B with a total acreage of 1.0 acres. The approved use is to place in a Short Term Rental Program within the present use of R-1, Single Family Residential.

Mr. Sell presented the land use application filed by Donald Munson to request a conditional use permit at 590 Monroe Ridge Sautee Nacoochee, Georgia 30571 – on tax / map parcel 069-581 with a total acreage of 1.04 acres. The proposed use is to place in a Short Term Rental Program within the present use of R-1, Single Family Residential. He stated that the Planning Commission held a public hearing on the application, there was no opposition to the application, and the Planning Commission recommended approval of the application. Mr. Sell noted that there are several vacation rentals surrounding this property. Leslie Gift, with Vacasa represented Mr. Munson. She stated that most of the rentals in this neighborhood were managed by Vacasa.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Donald Munson to request a conditional use permit at 590 Monroe Ridge Sautee Nacoochee, Georgia 30571 – on tax / map parcel 069-581 with a total acreage of 1.04 acres. The approved use is to place in a Short Term Rental Program within the present use of R-1, Single Family Residential.

Mr. Sell presented a proposed amendment to the land use ordinance which would allow for athletic type facilities in the Industrial District. He stated that he had been working with someone who was planning to open a tumbling gym in the Industrial Park and as he examined the ordinance he determined that this particular use was not permitted in any district specifically. He explained with this being a common industrial district use in other communities and with the type buildings available in this area – this was being recommended as a revision to the land use ordinance.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve County Resolution 2020-05 amending the White County Land Use Ordinance:

**WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2020-05**

**A RESOLUTION**

**WHEREAS**, The White County Board of Commissioners adopted the White County Land Use Ordinance on March 30, 2015, by Resolution No. 2015-02 and has amended this ordinance by subsequent resolutions;

**AND WHEREAS**, The White County Board of Commissioners have the authority to further amend the White County Land Use Ordinance according to procedures outlined within O.C.G.A. § 36-66-1 et seq.;

**AND WHEREAS**, The White County Board of Commissioners now wishes to further amend the Ordinance as follows having acted in accordance with the procedures within O.C.G.A. § 36-66-1 et seq. ;

**NOW, THEREFORE**, it is hereby **RESOLVED** that the White County Land Use Ordinance be amended as follows to be effective June 1, 2020:

**RESOLVED**, this 1st day of June, 2020.

**WHITE COUNTY BOARD OF COMMISSIONERS**

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

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

Attest: s/Shanda Murphy  
Shanda Murphy, County Clerk

**Appendix C, Article XV – Industrial District 1**

**Section 1501. - Permitted uses.**

1. Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms, and administrative facilities.
2. Agricultural equipment, implement sales, service, rental, repairs and storage.
3. Blueprinting and printing establishments.
4. Building material and other outside storage yards.
5. Contractor's and building establishments to include building, electric, plumbing, and swimming pools.
6. Distribution center of products and merchandise.
7. Drycleaning plants.
8. Junkyards and used auto parts yards, provided that yards or areas are located at the rear and sides of the property and are fenced and screened.
9. Kennel boarding care (shortterm) facilities. This does not include animal breeding facilities.
10. Lumber yards, planing and sawmills.
11. Machine shops.
12. Miniwarehouse and ministorage facilities provided storage yards or areas are located at the rear of the property and are fenced and screened.
13. Open air businesses and flea markets provided that parking is provided at the front of the facility and market area are located at the sides and rear of the property; such uses shall be fenced and screened.
14. Parking lots and parking garages.
15. Racetracks, provided the site contains a minimum of 25 acres.
16. Radio and television studios, communication and broadcasting facilities.
17. Research and scientific laboratories.
18. Sign fabrication and painting shops.
19. Storage buildings and storage yards.
20. Soft drink bottling and distribution plants.
21. Truck terminals and truck stops.
22. Welding and metal fabrication shops.
23. Wholesaling and warehousing facilities.
24. Wreck motor vehicle compounds, provided storage yards or areas are located at the rear of the property and are fenced and screened.
25. Athletic training complexes, to include but not limited to sports institutes and academies, competitive training facilities, outdoor equipment and fenced outdoor fields.

Ms. Jodi Ligon, Finance Director, presented the monthly financial status report (see attached).

Chairman Turner noted that in the near future, once the current spending freeze was lifted, the Parks & Recreation Maintenance Division would be requesting the purchase of an RTV in order to replace some older equipment.

Mr. Cobb informed the Board that the reopening of county facilities was going very well – he was not aware of any issues. He stated that the Parks and Recreation Department would be opening the gym and holding fitness classes – subject to social distancing guidelines – beginning June 15, 2020. He noted that the fields were already in use as was the workout facilities.

The Board directed Mr. Cobb to work with the Maintenance Department in order to place a limited number of tables under the pavilion at Yonah Preserve Trails, as well as open the restroom facilities – effective June 2, 2020. They asked that he also have maintenance staff to service the restrooms frequently.

There was discussion regarding the schedule for upcoming road projects which were going out for bid. Commissioner Bryant asked Mr. Cobb to have the road department look at the potholes on Gerrell's Road.

Chairman Turner opened the floor for public comment.

Mr. Mike Yarbrough, 118 Doe Run Sautee Nacoochee, GA 30571, asked the Board about the county's plans for opening up the public pool.

Mr. Cobb explained that it would require very little effort to get the pool ready to open, however the difficulty is finding enough certified lifeguards and it did not look like the pool would open this season.

Chairman Turner made the announcements.

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

The minutes of the June 1, 2020 Work Session and Regular Meeting are approved as stated this 15th day of June, 2020.

**WHITE COUNTY BOARD OF COMMISSIONERS**

s/Travis C. Turner

Travis C. Turner, Chairman

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