

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE WORK SESSION & CALLED MEETING HELD

MONDAY, NOVEMBER 27, 2023 AT 4:30 P.M.

The White County Board of Commissioners held a Work Session & Called Meeting on Monday, November 27, 2023 at 4:30 p.m. in the Board Room at the Administration Building. Present for the meeting were: Chairman Travis C. 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.

The White County Recreation Department was recognized for being named “Georgia Recreation & Parks Association 7th District Agency of the Year”.

Chairman Turner read the following statement from the meeting agenda “NOTE: In reference to land use agenda items #3 - #10 – Georgia Zoning Procedures Law (O.C.G.A. 36-66-1, et seq.) requires a public hearing be advertised and held prior to any proposed zoning decision with a minimum of 10 minutes (per side) for both proponents and opponents to present data, evidence, and opinion. This requirement was met for the following items at the public hearing held at the Planning Commission Meeting on October 30 / 31, 2023. All information presented was then forwarded to the Board of Commissioners”.

Mr. Sell presented the land use application filed by April James to redistrict property located at 964 Rabun Road Sautee Nacoochee, Georgia from R-1 Residential Single-Family District and C-1 Community Commercial District to C-2 Highway Business District. Tax map and parcel 071-147A. Total acreage is 22.17. He advised the Planning Commission held the public hearing on the application, there was both support and opposition expressed at the hearing (more opposition than support due to concerns of traffic, unlimited growth, etc.), and the Planning Commission voted 4-2 to recommend approval of the application with no limitations / conditions. Mr. Sell stated that Ms. James (and prior owners) of Lucille’s Mountaintop Inn had operated as a bed & breakfast and the property had been zoned as C-1, Community Commercial District when land use was implemented, however a bed & breakfast would be a non-conforming use in C-1 therefore this rezoning would bring the property from a non-conforming use to a permitted use. The additional property Ms. James acquired is zoned R-1, Residential Single-Family District and does require reclassification for development. He advised that Ms. James was requesting the rezoning to come into conformance, to reclassify her business as a boutique hotel, to provide her more competitive insurance options, and to allow for the relocation of the spa from the existing inn to the additional property purchased while being able to increase the size of the spa from 2,000 square feet to 3,000 square feet. Mr. Sell also confirmed that about 15% of the newly acquired property is in Mountain Protection, which would require the development of a plan for meeting the criteria of the Mountain Protection Act. Ms. April James and Mr. Steve Smith spoke on behalf of the application. Ms. James explained the secluded nature of Lucille’s Mountain Top Inn, the support her business provides for the local economy, and her commitment to not bringing a large development to the location. She spoke about the current limitations of septic, topography, lack of storage etc. She indicated that she planned to convert the current spa area to guest rooms once the spa was relocated and at some point, she may convert some of the large guest rooms to smaller rooms, however the footprint of the current building would not change. There was discussion regarding all the permitted uses in C-2 and the concerns of the community and the Board that the property not be rezoned to allow for all those potential uses. Ms. Smith stated that she would agree to limit the uses of the property to those denoted as 33. Health clubs and spas, 36. Hotels, motels, and other lodging type inns, and 58. Tourist shops, retail, dining, services, winery tasting rooms, and outdoor recreation. Commissioner Bryant expressed concern

regarding the access via Rabun Road to the inn. Mr. Smith advised that he had conducted a traffic study and only approximately 2.28% of the traffic on Rabun Road accessed the inn. He provided several other examples of C-2 properties located off county roads. He also stated that when the inn was originally built and for many years thereafter, Rabun Road had been a dirt road, and it was just within the last few years that the county had paved the road. Chairman Turner suggested the Board consider limiting number of rooms allowed on the property.

Commissioner Bryant made a motion to deny the application due to concerns with the access. There was no second and the motion died for lack of a second.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a vote to approve the land use application filed by April James to redistrict property located at 964 Rabun Road Sautee Nacoochee, Georgia from R-1 Residential Single-Family District and C-1 Community Commercial District to C-2 Highway Business District. Tax map and parcel 071-147A. Total acreage is 22.17. Present zoning is R-1 Residential Single-Family District and C-1 Community Commercial District – with the rezoning approval to be limited to permitted uses denoted as #33, #36, #58 in Section 1401 of the White County Land Use Code (being 33. Health clubs and spas, 36. Hotels, motels, and other lodging type inns, and 58. Tourist shops, retail, dining, services, winery tasting rooms, and outdoor recreation.) and the new spa facility being limited to 3,500 square feet. 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 Jeff Nix, on behalf of Douglas Nix, to redistrict property located at 0 Hwy 115 East Cleveland, Georgia from R-1 Residential Single-Family District to C-2 Highway Business District. Tax map and parcel 047D-159. Total acreage is 7.42. He stated that the Planning Commission held the public hearing for the application, there was no opposition to the application, and the Planning Commission recommended approval of the application. He advised that the owners were planning to sell the property and wanted to have the zoning changed for marketability. Mr. Jeff Nix advised that he had already sold the adjacent property which was zoned C-2, and he was planning to sell this property as well.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous to approve the land use application filed by Jeff Nix, on behalf of Douglas Nix, to redistrict property located at 0 Hwy 115 East Cleveland, Georgia from R-1 Residential Single-Family District to C-2 Highway Business District. Tax map and parcel 047D-159. Total acreage is 7.42.

Mr. Sell presented the land use application filed by Robert Edmonds to request a conditional use permit at 360 Miners Mountain Road Sautee Nacoochee, Georgia. Tax map and parcel 055D-024. Total acreage is 2.98. The proposed use is to place in a short-term rental program. He advised the property is located in a subdivision which allows short-term rentals, the Planning Commission held the public hearing for the application, there was no opposition to the application, and the Planning Commission recommended approval of the application. Mr. Sell advised that Mr. Edmonds had been renting the property, however had received the recent notices of non-compliance from the Business Tax Office, his lodging taxes since 2021 have been remitted to the county through VRBO and he self-manages the rental. Mr. Robert Edmonds confirmed the information presented, stating he is very active with the homeowner's association, and he planned to rent the property about 20 times per year.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Robert Edmonds for a conditional use permit at 360 Miners Mountain

Road Sautee Nacoochee, Georgia. Tax map and parcel 055D-024. Total acreage is 2.98. The approved use is to place in a short-term rental program.

Mr. Sell presented the land use application filed by Diane Robertson to request a conditional use permit at 1071 Myra Branch Road Helen, Georgia. Tax map and parcel 042B-019. Total acreage is 0.70. The proposed use is to place in a short-term rental program. He advised that the property is not located in a subdivision, Ms. Robertson self manages the property with Airbnb and a local housekeeper, she had had been renting the property for about two years, however had received the recent notices of non-compliance from the Business Tax Office and her lodging taxes have been remitted to the county through Airbnb. He stated the Planning Commission held the public hearing on the application, there was no opposition, and the Planning Commission made a recommendation to approve the application. Ms. Diane Robertson said her parents purchased the property in the 1970's, she inherited the property, renovated the property, and was classified as a super host with Airbnb.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Diane Robertson for a conditional use permit at 1071 Myra Branch Road Helen, Georgia. Tax map and parcel 042B-019. Total acreage is 0.70. The approved use is to place in a short-term rental program.

Mr. Sell presented the land use application filed by Paula Lembo and Loretta Martin to redistrict property located at 2227 Highway 17 Sautee Nacoochee, Georgia from C-1 Community Commercial District to R-1 Residential Single-Family District and to request a conditional use permit. Tax map and parcel 071-070. Total acreage is 0.93. The proposed use is to place in a short-term rental program. He advised the property is not located in the subdivision and has two (2) structures a "big" house and a "little house", with this request pertaining to the "big house" The Planning Commission held the public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Ms. Paula Lembo advised that her and her sister had inherited the property, and the "big" house is currently vacant. She lives five (5) minutes away and will be using VRBO and / or Airbnb.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Paula Lembo and Loretta Martin to redistrict property located at 2227 Highway 17 Sautee Nacoochee, Georgia from C-1 Community Commercial District to R-1 Residential Single-Family District and for a conditional use permit. Tax map and parcel 071-070. Total acreage is 0.93. The approved use is to place in a short-term rental program.

Mr. Sell presented the land use application filed by Paula Lembo and Loretta Martin to redistrict property located at 2229 Highway 17 Sautee Nacoochee, Georgia from C-1 Community Commercial District to R-1 Residential Single-Family District and to request a conditional use permit. Tax map and parcel 071-070. Total acreage is 0.93. The proposed use is to place in a short-term rental program. He stated that this is the "little" house on this property (as relates to the previous agenda item). The Planning Commission held the public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Ms. Paula Lembo advised that her and her sister had inherited the property and the "little" house has a current resident living there, however they do plan to operate the property as a short-term rental in the future. She lives five (5) minutes away and will be using VRBO and / or Airbnb.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by Paula Lembo and Loretta Martin to redistrict property located at 2229 Highway 17 Sautee Nacoochee, Georgia from C-1 Community Commercial District to R-1 Residential

Single-Family District and for a conditional use permit. Tax map and parcel 071-070. Total acreage is 0.93. The approved use is to place in a short-term rental program.

Mr. Sell presented the land use application filed by Jay Westmoreland to request a conditional use permit at 183 Patrick Lane Helen, Georgia. Tax map and parcel 041-044. Total acreage is 3.01. The proposed use is to place in a short-term rental program. He stated the property is not located in a subdivision, the owner is local and utilizes VRBO, the property had been rented for the past few years with the owner now looking to get into compliance, lodging taxes had been remitted via VRBO, the Planning Commission held a public hearing on the application, there was no opposition at the public hearing and the Planning Commission recommended approval of the application. Ms. Kim Westmoreland confirmed the information presented.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Jay Westmoreland for a conditional use permit at 183 Patrick Lane Helen, Georgia. Tax map and parcel 041-044. Total acreage is 3.01. The approved use is to place in a short-term rental program.

Mr. Sell presented the land use application filed by Georgianna “Emma” Stoica to request a special use permit at 4564 Highway 255 South Cleveland, Georgia. Tax map and parcel 074-130. Total acreage is 5.29. The proposed use is for a personal care home/ group home. The present zoning is A-1 Agriculture Forestry District. He stated that Ms. Stocia planned to care for the elderly and hospice patients – working with only one (1) hospice agency. The Planning Commission held a public hearing on the application, the only concerns expressed were that there not be any large signs and it was emphasized that the special use permit does not remain with the property if there is a change in ownership. Ms. Emma Stocia confirmed there would be a maximum of six (6) residents, she had operated other personal care homes, there would always be a caregiver at the facility, and she would be inspected and permitted by the Georgia Department of Community Health.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a vote to approve the land use application filed by Georgianna “Emma” Stoica for a special use permit at 4564 Highway 255 South Cleveland, Georgia. Tax map and parcel 074-130. Total acreage is 5.29. The approved use is for a personal care home/ group home. 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. Bryan Payne, Chief Appraiser, presented a request to enter into a contract with McCormick Solutions for analysis of the CAMA (Computer Assisted Mass Appraisal) data to improve the sales ratio with the Georgia Department of Audits and Accounts. He indicated that his department needed some extra help coming into compliance with sales ratio requirements. He advised that White County had not met the required sales ratio for the past two (2) years and with 2024 being a review year – if the sales ratio was not met for a third year the county would be penalized. Mr. Payne stated that approximately 70% of Georgia counties are in the same situation due to the currently inflated real estate market.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Bryant there was a unanimous vote to approve entering into a contract with McCormick Solutions for analysis of the CAMA (Computer Assisted Mass Appraisal) data to improve the sales ratio with the Georgia Department of Audits and Accounts – with the cost of the contract being \$38,600.00 and being funded through the Assessor’s Office budget.

Mr. Derick Canupp, Director of Public Works, presented the 2024 LMIG (Local Maintenance & Improvement Grant) grant application through GDOT (Georgia Department of Transportation). He advised that White County

November 27, 2023 – Work Session & Called Meeting Minutes (continued)

would receive \$476,005.00 and recommended the county contribute approximately \$1,022,276.65 from SPLOST in order to patch Albert Reid Road, Kinsey Town Road, and level / overlay Adair Mill Road. He advised that bids for the projects would be brought before the Board for approval at a later date once the grant funds were received.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the 2024 LMIG (Local Maintenance & Improvement Grant) grant application through GDOT (Georgia Department of Transportation).

Ms. Jodi Ligon, Finance Director, presented bids received for two CD's (certificates of deposit). Following discussion, it was determined that the best option was to move these funds into the operating account at United Community Bank, with funds being segregated as required for accounting records, since this operating account was earning 5.25% interest.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to move the two (2) CD's which are maturing at United Community Bank (\$693,000.00 – General Fund & \$35,500 – Solid Waste) to the operating account at United Community Bank.

The agenda for the December 4, 2023 Regular Meeting was discussed and announcements were made.

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

The minutes of the November 27, 2023 Work Session & Called Meeting were approved as stated this 4th day of December, 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