

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Minutes

Friday, September 1, 2023 ♦ 10:00 AM

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Friday, September 1, 2023 at approximately 10:00 AM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

PRESENT

Chairman Bill Sharp
Commissioner Gary McElhenney
Commissioner Daniel Brown
Commissioner Jeff Wooten

STAFF PRESENT

County Attorney Adam Nelson
County Manager Paul Van Haute
County Clerk Lynn Butterworth
Deputy County Clerk Donna Todd

Opening

1. Welcome - Call to Order

Chairman Sharp called the meeting to order at approximately 10:00 a.m.
(Copy of agenda made a part of the minutes on minute book page _____.)

2. Approval of Agenda

County Attorney Nelson requested to move agenda item #13 “Discussion and possible action on 112 Gloria Drive” to after an Executive Session.

Motion to approve the Agenda as amended moving agenda item #13 to after an Executive Session.

Motion made by Commissioner Brown, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

3. Invocation

Pastor Jeff Birch, Lake Oconee Presbyterian Church, gave the invocation.

4. Pledge of Allegiance (BS)

Chairman Sharp led the Pledge of Allegiance.

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Mill Rate Public Hearing

5. Presentation of Proposed 2023 Mill Rate (staff-CM & Fin)

County Manager Van Haute reviewed the proposed mill rates of 6.400 mills for the incorporated and unincorporated county maintenance and operation and .400 mills for the Special Service District.

6. Comments from the Public

Mr. Steve Hersey commented that a tax increase above the rollback rate is excessive and requested that the mill rate be set at the rollback rate.

Mr. Billy Webster objected to the mill rate increase and expressed disappointment in the budget vote. He also commented that money should be left in a fund balance in the Special Service District.

7. Comments from Commissioners and/or Staff

None

Code of Ordinances Public Hearing

8. Proposed adoption of changes to the Putnam County Code of Ordinances - Chapters 22 (Businesses), 66 (Zoning), and Appendix D (Short Term Vacation Rental)

Attorney Nelson introduced this item and advised that after several months of study this is an attempt to establish revisions and changes to the ordinances and that a lot of this information has been provided in public hearings. This process has involved a lot of compromises and conversations and the document being considered is a culmination in compromise. He further commented that there have been allocations that the ordinance was drafted in violation and advised that he was not aware of any violations of Georgia law in the formation or draft; in contrary there were at least five work sessions to discuss the proposed ordinances and his office has been drafting a working document in various formats. The document does not become an ordinance until it is approved by a vote of the Board of Commissioners. He advised that everything took place in a public setting.

Mr. Chuck Ross, an attorney for three STR clients, commented that the proposed amendments would not pass constitutional muster: Section 22-122 (f) of the new ordinance refers to license and the old ordinance refers to certificate; grandfathering could be revoked for violations; cannot do the overlay districts created in Section 22-122 as this creates an equal protection clause in overlay sector 2 and creates two separate classes of property owners.

Mr. Steve Hersey commented that he opposes the ordinance in its present form; wants no increase in the number of STRs; should prohibit use if owner loses STR status; resents single family districts being divided into the haves and the have nots; need to delete the overlay sector sections; and he objects to changes being made without adequate input from the third district.

Mr. Steven Jones, the attorney for The Go Group, commented that all pending applications should be allowed to be included and not in the maximum cap number.

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Mr. Ben Chastain expressed appreciation for the efforts of the commission and all involved in this divisive issue and commented that he would like the ability to do short term rentals from time to time. He proposed to remove the maximum cap but limit how many STRs each individual can have; that Section 22-123 (c) and (d) are inconsistent; and that enforceability of someone being on site within one hour is not reasonable.

Mr. Spencer Hoynes submitted a handout concerning R-1R with evidence that it was in the ordinances at one time to not allow short term rentals and commented that licenses issued in R-1R should not be valid.

Mr. Ken Colson of PMI Properties commented in support of short term rentals but not in favor of limiting the number of guests; head counts should be based on the size of the property and allow during the day a 25% overage for guests of the family.

Mr. Robert Bailey spoke in opposition to short term rentals in neighborhoods saying there is no benefit to the residents. He commented that the ordinance is written okay but needs a section concerning the homeowners associations.

Ms. Kathy Wardlaw commented on the different agenda wording for items five and eight. She also read a letter from the Attorney General's office and commented that recent actions of the board have been unprofessional and unethical. She requested that all short term rental discussions and decisions be tabled until the investigation is complete and District three is represented. She further commented that all commission votes should be held up until they are cleared of all wrongdoing.

Ms. Deb Mallinson commented that short term rentals were permitted illegally in R-1R, and the moratorium should be extended until District three has a commissioner because that district has the most short term rentals. She also asked that the cost of administering short term rentals be discussed publicly and suggested a \$1000 application fee and \$500 inspection fee. She requested the total number in Sector 2 be lowered from 400 to 250 and that the maximum occupancy should not allow grandfathering. She commented that she does not want Putnam County to be a vacation destination.

Ms. Peggy Blalock signed in to speak but passed her turn.

Mr. Charles Patten commented that the majority of residents are against short term rentals.

Ms. Peyton McHann signed in to speak but passed her turn.

Mr. Steven Howard questioned the purpose of the three overlay zones and requested an accurate count of how many short term rentals exist today, how many are pending and how many were issued during the moratorium. He recommended the number of licenses in Sector 2 should be 200 not 400, that quiet hours be changed to 9pm to 9am and to raise the fees. He advised "don't do what is permissible but do what is right" and protect the quality of life in neighborhoods.

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Ms. Carol Langendorfer commented that she emailed the commissioners but didn't receive any responses and that she is concerned about District three not being represented; moratorium should continue until a representative is elected. She also commented that people have more renters than allowed all the time, that house parties need to be avoided, that vehicles should be limited to one per two people.

Mr. Don Hill expressed concerns about short term rentals, the letter from the Attorney General's office, no District three representative, the fees and infrastructure impact. He also thanked the commissioners for being here and providing leadership.

Mr. Mike Depetrillo commented on the Attorney General letter and asked the board to either admit or deny. He requested that homeowners' associations be referenced in the ordinance and to suspend action until District three is represented.

Ms. Marian Zerkus commented that she is not opposed to all short term rentals, but they should be limited and tightly controlled. She also commented on not having enough code enforcement personnel and that increases in the number of short term rentals should not be on the lakes but other areas of the county. She requested a moratorium on lake properties, a definition of bedrooms, and to not allow buses on properties.

Ms. Ellen Wallace commented on short term rental problems near her residence, economic development needed but shouldn't reduce the economic value of homes and the need for District three to have a representative.

Ms. Leigh Ann Carter and Mr. Jon Carter signed in to speak but passed their turn.

Mr. Dennis Ewasiuk commented on a number of short term rentals around his home that have too many cars in the driveways all the time, and the need for District three to have a representative.

Commissioner Brown requested a five minute break.

Meeting recessed at approximately 11:00 a.m.

Meeting reconvened at approximately 11:07 a.m.

Attorney Nelson reviewed some of the issues brought up during the comment period and addressed the Attorney General letter. He explained that no changes to the short term rental ordinance have been made to date and that today is the first day that changes can be made. He advised that the county would respond to the allegations in the Attorney General letter.

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Motion to adopt the proposed changes to the Putnam County Code of Ordinances as shown in the meeting packet with the following change to Section 22-122 (c) (ii): change from 400 total licenses to 350 total licenses and terminate the moratorium on new short term vacation rental applications and direct staff to include in the STR application packet a list of known home owners associations that prohibit short term rentals and in addition it is the responsibility of the home owners associations that prohibit short term rentals to notify the County Clerk in writing to be added to the list.

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten
(Copy of ordinances and handout made a part of the minutes on minute book pages _____ to _____.)

Regular Business Meeting

9. Public Comments

Mr. Steve Hersey commented on the resignation of former commissioner Alan Foster, saying that he was an advocate for the third district, was single handedly responsible for the creation of R-1R and the Harmony Community Center, that he served with Alan on the Board of Commissioners and respected his views, and that his resignation is a loss for the third district. He thanked him for his service.

Ms. Kathy Wardlaw signed in to speak but passed her turn.

Ms. Pat Ward commented on improving the portion of Dennis Station Road that she lives on.

10. Consent Agenda

- a. Approval of Minutes - August 15, 2023 Regular Meeting (staff-CC)
- b. Approval of Minutes - August 25, 2023 Called Meeting (staff-CC)
- c. Authorization for Chairman to sign GDOT FTA 5311 - FY2024 Transit Operating, Small and Large Capital, and Mobility Management Contract (staff-Transit)

Motion to approve the Consent Agenda.

Motion made by Commissioner McElhenney, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten
(Copy of contract made a part of the minutes on minute book pages _____ to _____.)

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11. Discussion and possible action on Fire Department boat houses (staff-Fire)
 Fire Chief McClain commented on recent projects and announced that September 15 is the proposed completion date for the new Fire/EMS/Coroner Station with a scheduled move in date in October. He advised that January 2022 approved fire engine purchase is in production now and the fire boats approved back in December of 2021 should be delivered next week. He commented that the support from the commissioners has been amazing. He is requesting funding for boat houses to protect the new boats, one on Lake Sinclair and one on Lake Oconee. He explained that he initially looked at stick built boat houses, but they were cost prohibitive. The DNR model is a floating dock and boat house and would be the best, most effective way to go. He advised that he has worked with Georgia Power throughout the process, and they approve the projects. The Lake Oconee boat house will be near the Putnam County Sheriff's boat house and the Lake Sinclair boat house will be next to Sheriff/DNR boat house at the county line.

Motion to provide funding to the Fire Department to purchase two boat houses, one on Lake Oconee and one on Lake Sinclair with funding from SPLOST.

Motion made by Commissioner Wooten, Seconded by Commissioner McElhenney.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

12. Setting of Qualifying Fees for 2023 Special Election (staff-Finance)

Motion to set the quality fee for the 2023 Special Election for District Three at \$234.00.

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

13. Discussion and possible action on 112 Gloria Drive (staff-CM & CA)

Moved this item until after the Executive Session.

14. Ratification of the Board of Education Mill Rate and Authorization for Chairman to sign Tax Levy Resolution (staff-CM & Finance)

Mr. Steve Hersey commented that the Board of Education proposed rate is below the roll back rate and asked why the Board of Commissioners can't do the same. He advised that the Board of Education is required to send 5 mills to the state for equalization grants and only 6.25 mills stay local, which is less than the BOC rate.

Motion to ratify the Board of Education mill rate and authorize the Chairman to sign the Tax Levy Resolution.

Motion made by Commissioner Brown, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

(Copy of resolution made a part of the minutes on minute book pages _____ to _____.)

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15. Authorization for Chairman to sign Resolution setting 2023 Mill Rate for Incorporated and Unincorporated County Maintenance and Operation (staff-CM & Finance)

Motion to authorize the Chairman to sign the Resolution setting the 2023 Mill Rate for Incorporated and Unincorporated County Maintenance and Operation.

Motion made by Commissioner McElhenney, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten
(Copy of resolution made a part of the minutes on minute book pages _____ to _____.)

16. Authorization for Chairman to sign Resolution setting 2023 Mill Rate for Special Service District (staff-CM & Finance)

Mr. Steve Hersey commented that the Special Service District is the entire unincorporated area of Putnam County, but it provides 90% of the total tax digest and will make the unincorporated residents pay 6.8 mills total. He asked for the Finance Director to do a calculation on the rollback rate for the unincorporated area and requested a public hearing for the SSD in the future.

Motion to authorize the Chairman to sign the Resolution setting the 2023 Mill Rate for the Special Service District.

Motion made by Commissioner Wooten, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten
(Copy of resolution made a part of the minutes on minute book pages _____ to _____.)

Reports/Announcements

17. County Manager Report

No report.

18. County Attorney Report

No report but requested an Executive Session to discuss real estate.

19. Commissioner Announcements

Commissioner McElhenney: none

Commissioner Brown: thanked County Manager Van Haute for great job on the Jimmy Davis Park parking lot. He also commented on the DOT counting cars all over the county and asked if the county would have access to that data. County Manager Van Haute advised that we would.

Commissioner Wooten: none

Chairman Sharp: reminded everyone that Monday, September 11th is the anniversary of the 9-11 tragedy and that there will be a memorial service at the Veterans Wall of Honor.

20. Enter Executive Session as allowed by O.C.G.A. 50-14-4 for Personnel, Litigation, or Real Estate

Motion to enter Executive Session as allowed by O.C.G.A. 50-14-4 for Real Estate.

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

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Meeting closed at approximately 12:14 p.m.

21. Reopen meeting following Executive Session

Motion to reopen the meeting following Executive Session.

Motion made by Commissioner McElhenney, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

Meeting reconvened at approximately 12:51 p.m.

22. Authorize Chairman to sign Affidavit concerning the subject matter of the closed portion of the meeting

Motion to authorize the Chairman to sign the Affidavit concerning the subject matter of the closed portion of the meeting.

Motion made by Commissioner Wooten, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

(Copy of affidavit made a part of the minutes on minute book page _____.)

23. Action, if any, resulting from the Executive Session

Motion, pursuant to O.C.G.A. 36-9-3(h), to sell .0602 acres of land, a portion of an unopened section of the county road system, as reflected on a plat filed at the Putnam County Superior Court Clerk’s office in Plat Book 24, Page 126, for the sum of \$662.20 to Betty S. Harris and to authorize the chairman to execute legal documents necessary to complete the same.

Motion made by Commissioner Brown, Seconded by Commissioner Wooten.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

(Copy of legal document made a part of the minutes on minute book page _____.)

Closing

20. Adjournment

Motion to adjourn the meeting.

Motion made by Commissioner McElhenney, Seconded by Commissioner Brown.

Voting Yea: Commissioner McElhenney, Commissioner Brown, Commissioner Wooten

Meeting adjourned at approximately 12:55 p.m.

ATTEST:

Lynn Butterworth
County Clerk

B. W. “Bill” Sharp
Chairman

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