

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE COMBINED WORK SESSION & REGULAR MEETING

HELD MONDAY, MARCH 27, 2017 AT 4:30 P.M.

On Monday, March 27, 2017 the White County Board of Commissioners held a combined Work Session and Regular Meeting 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 Craig Bryant, County Attorney Bill House, Finance Director Vicki Mays, and County Clerk Shanda Murphy. Commissioner Edwin Nix and County Manager Michael Melton were not in attendance.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor Tim Morgan of Faith Lutheran Church & the White County Ministerial Alliance provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote adopt the minutes of the Regular Meeting held March 6, 2017 – including Executive Session Minutes.

Upon presentation of proclamation to the Enotah CASA (Court Appointed Special Advocates), April 2017 was declared “Child Abuse Prevention Month in White County”.

A public hearing was conducted for the land use application filed by Ms. Jenna E. Lee, on behalf of Verizon Wireless in order to request a conditional use permit at Cobb Vantress Drive, Cleveland, Georgia 30528, Tax Map and Parcel 050C-046, 16.49 acres with the proposed use being to place a telecommunications tower on the property, with the present land use classification being I-1 Industrial District.

Mr. Tom O’Bryant, Director of Community & Economic Development, provided a summary of the proposed project stating that the tower was previously permitted in 2014; the permit had since expired and now with land use in place the request for the conditional use permit had to be considered by the Board. He noted that the Planning Commission had unanimously recommended approval of the conditional use permit.

Ms. Jenna Lee, with Troutman & Sanders – representing Verizon Wireless, addressed the Board of Commissioners concerning the improvements to LTE service that the installation of this tower site would bring.

Chairman Turner opened the floor for public comment in support of the application for the conditional use permit associated with the proposed Verizon Wireless telecommunications tower. Chairman Turner restated three (3) times the opportunity for anyone to speak in support of the application. There were no public comments in support.

Chairman Turner opened the floor for public comment in opposition of the application for the conditional use permit associated with the proposed Verizon Wireless telecommunications tower. Chairman Turner restated three (3) times the opportunity for anyone to speak in opposition of the application. There were no public comments in opposition.

Chairman Turner closed the public hearing.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Ms. Jenna E. Lee, on behalf of Verizon Wireless for a conditional use permit at Cobb Vantress Drive, Cleveland, Georgia 30528, Tax Map and Parcel 050C-046, 16.49 acres with the approved use being to place a telecommunications tower on the property, with the present land use classification being I-1 Industrial District.

A public hearing was conducted for the land use application filed by Ms. Linda Barnhart to request a conditional use permit at 3287 Hwy 129 North / 17 Twin Lakes Road Cleveland, GA, Tax Map and Parcel 032-041, being 3.50 acres in the C-1 Community Commercial District – with the proposed request for residential use on the property.

Mr. Tom O'Bryant provided a summary of the request being presented stating that Ms. Barnhart had a sale pending on the property in which the potential buyer wanted to reside at the location as well as have a daycare facility. He stated that the Planning Commission unanimously recommended approval of the conditional use permit as requested. He also stated that in the Planning Commission's public hearing process, concerns were voiced regarding agricultural use of the property and that this was not allowed in the C-1 classification as stated in the County Code.

Ms. Barnhart addressed the Board regarding her application for conditional use of the property for residential purposes. She stated that the potential buyer would reside on the property, did not want to have a commercial agriculture operation, and only had animals which were pets. She also confirmed that the proposed daycare facility, which is allowed in the C-1 classification, would be licensed and registered by the State of Georgia.

Chairman Turner opened the floor for public comment in support of the application for the conditional use permit associated with the proposed residential use within the C-1 District for the property located at 3287 Hwy 129 North / 17 Twin Lakes Road Cleveland, GA.

Ms. Jessica Oliver, Tumbleweed Drive Cleveland, GA: Ms. Oliver (potential buyer) stated that the animals / pets that she would have on the 3.50 acres were in no way production animals – they were pets. She also noted that her property would have to meet all the requirements of the State of Georgia in order to be able to operate an in-home licensed daycare facility.

Chairman Turner restated three (3) times the opportunity for anyone to speak in support of the application. There were no additional public comments in support.

Chairman Turner opened the floor for public comment in opposition of the application for the conditional use permit associated with the proposed residential use within the C-1 District for the property located at 3287 Hwy 129 North / 17 Twin Lakes Road Cleveland, GA.

Ms. Grace Fricks – (Home) 1727 Turner Corner’s Road Cleveland, GA (Business) 3173 Hwy 129 North Cleveland, GA: Ms. Fricks stated that she is the President & CEO of ACE (Access to Capital for Entrepreneurs, Inc.) which is located next door to the subject property. Ms. Fricks said she had no issue with the residential use of the property or the proposed daycare facility – that her only concern was related to the location of alpacas on the property and negative impacts this would bring to the professional character of her business location – including odor, flies, and run-off. Ms. Fricks emphasized that her only concern was livestock being housed in the C-1 area.

Mr. David Syfan, of Hulsey, Oliver, and Mahar – representing Larry & Grace Fricks and ACE, Inc.: Mr. Syfan restated comments which were previously submitted to the Board of Commissioners in written correspondence. He stated that White County’s ordinance did include alpaca within the definition of livestock; however the ordinance does not address the definition of “pet”. Mr. Syfan said he was asking that the Board impose reasonable conditions in order to alleviate potential negative impacts on the neighboring properties – with the requested conditions to include no livestock allowed on the property whether it is considered a pet or not and to require that any pets be household pets – with an unlimited number of household pets to be allowed. He noted that Ms. Oliver operates “Autumn Hollow Alpacas” and has a website that details her raising and breeding the alpacas.

Chairman Turner restated three (3) times the opportunity for anyone to speak in opposition of the application. There were no additional public comments in opposition.

Mr. Bill House, County Attorney, advised that livestock as defined within the land use ordinance (to include alpacas) are not allowed in the C-1 Land Use District and he agreed that a further definition of “pet” could be made within the ordinance. Mr. House stated that the first condition noted by Mr. Syfan was what he considered to be reasonable - no livestock allowed on the property whether it is considered a pet or not. Mr. House stressed that according to the White County Land Use Ordinance, it would be a violation of county code to have livestock on the subject property which is classified as C-1.

Ms. Barnhart questioned the Board on what type operations could be allowed within the C-1 Land Use District on the 3.50 acres, specifically could she use the abandoned chicken house to breed rats.

Ms. Oliver emphasized that she would be required to meet the strict requirements of the State for her daycare facility related to having any animals on the property.

Chairman Turner closed the public hearing.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to grant the conditional use permit for 3287 Hwy 129 North / 17 Twin Lakes

Road Cleveland, GA, Tax Map and Parcel 032-041, being 3.50 acres in the C-1 Community Commercial District –for residential use on the property with the condition that no livestock could be raised, maintained, or housed on the property (if considered a pet or not) as defined within the White County Land Use Regulations.

An annexation request from the City of Cleveland was presented for 1.90 acres owned by Ginn & White, LLC in Land Lot 40 of the 2nd Land District of White County – Tax Map and Parcel 048A-087, with a land use classification of C-1, Community Commercial District. Ms. Murphy stated that the business at this location, Cleveland Academy, was planning to expand and would need sewer service from the City of Cleveland for the expansion therefore the City was requiring the owners to annex into the City of Cleveland. Mr. House stated that he had reviewed the request and he saw no issue with it.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the annexation request from the City of Cleveland for 1.90 acres owned by Ginn & White, LLC in Land Lot 40 of the 2nd Land District of White County – Tax Map and Parcel 048A-087.

Chairman Turner stated that within the past few months one of the Sheriff's Office vehicles was totaled in an accident (no fault of White County) and Sheriff Walden has issued a request to purchase a vehicle for replacement. Ms. Murphy noted that the totaled vehicle was a 2005 Chrysler Sebring and the settlement was just under \$3,000.00.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the purchase for the White County Sheriff's Office of a 2017 Ford F-150 4x4 truck from Jacky Jones Ford in the amount of \$30,700.00 – to be funded from SPLOST.

Two tax release applications, filed by Ms. Bonnie London, for mobile homes taxes due associated with Map & Parcel 019-001A-001 (377 Oglethorpe Lane Cleveland, GA) and 019-001B-001 (375 Oglethorpe Lane Cleveland, GA) were considered. Both mobile homes had been damaged by fire on two (2) separate occasions. The mobile home located at 375 Oglethorpe Lane was damaged on January 19, 2017 and was a total loss. The mobile home located at 377 Oglethorpe Lane was damaged on March 8, 2017 and had continued to be lived in, as the damage was minor. Chairman Turner stated that neither of these properties were primary residence of the taxpayer – these were both rental properties. No one was in attendance to address the Board on behalf of the applicant / taxpayer.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to deny the tax release applications filed by Ms. Bonnie London, for mobile homes taxes due associated with Map & Parcel 019-001A-001 (377 Oglethorpe Lane Cleveland, GA) and 019-001B-001 (375 Oglethorpe Lane Cleveland, GA).

Mr. Tom O'Bryant introduced Mr. Clark Neal of SORBA to present the bids received for the Yonah Preserve Recreational Trail Project – Phase I.

Mr. Neal stated that a total of six (6) bids were received – two of which were determined to be complete. He stated that the recommendation was to award the Phase I Trail Project to Flowmotion Trail Builders in the amount of \$82,284.00 – to be paid through grant funds received from the Georgia Department of Natural Resources. He noted that construction would begin in June 2017 and would be completed by August 2017 – with a Fall 2017 opening of the 3.5 mile Phase I Trail.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to award the Phase I Trail Project to Flowmotion Trail Builders in the amount of \$82,284.00 – to be paid through grant funds received from the Georgia Department of Natural Resources.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to approve the purchase of an infield machine for the White County Recreation Department in the amount of \$11,032.45 from Jerry Pate Turf and Irrigation – with the approval of a budget amendment to transfer funds from grounds / maintenance to capital outlay within the Recreation Department Budget for the purchase.

Upon a motion by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the preliminary Fiscal Year 2018 Budget for the Enotah Judicial Circuit (Lumpkin, Union, Towns, White) – Superior Court, Juvenile Court, District Attorney, and Public Defender. Ms. Mays noted that the contribution from White County did not increase as any budget increases were offset by use of fund balance.

Superior Court \$93,640.00 (+.58%)
Juvenile Court \$174,517.00 (+4.80%)
District Attorney \$478,218.00 (+3.15%)
Public Defender \$280,882.71 (+2%)
-----Grand Total Counties Circuit \$996,591.00 plus admin fees
White County's Contribution \$310,516.00

Ms. Vicki Mays, Finance Director, presented the monthly Financial Status Report (see attached).

Upon a motion made Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve Addendum No. 2 to the Legacy Link contract for nutritional services at the White County Senior Center – with the addendum reflecting a \$191.00 reduction in funding to the county.

Chairman Turner opened the floor for citizen participation. There were no comments.

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

The minutes of the March 27, 2017 combined Work Session & Regular Meeting are hereby approved as stated this 1st day of May, 2017.

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

Not In Attendance
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Murphy
Shanda Murphy, County Clerk