

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE CALLED MEETING HELD

TUESDAY, MARCH 12, 2019 AT 8:00 A.M.

The White County Board of Commissioners held a Called Meeting on Tuesday, March 12, 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, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Mr. Melton stated that currently a moratorium is in place, which will expire April 8, 2019, for any conditional use permits for short term vacation rentals within the land use ordinance. He stated there had been several drafts of a proposed short term rental ordinance under the Board's direction.

Mr. John Sell presented the latest revisions of a draft short term rental ordinance for the unincorporated area of White County. He explained that the basis of the draft was that short term vacation rentals would not be allowed in major subdivisions (10 or more lots) unless subdivision regulations specifically allowed short term vacation rentals, criteria for issuing a host license, and the procedure for approval of a host license.

Chairman Turner polled the Board as to their thoughts on the proposed ordinance. Commissioner Holcomb stated that he wanted to hear what everyone else had to say, Commissioner Nix stated the main purpose of developing an ordinance was not to control but to create parity between all of those offering short term vacation rentals. Commissioner Bryant stated that he had received many calls from those in his district regarding the issue of short term vacation rentals. He said he felt strongly about each rental location having a separate license / permit, expressed concerns regarding areas that had more than 10 lots but were not necessarily a defined subdivision, stated commercial insurance should be required, and indicated that he recommended a 120 days for compliance. Commissioner Goodger stated that he favored not allowing short term vacation rentals in any subdivision – major or minor – unless expressly allowed by restrictive covenants. He stated any short term rentals operating legally at the adoption of an ordinance would be grandfathered; however if the property was sold it would no longer be considered “grandfathered”. His suggestion was to limit public hearings to only those in R1 or A1, with subsequent annual license renewals being done administratively prior to any rentals in the given year but prior to January 31. Chairman Turner expressed that he was concerned that the development of a standalone ordinance to address short term rentals was too “monumental” and wanted to see the land use ordinance revised to only require 1 (instead of 2) public hearings – with the hearing to be advertised and held by the Planning Commission with recommendation being made to the Board of Commissioners, having short term rentals addressed in the land use ordinance (as a conditional use) with specified criteria related to acknowledgment of covenant restrictions, parking limitations, requiring a host license / business license / payment of hotel-

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motel tax, establishing a complaint procedure with remedies, requiring a 24/7 contact, etc. The Board spoke in agreement about the importance of tourism to White County's economy.

There was discussion regarding the limiting of short term rentals in the R-1 district – which would address subdivisions – however it was noted that not all R-1 properties are located in subdivisions. The draft ordinance presented differentiated major (10 or more lots) and minor (less than 10 lots) subdivisions – with short term rentals being allowed in minor subdivisions (when criteria is met) but not allowed in major subdivisions. Commissioner Nix stated that he could not support anything that did not limit short term rentals in subdivisions unless covenants expressly allowed the short term rentals.

Mr. Melton advised the Board that with the changes being considered and the amount of time it will take with the required process – he recommended extending the current moratorium on conditional use permits for short term vacation rentals.

Chairman Turner asked for a show of hands of the meeting attendees signifying who was in support of the Board developing guidelines for short term rentals. The overwhelming majority of attendees raised their hands in support of the Board establishing a policy for short term vacation rentals.

There was a consensus that guidelines for short term rentals would also apply single room rentals.

Chairman Turner asked each Commissioner to address whether they were in favor of a separate short term rental ordinance or if they wanted to leave the issue of short term rentals to be addressed in the land use ordinance. Commissioner Goodger stated that he would prefer a short term rental ordinance as he felt the issue's complexity warranted some elaboration in order to address all the different scenarios with short term vacation rentals. Commissioner Bryant stated that he would prefer to leave the issue of short term rentals to be addressed in the land use ordinance and just update the areas of concern. Commissioner Nix stated that he would prefer a standalone ordinance for addressing short term rentals. Commissioner Holcomb stated he would prefer to leave the issue in the land use ordinance. Chairman Turner stated that he would prefer to address the issue through revisions to the land use ordinance.

Based on the discussions, it was determined that staff would bring revisions to the land use ordinance to the Board at the March 25, 2019 meeting with the goal of having a public hearing on the proposed changes and adoption of the revisions in April.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to extend the moratorium on any conditional use permits for short term rentals for 60 days from April 8, 2019 (until June 7, 2019) in order to provide the time needed for development and adoption of revisions to the White County Land Use Ordinance to address short term vacation rentals. It was clarified that the moratorium could be lifted by the Board of Commissioners prior to the 60 day timeframe established.

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Mr. Melton summarized the direction provided by the Board – to leave the issue of short term vacation rentals in the land use ordinance with criteria being added specifically to address issues with short term vacation rentals, and the overall public hearing process in the land use ordinance being streamlined to require only one (1) public hearing (to be held by the Planning Commission). Chairman Turner summarized potential criteria to include parking restrictions, 24/7 contact information being required, and a defined complaint procedure with penalties.

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

The minutes of the March 12, 2019 Called Meeting are hereby approved as stated this 25th 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