

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE CALLED MEETING HELD

TUESDAY, DECEMBER 17, 2019 AT 8:00 A.M.

The White County Board of Commissioners held a Called Meeting on Tuesday, December 17, 2019 at 8:00 a.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.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to table the land use application filed by Robert McClure to request a conditional use permit at 1111 Satterfield Road Cleveland, GA 30528 – tax parcel 074-008 and total acres 6.70 – with the proposed use being to place in a “short term rental” program – the item was tabled due to Mr. McClure (or a representative) not being in attendance.

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

Chairman Turner asked Mr. Hamby how the amount budgeted (or encumbered) for the road projects compared to the amounts actually being paid out. He stated that amounts paid out on the projects were a good bit more than the original budgeted amounts. Chairman Turner asked Mr. Hamby and Ms. Ligon to prepare a report comparing the amounts originally budgeted on these projects to the amounts actually paid out upon completion. Commissioner Nix stated that he wanted to see an account for the reasons for any discrepancies between budgeted and actual on the road projects. Chairman Turner stated that following some research, the bonds for the jail construction project would not be eligible for pay-off at this time due to the terms of the refinance.

Mr. Berrong Kimsey represented Mr. Robert Sloane on a request to the Board that his short term vacation rental property located at 334 Alpine Drive Sautee Nacoochee, GA 30571 be reconsidered for grandfathered status under the White County Land Use Ordinance – Section 700. He stated that Mr. Sloane had been remitting lodging tax to the county for 334 Alpine Drive since August 2018 until the county began returning his payments in March 2019 (August 2018 – January 2019 were remitted and credited) and he has a business license for his short term rental property in Cameron Acres. Mr. Kimsey stated that Mr. Sloane had obtained permission from the property owner’s association to have a vacation rental at 334 Alpine Drive. Mr. Kimsey stated that the county had issued a cease and desist letter for the Alpine Drive property although it should have been grandfathered. He spoke of the expense Mr. Sloane had in order to make required improvements to his septic system, etc.

Ms. Henneke stated that if taxes were collected and paid to the county for an unauthorized short term rental – the remedy for that would be for those taxes to be refunded and that alone was not grounds for something incorrect to be allowed to continue. She stated there were several areas that could have resulted in confusion on Mr. Sloane’s behalf where the Board could give him the benefit of the doubt if they so choose – however he did not have a license and registration for the Alpine Drive property as required for grandfathered status. He would either have to revise his current occupational license & registration to reflect both properties (currently only

denotes Cameron House) or he would have to obtain a separate occupational license & registration for the Alpine Drive property. Mr. Kimsey stated that Mr. Sloane would do whatever the county required.

Mr. John Burgess, 356 Alpine Drive Sautee Nacoochee, GA, stated he lived next door to Mr. Sloane's property and he did not have any knowledge of the homeowner's association approving Mr. Sloane utilizing the property as a vacation rental. He stated that he has great concerns about noise and safety with this short term rental property.

Commissioner Bryant encouraged Mr. Burgess to report any issues with the rental to code enforcement.

Mr. Kimsey stated that Mr. Sloane did not allow renters younger than 30 years old, he has plenty of parking, and the property is bordered by Leyland cypress trees for privacy.

Upon a motion made by Commissioner Bryant, seconded by Holcomb there was a unanimous vote to grandfather Robert Sloane's short term rental property (from being required to obtain a conditional use permit under the White County Land Use Ordinance) at 334 Alpine Drive Sautee Nacoochee, GA 30571.

The updated local legislation (as was revised by the legislative counsel) for the creation of a Board of Elections and Registration was presented to the Board. Judge Baker spoke of how he and the current registrar are working together to combine the functions of their offices in preparation of this transition.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to ratify County Resolution 2019-21 related to the final approval of local legislation to be submitted during the 2020 legislative session creating a White County Board of Elections and Registration.

RESOLUTION NO. 2019-21(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;

December 17, 2019 – Called Meeting Minutes (continued)

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, 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

Attest: s/Shanda Murphy
Shanda Murphy, County Clerk

A BILL TO BE ENTITLED
AN ACT

1 To create a board of elections and registration for White County; to provide for its powers
2 and duties; to provide for definitions; to provide for the composition of the board and the
3 selection and appointment of members; to provide for the qualifications, terms, and removal
4 of members; to provide for vacancies; to provide for rights, oaths, and privileges; to provide
5 for the conduct of primaries and elections; to provide for meetings; to authorize the conduct
6 of municipal elections; to allow for joint primaries; to provide for the hiring and management
7 of an elections supervisor and staff; to provide for compensation for board members, the
8 elections supervisor, and staff; to provide for training of local election officials and poll
9 workers; to provide for offices, supplies, and other materials; to provide for the transfer of
10 powers, duties, facilities, and personal property; to provide for related matters; to provide for
11 an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Pursuant to subsection (b) of Code Section 21-2-40 of the Official Code of Georgia
15 Annotated, there is created the Board of Elections and Registration of White County. The
16 Board of Elections and Registration of White County shall have the powers, duties, and
17 responsibilities of the superintendent of elections of White County under Chapter 2 of
18 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
19 now exists or may hereafter be amended, which powers, duties, and responsibilities are
20 currently being exercised by the judge of the Probate Court of White County, and the powers,
21 duties, and responsibilities of the Board of Registrars of White County under Chapter 2 of
22 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as the same
23 now exists or may hereafter be amended.

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SECTION 2.

As used in this Act, the term:

- (1) "Board" means the White County Board of Elections and Registration.
- (2) "Commissioners" means the Board of Commissioners of White County.
- (3) "County" means White County.
- (4) "Election," "elector," "primary," and "public office" shall have the same meanings as ascribed to those terms by Code Section 21-2-2 of the Official Code of Georgia Annotated, unless otherwise clearly apparent from the text of this Act.

SECTION 3.

- (a) The board shall be composed of three members, each of whom shall be an elector and resident of the county and shall be appointed by the commissioners.
- (b) The initial members of the board shall be appointed for terms of office beginning January 1, 2021. The commissioners shall designate one of the initial members to serve for a term of two years and the second and third members to serve for a term of four years. Thereafter, all members shall be appointed for terms of four years.
- (c) Every two years the board shall appoint or reappoint one of its members to serve as chairperson for a two-year term. The chairperson shall preside over all meetings of the board and shall be entitled to vote on all matters coming before the board.

SECTION 4.

- (a) No person who holds elective public office or any member of his or her immediate family shall be eligible to serve as a member of the board during the term of such elective service. The position of any member of the board shall be deemed vacant upon such member's, or a member of such member's immediate family, qualifying as a candidate for elective public office. Further, there shall be no members of the same immediate family serving on the board or on the staff of the board at the same time.
- (b) For the purpose of this section, immediate family members shall be defined as a spouse, mother, father, stepmother, stepfather, grandmother, grandfather, child, stepchild, brother, sister, stepbrother, stepsister, half-brother, half-sister, mother-in-law, father-in-law, brother-in-law, and sister-in-law.
- (c) Board members must have been registered to vote in White County prior to the date of appointment.

SECTION 5.

Each member of the board shall:

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

- 58 (2) Have the right to resign at any time by giving written notice of such resignation to
59 the commissioners and to the clerk of the superior court;
60 (3) Serve until his or her successor is appointed and qualified;
61 (4) Be subject to removal for good cause by the commissioners at any time after prior
62 notice and a hearing; and
63 (5) Before entering upon his or her duties, take substantially the same oath as required
64 by law for registrars and shall have the same privileges from arrest.

65 **SECTION 6.**

- 66 (a) The commissioners shall certify the appointment of each member of the board by filing
67 an affidavit with the clerk of the superior court no later than 30 days preceding the date upon
68 which such members are to take office, and such affidavit shall state the name and residential
69 address of the person appointed and certify that such member has been duly appointed as
70 provided in this Act.
71 (b) The clerk of the superior court shall record each such affidavit on the minutes of the
72 superior court and shall certify the name of each such appointed member to the Secretary of
73 State and provide for the issuance of appropriate commissions to the members within the
74 same time and in the same manner as provided by law for registrars.

75 **SECTION 7.**

76 In the event a vacancy occurs in the office of any board member before the expiration of his
77 or her term, by removal, death, resignation, or otherwise, the commissioners shall appoint
78 a successor to serve the remainder of the unexpired term as provided for in Section 3 of this
79 Act. The clerk of the superior court shall be notified of such interim appointments and shall
80 record and certify such appointments in the same manner as the regular appointment of
81 members.

82 **SECTION 8.**

83 The board shall be empowered with all the powers and duties relating to the conduct of
84 primaries and elections as election superintendent pursuant to the provisions of Chapter 2 of
85 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." The board
86 shall be empowered with all the powers and duties relating to the registration of voters and
87 absentee balloting procedures as boards of registrars pursuant to the provisions of Chapter 2
88 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code." This
89 Act is intended to implement the provisions of subsection (b) of Code Section 21-2-40 of the
90 Official Code of Georgia Annotated and shall be construed liberally so as to effectuate that
91 purpose. The board shall be authorized and empowered to organize itself, determine its

92 procedural rules and regulations, adopt bylaws, specify the functions and duties of its
93 members, and otherwise take such action as is appropriate to the management of its affairs;
94 provided, however, that no such action shall conflict with state law. Action and decision by
95 the board shall be by a majority of the members of the board.

96 **SECTION 9.**

97 The board shall fix and establish, by appropriate resolution entered on its minutes, directives
98 governing the execution of matters within its jurisdiction. The board shall hold a minimum
99 of quarterly meetings at times, dates, and places as determined by the board. Any specially
100 called meetings shall be called by the chairperson or any two members of the board. All
101 meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50
102 of the Official Code of Georgia Annotated, relating to open meetings. The board shall
103 maintain a written record of policy decisions that shall be amended to include additions or
104 deletions. Such written records shall be subject to Article 4 of Chapter 18 of Title 50 of the
105 Official Code of Georgia Annotated, relating to inspection of public records.

106 **SECTION 10.**

107 The chairperson of the board shall chair all meetings of the board, serve as spokesperson for
108 the board, and generally supervise, direct, and control the administration of the affairs of the
109 board pursuant to law and duly adopted resolutions of the board.

110 **SECTION 11.**

111 The board shall have the authority to conduct municipal elections and primaries for any
112 municipality located within the county if such municipality has entered into a contract for
113 that purpose with the commissioners and in conformance with Code Section 21-2-45 of the
114 Official Code of Georgia Annotated.

115 **SECTION 12.**

116 Nothing in this Act shall be construed to require or prohibit joint primaries or to require or
117 prohibit the commissioners or any other public agency to bear any expense of conducting
118 primaries not otherwise required by law.

119 **SECTION 13.**

120 (a) The county shall hire a full-time elections supervisor to administer and supervise the
121 conduct of the elections and primaries and the registration of electors of the county. The
122 elections supervisor shall not be eligible to serve as a member of the board. The elections
123 supervisor shall be considered a county employee for purposes of pay, benefits, sick leave,

124 vacation, termination of employment, and other purposes. The elections supervisor shall be
125 subject to direction, evaluation, and corrective action by the county manager.

126 (b) The elections supervisor may recommend to the county manager for employment such
127 full-time and part-time employees as may be deemed necessary by the elections supervisor
128 and as are approved in an annual budget adopted by the commissioners. All such employees
129 shall be considered county employees for purposes of pay, benefits, sick leave, vacation, and
130 other purposes in accordance with policies adopted by the commissioners.

131 **SECTION 14.**

132 Compensation for the members of the board, the elections supervisor, clerical assistants, and
133 other employees shall be fixed by the commissioners. All amounts payable under this
134 section shall be paid from county funds.

135 **SECTION 15.**

136 The commissioners shall provide the board with such proper and suitable offices, equipment,
137 materials, and supplies as the commissioners deem appropriate.

138 **SECTION 16.**

139 The local election officials of White County shall attend training as required by Code
140 Section 21-2-100 of the Official Code of Georgia Annotated, and the commissioners shall
141 pay the cost of such training.

142 **SECTION 17.**

143 The board shall be responsible for the selection, appointment, and training of poll workers.

144 **SECTION 18.**

145 Upon the effective date of this Act, the Probate Court of White County and the Board of
146 Registrars of White County shall be relieved of all powers and duties transferred to the board
147 by this Act and shall deliver to the board all facilities and personal property, including but
148 not limited to equipment, supplies, materials, books, papers, and records pertaining to such
149 powers and duties.

150 **SECTION 19.**

151 This Act shall become effective on January 1, 2021.

152 **SECTION 20.**

153 All laws and parts of laws in conflict with this Act are repealed.

December 17, 2019 – Called Meeting Minutes (continued)

Mr. Melton presented an update to the Board on the \$50,000.00 grant the county applied for through the Georgia Department of Natural Resources / Land and Water Conservation Fund for the construction of a new playground adjacent to the Yonah Preserve Ballfield Complex. He stated the county had been approved for the grant funding; however the state was in discussion with the federal side regarding language within the grant agreement that they had not been able to come to an agreement on as of yet. Staff was given direction to proceed with the bidding of the playground project, as the Board wanted to have the installation complete by March / April 2020. Chairman Turner stated that this would need to be a project that could be added on to in the future.

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

-See The Following Closed Meeting Affidavit-

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

The Board briefly discussed their wishes to begin looking at options for evaluation of the county's computer system as relates to potential cyber security issues.

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

The minutes of the December 17, 2019 Called Meeting are approved as stated this 6th 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

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