**WHITE COUNTY BOARD OF COMMISSIONERS**

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

**MONDAY, JUNE 26, 2023 AT 4:30 P.M.**

The White County Board of Commissioners held a combined Work Session & Regular Meeting on Monday, June 26, 2023 in the Board Room at the Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Billy Pittard, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Mr. Dean Dyer provided the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to adopt the minutes of the June 5, 2023 Work Session & Regular Meeting and the June 12, 2023 Called Meeting & Executive Session.

Ms. Rachel Gibson of BCA Studios presented a status update on the design phase of the Yonah Preserve Recreation Center Project. She presented several renderings of the exterior and interior floorplan. She also noted that the design allows for easy future addition and the area behind the facility will be graded for a potential open-air arena in the future. Mr. CJ McDonald, with Charles Black Construction Company who is the Construction Manager for the project, stated that they expect to have the construction documents from BCA Studios within a couple of weeks which will allow them to put the project out for bid in late summer to early fall.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Susan and Sangsoo Oh to request a conditional use permit at 403 Yonah Valley Road Cleveland, Georgia – tax map & parcel 045C-034 / 13.25 acres – with the proposed use being to place in a short-term rental program within the present zoning of R-1, Residential Single-Family District. He stated that the property is not located in a subdivision. The Planning Commission held a public hearing on the application and one (1) neighbor expressed opposition due to noise, traffic, and safety concerns as well as the neighbor stated that the home was already being used as a short-term rental. The Planning Commission recommended approval of the application. Ms. Oh confirmed the information presented and stated that she would provide proof that Airbnb had been remitting taxes to the county when she rented the property without knowing it had to be registered with the County. She advised the property would be self-managed with her next-door neighbor, Mr. Ivey, being her local contact person.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Susan and Sangsoo Oh for a conditional use permit at 403 Yonah Valley Road Cleveland, Georgia – tax map & parcel 045C-034 / 13.25 acres – with the approved use being to place in a short-term rental program within the present zoning of R-1, Residential Single-Family District – contingent upon Ms. Oh providing proof of lodging taxes paid to White County by Airbnb on her behalf for the past year.

Mr. Sell presented the land use application filed by Jon Schwartz to redistrict property located 1299 Hwy 17 Sautee Nacoochee, Georgia – tax map & parcel 071-005 / 3.98 acres – from C-1, Community Commercial District to R-1, Residential Single-Family District and to request a conditional use permit with the proposed use being for agritourism, wedding tourism, event facilities, and attractions. He stated that Mr. Schwartz plans to reside at this location and have a small event facility with his capacity being 50 guests for outside events and 25 guests for indoor events. The Planning Commission held a public hearing on the application and attendees were in support of Mr. Schwartz plan. The Planning Commission voted 3-2 to recommend approval of the application. Mr. Sell stated that a prior rezoning had been applied for by a different applicant for a much larger event facility and that application did have a great deal of opposition, however this application would be for much smaller events. Mr. Schwartz advised that he is retired and does not want to run a business, he just wants to be able to host small, private events at this residence.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Jon Schwartz to redistrict property located 1299 Hwy 17 Sautee Nacoochee, Georgia – tax map & parcel 071-005 / 3.98 acres – from C-1, Community Commercial District to R-1, Residential Single-Family District and for a conditional use permit with the approved use being for agritourism, wedding tourism, event facilities, and attractions.

Mr. Sell presented the land use application filed by Yonah Mountain Vineyards to request a conditional use permit at 62 Small Pond Drive Cleveland, Georgia - tax map & parcel 060D-047 / 2.0 acres – with the proposed use being to place in s short-term rental program within the present use of R-1, Residential Single-Family District. He stated this property is not located in a subdivision and would be Yonah Mountain Vineyards’ second short-term rental on Small Pond Drive. The Planning Commission held a public hearing on the application, at which there was opposition from residents in the area. The Planning Commission voted unanimously to recommend approval of the application. It was noted that this property is the first property on Small Pond Drive when you turn off State Route 255. Mr. Danny McIntosh spoke on behalf of the application and stated the house would be used to accommodate guests for weddings at the vineyard. He confirmed that they would be making the promised improvements to the road after road maintenance dues were collected at the first of July. Commissioner Goodger asked Mr. McIntosh to confirm the house’s maximum occupancy. He stated it would be 10 guests. Commissioner Goodger asked if he would be ok with limiting the occupancy to 6. Mr. McIntosh said he would.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a vote to approve the land use application filed by Yonah Mountain Vineyards for a conditional use permit at 62 Small Pond Drive Cleveland, Georgia - tax map & parcel 060D-047 / 2.0 acres – with the approved use being to place in s short-term rental program within the present use of R-1, Residential Single-Family District – and limiting the occupancy of this property to 6 guests. Commissioner Nix and Chairman Turner voted in favor of the motion. Commissioner Bryant opposed the motion. The motion passed by a 4-1 vote.

Mr. Sell presented the land use application filed by Blake Boggs, on behalf of Christopher and Alissa Feaster, to request a conditional use permit at 0 Sara Lane Sautee Nacoochee, Georgia – tax map & parcel 055D-096 / 0.927 acres – with the proposed use being to place in a short-term rental program within the present use of R-1, Residential Single-Family. He stated this property is in the Laurelwood subdivision, which was formerly known as Tanglewood, and the covenants allow short-term rentals. The Planning Commission held a public hearing on the application, there was no opposition to the application, and they recommended approval of the application. Mr. Alan Boggs spoke on behalf of the application. He advised that this is a vacant lot and the Feaster’s will be building a house on the property.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Blake Boggs, on behalf of Christopher and Alissa Feaster, for a conditional use permit at 0 Sara Lane Sautee Nacoochee, Georgia – tax map & parcel 055D-096 / 0.927 acres – with the approved use being to place in a short-term rental program within the present use of R-1, Residential Single-Family District.

Mr. Sell presented proposed amendments (County Resolution No. 2023-10) to the White County Land Use Ordinance (Appendix C. Land Use Regulations, Article XVIII. Amendment, Application, and Procedural Requirements, Section 1809. Public Notice and Public Hearing Required.) related to updates in Zoning Procedures Law (ZPL) made by HB 1405. He informed that the Georgia General Assembly passed HB 1405 during the 2022 Legislative Session and the grace period for implementation by July 1, 2023 was approaching. He stated this changed the notice period for quasi-judicial zoning decisions to 30 days (from 15 to 45 days) and he was recommending changing the notice period for all zoning decisions to 30 days for simplicity.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to adopt County Resolution No. 2023-10 amending the White County Land Use Ordinance:

**WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2023-10**

**A RESOLUTION TO AMEND APPENDIX C. LAND USE REGULATIONS, ARTICLE XVIII. AMENDMENT, APPLICATION, AND PROCEDURAL REQUIREMENTS, SECTION 1809. PUBLIC NOTICE AND PUBLIC HEARING REQUIRED.) RELATED TO UPDATES IN ZONING PROCEDURES LAW (ZPL) MADE BY HB 1405.**

**WHEREAS**, The White County Board of Commissioners adopted the White County Land Use Ordinance on March 30, 2015, by Resolution No. 2015-02 and has amended this ordinance by subsequent resolutions;

**AND WHEREAS,** The White County Board of Commissioners have the authority to further amend the White County Land Use Ordinance according to procedures outlined within O.C.G.A. § 36-66-1 et seq.;

**AND WHEREAS,** The White County Board of Commissioners now wishes to further amend the Ordinance as follows having acted in accordance with the procedures within O.C.G.A. § 36-66-1 et seq.;

**NOW, THEREFORE,** it is hereby **RESOLVED** that the White County Land Use Ordinance be amended as follows to be effective June 26, 2023:

**RESOLVED**, this 26th day of June, 2023.

**WHITE COUNTY BOARD OF COMMISSIONERS**

Attest: s/Shanda Murphy

Shanda Murphy, County Clerk

s/Travis C. Turner

Travis C. Turner, Chairman

-End of County Resolution 2023-10-

Ms. Kimberly McEntire, Parks & Recreation Director, presented a 6-year contract with Turf Tank for the lease of an Intelligent One Field Marking Robot (a turf tank) and advised the cost would be $16,000.00 per year and included shipping, set-up, training, paint, and warranty / service. She said this would save a considerable amount of man hours and paint, increasing the department’s efficiency in lining the ballfields. She noted this was an approved expenditure in the approved FY 2024 budget.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to approve the 6-year contract with Turf Tank for the lease of an Intelligent One Field Marking Robot (a turf tank) with the cost of $16,000.00 per year including shipping, set-up, training, paint, and warranty / service – as approved in the FY 2024 Budget.

Mr. Derick Canupp, Public Works Director, presented a proposal from JM Smith Engineering for survey work and civil design services for proposed improvements to Henry Nix Road from the City Limits of Cleveland to Chimney Lake Drive. He stated that Truett McConnell University had constructed a tennis complex that is accessed via Henry Nix Road and the University requested the county upgrade the road. He advised that once the design phase was completed, the county could apply for LMIG EEE (Georgia Department of Transportation Local Maintenance Improvement Grant for Education Access Projects) funding for the actual road work. The proposal included engineering in the amount of $13,750.00 and $15,750.00 in survey work – to be done by London Land Surveying. Commissioner Nix asked if anyone had spoken with the Cleveland Officials regarding improving their section – no one had, however there was a consensus that the conversation needed to take place. Commissioner Nix said he was just concerned about the road going from unimproved, narrow to improved, widened, back to unimproved, narrow.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the proposal from JM Smith Engineering for survey work and civil design services for planned improvements to Henry Nix Road from the City Limits of Cleveland to Chimney Lake Drive – at the cost of $29,500.00 to be funded by SPLOST.

Mr. David Murphy, Public Safety Director, requested acceptance of the Federal Emergency Management Agenda (FEMA) Assistance to Firefighters Grant (AFG) for the purchase of replacement automobile extrication equipment. He stated that the department needed to replace eight (8) sets of extrication “jaws of life” equipment and this grant would provide for the replacement of two (2) sets. The grant award would be $104,900.00 with a required local match of $14,304.55 (10% for equipment and 5% for grant writer fees) which is budgeted in the grant fund.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix there was a unanimous vote to approve acceptance of the Federal Emergency Management Agenda (FEMA) Assistance to Firefighters Grant (AFG) for the purchase of replacement automobile extrication equipment with the grant award being $104,900.00 and a required local match of $14,304.55 (10% for equipment and 5% for grant writer fees) to be paid from the grant fund.

Ms. Barbara Overton, Senior Services Director, presented a contract for the flooring project at the Senior Center. She stated that the project had been bid out and following evaluation of the proposals the recommendation is to award the project to Northeast Georgi Carpet in the amount of $36,540.00 plus $1,100.00 for moving of furniture. She advised the funding source would be the FY 23 Senior Center Budget funds.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to award the contract for the Senior Center flooring project to Northeast Georgia Carpet in the amount of $37,640.00 – to be paid from FY 2023 Senior Center Budget funds.

Ms. Overton presented a surplus resolution for a 2015 Dodge Caravan, which she explained needs transmission repairs in excess of $4,000.00. Through discussion, it was determined that Parks & Recreation was interested in obtaining the vehicle and the vehicle would be transferred to that department in lieu of being surplused.

Ms. Murphy presented the 2023-2024 ACCG-IRMA (Association County Commissioners of Georgia-Interlocal Risk Management Agency) Liability Insurance Renewal in the amount of $408,313.00. She advised that the renewal reflected a 36.31% increase over FY 2023 due to several factors: overall increase by ACCG due to pooled losses and inflation, the county’s payroll increase, no dividend credit, no rate credit (due to county’s claims experience), all trailers now being insured as vehicles instead of mobile equipment, and property value increases due to the 2022 valuation. It was noted that since FY 2020, the county’s liability insurance had increased 84%. Chairman Turner stated that Senator Steve Gooch planned on introducing legislation concerning tort reform in order to limit some of the losses being experienced in the state due to the state’s litigious environment (Georgia was designed as the #1 Legal Hellhole in the County for 2023). It was noted that there would be a $99,661.00 budget shortfall related to this expense for FY 2024. Ms. Ligon suggested this be addressed at year-end by a budget adjustment.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to approve the 2023-2024 ACCG-IRMA Liability Insurance Renewal in the amount of $408,313.00.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb, there was a unanimous vote to appoint Ms. Elizabeth Goad to the Chamber of Commerce Board of Directors for a two (2) year term expiring June 30, 2025.

Ms. Jodi Ligon presented the Fiscal Year 2023 Audit Engagement Letter with Rushton LLC. She noted that the costs stated in the letter represented a 10% increase over Fiscal Year 2022, however there had not been an increase since at least 2018. She stated the gross fee was not to exceed $58,000.00 and the single audit (if required) would be $8,000.00.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to approve the Fiscal Year 2023 Audit Engagement Letter with Rushton LLC as presented.

Ms. Ligon presented the monthly Financial Status Report (see attached).

During County Manager Comments, Mr. Pittard stated that he wanted the Board to keep in the forefront that the Capital Improvement Plan (CIP), which was presented to the Board during the budget process, still needed to be finalized. He also expressed his appreciation to all the employees who had worked tirelessly on cleanup since yesterday’s storm.

Ms. Murphy presented a Memorandum of Agreement with Condrey & Associates, Inc. for the classification & compensation study which was discussed and approved during the FY 2024 budget process. She noted that the last classification & compensation study was done over 20 years ago, and the project was much needed in order to assure that the county had an effective employee classification / compensation plan. The cost associated with the agreement was $47,500.00 and was included in the FY 2024 Budget.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the Memorandum of Agreement with Condrey & Associates, Inc. for the conducting of a turnkey classification & compensation study for White County – with associated fees being $47,500.00 to be paid from the FY 2024 budget.

Commissioner Goodger presented the Public Library Capital Outlay Grants Program application which had been prepared in order for the county to submit based on the information provided by BCA Studios following some preliminary design work on the 20,000 square foot facility. He explained that the amount requested through the grant would be $3,000,000.00 of the estimated $8,570,000.00 project cost and the facility would include 2,000 square feet for the regional library offices. Commissioner Goodger advised this this would be considered by the General Assembly during their upcoming regular session, however he planned to request an additional $1,000,000.00 when he spoke directly to the legislative delegation.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve the Public Library Capital Outlay Grants Program application requesting $3,000,000.00 in funding for the construction of a new public library.

Commissioner Goodger announced that Woodmen of the World would be providing an American Flag and flagpole for the new Tax Commissioners Office to be presented during the September 11 ceremony at the location.

Commissioner Nix stated that he was concerned for the residents in Logan’s Ridge and Silver Falls due to their blocked access and power outage from the storm. He also expressed his concerns regarding the west end of Westmoreland Road – the high rate of accidents over the past several years and the issue with people speeding. He asked that Mr. Canupp evaluate doing away with the passing lane on this section of roadway.

Chairman Turner opened the floor for public participation. There were no comments made and he closed the floor.

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

The minutes of the June 26, 2023 Work Session & Regular Meeting were approved as stated this 7th day of August, 2023.

**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