

**WHITE COUNTY BOARD OF COMMISSIONERS**

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

**MONDAY, FEBRUARY 4, 2019 AT 4:30 P.M.**

The White County Board of Commissioners held a combined Work Session and Regular Meeting on Monday, February 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, 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 & 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 January 7, 2019 Work Session & Regular Meeting and the January 17, 2019 Joint Meeting with the White County Planning Commission.

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

The Public Hearing scheduled for the land use application filed by Mr. Jesse Knaus was postponed to March 4, 2019 due to Mr. Knaus not being able to be in attendance due to illness.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Ms. Judith Tolhurst to request a conditional use permit at 515 Tolhurst Road Cleveland, GA 30528. Tax Map / Parcel 017-121 – 4.50 acres with the proposed use of placing in a short term vacation “for rent by owner” program with the present use being R1, Single Family Residential District. He clarified that this application was in process prior to the moratorium currently in effect for conditional use permits for short term vacation rentals by owner outside of the R3, Seasonal District. Mr. Sell stated the Planning Commission recommended that this application be approved. He noted that one neighbor had some concerns regarding lighting and Ms. Tolhurst dealt with the neighbor directly on his concerns. He explained that the 4.50 acre tract was part of a 49 acre tract of land that bordered U.S. Forest Land.

Ms. Judith Tolhurst spoke on behalf of her application and expressed her plans to make the specified residence a short term vacation rental and would possibly consider developing a venue on the large land tract in the future.

Chairman Turner reviewed the administrative procedures for the land use public hearings and opened the floor for any public comments in support of the land use application filed by Ms.

Judith Tolhurst to request a conditional use permit at 515 Tolhurst Road Cleveland, GA 30528. Following three (3) calls for any comments in support and with their being no comments submitted, Chairman Turner opened the floor for any comments in opposition of the land use application filed by Ms. Judith Tolhurst to request a conditional use permit at 515 Tolhurst Road Cleveland, GA 30528. Following three (3) calls for any comments in opposition and with their being no comments submitted – Chairman Turner closed the floor.

Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by Ms. Judith Tolhurst for a conditional use permit at 515 Tolhurst Road Cleveland, GA 30528. Tax Map / Parcel 017-121 – 4.50 acres to place in a short term vacation “for rent by owner” program with the present use being R1, Single Family Residential District – contingent on Ms. Tolhurst complying with business license and lodging tax requirements.

Mr. John Sell summarized the Mountain Protection Ordinance violations in Panorama Estates by Mr. Robert Sloane at 41 Nugget Ridge Sautee Nacoochee, GA 30571. He referenced the notice of violation issued to Mr. Sloane dated November 16, 2018 related to tree cutting on his property as well as neighbor’s property during the week of November 4-10 – which had been reported to White County Code Enforcement by the effected neighbor who had not given permission for the cutting on his property. Mr. Sell stated that the clearing was done in an effort to clear the view to the river and included 25 to 30 trees which were 8” or greater in diameter. Mr. Melton advised that he had met with an arborist who is preparing an official report regarding the amount of clearing done in violation of the ordinance. Mr. Robert Sloane stated that he was completely unaware of the Mountain Protection Ordinance and he was trying to clear for a view of the mountains and river. He spoke of his love for the area and the multiple properties he owns in White County that are vacation type homes. He stated that the tree cutters did exactly what he had asked them to do, he estimated that about 10% of the area was cleared, said his neighbor advised him that he had inadvertently cleared trees on his property, and explained that the clearing stopped immediately when he was notified. Commissioner Bryant asked Mr. Sloane how much the value of the property had increased due to the view he had created with the clearing. Mr. Sloane stated he had no idea what the change in value would be, as that was not his purpose in clearing. Mr. Sell stated that the Planning Commission would be voting on their recommendation for a conditional use permit for this property and another of Mr. Sloane’s properties for short term vacation rental and these items would be brought to the Board of Commissioners at the February Work Session. Chairman Turner directed staff to continue working with the arborist and bring to the Board recommendations for remediation / penalty for this violation as soon as possible. Mr. Scott Malinconico, 2870 Panorama Drive Sautee Nacoochee, stated that he owns the property neighboring Mr. Sloane – where trees were cut without his permission. He stated that some of the trees cleared were in excess of 2’ in diameter. He asked that as the Board if considering remediation that the plans require a timeline, a performance bond, and restoration of the riverbank. He expressed his concerns regarding debris which is still on the ground and it was clarified that the debris had not been removed as of yet based on the county’s direction. Mr. Malinconico stated that he understood that the private property issue would be a civil matter between him and Mr. Sloane.

Ms. Barbara Overton, Director of Senior Services, presented a proposal to move the White County Alzheimer's Respite Program under the umbrella of the White County Senior Center operations. She stated that the program had utilized the center's facilities for many, many years – however had worked under a stand-alone contract with Legacy Link. She indicated that the administration of the program had become challenging for them and both the program and Legacy Link wanted this to transition to the county to take place immediately as an addition to the county's current contract with Legacy Link. Ms. Overton informed that the Respite Program has non-profit status with a Board of Directors – of which the structure could be discussed in the near future.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix there was a unanimous vote to move the White County Alzheimer's Respite Program under the umbrella of the White County Senior Center operations effectively immediately.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the Legacy Link Fiscal Year 2019 Contract Addenda #2 for operations of the White County Senior Center.

Upon a motion made by Commissioner Holcomb, seconded Commissioner Bryant there was a unanimous vote to appoint Ms. Lindsey Oliver to fulfill the remainder of a three (3) year term on the Recreation Advisory Board – to expire December 31, 2019. (Previously held by Mr. Alan Griffin)

In reviewing the status of developing a draft ordinance, at the direction of the Board of Commissioners, for short term vacation rentals in the unincorporated area of White County Mr. Melton asked for guidance with whether the Board wanted to remove short term rentals from the land use ordinance, if they wanted a completely stand-alone ordinance, and if so what would be the desired criteria for approval in a stand-alone ordinance. Chairman Turner reviewed that the Planning Commission had requested that the Board consider revisions that would remove the Planning Commission from conducting the public hearings associated with short term vacation rentals outside of the R-3 land use district and / or provide them with criteria specifically related to the review of these items. Chairman Turner stated that the Board was struggling to decide which direction to go with this issue with their desire to not have larger government – and the Board had to balance the issues at hand with our area being a major tourism destination. Commissioner Nix stated that he understood people living in residential areas considering short term vacation rentals in their neighborhoods to be a potential problem with different people coming and going. Commissioner Holcomb stated that it would be difficult to rely on homeowner's associations to handle the issue through protective covenants because most neighborhoods did not have organized HOA's. Chairman Turner asked that staff research what other surrounding communities are doing to address short term vacation rentals. Mr. Melton and Mr. Sell indicated that through their research thus far – the policies vary greatly from place to place.

Chairman Turner chose to open the floor for comments regarding the issue of regulating short term vacation rentals in the unincorporated area of White County.

Mr. John Yarbrough, 118 Doe Run Sautee Nacoochee, GA – stated that within Skylake there are eight (8) properties which are grandfathered and are allow to operate short term vacation rentals, however all other properties are restricted to no rental terms less than 30 days. He said that from time to time the vacation rentals do cause an issue.

Ms. Gina Patterson 1624 Bahn Innsbrook Helen, GA – stated she owns a second home in Innsbrook which is rented through a management company, Cabin Rentals of Helen. Ms. Patterson stated that fewer problems occur when a management company is utilized as opposed to someone handling their own rental. *Chairman Turner emphasized that nothing the Board is considering would affect the incorporated areas of Cleveland and Helen.*

Ms. Linda Hubbard, 32 Bern Vista Sautee Nacoochee, GA – stated she is the chair of the Swiss Colony HOA Covenants Committee and they are working to update their subdivision covenants in order to address issues they have had with short term rentals in their neighborhood.

Mr. Tom Sanson, 239 Bern Vista Sautee Nacoochee, GA – suggested that realtors be made aware of regulations so they could inform prospective buyers of any restrictions.

Mr. Billy Hubbard, 32 Bern Vista Sautee Nacoochee, GA – stated the within the existing covenants it is stated “for residential purposes only”; however they have been advised by lawyers that is not specific enough language to prohibit short term vacation rentals.

Ms. Regina Burke, Cabin Rentals of Helen – stated she was speaking on behalf of management companies and their properties are much more strictly managed than those rented through VRBO and Airbnb with no local accountability.

Chairman Turner closed the floor and stated that a separate meeting would need to be scheduled in order to discuss short term vacation rentals. Commissioner Goodger stated that the current 90 day moratorium would expire on April 17, 2019.

Upon a motion made by Chairman Turner, seconded by Commissioner Bryant there was a unanimous vote to designate up to \$20,000.00 in SPLOST funding for the purchase of a vehicle for use by administration – with the purchase to be made through a government surplus program with the chair or vice-chair’s approval once a specific vehicle is identified. Mr. Melton and Mr. Murphy would be developing criteria for the Board’s approval in order to define the parameters of the search. *The funds designated by this action replace the \$10,000.00 previously designated with a 01/31/2019 expiration.*

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

Mr. Melton presented the names of those recommended for appointment to the White County Historic Preservation Committee.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to appoint the following individuals to the White County Historic Preservation Committee: Blake Boggs (representing realtors), Linda Dixon (Planning Commission) John

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Erbele (representing Sautee Nacoochee Community Association), Jason Hogan (representing local business), Judy Lovell (representing the White County Historical Society), Mike Spence (representing churches / campgrounds / cemeteries), Will Wagner (representing DNR / State Parks), John Sell (Staff / ex-officio), and a Planner from the Georgia Mountains Regional Commission (ex-officio).

Chairman Turner opened the floor for citizen participation.

Mr. Michael Meaders, Post Road Cleveland, GA – expressed his frustration regarding trash on the sides of the roadways throughout the county – especially along Hwy 129 South. Chairman Turner asked that Mr. Melton assist in getting a meeting scheduled with various stakeholders regarding clean-up of the trash and options for citing those responsible.

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

The minutes of the February 4, 2019 Work Session and Regular Meeting are hereby approved as stated this 4<sup>th</sup> day of March, 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