

WHITE COUNTY BOARD OF COMMISSONERS

MINUTES OF THE CALLED MEETING HELD

MONDAY, DECEMBER 19, 2022 AT 9:00 A.M.

The White County Board of Commissioners held a Called Meeting on Monday, December 19, 2022 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 Mike Renshaw, Finance Director Jodi Ligon, and County Clerk Shanda Murphy.

Chairman Turner called the meeting to order.

Ms. Heather Feldman, Executive Director of the Georgia Mountains Regional Commission (GMRC), presented John Sell, White County Director of Community & Economic Development, with the GMRC 2022 Appointed Official of the Year Award.

Mr. Renshaw presented the Guaranteed Maximum Price (GMP) provided by Construction Manager Charles Black Construction Company for the Tax Commissioners Office Project. The GMP presented was \$2,526,263.00. He explained this included a 4% owner's contingency and \$86,210.00 in City of Cleveland water / sewer tap fees which were still being finalized. He further stated that banking type equipment such teller windows and drawers are included in the GMP, however all other furniture, fixtures, and equipment (FF&E) are not included in the GMP. It was confirmed that all paving was included in the GMP within the sitework category. Mr. Renshaw also advised that five (5) local contractors were designated for work within the contract. It was confirmed that the funding source for this project was SPLOST.

Upon a motion made by Commissioner Goodger seconded by Commissioner Holcomb there was a unanimous vote to accept the GMP of \$2,526,263.00 from Charles Black Construction Company for the Tax Commissioner Office Project – with the funding source for this project being SPLOST.

Mr. David Murphy, Director of Public Safety, presented a contract to the Board for Animal Control Veterinary Services with Cleveland Veterinary Hospital. He informed that VCA-Dahlonga had canceled their contract in October and through two (2) solicitations for bids on this service, no responses were received. He advised that staff had been able to finally obtain a proposed contract for these services from Cleveland Veterinary Hospital at better rates than initially expected.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the contract for Animal Control Veterinary Services with Cleveland Veterinary Hospital effective December 22, 2022 for a one-year period.

Ms. Shanda Murphy, County Clerk / Director of Human Resources, presented the 2023 ACCG-GSIWCF renewal for the county's worker's compensation insurance services. She advised that

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the cost quoted (\$261,542.00) is a 21% increase from 2022 due to both increase in the payroll and claims experience. She also stated although the cost had increased by 21% - there was a 7.3% rate reduction and a safety discount of \$24,129.00 reflected. She advised that county staff had worked diligently to meet the requirements for the safety discount.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the 2023 ACCG-GSIWCF renewal for the county's worker's compensation insurance services in the amount of \$261,542.00.

Ms. Murphy advised the Board that White County had received \$29,786.95 through the National Opioid Distributor Settlement. From all the allowed uses for these funds, she recommended that this be designated for the expenditure of overdose reversal drugs and training of first responders. She also advised that an additional \$80,876.07 would be coming to the county through the manufacturer settlement which has the same approved uses and would require some additional considerations for designation once received. Sheriff Kelley asked that the possibility of designating the second portion of funds for the CHAMPS school drug education program be discussed at a later date.

Upon a motion made by Commissioner Holcomb, seconded Commissioner Nix there was a unanimous vote to designate the \$29,786.95 received through the National Opioid Distributor Settlement for the expenditure of overdose reversal drugs and training of first responders

Mr. Renshaw stated the Board of Commissioners had adopted the Short-Term Rental Host License Ordinance on November 15, 2022 and had been approached by the local realtor's association regarding making some changes to the ordinance. He presented the proposed changes and described the changes as immaterial.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Holcomb there was a unanimous vote to adopt County Resolution 2022-17 amending the Short-Term Rental Host License Ordinance.

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2022- 17

AN ORDINANCE TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 16 - BUSINESS REGULATIONS & LICENSING, ARTICLE II - SHORT- TERM RENTAL HOST LICENSE

WHEREAS, the White County Board of Commissioners wishes to revise portions of the Official Code of White County as it related to various sections of the Short-Term Rental Host License regulations.

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NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County it is hereby resolved by authority of the same that the regulations be revised as follows.

The effective date of this amendment shall be January 1, 2023.

ADOPTED, this 19th day of December, 2022.

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

Attest:

s/Shanda Murphy
Shanda Murphy
County Clerk

SHORT TERM RENTAL HOST LICENSE

Sec. 16-200. Purpose.

The purpose of this article is to establish regulations for the use of a residential structure or part thereof as a short-term rental in order to support the White County Comprehensive Plan while minimizing the negative, secondary effects on surrounding properties, to ensure proper safety precautions are in place, to establish a rental host license and to facilitate the collection and payment of hotel/motel taxes.

Sec. 16-201. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

Bedroom. A room that is intended primarily for sleeping as reflected on the building permit, tax assessors records or site inspection.

County. Unincorporated White County.

Compensation. Remuneration or anything of economic value that is provided, promised or donated primarily in exchange for services rendered. This includes, but is not limited to, voluntary donations, and fee-sharing.

Director. The Director of Community and Economic Development or his or her designee.

Guest. Any person or persons renting a short-term rental. Note that this definition of Guest specifically applies to the Short-Term Rental Host License.

Owner. (Innkeeper) Any person who, alone or with others, has title or interest in any residential structure, building, property, or portion thereof, with or without accompanying actual possession thereof, including any person who, as tenant, agent, executor, administrator, trustee, or guardian of an estate, has charge, care, or control of any short-term rental use.

Person. Any individual, firm, partnership, corporation, company, association or institution, governmental entity, or partnership and including any trustee, agents, assigns or other representative.

Responsible party. An individual(s) with the legal authority to make and act on decisions of tenancy, building maintenance, complaints and repairs relating to applicable safety codes. The responsible party must be available as a point of contact for the county as well as any short-term rental guest(s) for the duration of the stay in the short-term rental. The responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two hours to complaints related to the short-term rental and taking remedial action to resolve such complaints. Such initial response to a complaint by the responsible party may include a telephone response to either a 911 Emergency Dispatch operator or an in-person or telephone contact with an appropriate Law Enforcement Officer.

Short term rental advertisement. Any method of soliciting use of a lodging accommodation or any part thereof for short term rental purposes.

Short term rental. A lodging accommodation offered to transient guests for a period of time not to exceed 30 consecutive days. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or group homes, campgrounds, RV parks, bed and breakfasts, motel, hotels or other lodging uses.

Short term rental host. (Innkeeper) Any person who is the owner of a lodging accommodation or any part thereof that is offered for short term rentals for periods of 30 days or less and who is responsible for applying for a short-term rental host license.

Sec. 16-202. License required.

It is unlawful for any person to operate or advertise as a short-term rental within the county without a valid occupational tax certificate for such rentals and a valid short term rental host license issued pursuant to this article for each short term rental location and the authority to collect and remit hotel/motel taxes. Any long-term rental property that is found to have

terminated a contract rental agreement in less than 30 days may be considered a short-term rental and in violation of this ordinance.

Sec. 16-203. License fee and license term.

- (a) The annual fees for the issuance of a short-term rental host license shall be established by resolution and shall be set forth in the schedule of *fees* and charges on file in the county clerk's office.
- (b) A short-term rental host license shall expire December 31st of each year and must be renewed annually. In the event that any person commences a new business on any date after January 1, the short-term rental host license shall be due and payable 30 days following the commencement of the business.
- (c) Short term rental host licenses are non-transferable.
- (d) This license applies to all short-term rentals in unincorporated White County.
- (e) A penalty of ten percent per month of the amount of the short term rental host license shall be imposed upon payments, for existing businesses, made after December 31st.
- (f) Operation of a short-term rental business for more than 30 days, whether the premises are rented or not, without payment of the required short term rental host license is a violation of this article, and the business will be given a warning and be required to pay a penalty of three times the required short term rental host license fee due. If the short-term rental host license and the penalty are not paid within ten calendar days of the date of the warning, a citation will be issued.

Sec. 16-204. License investigation and issuance of short-term rental host.

Upon receipt of a completed application for the issuance or renewal of a short-term host license, the Community and Economic Development office may inspect the short-term rental for compliance with all applicable laws, rules, and regulations.

Sec. 16-205. License applications.

- (a) In addition to obtaining an occupational tax certificate from the Business Tax Office, the following applies to a short-term rental host license:
 - (1) Application for the issuance, renewal or change of ownership of a short-term rental host license shall be provided to the White County Business Tax office on the form provided and comply with requirements set out in this article. A short-term rental host license shall be required for each separate property. The 911 address for each property must be provided to White County.
 - (2) The applicant shall be the owner(s) of the property listed on the application to be used as a short-term rental. If applicant is a business entity, the name of the authorized agent shall be provided on the short-term rental host application.

Sec. 16-206. Short term rental host general provisions.

(a) All short-term rental hosts must comply with the following:

- (1) Provide documentation and a signed declaration of compliance attesting to compliance with the following:
 - (A) Provide local contact (responsible party) information to all short-term rental guests during a guest's stay. The person designated by the owner as the responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two hours to complaints related to the short-term rental and taking remedial action to resolve such complaints.
 - (B) Comply with all applicable laws, rules and regulations pertaining to the use and occupancy of a short-term rental. Attest by owner or third-party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety Codes.
 - (C) Post the following information in a conspicuous place within the short-term rental:
 - aa. Contact information for the responsible party;
 - bb. Street address;
 - cc. Floor plan indicating fire exits and escape routes;
 - dd. Information about how a guest can contact the planning department to report any concerns or complaints; and
 - ee. Maximum occupancy load;
 - ff. "In Case of Emergency", Dial 911;
 - gg. "This rental is located in a residential area. Please be courteous to our neighbors and the residents of this area. Any loud sounds (music, voices, etc.) or excessive activity may be reported to local law enforcement, and you may be subject to citations, fines, arrest, etc. Please respect our residential area and preserve the peaceful nature and beauty of this area."
- (2) Parties that do not use third party rental platforms (Airbnb, VRBO, HomeAway, etc.) that remit hotel/motel tax on the short-term rental owner's behalf are responsible for remitting all applicable hotel/motel tax proceeds to White County.
- (3) Provide proof that the short-term rental host license number is included on any short term rental advertisement.
- (4) Provide the White County Business Tax office with a copy of "house rules".
- (5) Certify that there are no unpaid financial obligations to White County.

- (6) Certify that there are no deed restriction and/or covenants on a property that prohibits the use of the property as a short-term rental.
- (7) Parking. All vehicles shall only be parked in the driveway and/or within the garage area of the short-term rental. Vehicles shall not be parked within the right-of-way of public roads or easements, including grassy/unimproved areas. Vehicles shall not be parked along any roadways which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules, etc.
- (8) Solid waste/trash. Trash and refuse shall not be left or stored within public view, or in the public right-of-way, except in proper containers for purposes of collection by an authorized waste hauler. Trash and refuse shall not be left or stored in such a way that would cause safety issues, hinder access to the public right-of-way, violate subdivision rules, etc.
- (9) Occupancy load. Occupancy limit of ~~two persons per bedroom plus two additional persons~~ shall be established in accordance with the maximum occupancy limit as established in the approved land use application. The short-term rental host will keep the total number of guests to that number which can safely stay in the premises and the short-term rental host may be subject to the State of Georgia's fire safety code regulations.
- (10) Provide proof that the owner has commercial or specific short term rental insurance for the property.
- (11) Noise. Short term rentals shall not violate any noise or sound regulations, subdivision rules, etc.
- (12) Hours of operation. Check-in/departure and other rental-related activities should occur between 6 a.m. and 10 p.m.
- (13) A short-term rental owner may not be in violation of any White County ordinances and must be in compliance with Land Use regulations.
- (14) Provide White County with the local contact (responsible party) information. The person designated by the owner as the responsible party shall be available twenty-four hours per day, seven days per week for the purpose of responding within two hours to complaints related to the short-term rental and taking remedial action to resolve such complaints. If this information changes, White County shall be immediately informed of the contact information of the new local contact (responsible party). Failure to have a readily available local contact (responsible party) is a violation of this code.
- (15) Rental management companies shall either list each property separately on the monthly lodging tax form that is submitted to the White County Business Tax office or provide a separate lodging tax form for each property to the White County Business Tax office.
- (16) Business occupation tax certificate, Short Term Rental Host License and hotel/motel tax authorization certificate must be prominently displayed at each short-term rental property.

Sec. 16-207. Violations/consequences.

- (a) The Community and Economic Development director is authorized to issue a warning, suspend or revoke a short term rental host license issued under the provisions of this chapter if the short term rental host license is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit or portion thereof is in violation of any ordinance or regulation or any of the provisions of this article, including but not limited to the International Building Code, International Fire Code regulations and NFPA 101 Life Safety Codes.
- (b) If any violations stated in this article have been committed and not corrected within the time specified, the Community and Economic Development director shall begin the procedures to revoke the short-term rental host license in accordance with the following:
 - (1) In the event of a first violation of this article, the director shall give a warning to the owner/operator specifying the nature of the violation(s) and the time to correct violation(s).
 - (2) In the event of a second violation of this article of the same nature within a 12-month period, the director will issue a suspension of the short-term rental host license for a 30-day period.
 - (3) In the event of a third violation of this article, of the same nature within a 12-month period, the director will revoke the short-term rental host license. The owner/operator may not reapply for the same property for a period of 12 months.
- (c) Any person who shall do anything prohibited by this article or who shall fail to do anything required by this article shall be guilty of a misdemeanor, amenable to the process of the county magistrate court and upon conviction, shall be punished as provided in O.C.G.A. § 15-10-50, and said provisions are by reference incorporated herein.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to appoint Ms. Tina Blackburn to the Board of Health for a six-year term to expire December 31, 2028. The Board expressed their appreciation to Ms. Linda Hubbard for her prior service on the Board of Health.

Fire Chief Mike Lefevre presented a request to purchase a 2021 Ford F150 4x4 with interceptor package from John Megel Ford. He advised this had been a demo and had 5,000 miles on it. He stated that he realized this is an off cycle / non-budgeted request, although this vehicle would fit into the department's vehicle replacement schedule (replacing one of the departments 10+ year old high mileage quick response vehicles) and was a rare find. Chief LeFevre informed that the MSRP for the vehicle was \$52,000.00 and the quote provided was \$45,200.00. He stated that equipment in the amount of \$10,000.00 to \$12,000.00 would be needed to outfit the vehicle for use and the department had some equipment that could be liquidated to cover the new equipment expense. Following discussion on the proposed purchase, the Board took no action as the Board

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had committed to no non-budgeted requests through 2022 due to commitments made on other projects.

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

-See The Following Closed Meeting Affidavit-

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

The minutes of the December 19, 2022 Called Meeting were approved as stated this 9th day of January 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