**WHITE COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF THE CALLED MEETING HELD**

**THURSDAY, DECEMBER 14, 2023 AT 9:00 A.M.**

The White County Board of Commissioners held a Called Meeting on Thursday, December 14, 2023 at 9:00 a.m. 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 and read the following statement:
“NOTE: In reference to land use agenda items #2 - #8 – 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 November 28, 2023. All information presented was then forwarded to the Board of Commissioners”.

Mr. John Sell, Director of Community & Economic Development, presented the land use application filed by SBC Properties LLC (Shawn Hammond) to request a conditional use permit at 83 Elrod Road Helen, Georgia. Tax map and parcel 042B-088. Total acreage is ±1.260. The proposed use was to place in a short-term rental program. The present zoning was R-1, Residential Single-Family District. He stated the Planning Commission held a public hearing on the application and recommended approval of the application. He advised the property is not located in a subdivision, had been operated as a short-term rental for about 10 years, and there was no opposition to the application at the public hearing. Ms. Hammond said this was her childhood home and being able to operate the short-term rental assured her that she could keep the property. She said she had security cameras and had never had any issues there. Commissioner Bryant stated that he was aware there had been issues with guests blocking the church’s driveway. Ms. Hammond stated that no one had ever mentioned that to her, but she would make sure it did not happen again.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to approve the land use application filed by SBC Properties LLC (Shawn Hammond) for a conditional use permit at 83 Elrod Road Helen, Georgia 30545. Tax map and parcel 042B-088. Total acreage is ±1.260. The approved use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Quentin Carr, on behalf of Neal and Sally Berry, to request a conditional use permit at 176 Laurel Ridge Road Cleveland, Georgia 30528. Tax map and parcel 073C-067C. Total acreage is 2.50. The proposed use was to place in short-term rental program. The present zoning was R-1, Residential Single-Family District. He said the Planning Commission held a public hearing on the application and recommended approval of the application. He explained this was located in an eight (8) lot subdivision and the property owner had obtained the required signatures. He had been operating the property as a short-term rental for about two (2) years and had self-managed the property. He did note that the subdivision was accessed by Laurel Ridge Road and there are several other short-term rentals in the immediate vicinity. Mr. Quentin Carr said that language in the property deed stated that one (1) rental cabin per lot was allowed. Commissioner Bryant spoke about the commercial nature of a short-term rental in the subdivision / residential area and Mr. Carr stated that if the generation of revenue was the only thing that Commissioner Bryant thought made the short-term rental a commercial endeavor – that reasoning would also apply to long-term rentals thereby making both long and short-term rentals commercial.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a vote to approve the land use application filed by Quentin Carr, on behalf of Neal and Sally Berry, for a conditional use permit at 176 Laurel Ridge Road Cleveland, Georgia 30528. Tax map and parcel 073C-067C. Total acreage is 2.50. The approved use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. Commissioner Holcomb and Chairman Turner voted in favor of the motion. Commissioner Bryant opposed the motion. The motion to approve passed by a 4-1 vote.

Mr. Sell presented the land use application filed Jennifer Whaley to request a conditional use permit at 233 Ralph Vandiver Road Sautee Nacoochee, Georgia 30571. Tax map and parcel 055-085. Total acreage is 8.30. The proposed use is to place in short-term rental program. The present zoning is R-1, Residential Single-Family District. He said the Planning Commission held a public hearing on the application and recommended approval of the application. He stated that the property was not located in a subdivision, the owners had been renting on a short-term basis for about one (1) year, and all the neighboring properties are also short-term rentals. Mr. Whaley said they had done extensive renovations and the property served as a second home for the family, however with the amount of money they put into the renovations they needed to operate as a short-term rental when they were not utilizing. He said they self-manage the property and utilize VRBO.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed Jennifer Whaley for a conditional use permit at 233 Ralph Vandiver Road Sautee Nacoochee, Georgia 30571. Tax map and parcel 055-085. Total acreage is 8.30. The approved use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District.

Mr. Sell presented the land use application filed by Steven and Kathy Schmidt, on behalf of Ukani Group Inc., to request to redistrict property located at 43 Thornblade Trail Cleveland, Georgia 30528 from C-1 Community Commercial District to R-1, Residential Single-Family District and for a conditional use permit. Tax map and parcel 017-094B. Total acreage is 1.33. The proposed use is to place in short-term rental program. The present zoning is C-1, Community Commercial District. He said the Planning Commission held a public hearing on the application and recommended approval of the application. He stated that the property was platted as an out-parcel to the Thornblade subdivision and was accessed through the Cottage Winery, which the Schmidt’s also own. He noted that the Planning Commission did condition the recommendation for approval on the property being re-addressed based on the access through the winery and not by Thornblade Trail. Ms. Schmidt said she self-manages the property and interviews guests prior to confirming reservations.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Steven and Kathy Schmidt, on behalf of Ukani Group Inc., to redistrict property located at 43 Thornblade Trail Cleveland, Georgia 30528 from C-1 Community Commercial District to R-1, Residential Single-Family District and for a conditional use permit. Tax map and parcel 017-094B. Total acreage is 1.33. The approved use is to place in a short-term rental program - with the approval conditioned upon the readdressing of the property based on access through Cottage Winery.

Mr. Sell presented the land use application filed by Jeremy and Nora Warner to request a conditional use permit at 0 Deer Trail Cleveland, Georgia 30528. Tax map and parcel 022-024. Total acreage is 1.85. The proposed use is to place in 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 and made a recommendation to deny the application based on it not conforming to the character of the neighborhood. He advised that the property is part of the William Jess subdivision and Mr. Warner had obtained signatures of support from 19 of the 35 property owners. Mr. Sell informed that the property is located next door to Mr. Warner’s home and his occupancy rate was about 13%. Mr. Quentin Carr represented the application and stated that Mr. Warner owns 6.84 acres where his home and the cabin are located, he had self-managed the property as a short-term rental for about two (2) years, the subdivision was made up of large tracts of land off a county-maintained road, and the covenants were recorded in 1983. Commissioner Nix stated that he had concerns about Mr. Warner having an attorney represent his application. Mr. Carr stated that the previous public hearing with the Planning Commission had gotten very heated with neighbors and the Warner’s thought it was best to have a neutral party present the information at this point.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a vote to approve the land use application filed by Jeremy and Nora Warner for a conditional use permit at 0 Deer Trail Cleveland, Georgia 30528. Tax map and parcel 022-024. Total acreage is 1.85. The approved use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District. Commissioner Bryant and Chairman Turner voted in favor of the motion. Commissioner Holcomb opposed the motion. The motion to approve passed by a 4-1 vote.

Mr. Sell presented the land use application filed by Mike and Heather Shramek to request a conditional use permit at 2734 Town Creek Road Cleveland, Georgia 30528. Tax map and parcel 020-095A. Total acreage is 2.70. The proposed use is to place in short-term rental program. The present zoning is R-1, Residential Single-Family District. He advised the Planning Commission held a public hearing on the application and recommended approval of the application. He stated that the property is located in a subdivision, however, is accessed directly from Town Creek Road and the property owner had obtained the required number of signatures of support. Mr. Shramek said that they currently reside at this residence, however they are looking to move and operate this property as a short-term rental for supplemental income. He said there is still a lot of work to do to get the property ready to rent, however he wanted to go ahead and secure his approval for the short-term rental.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the land use application filed by Mike and Heather Shramek for a conditional use permit at 2734 Town Creek Road Cleveland, Georgia 30528. Tax map and parcel 020-095A. Total acreage is 2.70. The approved use is to place in a short-term rental program. The present zoning is R-1, Residential Single-Family District.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to table the land use application filed by Colin Morris to request a conditional use permit at 538 Highway 356 Helen, Georgia 30545. Tax map and parcel 042B-045. Total acreage is 10.523. The proposed use is to place in short-term rental program. The present zoning is R-1, Residential Single-Family District – due to a representative for the application not being in attendance.

Upon a motion made by Commissioner Nix, seconded by Commissioner Goodger there was a unanimous vote to rebid the renovation project for Fire Stations 6 (Hwy 129 N) & 4 (Westmoreland Road) to accommodate 24-hour personnel and use.

Ms. Kimberly McEntire, Director of Parks & Recreation, presented the bids received for construction of concrete pads for batting cages at Yonah Preserve Ballfield Complex. She recommended the project be awarded to the low bidder HEC Construction in the amount of $21,154.00.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Bryant there was a unanimous vote to award the contract for construction of concrete pads for batting cages at Yonah Preserve Ballfield Complex to HEC Construction in the amount of $21,154.00 – to be funded through SPLOST.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix there was a unanimous vote to appoint Kimberly Parham to the White County Department of Family & Children’s Services Board in order to fulfill the remainder of a five (5) year term expiring June 30, 2028.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix, there was a unanimous vote to enter into Executive Session in order to discuss matters of litigation.

Commissioner Goodger left the meeting.

-See The Following Closed Meeting Affidavit-

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb, there was a unanimous vote (4-0) to exit Executive Session.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix, there was a unanimous vote (4-0) to adjourn the meeting.

The minutes of the December 14, 2023 Called 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