

# **WHITE COUNTY BOARD OF COMMISSIONERS**

## **MINUTES OF THE CALLED MEETING HELD**

**TUESDAY, MARCH 24, 2020 AT 9:00 A.M.**

The White County Board of Commissioners held a Called Meeting on Tuesday, March 24, 2020 at 9:00 a.m. This meeting was conducted by teleconference due to the COVID-19 health emergency. The meeting, agenda, and teleconference instructions were advertised to the public and the meeting was conducted within the guidelines provided by emergency order of Governor Brian Kemp. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Patricia F. Rottenberg to request a conditional use permit on Hester Road Cleveland, GA 30528. Tax map and parcel 007-087. Total acreage is 5.00. Proposed use was to place in “Short Term Rental” program. Present use is A-1 Agriculture Forestry District. Mr. Sell stated that the Planning Commission had held a public hearing on the application and the application was recommended for approval as the request met the requirements of the short term rental ordinance. Ms. Rottenberg advised that she owns two (2) other short term rentals in Lumpkin County, the White County property would be one (1) cabin to accommodate four (4) adults. She indicated that her residence is adjacent to the proposed short term rental; she would be using VRBO or Airbnb for reservations, and would otherwise be managing the property herself.

Upon a motion made by commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Patricia F. Rottenberg to request a conditional use permit on Hester Road, Cleveland, GA, 30528 – on tax map and parcel 007-087 / total acreage effected being 5.00 / in an A-1 District, and the approved use being to place in a “Short Term Rental” program.

Mr. John Sell presented the land use application filed by Herb Lanphear to request a conditional use permit at 1224 Poplar Stump Road Helen, GA 30545. Tax map and parcel 041-024. Total acreage is 1.00 +/- . The proposed use was to place in a “Short Term Rental” program. Present use was R-1 Residential Single-Family District. Mr. Sell stated that the Planning Commission had held a public hearing on the application and the application was recommended for approval as the request met the requirements of the short term rental ordinance. Ms. Regina Berg of Cabin Rentals of Helen represented the application. She stated that her company would be managing the property for Mr. Lanphear, the maximum occupancy would be four (4) guests, and the property had not been used as a short term rental prior to this application.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Herb Lanphear to request a conditional use permit at 1224 Poplar Stump Road Helen, GA 30545 – on tax map and parcel 041-024 / total acreage effected is 1.00 +/- / in a R-1 District, and the approved use being to place in a “Short Term Rental” program.

Mr. John Sell presented the land use application filed by Robert Loomis to request a conditional use permit at 952 Chattahoochee Acres Drive Cleveland, GA 30528. Tax map and parcel 072-180. Total acreage 13.36. Proposed use was to place in a “Short Term Rental” program. Present use was R-1 Residential Single-Family District. Mr. Sell stated that the Planning Commission had held a Public Hearing on the application and had recommended approval of the application. He indicated that the subdivision where this property is located did not have current covenants and the homeowner’s association had written a letter approving the vacation rental

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and stated they were in the process of renewing their covenants in order to allow for short term rentals. Ms. Nancy Loomis stated that she had owned and had operated the vacation rental for 14 to 15 years and was not aware until recently that she was required to register the property and collect hotel / motel tax.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by Robert Loomis to request a conditional use permit at 952 Chattahoochee Acres Drive Cleveland, GA 30528 – on tax map and parcel 072-180 / total acreage effected being 13.36 / in a R-1 District – with the approved use being to place in a “Short Term Rental” program - - - contingent upon the payment of hotel / motel taxes due for the past three (3) years.

Mr. John Sell presented the land use application filed by Robert Loomis to request a conditional use permit at 1049 Chattahoochee Acres Drive Cleveland, GA 30528. Tax map and parcel 072-180. Total acreage 13.36. Proposed use is to place in a “Short Term Rental” program. Present use is R-1 Residential Single-Family District. Mr. Sell stated that the Planning Commission had held a Public Hearing on the application and had recommended approval of the application. He indicated that the subdivision where this property is located did

not have current covenants and the homeowner’s association had written a letter approving the vacation rental and stated they were in the process of renewing their covenants in order to allow for short term rentals. Ms. Nancy Loomis stated that she had owned and had operated the vacation rental for 14 to 15 years and was not aware until recently that she was required to register the property and collect hotel / motel tax.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by Robert Loomis to request a conditional use permit at 1049 Chattahoochee Acres Drive Cleveland, GA 30528 – on tax map and parcel 072-180 / total acreage effected being 13.36 / in a R-1 District – with the approved use being to place in a “Short Term Rental” program - - - contingent upon the payment of hotel / motel taxes due for the past three (3) years.

Mr. John Sell presented the land use application filed by Bryan Lee to redistrict property located at GA Hwy 115 East Cleveland, GA 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-120. Total acreage is 5.94. He stated the Planning Commission had held a Public Hearing on the application – at which there was support for the request and there was no opposition to the request at the Public Hearing. He indicated the site would be used as an office location for Mr. Lee’s construction business and additional storage facilities. Mr. Sell noted that after the Public Hearing was conducted – several owners of neighboring properties expressed opposition to the rezoning request (which had been forwarded to the Board for their information). Ultimately, the request was recommended by the Planning Commission (by a 4-2 vote) for approval.

Ms. Sharon Lee spoke on behalf of the rezoning request – she explained in detail the plans for the project and specifications provided in the site plan to minimize any negative effects to neighboring properties. She also stated that in planning the project, they had referenced the county’s comprehensive land use plan for guidance in selecting this location within a commercial corridor. Commissioner Holcomb stated that it was evident that the Lee’s were going out of their way to satisfy the surrounding neighbors – he did ask if the project could be move further from the southern property line and closer to Hwy 115 and provide a 35’ to 40’ buffer from the back property line. Mr. Lee expressed his concerns stating that the closest building to the back property line was already 125’ from the line. Mr. Lee confirmed that all lighting on the side of buildings that back up to residential properties would be down lighting with boat / RV storage areas would only have lights within the actual building. Chairman Turner explained that some surrounding property owners had complained about not seeing the re-zoning notice posted on the property and due to this, the Planning Department would be sending

notice letters to all adjacent property owners in addition to posting the property – for all future land use applications. Chairman Turner also asked that the posting signs be changed from white to yellow for higher visibility – when the signs had to be restocked.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by Bryan Lee to redistrict property located at GA Hwy 115 East Cleveland, GA 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-120. Total acreage is 5.94 - - - with the following stipulations: leland cypress trees must be planted along the property line in a staggered fashion, a buffer of at least 25’ must be maintained as a set back to the retention pond, down lighting must be utilized, and a vinyl coated chain link fence must surround the property.

Mr. John Sell presented the land use application filed by Bryan Lee to redistrict property located at GA Hwy 115 East, Cleveland, GA, 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-121. Total acreage is 4.50. He stated this property is part of the previous request. The Planning Commission held a Public Hearing on the application and unanimously recommended approval of the request.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Bryan Lee to redistrict property located at GA Hwy 115 East Cleveland, GA 30528 from: R-1 Residential, Single Family District, to C-2 Highway Business District. Tax map and parcel 062-121. Total acreage is 4.50 - - - with the following stipulations: leland cypress trees must be planted along the property line in a staggered fashion, a buffer of at least 25’ must be maintained as a set back to the retention pond, down lighting must be utilized, and a vinyl coated chain link fence must surround the property.

Mr. John Sell presented the land use application filed by Verizon Wireless, represented by Clark Davidson, to request a conditional use permit at 291 West Farm Road Cleveland, GA 30528. Tax map and parcel 046-043C. Total acreage is 71.65. Proposed use was to place antennas on an existing tower. Present use is C-2 Highway Business District. Mr. Sell stated that there is not a permitted use for communication towers within the land use ordinance – therefore currently all communication towers are classified as non-confirming uses and with

Verizon’s planned expansion of this existing tower they were required to follow the conditional use process to expand the non-conforming use. Mr. Clark Davidson represented Verizon Wireless and stated expansion would not increase the height of the tower or the size of the compound.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Verizon Wireless for a conditional use permit at 291 West Farm Road Cleveland, GA 30528 – on tax map and parcel 046-043C / total acreage is 71.65 / C-2 Highway Business District – with the approved use being to place antennas on an existing tower.

Mr. John Sell presented the land use application filed by Carol Chambers Crumley to request a conditional use permit at 591 Dock Dorsey Road Cleveland, GA 30528. Tax map and parcel 062-079. Total acreage 2.23. Proposed use was to place in “short term rental” program. Present use is R-1 Residential Single-Family District. Mr. Sell stated that the Planning Commission had held a Public Hearing on this request and had unanimously recommended approval of the application. Ms. Crumley stated that the short term rental would be a means of providing accommodations for the Cenita event venue.

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Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Carol Chambers Crumley to request a conditional use permit at 591 Dock Dorsey Road Cleveland, GA 30528 – on tax map and parcel 062-079 / total acreage 2.23 – with the approved use being to place in a “short term rental” program.

Mr. John Sell presented the land use application filed by Chad Knott (on behalf of Berg, Inc.) to redistrict property located at 26 Carolina Springs Road Sautee Nacoochee GA 30571 from: C-1 Community Commercial District to C-2 Highway Business District and requesting a conditional use permit for agri-tourism event facility. Tax map and parcel 058C-049A. Total acreage is 1.70. Present use was C-1 Community Commercial. He explained that this would be a mixed use facility – with Berg, Inc. operating Cabin Rentals of Helen (vacation rental management company), Bigfoot Lodge (4 bedroom), and an event venue for up to 50 people – therefore this request included rezoning and a conditional use permit. He stated that the Planning Commission had held a public hearing on this application and had unanimously recommended approval of the application after resolving questions regarding parking. The Board of Commissioner discussed parking and stressed that cars could not be parked in the road. Ms. Berg detailed her parking plan for 20 to 30 cars at the location.

Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was unanimous vote to approve the land use application filed by Chad Knott (on behalf of Berg, Inc.) to redistrict property located at 26 Carolina Springs Road Sautee Nacoochee GA 30571 from: C-1 Community Commercial District to C-2 Highway Business District and approve a conditional use permit for agri-tourism event facility on tax map and parcel 058C-049A with total acreage effected being 1.70.

Mr. Melton presented a recommendation to the Board to issue a moratorium on action and / or acceptance of land use applications for the next 30 days due to the public health crisis being experienced due to the COVID-19 pandemic.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to issue a moratorium on action and / or acceptance of land use applications through April 26, 2020 due to the public health crisis being experienced as a result of the COVID-19 pandemic.

Mr. David Murphy, Director of Public Safety, provided an update on the county’s COVID-19 response. He stated that the county’s pandemic committee had begun meeting four (4) weeks ago in order to address the COVID-19 response. He explained that currently White County does not have any confirmed cases of COVID-19 and to date first responders had encountered seven (7) patients (since 03/21/20) with COVID-19 symptoms. He noted current cases both regionally and statewide. Mr. Murphy noted that the most significant challenges to date were those created by tourists flocking to our area as a destination; however he was hopeful that that Governor’s recent order would curb these activities. He indicated that he was awaiting the promulgated rules from the Executive Order which goes into effect this date at noon. He reviewed the general provisions of the Governor’s Executive Order issued 03/23/2020 – which is set to expire 04/06/2020 at noon. Mr. Murphy detailed the benefits of social distancing and sheltering in place. He stated that the county’s pandemic response plan, which was developed several years ago, has been activated and he is encouraged by the response seen on local, state, and national levels. Sheriff Neal Walden stressed the serious nature of this pandemic and noted the critical decisions which would be required during the coming days. Commissioner Goodger and Commissioner Bryant stated that it is obvious that many are following the Governor’s guidance due to the decrease in traffic volume – which is greatly appreciated during this time. Chairman Turner shared that county offices are operating at a 50% modified schedule and are closed to the public; however are attempting to handle as much business as possible by phone, email, and internet.

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Mr. Melton expressed that he needed feedback from the Board on the proposed road work project list of spring 2020.

Mr. Melton presented the bids received for resurfacing 2.8 miles of Westmoreland Road – which had been designated as the 2020 LMIG (Local Maintenance and Improvement Grant) project.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to award the resurfacing of 2.8 miles of Westmoreland Road to the low bidder, Stratton & Sons Construction, in the amount of \$647,281.10 – which would be funded by LMIG funds in the amount of \$461,758.00 and SPLOST funds in the amount of \$185,523.10.

Following discussion, there was a consensus that Yonah Preserve Trails and pickle ball courts would remain open at this time; however this would be re-evaluated as needed and the importance of social distancing outdoors was stressed. Sheriff Walden stressed that as there is more outdoor recreation in our county – this leads to resources having to be available for rescues and injuries, during which it is difficult to observe social distancing and responders are put in danger. The Board asked that staff contact state and federal officials regarding any future plans to limit their outdoor recreation facilities.

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

The minutes of the March 24, 2020 Called Meeting are hereby approved as stated this 27th day of April, 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