

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE WORK SESSION HELD

MONDAY, AUGUST 29, 2016 AT 4:30 P.M.

The White County Board of Commissioners held a Work Session on Monday, August 29, 2016 at 4:30 p.m. in the White County Administration Building. In attendance at the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, Finance Director Vicki Mays, and County Clerk Shanda Murphy.

Chairman Turner stated that with several of the attendees being from the Hwy 75 Alternate area he asked if everyone had noticed the work being done on that roadway by the Georgia Department of Transportation (GDOT) - which had made what seemed to have made a recently resurfaced, perfectly smooth surface a very loose and rough surface. He asked Mr. Melton to share his conversation with GDOT. Mr. Melton stated that he had spoken with Mr. Brent Cook, GDOT District Engineer, about the work being done and he did not really receive any clarification other than this was a new process and the previous work done on the road was only patching. Chairman Turner encouraged any concerned citizens to contact the DOT.

Chairman Turner stated that the meeting agenda does include three (3) public hearings on separate land use requests.

A Public Hearing was held for the application submitted by Mr. Caleb Huiet and Mr. Josh Wofford for redistricting of property located off Hwy 75 Alternate (Parcel #042C 004H) from R-1 (Single Family Residential) to A-1 (Agriculture) and a request for a Conditional Use Permit for Parcels #042C 004B (classified as A-1) and #042C 004H (classified as R-1, pending request for classification as A-1) located off Hwy 75 Alternate – in order to operate a private outdoor gun range.

Mr. Tom O'Bryant, Director of Community & Economic Development, presented the applications submitted by Mr. Huiet and Mr. Wofford for the 23 acre project noting that proposed guidelines are included in the application to address such concerns as hours of operation and noise issues. Mr. O'Bryant stated that the Hwy 75 Alternate area is designated as a seasonal tourism corridor within the White County Land Use Plan and surrounding properties are classified as A-1, R-1, and National Forest property. He noted that on August 1, 2016 the Planning Commission voted 5-1 to deny the application for redistricting and a conditional use permit after having held a Public Hearing on the applications on July 25, 2016.

Mr. Spencer Carr of the Carr Law Group presented the request for redistricting and conditional use permit on behalf of Mr. Huiet and Mr. Wofford. He stated that he understood the main concerns to be safety and noise – he assured the Board that both of these concerns had been addressed extensively by the applicants within their project plan. He presented diagrams of the proposed shooting range including topography which he indicated would help greatly with the noise abatement. Mr. Carr referenced the U.S. Army & Navy Fire Range Design Handbook,

illustrating the areas determined to be “danger zones” – none of which are in the direction of residences – and noting that based on the design standard, fragmentation is not an issue. He stated that the proposed range is based on national guidelines and included EPA standards incorporated into the design to assure water & soil quality. Mr. Carr noted that White County’s Land Use Ordinance makes provisions for shooting ranges within Agriculture, Industrial, and Highway Industrial Districts. He referenced OCGA 41-1-19 (3)(c) – the statute regarding noise at shooting ranges, as well as two different Supreme Court Cases involving shooting ranges / zoning. He stated that the goal of the presentation was to fully disclose all aspects of the project – thereby allowing the Board to make an informed decision. Mr. Carr stated that in the Planning Commission Public Hearing Minutes it was stated that the closest residence was 100 yards away from the proposed location of the shooting range. He said this information was not accurate and the closest residence was 240 yards away with a 150 foot elevation change. He noted that the longest range was 100 yards from shooter to target and the highest caliber allowed would be 338. Mr. Carr spoke in detail about the design elements of a safe shooting range which would be implemented. He noted that the residential structure on the property would be kept and would be used as a clubhouse area. He indicated that a sound study had not been conducted and the closest shooting range would be 230 yards from Hwy 75 Alternate. Mr. Carr noted the legal standards for objections to re-zonings to the Board and that damages to neighbors were required to be specific rather than general.

Chairman Turner opened the floor for public comments and asked for a show of hands for those in support of the shooting range project (37 hands were raised) and those opposed to the shooting range project (25 hands were raised).

Rev. M.L. Bruce, Dawsonville, GA: Rev. Bruce stated that all the surrounding properties border National Forest on at least two (2) sides, where people hunt unsupervised. He spoke of the structured safety of a gun range with supervision of range officers, etc. He thought this would benefit law enforcement officers by giving them a place to practice shooting skills, provide a safe place for people to be taught the correct way to handle a firearm, and the shooting range would be much safer than people just casually going out and shooting at their homes.

Mr. Gary Dorman, 6185 Hwy 115 West Cleveland, GA: Mr. Dorman stated that he had heard comments indicating that since he did not live in the immediate area of the gun range he should not be concerned or express his opinion and he disagreed with that. He said that he enjoys shooting long guns and he cannot do this do this safety in his neighborhood. He asked the Board to consider the entire community in making their decision.

Mr. Bryan Mann, 98 Cricket Lane Sautee, GA: Mr. Mann spoke about the petition submitted by those who opposed the shooting range and noted issues of multiple names being in the same handwriting, no headers, footers, or explanation of the purpose of the petition on each page. He did not feel the petition was done in a manner that respected the process of petitioning a governing authority. On the issue of noise he spoke about the noise generated at his residence due to the military training on Mt. Yonah and expressed that noise is a part of life.

Mr. Charlie Pope, Cleveland, GA: Mr. Pope spoke about the membership basis of the shooting club and all the safety measures. He said he thought a lot of Mr. Wofford and knew he would manage this facility correctly.

Ms. Cindy Border, 206 Blackburn Road Cleveland, GA: Ms. Border stated the importance of having a safe shooting range, where children can learn about gun safety.

Ms. Cynthia Schmidt, 306 Carnation Place Cleveland, GA: Ms. Schmidt expressed the need to have a safe place to train children to shoot. She stressed that the shooting range would be a private club.

Ms. Amanda Mann, 98 Cricket Lane Sautee, GA: Ms. Mann asked that the Board consider the importance of teaching children about gun safety and how to shoot in a safe manner for their safety.

Mr. Jake Crane, (Address Not Audible) Cleveland, GA: Mr. Crane spoke of how the private shooting club would benefit the community and would give residents a safe place to work on their shooting skills.

Ms. Cindy Frezon, 98 Mossy Trail Cleveland, GA: Ms. Frezon spoke about how many women would benefit from having a shooting range to practice their skills at and the comradery developed within a private shooting club.

Mr. Josh Muzyka, 196 Pear Tree Lane Cleveland, GA: Mr. Muzyka stated that he knew Mr. Wofford to be a very honest business man who approaches things in a careful manner. He stated that Mr. Wofford would be a man who would conduct his business within full compliance.

Mr. Rob Turpin, 331 Leona Lane Cleveland, GA: Mr. Turpin stated that he lives off of Hwy 75 Alternate, the county has a need for a facility of this type, and he knows Mr. Wofford to be a man of very strong character. He stated that many of the objections have been based on rumor.

Ms. Barbara Roper, Dandy Lane Helen, GA: Ms. Roper stated that Mr. Wofford is her grandson and she is the property owner where the proposed shooting range will be located. She stated that if she had any concerns about the range causing any harm she would not have supported the project. She said that her father taught her and her siblings how to shooting on the same property.

Ms. Lisa Nutt, Unadilla, GA: Ms. Nutt stated that Mr. Wofford is her son and she is very proud of him. She emphasized that he has gone to all lengths to make precautions so the shooting range would be safe and not cause any type of harm.

With no further comments of support for the application for reclassification and conditional use – Chairman Turner opened the floor for comments in opposition to the application for reclassification and conditional use.

Mr. Stan Johnson, 180 Johnson Drive (off Alternate 75) Helen, GA: Mr. Johnson stated that he understood the need to have a place to practice safe handling and shooting, but not at the expense of a tranquil community. He spoke about the visitors who come to the nearby Smithgall Woods State Park to experience the solitude of nature and how this could impact that area as well. He said that all the people who are speaking in support do not live in the immediate area and there has to be a better place for this type business. He asked the Board to consider if they would like to have a gun range in their neighborhood.

Mr. Calvin Adams, Hwy 75 Alternate Helen, GA: Mr. Adams stated that he was the person who obtained the signatures on the petition which was questioned earlier by Mr. Mann. He did indicate that in many incidents that one family member listed multiple family members' names if they were not at home or were too young to write their own name. He presented the Board with an aerial photo of the area and stated there are fifteen (15) residences within a quarter mile (1/4) of the proposed shooting range and that there could be issues with the business obtaining a driveway permit from GDOT since there is a dangerous curve along their highway frontage.

Mr. Ricky Dean, 7503 Hwy 75 Alternate Helen, GA: Mr. Dean spoke about how the shooting range would affect the nearby resident's quality of life and his concerns over how this could affect property values. He noted that the applicants were not proposing this shooting range on their 19 acre residence. Mr. Dean closed by saying that he does support land use.

Mr. Steve Dubois, 3678 Helen Hwy Cleveland, GA: Mr. Dubois stated that his main concern with the proposed shooting range was the potential effects on tourism – an industry that the County relies on greatly. He also expressed concerns about the effects on property values, how the range would be regulated, and potential future sell of the operation.

Ms. Jeanie Shelby, 257 Clayton Road Helen, GA: Ms. Shelby spoke about the potential need for county ordinances related to shooting ranges.

Mr. Jeremy Adams, 339 Matador Vista Helen, GA: Mr. Adams expressed concern for his parents who live on the property beside the proposed shooting range as well as for his children who play in their grandparents' yard. He stated that many people had spoken about the safety measures including that all members would have to obtain a carry permit. Mr. Adams stated that although he is legally blind he could obtain a carry permit, therefore he questioned if that requirement insured any safety other than verify that the holder had not committed a felony.

Mr. Dan Worthington, 2944 Albert Reid Road Cleveland, GA: Mr. Worthington stated that he believed that the proposed seventeen (17) shooting lanes would create an overwhelming amount of noise in the area.

Ms. Tammy Dean, 6430 Hwy 75 Alternate Helen, GA: Ms. Dean spoke of her fourteen year old daughter who is handicap and experiences seizures aggravated by loud noises. She also spoke of her concern on the potential effect on property values. She felt that there had to be a better location for this type of facility.

Ms. (first name not audible) Perkins, 164 Dogwood Lane Cleveland, GA: Ms. Perkins stated that an indoor facility would be much more preferable. She asked the Board to protect the quality of life for the residents of the area.

With no additional comments, Chairman Turner closed the public comment period at 6:05 p.m.

Mr. Spencer Carr encouraged the Board to consider the conditions which could be placed on the conditional use permit such as hours of operation and restrictions on the allowed caliber. He noted that although several people had mention tragic accidents which have happened across the country on shooting ranges – not a single one of those accidents involved anyone off the range or adjacent to the range.

Chairman Turner announced that the applications submitted by Mr. Wofford & Mr. Huiet would be voted on at the Monday, September 12, 2016 Regular Meeting at 4:30 p.m.

Chairman Turner called a brief recess.

Chairman Turner called the meeting back to order at 6:15 p.m.

Mr. Tom O'Bryant presented an application submitted by Ms. Shirley Wan for redistricting of property located at 5642 Hwy 115 West Cleveland, GA (Parcel #036-004) from R-1 (Single Family Residential) to C-2 (Highway Business District). He noted this was a one-half (1/2) acre tract of land with a building which had been operated as a convenience store, a church, a residence, etc. He stated that when the land use map was being developed this property was being used as a residence and was identified as R-1 through the Tax Assessor's database. He informed the Board that the Planning Commission voted unanimously on August 1, 2016 to approve Ms. Wan's request.

Mr. Ed Miller spoke on behalf of Ms. Wan and her request before the Board of Commissioners. He noted that tax records indicate that Ms. Wan is being taxed based on a commercial property value and had she known the property was set to be classified as R-1 she would have requested this be changed. Mr. Miller noted that the current tenant had been cited for several county code violations related to the home based business currently at the location. He stated that he and Ms. Wan fully supported the County taking whatever measures needed in order to get him into compliance.

Mr. O'Bryant stated that the property was classified as R-1 based on coding in the Tax Assessor's database, which was based on the use of the property the last time it was assessed. He also confirmed that citations had been issued to the current tenant for no occupational tax certificate, not obtaining a building permit, not obtaining a sign permit, and violations of state codes regarding scrap tire regulations. He stated that they continue to work with the tenant to get him into compliance and that the tenant has an Occupational Tax Certificate from Lumpkin County for operation of a mobile roadside repair service.

Mr. Miller assured the Board that if the tenant did not get into compliance with all county codes, he would be out of the facility.

Chairman Turner opened the floor for any comments in support of the application submitted by Ms. Shirley Wan for redistricting of property located at 5642 Hwy 115 West Cleveland, GA (Parcel #036-004) from R-1 (Single Family Residential) to C-2 (Highway Business District).

Ms. Shirley Wan, Six Branches Road Drive Roswell, GA (Property Owner): Ms. Wan stated that every year she has paid taxes for a commercial piece of property.

With no additional comments in support of the application associated with 5642 Hwy 115 West Cleveland, GA – Chairman Turner opened the floor for any comments in opposition of this application.

With no comments in opposition of the application associated with 5642 Hwy 115 West Cleveland, GA – Chairman Turner closed the public hearing on this application.

Commissioner Nix stated that the tenant had offended the community with distasteful signs he had put up on the property and that although he is in support of the land use classification change he wanted Ms. Wan, as the property owner, to know that the tenant had offended the community.

Chairman Turner stated that Mr. and Mrs. Rodney Nix who are adjoining property owners and could not be in attendance had submitted a letter supporting the reclassification; however they were adamant that their support was contingent upon the property being brought into compliance with county code.

Mr. Josh Muzyka, 196 Pear Tree Lane Cleveland, GA: stated that he does not have any issue with the reclassification as requested, however he is not in support of the current tenant and how he is operating there.

Chairman Turner stated that Ms. Wan's request would be voted on at the Monday, September 12, 2016 Regular Meeting.

Mr. Tom O'Bryant presented an application submitted by Tanvor, LLC for approval of variance from land use regulation requirements for residential lot size less than 1 acre (minimum 0.79 acres – proposed 4 lots) on parcel #063 098A (Post Road) with this property classified as A-1 (Agriculture). He stated that the parcel included 3.4 acres and the Planning Commission had voted unanimously in favor of the variance requested at their August 1, 2016. He did note that the Planning Commission suggested that each set of two lots share a driveway so that there would not be four (4) separate driveways within the short distance on Post Road.

Mr. Chad Knott spoke on behalf of the application submitted by Tanvor, LLC for approval of variance from land use regulation requirements for residential lot size less than 1 acre (minimum 0.79 acres – proposed 4 lots) on parcel #063 098A (Post Road) with this property classified as A-1 (Agriculture). He stated that having the property rezoned as R-1 would have required a 5% buffer set aside and for this project that would create issues of title, location, etc. Therefore; the decision was made to seek a variance from the land use regulations pertaining to agriculture properties and add the property which would have been designated as a buffer to each lot –

thereby arriving at the minimum 0.79 acre lot size. Mr. Knott said he had rather not have shared driveways, however if that was required he would be willing to do this.

Chairman Turner opened the floor for public comments in support of the application submitted by Tanvor, LLC for approval of variance from land use regulation requirements for residential lot size less than 1 acre (minimum 0.79 acres – proposed 4 lots) on parcel #063 098A (Post Road) with this property classified as A-1 (Agriculture).

With no comments in support of this application – Chairman Turner opened the floor for public comments in opposition to the application submitted by Tanvor, LLC for approval of variance from land use regulation requirements for residential lot size less than 1 acre (minimum 0.79 acres – proposed 4 lots) on parcel #063 098A (Post Road) with this property classified as A-1 (Agriculture).

With no comments in opposition to the application by Tanvor, LLC, the Chairman closed the floor for public comments.

Chairman Turner stated that Tanvor, LLC's request would be voted on at the Monday, September 12, 2016 Regular Meeting.

Ms. Laura Kviklys of the UGA Center for Community Design & Preservation / College of Environment and Design presented the Shirley McDonald Memorial Historic Resources Survey & Preservation Discussion (see attached presentation). There was a consensus that the Board wanted to move forward with historic preservation efforts through the land use ordinance and they would be reviewing the possible options as presented within the following months in order to best determine how to move forward on this.

Mr. Dave Cangemi, Director of Public Works, presented a detailed report on the bids received for the lease-purchase of heavy equipment (2 motor graders & 1 backhoe) for the White County Road Department. He stated there were three (3) successful bidders – Border Equipment, Flint Equipment, and Yancey Brothers Equipment. He informed that looking at the bids from a package standpoint; his recommendation was to award the bid to Yancey Brothers for a four (4) year lease purchase agreement according to the bid they submitted (\$4,952.90 monthly payment at 2.25% interest). He stated that Yancey was the only dealer to offer a demo on their equipment as required by the bid specifications. A representative from each dealer addressed the Board regarding their bids submitted. Both Border and Flint indicated that the bid response was not requested in a package format – it was request to be separate bids. Mr. Cangemi stated that the equipment presently being leased is in need of tire replacement which would be very expensive.

There was a consensus that awarding of the bid for lease purchase of heavy equipment for the White County Road Department would be placed on the September 12, 2016 voting agenda.

There was a consensus that the request for SPLOST funding in the amount of \$20,000.00 for the purchase of computers and equipment for the Board of Commissioners Office, Finance Department, and Tax Commissioners Office would be placed on the September 12, 2016 consent

agenda. Mr. Melton and Ms. Mays confirmed that funds were presently available in the county's SPLOST Account.

There was a consensus that Mr. Melton could approve the \$916.69 request from the White County Recreation Department in order to exchange / replace various pieces of fitness equipment with SOFITCO.

Mr. Melton presented a design plan prepared by Carter & Sloope for improvements to the driveway and parking area at the White County Senior Center. The estimated cost of the project, based on the design, was \$129,223.45. Mr. Melton stated that he would be meeting with Mr. Dave Cangemi in order to determine how much of the work could be completed in house by the White County Road Department. There was a consensus that this item would be discussed at the September Work Session.

Ms. Shanda Murphy presented two (2) applications received for the Parks & Recreation Advisory Board. There was a consensus that appointments to this Board would be discussed at the September Work Session – with the Board to appoint five (5) members and two members from the school system.

Ms. Vicki Mays, Finance Director, presented proposed amendments for the Fiscal Year 2016 Budget. The Board questioned expenditures made by the Assessor's Office which exceeded the amount approved by contract by the Board of Commissioners related to a communications tower audit. The Board asked Mr. Melton to have the Chairman of the Board of Assessors at the September Work Session in order to discuss this overage. There was a consensus that the approval of the budget amendments presented would be placed on the September 12, 2016 voting agenda.

Ms. Vicki Mays presented the bids received for two (2) certificates of deposit (CD's) currently held by United Community Bank (\$33,191.00 / \$644,800.00). There was a consensus that the award of these CD's to Mountain Valley Community Bank (at .301% interest) would be placed on the September 12, 2016 consent agenda.

The agenda for the September 12, 2016 Regular Meeting was reviewed and approved.

Ms. Laurie Lee asked if the bids for the Pickle Ball Court Project would be discussed at the September 12, 2016 Regular Meeting. It was stated that this would be determined based on the bid results received on the bid deadline of September 9, 2016.

The Work Session was adjourned.

The minutes of the August 29, 2016 Work Session were approved as stated this 12th day of September, 2016 by the White County Board of Commissioners

s/Shanda Murphy
Shanda Murphy, County Clerk