

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE CALLED MEETING HELD

THURSDAY, NOVEMBER 16, 2023 AT 9:00 A.M.

The White County Board of Commissioners held a Called Meeting on Thursday, November 16, 2023 at 9:00 a.m. in the Board Room at the Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Billy Pittard, Finance Director Jodi Ligon, and County Clerk Shanda Murphy. Commissioner Goodger was absent from the meeting due to travel.

Chairman Turner called the meeting to order. He explained that the seven (7) short-term rental related land use applications being considered were all part of the 43 applications in total which were in process when the short-term rental moratorium went into effect on October 2, 2023 and the county is required to allow those in process to continue through the process under the current regulations.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by Pam Collins to request a conditional use permit at 482 Monroe Ridge Sautee Nacoochee, Georgia - tax map and parcel 069-584 / total acreage is 1.00. The proposed use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. He stated this was located in a subdivision with covenants that do allow short-term rentals, the Planning Commission held the public hearing on the application, there was no opposition to the application, and the Planning Commission recommended approval of the application. Mr. Sell did advise that Ms. Collins had been operating the short-term rental for 17 years and did not know she needed to be licensed by the county, however Airbnb had been paying the lodging taxes collected on the rental since 2021 when the state enacted the marketplace facilitator law. Commissioner Bryant questioned if Ms. Collins had commercial insurance and she assured him that she does.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Pam Collins for a conditional use permit at 482 Monroe Ridge Sautee Nacoochee, Georgia - tax map and parcel 069-584 / total acreage is 1.00. The approved use is to place in a short-term rental program within the present zoning is R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Daryll Lovell, on behalf of Generation Church of North Georgia, to request a conditional use permit on Duncan Bridge Road Cleveland, Georgia - tax map and parcel 077-171 / total acreage is 3.39. The proposed use is for a place of worship. The present zoning is C-1, Community Commercial District. He advised that the church was established about nine (9) years ago and this would be an expansion on a separate property located on the same road as the existing church. He stated that the new facility would accommodate 250 people and 100 vehicles. The Planning Commission held a public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Pastor Darryl Lovell stated that the property had been gifted to the church and they would be constructing a new sanctuary and fellowship hall.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to approve the land use application filed by Daryll Lovell, on behalf of Generation Church of North Georgia, for a conditional use permit on Duncan Bridge Road Cleveland, Georgia - tax map and parcel 077-171 / total acreage is 3.39. The approved use is for a place of worship. The present zoning is C-1, Community Commercial District.

Mr. Sell presented the land use application filed by Susan Cabrera to request a conditional use permit at 3377 Town Creek Road Cleveland, Georgia - tax map and parcel 020-015 / total acreage is 2.28. The proposed use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. He advised

that the property is located in a subdivision without covenants and Ms. Cabrera had obtained the required signatures of support. The Planning Commission held a public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Ms. Cabrera stated that she had been operating the short-term rental since 2020 and recently received notice of the county's requirements. She stated that her neighbors like the short-term rental because it is vacant most of the time.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Susan Cabrera for a conditional use permit at 3377 Town Creek Road Cleveland, Georgia - tax map and parcel 020-015 / total acreage is 2.28. The approved use is to place in a short-term rental program within the present zoning is R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Jim Patton to request a conditional use permit at 24 Luke Road Cleveland, Georgia - tax map and parcel 061-146N / total acreage is 1.50. The proposed use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. He advised that it is not located in a subdivision and the house is currently under construction. The Planning Commission held a public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Mr. Patton said he believed this was an ideal place for a short-term rental due to the amazing views and proximity to the winery, he does plan to asphalt the driveway, and is looking to use a local rental management company.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Jim Patton for a conditional use permit at 24 Luke Road Cleveland, Georgia - tax map and parcel 061-146N / total acreage is 1.50. The approved use is to place in a short-term rental program within the present zoning is R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Erik Perrine to request a conditional use permit at 242 Eagles Nest Road Sautee Nacoochee, Georgia - tax map and parcel 068-144A / total acreage is 1.00. The proposed use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. He stated the property is located in a subdivision without covenants and Mr. Perrine had obtained the required number of signatures of support. The Planning Commission held a public hearing on the application, there was no opposition, and the Planning Commission recommended approval of the application. Mr. Perrine said that he plans to eventually retire to White County and operation of this short-term rental would help to finance that retirement. He stated that he and his family would be utilizing the rental themselves about once per month and he would be utilizing Vacasa. He also indicated that two-thirds of the homes in the subdivision are operated as short-term rentals. Chairman Turner advised him of the three (3) strike rule that his host license will be subject to if there are issues with the rental.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the land use application filed by Erik Perrine for a conditional use permit at 242 Eagles Nest Road Sautee Nacoochee, Georgia - tax map and parcel 068-144A / total acreage is 1.00. The approved use is to place in a short-term rental program within the present zoning of R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Frank Liesen to request a conditional use permit at 89 Small Pond Drive Cleveland, Georgia - tax map and parcel 060D-039 / total acreage is 5.09. The proposed use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. He stated the Planning Commission held a public hearing on the application, there was opposition to the application, and the Planning Commission recommended denial of the application. He advised that Mr. Liesen's plat showed his

property was part of a five-lot subdivision, four of which he owns. However, Planning Commission member Dona K. Burke located an older plat which showed the property to be part of a larger subdivision which had covenants associated with it dated 1977. The County Attorney, Mary Jane Henneke, reviewed the information and advised that it was legally valid for the county to utilize the most recent plat in this case, however the Planning Commission chose to base their recommendation on the older plat due to the opposition. Mr. Liesen said he and his wife had worked as missionaries for many years and were often blessed by those who would allow them to utilize their property for rest and relaxation. He said they wanted to be able to do the same for others and being able to operate these two (2) homes as a short-term rental would finance their ability to offer this free of charge to other missionaries. Mr. Leisen said there was no reference in his deed, plat, or at closing to any covenants and he had already paid the voluntary road maintenance fee. Mr. Pittard stated that the Board needed to define which plat takes precedent in this case as it relates to the signature he is required to obtain.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to table the land use application filed by Frank Liesen to request a conditional use permit at 89 Small Pond Drive Cleveland, Georgia - tax map and parcel 060D-039 / total acreage is 5.09. The proposed use is to place in a short-term rental program within the present zoning is R-1, Residential Single-Family District in order to provide Mr. Liesen an opportunity to obtain the required signatures of support based on all lots as exists today.

Mr. Sell presented the land use application filed by Frank Liesen to request a conditional use permit at 91 Small Pond Drive Cleveland, Georgia - tax map and parcel 060D-039 / total acreage is 5.09. The proposed use is to place in a short-term rental program. The present zoning is R-,1 Residential Single-Family District. The same information discussed in the previous agenda item (see above) was true for this item as well.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to table the land use application filed by Frank Liesen to request a conditional use permit at 91 Small Pond Drive Cleveland, Georgia - tax map and parcel 060D-039 / total acreage is 5.09. The proposed use is to place in a short-term rental program within the present zoning is R-1, Residential Single-Family District in order to provide Mr. Liesen an opportunity to obtain the required signatures of support based on all lots as exists today.

Mr. Sell presented the land use application filed by Paige Hulsey, on behalf of Donald Weideman, to redistrict property located on Honeybrook Lane Cleveland, Georgia from R-1, Residential Single-Family District to R-3, Residential Seasonal District -tax map and parcel 077-090 / total acreage is 5.00. He stated the Planning Commission held a public hearing on the application, there was opposition to the application, and the Planning Commission recommended denial of the application based on the access being by easement across other's property and an RV park not fitting into the agricultural zoning. He advised that Ms. Hulsey's short-term rental had been identified by the Host Compliance Software as a non-compliant short-term rental and she responded to the notice she received to this effect. He said she has one (1) park model that she rents and is in the process of adding two (2) more (the minimum for an RV Park would be three (3)). Since the park models have RV stamps and are not allowed in R-1 zoning, she was required to apply for the R-3 zoning as an RV park. Ms. Hulsey said she was Mr. Weideman's adopted granddaughter and he had asked her not to place him in a convalescent home, so she began operating the short-term rental for income so she could stay in the home and take care of him. She said she is working on another access rather than the easement, she has been renting since April, she believes her business is a good addition to the community due to the wedding venues in the area and is willing to abide by any conditions the Board may choose to place on the approval. Mr. Sell did confirm that Ms. Hulsey had not obtained the required permits on the existing tiny home.

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Upon a motion made by Commissioner Holcomb there was a vote to approve the land use application filed by Paige Hulsey, on behalf of Donald Weideman, to redistrict property located on Honeybrook Lane Cleveland, Georgia from R-1, Residential Single-Family District to R-3, Residential Seasonal District -tax map and parcel 077-090 / total acreage is 5.00 with the following conditions: no longer access by the current easement being used and no more than three (3) tiny homes / RV's/ park models on the property. The motion made by Commissioner Holcomb died for lack of a second.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a motion to deny the land use application filed by Paige Hulsey, on behalf of Donald Weideman, to redistrict property located on Honeybrook Lane Cleveland, Georgia from R-1, Residential Single-Family District to R-3, Residential Seasonal District -tax map and parcel 077-090 / total acreage is 5.00 – due to an RV Park not fitting into the farming community. Chairman Turner voted in favor of the motion to deny. Commissioner Holcomb opposed the motion to deny. The motion to deny passed by a 3-1 vote.

Mr. David Murphy, Director of Public Safety, presented the bids received for purchase and installation of HVAC for Fire Station 6 on Hwy 129N as part of the proposed renovation plan to accommodate 24-hour shift personnel. He recommended the contract be awarded to the low bidder, A&A Electric for \$12,612.00.

Upon a motion made by Commissioner Nix, seconded by Commissioner Bryant there was a unanimous vote to award the contract for purchase and installation of HVAC for Fire Station 6 on Hwy 129N as part of the proposed renovation plan to accommodate 24-hour shift personnel to A&A Electric in the amount of \$12,612.00 – to be funded by SPLOST.

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 16, 2023 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