**WHITE COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF THE PUBLIC HEARING & REGULAR MEETING HELD**

**MONDAY, DECEMBER 4, 2023 AT 4:00 P.M.**

The White County Board of Commissioners held a Public Hearing and Regular Meeting on Monday, December 4, 2023 at 4:00 p.m. in the Board Room at the Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Craig Bryant, County Manager Billy Pittard, Finance Director Jodi Ligon, and County Clerk Shanda Murphy. Commissioner Edwin Nix was not in attendance.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Student Ministries Pastor Garrett Kersey, representing The Bridge Church and 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 approve the minutes of the November 6, 2023 Regular Meeting, the November 16, 2023 Called Meeting, and the November 27, 2023 Work Session & Called Meeting (with Chairman Turner’s requested revision regarding him discussing a condition related to the number of rooms allowed with April James rezoning).

Chairman Turner stated that a public hearing would be conducted in order to receive comments on the proposed revisions to short-term rental regulations (County Code Chapter 16, Short-Term Rental Host License) for the unincorporated area of White County. He reminded everyone of proper decorum for the public hearing and that each speaker would have three (3) minutes to speak.

Ms. Shanda Murphy, County Clerk presented facts concerning the proposed ordinance and short-term rentals in general. Mr. Billy Pittard, County Manager, presented information regarding the issues which the revisions were developed to address. Mr. John Sell, Director of Community & Economic Development, presented the amendments being proposed.

Chairman Turner opened the floor for public comment.

Ms. Lillian Hall, 543 Leigh’s Crossing Cleveland, Ga – spoke against the proposed amendments, stating many have said there are already too many short-term rentals, the proposal would put short-term rentals on steroids, a fast track and the public will no longer have a say. She advised that the problem is that applicants should have the burden of proof that their short-term rental benefits the safety, health, morals, and general welfare of the county – which has never been done. She stated that the county does not know how many short-term rentals there are because a study has not been done and there needs to be a study to determine the number of units, negative effects, etc. She said there needed to be more public input on the issue and the county should not just be worried about the short-term rental owners suing, but those negatively affected would sue as well.

Ms. Karen Thomas, 23 Autumn Lane Cleveland, Ga – she disclosed that she is a local realtor and supported the revisions that will allow realtors to know if a property is eligible to be a short-term rental without going through the lengthy land use process – instead setting criteria and making this an administrative process. She expressed concerns and several questions regarding how the proposed limit of short-term rentals would be administered, with her concern being ultimately if the limit was not administered in a thoughtful manner the properties with host licenses would be sold at a premium which would skew the market.

Ms. Mitchell Johnston, 331 Gold Flume Way Cleveland, Ga – stated she was speaking on behalf of 64 property owners in Adair Mill Subdivision and spoke against removing the requirement for public hearings on short-term rentals. She said her community had been able to defeat two (2) short-term rentals through the public hearing process and the thought of neighbors having to sue other neighbors to stop illegal activity (short-term rentals) was repulsive because stopping illegal activity is the Board’s job.

Ms. Eleanor Trinowski, 542 Luther Palmer Road Cleveland, Ga- thanked the Board for their service but stated it is a problem that no one ever runs against the five (5) commissioners in office and the Board is expecting people to go along with the proposal. She stated that the proposal would limit short-term rentals in her area, however it is not okay to ask people to give up their say on whether short-term rentals are allowed in other areas.

Mr. Chris Dorsey, 164 Mill Lane Cleveland, Ga – stated citizens had requested a moratorium in March and for there to be public involvement in coming up with a solution – but this was ignored. While he is not against short-term rentals, he does believe public hearings should continue and citizens’ rights should not be violated. He said the county manager had been presented with means to pay for the needed study. He claimed he had emails documenting “back-room” deals, had contacted Barrow County, and had sent the Board an email regarding the Assistant Tax Commissioner in Barrow County being arrested for stealing funds. He stated that he had contacted the GBI earlier in the day and the Board should welcome an investigation if everything is on the up and up.

Mr. Shane Betterton, 347 Antioch Church Road Cleveland, Ga – submitted a letter, cartoon, etc. into the meeting record and spoke against Cleveland being dynamically altered. He questioned if the actions of the Board are part of a bigger plan (Agenda 21, World Economic Forum, 2030 Sustainable Development Goal, Rural Development, Programable Money New World Order, Police State, etc.) and recommended two (2) books people should read.

Ms. Teresa Stansel, 2521 Stansel Road Cleveland, Ga – spoke against the proposed revisions stating that the previous petition for moratorium was ignored and now the proposal would remove the public’s ability to have input while transferring power to bureaucrats who take no oath of office. She stated that proposed amendments do not address the adverse secondary effects of short-term rentals on neighbors. (written statement submitted with studies on adverse effects of short-term rentals)

Ms. Debora Palmer, 310 Bonnie Pearl Lane Cleveland, Ga - stated there are already too many short-term rentals in White County, spoke against the grandfathering of properties, encouraged subdivisions to develop covenants that disallow short-term rentals if that is what the property owners want, and encouraged more public participation be allowed on the issue.

Mr. John Mitchell, 762 Yonah Mountain Road Cleveland, Ga – stated that when he and his wife moved onto Yonah in 1998 there were no short-term rentals, however today 15 out of 46 properties in their neighborhood are short-term rentals. He noted that their community was never platted as a subdivision, so it is not denoted as such on the draft map, however a few properties had been platted as subdivisions within their community in the past few years – with one of those utilizing their private road for access. He said that his community does have an active homeowner’s association and they do pay dues – however are not recognized as a subdivision on the draft map due to not being platted as a subdivision. He stated there is no way to now get 100% of the property owners to agree to have the properties platted as a subdivision, since several rentals already exist.

Mr. Mal McEwen, 140 Roach Drive Cleveland, Ga – stated he manages long-term rentals and explained what the IRS defines as an “investment property” noting that real estate (other than primary residence) is an investment property and owners should be able to obtain the highest and best use of their property. Spoke in favor of the proposal, although he did see some tweaks needed. He stated that long-term rentals can cause problems as well (i.e., being very junky). He advised that if folks did not like what the Board was doing, they should run against them and give another option.

Mr. Brady Betterton, 1116 Kellum Valley Road Cleveland, Ga – thanked the Board for revisiting the issue of short-term rentals and spoke in support of adoption of the proposed ordinance. He asked that the Board reconsider setting a limit on the number of short-term rentals – which would only serve to limit competition in this area, which is not the job of government since capitalism regulates itself through supply and demand. He asked that constitutional property rights of land owners be considered in this decision.

Mr. Don Cooper, 797 South Fern Cove Road Sautee Nacoochee, Ga – wanted to address the Board developing a remedy to hold those who own short-term rentals and do not pay road maintenance fees accountable.

Mr. Tony Ratchford, 199 Portwood Road Cleveland, Ga – submitted articles regarding the negative effects of short-term rentals which he has seen in other cities. He said the county does not know how many short-term rentals there are and not only those favoring short-term rentals are interested in legal battles – those opposed are as well. He stated there needs to be regulations and restrictions – this cannot be an administrative process. Stated his property taxes had increased from $1,200.00 to nearly $4,000.00 in just a few years due to the cabins located one road over and he has to share a green space with all the renters staying at properties with deeded access to the green space and they have to maintain the road.

Mr. Jeff McGrew, 225 Richardson Road Sautee Nacoochee, Ga – stated he and his wife took everything they had to move to White County and invest in a home & property and if he had known the situation with short-term rentals he would not have moved here. He was happy to see so many people show up to speak about the issue.

Mr. Sid King, 1199 Gene Nix Road Cleveland, Ga – reminded the Board of their fiduciary responsibility to do what is best for the community.

Mr. Scott Malinconico, 2870 Panorama Drive Sautee Nacoochee, Ga – spoke about the need to get rid of the grandfather clause and does not have a problem with the proposed cap. He asked for clarification on the process for reporting violations.

Ms. Nita Decker, 464 CH Drive Sautee Nacoochee, Ga – stated she does operate a property management company and suggested the Board review Union County’s ordinance. She said things had really changed since COVID, with more investors now being involved with short-term rentals.

Ms. Trish Betterton, 1810 Kellum Valley Road Cleveland, Ga – she said it is hard for her to believe the proposed changes are being considered and is disappointed that owner rights are being taken away. She said her community (Kellum Valley) is not a subdivision but is a tight knit community, short-term rentals do have negative effects, and she does not want to see her community disrupted.

Mr. Roy Abernathy, 322 Caffus Abernathy Road Cleveland, Ga – advised there are two (2) non-licensed short-term rentals operating on his road.

Mr. Pete Wilson, 137 Waterwood Drive Cleveland, Ga – stated he lives in Chattahoochee Acres where there are three (3) short-term rentals, and the neighborhood was never intended for that purpose. He spoke about the issues they had experienced with short-term rentals. He read language from his deed that indicated he was in a subdivision, although the draft map did not denote that. He said there is not a fire station or fire hydrant nearby and if one of the short-term rentals causes a fire it will be very bad for him and others.

Chairman Turner closed the floor.

Mr. David Murphy, Director of Public Safety, presented bids received for the renovation of Fire Stations 6 (Hwy 129 N) and 4 (Westmoreland Road) to accommodate 24-hour personnel and use. He advised that this was the second time this project had been bid out due to the disparity in the bids. He said this time the lowest bid was $81,216.74 and the highest was $182,176.10 – with a total of three (3) bids received. He stated that the lowest two (2) bids did not have worker’s comp insurance coverage as specified in the bid, due to the size of their company and the lowest bidder did not attend the mandatory pre-bid meeting, although he felt he had all the information needed in order to provide the bid. Mr. Murphy stated that he was seeking guidance from the Board of Commissioners on how they wanted to move forward with the bids received under the circumstances. There was discussion regarding the county’s options regarding the worker’s compensation coverage.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to table the consideration of the proposals received for renovations to Fire Stations 6 (Hwy 129 N) and 4 (Westmoreland Road) to accommodate 24-hour personnel and use – in order to give staff additional time to research the issues at hand.

Ms. Jodi Ligon, Finance Director, presented the monthly Financial Status Report (see attached).

During County Manager Comments, Mr. Pittard advised that he is waiting for an estimate being prepared by Charles Black Construction for the fill-in of the pool area. He also stated that upon review of the proposals submitted, the Board will have some favorable options to consider for the county’s solid waste operations. Chairman Turner directed staff to post Asbestos Road with “no thru for large trucks” signs due to the high volume of large trucks utilizing Asbestos Road based on Google directions, with the county having attempted to correct with Google.

Chairman Turner opened the floor for public comment.

Ms. Claudia Head Bray – stated pros and cons for short-term / long-term rentals, with long-term renters providing more benefits to the community.

Ms. Debora Palmer, 310 Bonnie Pearl Lane Cleveland, Ga – expressed appreciation to the Board and staff for the work they are doing.

Ms. Marla McSwiney – 762 Virgil Hunt Road Cleveland, Ga – expressed her concern on the variance of the bids received for the fire station renovations – cautioning that the low bidder may not be able to complete the job for the amount stated.

Ms. Teresa Stansel, 252 Adair Mill Road Cleveland, Ga – read a prepared statement (submitted to the record) against the proposed short-term rental ordinance revision as well as stated issues with a previous short-term rental / resort project – that she claimed was handled in a negligent way by county staff.

Mr. Chris Dorsey, 164 Mill Lane Cleveland, Ga – stated he has been coming before the Commission for about two (2) years and he can see that the Board gets all of their information on county codes from John Sell, and he does not know the codes. He asked why the code had not been rewritten to allow the Code Enforcement Officer to do his job – and to not require an official complaint be filed for the officer to investigate matters. He also stated that he had asked for an audit.

Ms. Jean Davis, 562 Starlight Drive Sautee Nacoochee, Ga – expressed her appreciation to the Board for their support of public safety and praised White County Public Safety for their work.

Mr. Bryan Cohen, owns property off of Hwy 129 in Commissioner Nix’s District – applauded the Board for providing supplemental insurance for firefighters who are out of work due to injury on the job. He said he was one of the bidders who had bid the fire station renovation project, now two (2) times and he advised the Board to look at the bids very closely because the scope of the job changed along the way and if a bidder did not attend those meetings, they would not be able to accurately bid the job. He stated that he is not required to have worker’s compensation insurance, however he does make sure all subcontractors are insured.

Ms. Beth Truelove, spoke on behalf of the Chamber of Commerce and thanked everyone for their support for the Christmas in the Mountains event. She expressed praise for all the different agencies that worked together to make the event successful.

Following announcements and upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb, there was a unanimous vote to adjourn the meeting.

The minutes of the December 4, 2023 Public Hearing & Regular Meeting were approved as stated this 8th day of January, 2024.

**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