

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, NOVEMBER 4, 2019 AT 4:30 P.M.

The White County Board of Commissioners held a Regular Meeting on Monday, November 4, 2019 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, County Attorney Mary Jane Henneke, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance – Rev. Tim Morgan of Faith Lutheran Church and the White County Ministerial Alliance provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the minutes of Regular Meeting held October 7, 2019, the Called Meeting (including Executive Session Minutes) held October 16, 2019, the Work Session held October 28, 2019, and the Called Meeting (including Executive Session Minutes) held October 31, 2019.

Chairman Turner recognized Mr. David McDonald, from U.S. Congressman Doug Collins Office.

Upon presentation of proclamation to the White County Chamber of Commerce – November 21-29, 2019 was declared Farm-City Week in White County.

Mr. Clay Pilgrim, with Rushton & Company, presented the Fiscal Year 2018-2019 Financial Audit (see attached). He confirmed that White County is in strong financial standing, expressed his appreciation to the County Staff, and he highlighted upcoming changes in government finance reporting requirements.

Mr. David Murphy, Director of Public Safety, presented an overview of White County Fire Services – including current staffing levels, response statistics and training accomplishments. The White County Board of Commissioner recognized and expressed appreciation for the White County Fire Service Personnel.

Mr. Kevin Hamby, SPLOST Manager, presented the monthly SPLOST Status Report (see attached).

Chairman Turner directed Mr. Hamby and Ms. Ligon to prepare information for the next Work Session detailing the pros and cons of utilizing the excess debt service funds to pay-off the detention center construction bonds a year in advance.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to approve the following consent agenda:

- Approval of the Land Use Application filed by Lloyd Allison to redistrict property located at 172 Lloyds Honey Farm Road Cleveland, GA 30528 from R-1 Residential Single-Family District, to A-1 Agriculture Forestry District. Total acreage to be changed is 18.00, more or less on tax parcel 020-128;
- Approval of the Land Use Application filed by Larissa Neilson to request a Conditional Use Permit at 33 Windchase Lane Sautee Nacoochee, GA 30571. Total acreage is 1.0 acres on tax parcel 069-007. The

proposed use is to place in a “Short Term Rental” Program. Present use is R-1 Residential, Single-Family District;

- Approval of the Land Use Application filed by David and Margaret Guzinski to request a Conditional Use Permit at 601 Laurel Ridge Road Cleveland, GA 30528. Total Acreage is 1.0 acres on tax parcel 059D-097. The proposed use is to place in a “Short Term Rental” Program. The present use is R-1 Residential, Single-Family District;
- Approval of the Land Use Application filed by Winton Sweatman to redistrict property located at 4205 Asbury Mill Road Cleveland, GA 30528 from: C-1 Community Commercial District, to C-2 Highway Business District. Total acreage to be changed is 3.00 +/- on tax parcel 022-080A;
- Approval of the Land Use Application filed by Keith and Theresa Williams to redistrict property located at 74 Windchase Lane Sautee Nacoochee, GA 30571 from R-2 Multi-Family District to R-1 Single-Family District and to request Aa Conditional Use Permit. Total acreage to be changed is 1.00 acres on tax parcel 069-007C. The proposed use is to place in a “Short Term Rental” Program;
- Approval of the Land Use Application filed by John Johnson and Shannon Lacava to request a Conditional Use Permit for property located at 6838 Hwy 75 Alt. Helen, GA 30545. Total acreage is 1.0 acres on tax parcel 042C-049. The proposed use is to place in a “Short Term Rental” Program. Present use is R-1 Residential, Single-Family District;
- Adoption of a Resolution (2019-15) authorizing Truett McConnell University’s request for revenue bond issuance through the White County Development Authority;
- Adoption of a Surplus Resolution (2019-16) for White County Public Safety – for disposal of obsolete equipment; and
- Award of two (2) certificates of deposit (CD’s) currently held at United Community Bank to remain with UCB for a 12-month term.

-End of Consent Agenda-

Chairman Turner presented the land use application filed by Clyde Fleming to request a conditional use permit at 672 Foothills Drive Cleveland, GA 30528 total acreage being 2.77 on tax parcel 016-037, with the proposed use being to place in a “short term rental” program, and the present use being R-1 Residential Single Family. He noted this item was discussed at the prior work session. Chairman Turner asked for a show of hands of those in attendance who were in support of the application and for a show of hands of those in opposition of the application. Ms. Henneke confirmed that the plat of Mr. Fleming’s property did not show the property as part of a subdivision - his recorded plat was of the individual lot. She noted that the plat of the adjacent subdivision showed 7 or 8 lots and those would logically be controlled by the related covenant; however the covenants were recorded in 1978 – covered less than 15 lots, and would have been deemed to be expired after 20 years (1998). She stated that Mr. Fleming could be subject to other agreements such as water source agreement, road maintenance agreement, easement agreement, etc. although it did not appear he was subject to any subdivision covenants. Commissioner Nix expressed some concerns regarding access to Mr. Fleming’s property. Mr. John Sell confirmed that the application was submitted after the moratorium on conditional use permits for short term rentals went into effect. Mr. Emmett Heinz, 828 Foothills Drive, stated that of the 25 lots – 11 lots are required to participate in the homeowner’s association (Mr. Fleming is not one of these 11) and the association is

responsible for the upkeep of the private road through a minimal assessment on the 11 lots each year – although some of the other lot owners do voluntarily participate in the assessment (Mr. Fleming does voluntarily participate in the annual assessment). Ms. Kelly Mills, a realtor representing Mr. Fleming, stated the Fleming’s property is surrounded by 25 contiguous acres of vacant property and that most of the properties in this section were utilized as vacation rentals. She indicated there has never been a homeowner’s association, but a landowner’s association responsible for only water source and road maintenance – and that association’s recorded documentation states the rental properties must contribute an additional \$150.00 per year. Ms. Mills confirmed Mr. Fleming had operated as a short term rental without a business license and without paying lodging tax since he purchased the property in 2015; however she stated he was renovating the property for a long period of time, and had been seeking compliance with the county for almost 12 months through the moratorium and the land use application process. Commissioner Nix expressed his concerns with the application – realizing the Board was limited due to the legal issues noted by Ms. Henneke.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a vote to approve the land use application filed by Clyde Fleming to request a conditional use permit at 672 Foothills Drive Cleveland, GA 30528 total acreage being 2.77 on tax parcel 016-037, and with the proposed use being to place in a “short term rental” program. Commissioner Goodger and Chairman Turner voted in favor of the motion – Commissioner Bryant opposed the motion. The motion passed by a 4-1 vote.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to issue support for the City of Cleveland’s annexation of 0.56 acres +/- located at 1847 Highway 129 South Cleveland, GA – tax parcel 048C-158, 048C-159, and 048C-160.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to issue support of the City of Helen’s annexation of 4.554 acres +/- located at 52 Comer Circle (South Main Street) Helen, GA – tax parcel H04D-073.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to adopt County Resolution 2019-17 – amending the 2018-2019 Fiscal Year Budget and County Resolution 2019-18 – amending the 2019-2020 Fiscal Year Budget by establishing a pooled account for “Jail Telephone Commissions”.

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2019- 17

A RESOLUTION

WHEREAS, there is a need to amend White County's Budget for the Fiscal Year 2018/2019 with the attached year-end budget amendments;

NOW, THEREFORE, the Budget of White County is hereby amended to allow the changes as set out on the attached.

RESOLVED, this 4th day of November, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

Attest:

s/Terry D. Goodger

Terry D. Goodger, District 1

s/Shanda Murphy

Shanda Murphy, County Clerk

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

WHITE COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 2019-18
A RESOLUTION

WHEREAS, there is a need to amend White County's Budget for the Fiscal Year 2019/2020 with the attached budget amendments;

AND WHEREAS, the White County Board of Commissioners have directed staff to establish a separate fund to be known as “Jail Telephone Commissions Fund” and all revenue collected from jail telephone commissions will be designated to this pooled fund;

AND WHEREAS, the funds collected in the Jail Telephone Commissions Fund shall be designated for expenses assigned for law enforcement;

AND WHEREAS, the balance remaining within the Jail Telephone Commissions Fund at the end of each fiscal year – will be assigned to the fund balance within this separate fund.

NOW, THEREFORE, the Budget of White County is hereby amended to allow the changes as set out on the attached.

RESOLVED, this 4th day of November, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

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

s/Shanda Murphy
Shanda Murphy, County Clerk

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

November 4, 2019 – Regular Meeting Minutes (continued)

REFERENCE	NUMBER	DATE	USER	BUDGET	CHANGE	BUDGET
100-110-39-3999-000 FUND BALANCE FORWARD	38446	07/01/2019	JLIGON	964,722.00	33,000.00	997,722.00
100-125-34-3450-000 TELEPHONE COMMISSIONS-SHERIFF	38447	07/01/2019	JLIGON	33,000.00	-33,000.00	0.00
101-290-34-3450-000 TELEPHONE COMMISSIONS - SHERIFF	38448	07/01/2019	JLIGON	0.00	33,000.00	33,000.00
101-290-39-3999-000 FUND BALANCE FORWARD	38440	07/01/2019	JLIGON	0.00	-33,000.00	-33,000.00

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FY2020 Budget Amendments - Telephone Commissions

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to table appointments to the Parks & Recreation Advisory Board.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a vote to make the following board appointments. Commissioner Holcomb and Chairman Turner voted in favor of the motion – Commissioner Goodger abstained from the vote. The motion passed by a 4-0 vote.

Board of Assessors: Reappointment of Mr. William Schofill for a three (3) year term to expire December 31, 2022 – County Resolution 2019-19;

Building Authority: Commissioner Terry Goodger for a two (2) year term to expire December 31, 2021, Mr. Mully Ash for a two (2) year term to expire December 31, 2021, Mr. Marc Greene for a one (1) year term to expire December 31, 2020; and

Planning Commission: Mr. Charlie Thomas for a three (3) year term to expire December 31, 2022, Mr. John Yarbrough for a three (3) year term to expire December 31, 2022.

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

Commissioner Holcomb exited the meeting due to an appointment.

During County Manager comments, Mr. Melton advised the Board that all 2019 paving projects would be complete by week’s end – with the paving of Shepherd Drive and the paving of the Yonah Preserve Trailhead entrance / parking area.

Chairman Turner opened the floor for public comment.

Ms. Cathy Chadwick, 81 Falling Creek Sautee Nacoochee, GA, submitted written comments for the record regarding Yonah Preserve – benefits, the valuable habitat, the many volunteers, etc. encouraging the Board to continue their support of the project. Chairman Turner advised a master plan for Yonah Preserve would be completed in the near future.

Sheriff Neal Walden provided a brief, positive update on the new Code Enforcement officer assigned through the Sheriff’s Office.

November 4, 2019 – Regular Meeting Minutes (continued)

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

The minutes of the November 4, 2019 Regular Meeting are hereby approved as stated this 2nd day of December, 2019.

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