



**HALL COUNTY BOARD OF COMMISSIONERS  
VOTING MEETING  
MINUTES**

**Hall County Government Center 2<sup>nd</sup> Floor  
2875 Browns Bridge Road, Gainesville, GA 30504  
Thursday, March 22, 2018 - 6:00 p.m.**

**1. Call to Order**

Chairman Higgins called the meeting to order at 6:01p.m.

**Present:**

Chairman Richard Higgins, Vice Chairman Kathy Cooper and Commissioners Billy Powell, Scott Gibbs, and Jeff Stowe

Also present were County Administrator Jock Connell, Assistant County Administrator Marty Nix, Assistant County Administrator Lisa Johnsa, Commission Clerk Lisa Ritchie, and County Attorney Bill Blalock

**2. Approve Agenda**

Motion by Commissioner Stowe, seconded by Commissioner Cooper and voted, unanimously, to amend the Agenda by removing item 7.18 from the agenda and approving the amended Agenda.

**3. Invocation**

3.1. Chairman Richard Higgins

**4. Pledge of Allegiance**

4.2. Commissioner Jeff Stowe

**5. Public Comment - Agenda Items Only (2 minutes per speaker/20 minutes maximum)**

There were no comments from the public.

**6. Consent Agenda**

Motion by Commissioner Powell, seconded by Commissioner Stowe and voted, unanimously, to approve the Consent Agenda.

- 6.3. Approve March 6, 2018 Special Called Voting Meeting Minutes
- 6.4. Approve March 5, 2018 Work Session Minutes
- 6.5. Approval of application and if awarded the State Criminal Alien Assistance Program (SCAAP) in the amount not to exceed \$42,200. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. No match is required.

- 6.6. Approval to apply and if awarded accept along with any concurrent year's funding of the HEAT grant for the Sheriff's Office from the Governor's Office of Highway Safety for FY2019 in the amount of \$178,749.89. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. Match will be provided in-kind with one officer's salary.
- 6.7. Approval of application and award of the 2019 Homeland Security Grant for the Hall County Community Emergency Response Team (CERT) in the amount of \$9,136. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. No match is required.
- 6.8. Approval to apply and if awarded accept the State Homeland Security Grant Program in the amount of \$34,752 for the Sheriff's Office to purchase personal protective equipment and an EOD (Avatar III CBRNE robot). Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. No match is required.
- 6.9. Approval of the application, award and any further supplemental funding of the Criminal Justice Coordinating Council (CJCC) Grant for Treatment Services in the amount of \$101,642. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award and supplemental documents. An \$11,294 or 10% of total project amount match will be provided in-kind with personnel salaries and benefits.
- 6.10. Approval of application, award and any supplemental funding from the Criminal Justice Coordinating Council for FY2019 Accountability Court Funding Program grant for the HELP Program in the amount of \$177,230. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. A 10% of total project amount or \$19,692 match is required which will be provided in-kind with budgeted personnel and benefits.
- 6.11. Approval of application, award and any further supplemental funding of the FY2019 Criminal Justice Coordinating Council Grant for the Hall County Veterans Court for \$141,824. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. A \$15,758 or 10% of the total project amount match will be provided in-kind with a budgeted staff salary and benefits.
- 6.12. Approval of application, award and any further supplemental funding from the FY19 Criminal Justice Coordinating Council Grant for Family Treatment Court in the amount of \$174,750. Appoint the Grants Manager as the Program Designee and authorize Chairman Higgins to execute all related application and award documents. A \$19,417 or 10% of the total project amount match will be provided in-kind with budgeted staff salary and benefits.
- 6.13. Approval of application, award and any further supplemental funding for the Treatment Services' application to the Criminal Justice Coordinating Council for FY2019 Accountability Court Funding Program grant for Drug Court in the amount of \$548,832. Appoint the Grants Manager as the program designee and authorization for Chairman Higgins to execute all related application and award documents. A \$60,981 or 10% of total project amount match which will be fulfill with current staff salary and benefits.
- 6.14. Approve Resolution to consent and agree to the annexation of Fairbanks Drive and Meeks Drive by the City of Oakwood
- 6.15. Approve List of Equipment & Surplus Vehicles for Donation, Sale on GovDeals or Disposal/Scrap

## **7. Other Business**

- 7.16. Second Reading and Public Hearing to approve a Resolution to Amend Chapter 10.30 of Title 10 of The Official Code of Hall County, Georgia; Commission Districts 1, 2, 3 & 4

Ken Rearden, Public Works & Utilities Director addressed the Board. He stated that it is pertaining to the recommended traffic speed limits for Martin Road from 45 to 35 miles per hour from Atlanta Highway to J M Turk Road and from 45 miles per hour to 40 miles per hour from J M Turk Road to State Route 53.

Mr. Blalock issued the Public Hearing.

Motion by Commissioner Cooper seconded by Commissioner Gibbs and voted, unanimously, to approve item 7.16.

- 7.17. Consider Glenn Hamilton's request for refund of taxes

Steve Watson, Chief Appraiser, addressed the Board and shared the information regarding Mr. Hamilton's request for a refund.

Mr. Hamilton and his attorney did not attend the meeting.

Motion by Commissioner Stowe seconded by Commissioner Gibbs and voted, unanimously, to table item 7.17 until the April 12, 2018 Commissioners Voting Meeting.

- 7.18. Acceptance of Right-Of-Way Deeds from the Development Authority:  
- Gateway Industrial Centre  
- Kubota Way Extension in Gateway Industrial Centre

Item 7.18 was removed during the adoption to the Agenda.

## **8. Public Hearing to consider applications to amend the Zoning Map of Hall County as follows:**

Srikanth Yamala, Planning Director, addressed the Board.

- 8.19. Application of Brenton L. Pierce for a Use Subject to County Commission approval for an Agri-Entertainment District on a 27.96± acre tract located on the north side of Chestatee Road, 910±ft. east of its intersection with North River Road; a.k.a. 3266 Chestatee Road; Zoned AR-III; Tax Parcel 10059 000012. Proposed Use: Event Venue. Commission District 2.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval with nine conditions.

Mr. Blalock conducted the Public Hearing.

The following people addressed the Board in favor of item 8.19:

- Amy Pierce, 3266 Chestatee Road
- Timothy Freeman, 4521 Greenhill Road

- Jeff Hylton, 127 Woodlake Drive

Motion by Commissioner Powell seconded by Commissioner Gibbs to approve with conditions.

Commissioner Gibbs asked to add a friendly amendment to limit the outside amplification to 8:30 p.m. Commissioner Powell accepted the friendly amendment.

The Commission voted, unanimously, to approve item 8.19 with the following, thirteen, conditions:

- 1) The development is approved as generally shown on the concept plan and as described in the February 20, 2018 project narrative.
- 2) The proposed use shall operate within the parameters of the Hall County Noise Ordinance – Title 8.80.020. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
- 3) The barn shall be inspected by Hall County Building Inspections to meet the building code for assembly purposes.
- 4) Any new development related to the agri-entertainment venue will be subject to the Hall County Development Review process.
- 5) The agri-entertainment venue shall seek a temporary use permit for any event that requires use of a tent and meet any other regulations of the Hall County Fire Services.
- 6) The applicant shall meet Hall County Environmental Health standards to ensure regulations pertaining to onsite septic systems and food service permits are met.
- 7) The subject parcel shall be held to Hall County Engineering Stormwater Management Regulations.
- 8) Any future expansion of activities on the property may require approval by the Hall County Board of Commissioners.
- 9) Approval for the request shall be limited to the applicant only. In the event that the property is sold, any new owners shall be required to get approval by the Hall County Board of Commissioners.
- 10) Hours of operation shall be: Sunday through Thursday 9:00 a.m. to 9:00 p.m. and Friday and Saturday 9:00 a.m. to 10:00 p.m.
- 11) Applicant shall only use of professional DJ services
- 12) Business License renewals shall be approved by the Board of Commissioners
- 13) No outside amplification after 8:30 p.m.

8.20. Application of Vanessa Gomez for a Use Subject to County Commission approval for an automobile repair and maintenance business on a 0.78± acre tract of land located on the southwest corner of the intersection of Atlanta Highway and 1st Street; a.k.a. 1806 Atlanta Highway; Zoned H-B; Tax Parcel 08009A002023. Proposed Use: Automobile repair and maintenance. Commission District 2.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval with two conditions.

Mr. Blalock conducted the Public Hearing.

Vanessa Gomez, 2335 Athens Highway, addressed the Board in favor of item 8.20.

Motion by Commissioner Powell to approve item 8.20 with the following conditions:

- 1) All mechanical services shall be conducted within a garage bay.
- 2) No storage of wrecked or junk vehicles shall be allowed.
- 3) No more than 10 cars parked outside at any given time.

Discussion ensued regarding the third condition and it's relation to the entire property.

Commissioner Powell withdrew his motion.

Motion by Commissioner Powell seconded by Commissioner Stowe and voted, unanimously, to table item 8.20 until the April 12, 2018 Commissioners Voting Meeting.

8.21. Application of John Dutkewych for a Use Subject to County Commission approval for outdoor storage on a 0.44± acre tract of land located on the west side of Thompson Bridge Road, between its intersections with Bark Camp Drive and Marlow Road; a.k.a. 5405 Thompson Bridge Road; Zoned S-S; Tax Parcel 11082 000038. Proposed Use: Outdoor storage. Commission District 2.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval.

Mr. Blalock conducted the Public Hearing.

John Dutkewych, 188 Bridgestone Way, Dahlonega, addressed the Board in favor of item 8.21.

Motion by Commissioner Powell seconded by Commissioner Gibbs and voted, unanimously, to approve item 8.21.

8.22. Application of Alfred Franklin Patterson to rezone from Residential-II (R-II) and Highway-Business (H-B) to Highway-Business (H-B) on a 0.56± acre tract of land located on the west side of Hall Street, approximately 400 feet from its intersection with Atlanta Highway; a.k.a. 2 Hall Street; Zoned R-II and H-B; Tax Parcel 00132 006016. Proposed Use: Caretaker's residence and impound lot. Commission District 4.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval.

Mr. Blalock conducted the Public Hearing.

Alfred Franklin Patterson, 2 Hall Street, addressed the Board in favor of item 8.22.

Motion by Commissioner Stowe seconded by Commissioner Powell and voted, unanimously, to approve item 8.22.

8.23. Application of Paul Whitmire to rezone from Highway-Business (H-B) to Agricultural-Residential-IV (AR-IV) on a 2.75± acre tract of land located on the east side of Cleveland Highway, approximately 1,050 feet from its intersection with Old Cleveland Road; a.k.a. 6758 Cleveland Highway; Zoned S-S; Tax Parcel 12084 000034; Proposed Use: Permitted agricultural and residential uses. Commission District 3

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval.

Mr. Blalock conducted the Public Hearing.

Paul Whitmire, 6770 Cleveland Highway, addressed the Board in favor of item 8.23.

Motion by Commissioner Gibbs seconded by Commissioner Powell and voted, unanimously, to approve item 8.23.

8.24. Application of Breedlove Residential, LLC to rezone from Agricultural-Residential-III (AR-III) to Planned Residential Development (PRD) on a 59.90± acre tract of land located on the east side of Lawson Robinson Road, approximately 744 feet from its intersection with Teakwood Drive; a.k.a. 5365 Lawson Robinson Road; Zoned AR-III; Tax Parcel 10030 000005. Proposed Use: 52-lot subdivision. Commission District 2.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval with two conditions.

Mr. Blalock conducted the Public Hearing.

David Dickerson of Whelchel, Dunlap, Jarrard & Walker, 405 Washington Street, addressed the Board in favor of item 8.24.

Motion by Commissioner Powell seconded by Commissioner Gibbs and voted, unanimously, to approve item 8.24 with the following conditions:

- 1) All conditions of the February 9, 2006 approval shall apply, with the reduction from 54 lots to 52 in condition number 1:
  - o Development shall be limited to 54 lots as generally shown on the concept plan and described in the project narrative, modified as necessary for compliance with development standards in force at the time of plan approval.
  - o Proposed modifications to standards identified in plan notes 11, 13, 22, 23, and 25 are subject to final approval by County staff, based on maintaining the intent of Code standards and the concept plan
  - o Development shall be limited to homes with no less than 1,800 square feet of heated floor space with each residence having a two-car garage and sodded front lawn.
  - o All lots will access an internal roadway, with no driveway access to Lawson Robinson Road.
  - o The following statement regarding the potential impacts of agricultural operations in the area shall be made part of any plat recorded on this property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property, including, but not limited to noise, odors, dust, and operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore owners, occupants, and users of the property shown on tis plat should be prepared to expect the effects of such practices."

- All conditions of zoning shall appear on any plats created for the subdivision.
  - 2) Per §8.170.070., of the Official Code of Hall County, a 25 ft. impervious setback shall appear on any plats created for the subdivision. Additionally, the Hall County Future Flood Zone shall also be shown.
  - 3) Sidewalks shall be constructed on one side of the road only
- 8.25. Application of William Tabb Bowen to rezone from Residential-I (R-I) to Office-Institutional (O-I) on a .98± acre tract of land located on the northeast side of Winder Highway, approximately 350 feet from its intersection with Union Place; a.k.a. 4513 Winder Highway; Zoned R-I; Tax Parcel 15037B000063. Proposed Use: Permitted office uses. Commission District 1.

Mr. Blalock issued the Reading.

Mr. Yamala stated that the Planning Commission recommended approval with three conditions.

Mr. Blalock conducted the Public Hearing.

Tab Bowen, 4816 Holland View Drive, addressed the Board in favor of item 8.25.

Motion by Commissioner Cooper seconded by Commissioner Gibbs and voted, unanimously, to approve item 8.25 with the following conditions:

- 1) All signage must be approved by Hall County Planning Department.
- 2) A 10 foot vegetative buffer with a 6 foot greenery shall be planted

8.26. Second Reading and Public Hearing to adopt a resolution to amend the Zoning Regulations of The Official Code of Hall County, Georgia, as follows:

To amend section 17.50.010 entitled “Permitted Uses” of Chapter 17.50 “Vacation Cottage District” of Title 17 pertaining to Zoning Regulations of The Official Code of Hall County, Georgia, by deleting paragraph A(3) in its entirety;

To amend section 17.50.040 entitled “Uses Permitted Subject to Approval of County Commission” of Chapter 17.50 “Vacation Cottage District” of Title 17 pertaining to Zoning Regulations of The Official Code of Hall County, Georgia, by adding paragraph K to said section for the purpose of including transient occupancy of a vacation home;

To amend section 17.60.040 entitled “Uses Permitted Subject to Approval of County Commission” of Chapter 17.60 “Residential 1 District (R-1)” of Title 17 pertaining to Zoning Regulations of The Official Code of Hall County, Georgia, by deleting paragraphs H(1) and H(2) in their entirety;

To amend Title 17 pertaining to Zoning Regulations of The Official Code of Hall County, Georgia, by adding a Chapter 17.216 entitled “Short Term Rental” for the purpose of providing standards for short term rentals of privately owned residential structures used as vacation homes and rented to transient occupants, to minimize adverse effects of short term rental uses on surrounding residential neighborhoods and preserving the character of neighborhoods in which vacation home use occurs;

To provide for an effective date; to repeal conflicting resolutions and ordinances;

and for other purposes.

Mr. Blalock issued the Reading.

Mr. Yamala stated that this is a draft Ordinance as directed by the Board of commissioners.

Mr. Blalock conducted the Public Hearing.

The following people addressed the Board in opposition to the amendments:

- Margaret Platt, 4709 Virginia Street
- Angela Craft, 3308 Felicia Court
- David McKinley, 4145 Summit Chase
- Judy Presley, 3734 Romy Way
- Mark Yarborough, 3600 Old Duckett Mill Road

The following people addressed the Board in favor of the amendments:

- Joyce Millwod, 4871 Propes Drive
- Brenda Dugan, 6735 Bass Circle
- Sherri Millwood, PO Box 1407
- Laura Bell, 2249 Lake Ranch Fort
- Mandy Harris, 1459 Douglas Drive
- Kevin Gearhart, 6745 Bass Circle
- Lee Langley, 6715 Bass Circle
- Nasay Goshaddy, 562 Bay Berry

Chairman Higgins stated that the Commission wants to create an Ordinance that balances the concerns and rights of property owners desiring to rent their properties on a short term basis and also to their neighboring property owners. He said they must be able to properly balance enforcement, economic growth, and the quality of the neighborhoods. He said staff will closely track violations and complaints and then the data can be used for future planning and necessary adjustments.

Motion by Chairman Higgins seconded by Commissioner Powell to approve item 8.26 with the amendments as stated by Mr. Yamala. Those amendments are included in exhibit A as follows:

## ***Exhibit A***

### ***CHAPTER 17.216. SHORT TERM RENTAL***

#### ***Section 17.216.010. Purpose***

- A. *The purpose of this Chapter is to establish standards for short term rentals of privately owned residential structures used as vacation homes and rented to transient occupants, minimize adverse effects of short term rental uses on surrounding residential neighborhoods, and preserve the character of*



*neighborhoods in which vacation home use occurs.*

- B. This Chapter is not intended to regulate hotels, motels, inns, or non-vacation type rental arrangements including, but not limited to, boardinghouses, lodging houses, or rooming houses.*

**Section 17.216.020. Zoning Districts**

*Permitted uses in the Vacation-Cottage (V-C) District shall include transient occupancy. Within the Agricultural Residential III (AR-III) and Agricultural Residential IV (AR-IV) Districts, Planning Commission approval is required to determine that the specific residential structure to be used for transient occupancy. Within the Residential-I (R-I), District Planning Commission approval is required to determine that the specific residential structure desiring to be used for transient occupancy provided the following requirements are met:*

- 1. Any part of the parcel of land containing the vacation home is within 500 feet of the U.S. Army Corp of Engineers property line as of March 22, 2018, and*
- 2. The parcel of land containing the vacation home is not within a recorded subdivision or if with a recorded subdivision of ten lots or less.*

**Section 17.216.030. Applicability**

- A. It shall be unlawful for any owner of any property within the unincorporated areas of Hall County to rent or operate a short term rental of residential property contrary to the procedures and regulations established in this Chapter, other provisions of this Code, or any applicable state law.*
- B. The restrictions and obligations contained in this Chapter shall apply to short term rentals at all times during which such vacation homes are marketed and used as short term rentals.*
- C. The allowance of short term rentals pursuant to this section shall not prevent enforcement of additional restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements.*

**Section 17.216.040. Definitions**

*The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.*

*Managing agency or agent: A person, firm or agency representing an owner or owners of a short term rental.*

*Noise Regulations: Those regulations contained in the Official Code of Hall County, Georgia, Chapter 8.80 Noise Control.*

*Officer of the County: means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7 through 41-2-17 and by this Chapter of the Official Code of Hall County to exercise the powers prescribed by such ordinances or any agent of such officer or officers.*

*Owner: A person that holds legal and/or equitable title to private property.*

*Private: intended for or restricted to the occupants and/or guests of his or her short term rental; not for public use.*

*Property: A residential legal lot of record on which a short term rental is located.*

*Rental Term: The period of time a responsible person rents or leases a short term rental.*

*Short Term Rental: The transient occupancy of a vacation home, rented for the purpose of overnight lodging for a period of not less than two nights and not more than thirty (30) consecutive nights.*

**Section 17.216.050. Property owners, local contact person, and responsible person.**

**A. Property owners:**

- 1. The owner and/or local contact person shall use reasonably prudent business practices to ensure the short term rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to the use and occupancy of the subject vacation home, and shall further use reasonably prudent business practices to ensure the occupants and/or guests of the vacation home do not create noise in violation of the noise*

*regulations of this Code or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the subject vacation home.*

**B. Local contact person:**

- 1. Each owner of a short term rental shall designate a local contact person who has access and authority to assume management of the short term rental and take remedial measures while the short term rental is being rented to an occupant and/or guest. An owner of a short term rental may designate himself or herself as the local contact person.*
- 2. The local contact person shall be at least 21 years of age*
- 3. There shall only be one (1) designated local contact person for a short term rental at any given time.*
- 4. The local contact person shall be required to respond to the location of the short term rental 24 hours a day, 7 days a week, and within one (1) hour after being notified by the Hall County of the existence of a violation of this Chapter or any other provision of this Code, or any disturbance or complaint requiring immediate remedy or abatement regarding the condition, operation, or conduct of occupants of the short term rental.*
- 5. An owner may retain a managing agent, managing agency, operator, or representative to serve as the local contact person to comply with the requirements of this section, including, without limitation, the licensing of the short term rental, the management of the short term rental, and the compliance with the conditions of the license. The owner of the short term rental is responsible for compliance with the provisions of this section and the failure of an agent, representative, or local contact person to comply with this section shall be deemed noncompliance by the owner.*
- 6. The owner must immediately notify the Hall County Business License Department in writing upon a change of local contact person or the local contact person's telephone number. This notification will be on forms prescribed by the Business License Department. The new, revised business license will not extend the expiration date of the business license, will be issued for a fee of \$25.00, must be posted in*

*person information and before occupants can rent the short term rental, and updated notices mailed out to all residential neighbors per section 17.216.060 of this Code.*

**C. Responsible person:**

- 1. Each rental party of the short term rental shall have an occupant designated to be the responsible person.*
- 2. The responsible person must be at least twenty-five (25) years of age.*
- 3. The responsible person is legally responsible for ensuring that all occupants and/or guests of the short term rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject short term rental.*

**Section 17.216.060. Business license and tax, and transferability.**

**A. Business license and tax**

- 1. The owner shall pay all required excise tax per Section 3.40.020 of this Code;*
- 2. No owner or local contact person of a short term rental shall rent that vacation home without first applying for and registering the business per Section 3.40.060 of this Code;*
- 3. The owner shall comply with all other applicable provisions of Chapter 3.40 of this Code;*
- 4. The owner shall obtain a business license for said short term rental and comply with all applicable provisions of Title 5 of this Code for business licenses and regulations;*
- 5. A separate business license shall be required for each vacation home used for short term rental;*
- 6. A business license application may be denied if the applicant has had a prior short term rental for the same vacation home revoked within any 12- month period;*
- 7. Additional information required for a business license for a short term rental shall include:*
  - a) The name, address, telephone number, and email address of the local contact person for the short term rental;*
  - b) The number of bedrooms and approximate square footage in the short term rental, and the maximum number of overnight*

*and daytime occupants;*

- c) Acknowledgment that the owner and local contact person have read all regulations pertaining to the operation of a short term rental;*

*B. All business licenses issued pursuant to this Chapter are subject to the following standard conditions:*

- 1. The owner or local contact person shall, by written agreement with the responsible person, limit overnight occupancy of the short term rental to the specific number of overnight occupants designated in the business license application;*
- 2. Prior to permitting occupancy of a short term rental by a transient occupant, the owner or the local contact person shall:*
  - (a) Obtain the name, address, and a copy of a valid government identification of the responsible person;*
  - (b) Provide information about the short term rental regulations to the responsible person; and*
  - (c) Provide and require that such responsible person execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants and/or guests of the vacation home with all applicable laws, rules and regulations pertaining to the use and occupancy of the short term rental.*
- 3. Parked vehicles:*
  - (a) Shall not be parked on the County right-of-way or along any roadways at any time; and*
  - (b) Shall be parked outdoors on the property only on designated hard surfaced areas with gravel, concrete or asphalt surfacing; and shall not be permitted outside such hard surfaced areas (i.e. no parking in yards or neighbors properties).*

4. *The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short term rental do not violate the noise regulations set forth in Title 8 of this Code by notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;*
5. *The owner and/or local contact person shall use best efforts to ensure that the occupants and/or guests of the short term rental do not violate the domestic animal regulations set forth in Title 4 of this Code by notifying the occupants of the rules regarding short term rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner and/or local contact person act as a peace officer or place himself or herself in harm's way;*
6. *The owner and/or local contact person of the short term rental shall post a copy of the business license and a copy of the conditions set forth in this Chapter in a conspicuous place within the short term rental;*
7. *All business licenses issued under this chapter shall be valid for no more than one year, beginning on the date of issuance and expiring on December 31st of that year; and*
8. *Upon the issuance of a new short term rental business license, or an updated local contact person, or a change in business license name, Hall County shall mail a notice to all residences within five hundred (500) feet of the property line of the short term rental notifying the neighbors that a short term rental business license has been issued and providing information regarding how to lodge complaints regarding the short term rental, if any.*

C. *Transferability.*

1. *No business license issued under this section shall be transferred or assigned or used by any person other than the owner or local contact*

*it is issued.*

**Section 17.216.070. Standard Operational Requirements and Conditions**

A. *Parked vehicles*

*All parked vehicles at the short term rental shall comply with all applicable provisions of Section 17.216.060 of this Code.*

B. *Life safety and sanitation*

1. *Short term rentals shall meet applicable International Building Code and International Fire Code regulations. For properties that are served by septic, short term rentals shall meet applicable Environmental Health regulations.*
2. *The owner and/or local contact person shall maintain a house number that is visible from the street at all times.*

**Section 17.216.080. Violation and Penalties**

A. *Violation*

1. *The following conduct shall constitute a violation for which the penalties specified in Paragraph D of this Section 17.216.090 may be imposed, or the business license suspended or revoked:*
  - (a) *The owner or local contact person has violated any of the provisions of this Chapter; or*
  - (b) *The owner or local contact person has violated any zoning, building, health or life safety provision; or*
  - (c) *The owner or local contact person has failed to comply with all applicable provisions of Chapter 3.40 of this*

*Code.*

2. *Any violation of the provisions of this Section by occupants and/or guests of the short term rental shall be enforced pursuant to this section, and any other applicable Code sections. Enforcement actions may be brought against occupants and/or guests of a short term rental for violations of this section and any other provision of this Code notwithstanding that this section may also make the owner or local contact person of the short term rental responsible for the conduct constituting the violation.*
  
3. *Any advertising of the short term rental shall conform to information included in the short term rental business license and requirements of this section, and shall include notification of the maximum occupancy, maximum number of vehicles allowed, and provisions regulating noise.*

*B. Abandonment*

*The abandonment or failure to use a residence as a short term rental for a period of twelve (12) consecutive months for any period shall be deemed an abandonment of the short term rental use and the owner shall be required to obtain a new business license for the property.*

*C. Complaints*

1. *The complaining party shall first attempt to communicate with the owner or local contact person designated and describe the situation that is out of compliance with this Code;*
2. *If the complaint is not resolved with the owner or local contact person, then the complaining party may next provide a written complaint to the Hall County Marshal which shall include a description of the complaint, the attempts to resolve the complaint, and the complaining party's contact information.*

*D. Penalties*



1. *The penalties for violations specified in section 17.216.080 of this Code shall be as follows:*
  - (a) *For the first violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$250.00;*
  - (b) *For a second violation within any 12-month period, the penalty shall be a written notice of violation and a fine not to exceed \$500.00;*
  - (c) *For a third violation within any 12-month period, the penalty shall be a written notice of violation, a fine not to exceed \$1,000.00, the business license shall be revoked for a period of 24 months, and the owner or local contact person shall not be eligible to reapply for a business license on the property in violation for a period of 24 months from the date of revocation.*
2. *A short term rental that is determined to be operating without the necessary business license required under this section shall subject the owner to a penalty of \$500.00. Each day the short term rental is marketed or rented for overnight accommodation shall constitute a separate violation.*
3. *Failure of the owner or local contact person to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short term rental in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this Chapter. It is not intended that an owner or local contact person act as a peace officer or place himself or herself in an at-risk situation.*
4. *In addition to the penalties described above, any person violating the provisions of this Chapter by operating a short term rental without a valid business license may be prosecuted according to the general penalties described in Section 1.50.020 of this Code.*

*E. Enforcement*

1. *Penalties, including a notice of violation, shall be imposed, and business licenses shall be revoked, in the manner provided in this Chapter*

(a) *Complaints shall result in a notice of the complaint being directed to the local contact person designated in the business license. The local contact person shall be responsible for contacting the responsible person to correct the problem within one (1) hour. This local contact person is required to visit the property to confirm compliance with this chapter, unless compliance can reasonably be confirmed without visiting the property.*

(b) *If non-compliance with provisions of this section occurs, the Business License Department or officer of the county shall conduct an investigation whenever there is reason to believe that an owner and/or local contact person has failed to comply with the provisions of this chapter. The investigation may include an inspection of the premises, review of law enforcement/security reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video all of which may constitute evidence of a violation. Should the investigation support a finding that a violation occurred, the Business License Department or designee shall issue written notice of the violation and intention to impose a penalty and/or revoke the business license. The written notice may be served either by first class mail, by commercial overnight delivery, by personal service on the owner and/or local contact person, or by any other reasonable means of delivery, including email, and shall specify the facts which, in the opinion of the Business License Department, constitute grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the business license will be revoked fifteen (15) calendar days from the date of the notice unless the owner and/or local contact person files with the Business License Department a request for an appeal hearing before the Board of Commissioners. In considering such appeal, the Board of Commissioners shall determine whether the Business License Department has erred in his/her interpretation and/or enforcement of this Chapter.*

*(c) The Business License Department or officer of the county is hereby authorized and directed to establish such procedures, as specified in Title 5 of this Code, which may from time to time be required to carry out the purpose and intent of this Chapter. The Hall County Marshal and/or the Hall County Sheriff or his or her designee shall also have authority to enforce this Chapter.*

Commissioner Powell expressed his appreciation for the citizens attending the meeting and sending e-mails to the Commission with their input on the issue. He said many hours, by staff and the Commission, went into determining the amendments. He said that the Convention of Visitor's Bureau (CVB) will assist in promoting the short term rentals that are in compliance.

Chairman Higgins encouraged citizens to communicate their concerns/complaints with regard to short term rentals in their areas, with the Commission.

Commissioner Gibbs said this amendment is not perfect but it does give the County a good starting point. He said it is pro business and pro residents. He said they will probably make adjustments as they go forward.

Commissioner Powell asked to add a friendly amendment to require a two night minimum stay. Chairman Higgins accepted the friendly amendment. The Commission voted, 4 to 1, to approve the motion with Commissioner Powell's friendly amendment.

Vote: 4 to 1

Commissioner Cooper –aye

Commissioner Powell – aye

Chairman Higgins – aye

Commissioner Gibbs – nay

Commissioner Stowe – nay

Motion passed.

### **9. Report from County Attorney**

Mr. Blalock did not have any items to report.

### **10. Report from County Administrator**

Mr. Connell did not have any items to report.

## **11. Commission Time**

Commissioner Kathy Cooper, District 1, did not have any items to report.

Commissioner Billy Powell, District 2, did not have any items to report.

Commissioner Scott Gibbs, District 3, did not have any items to report.

Commissioner Jeff Stowe, District 4, did not have any items to report.

Chairman Richard Higgins did not have any items to report.

## **12. Adjourn**

Motion by Commissioner Powell, seconded by Commissioner Cooper and voted, unanimously, to adjourn the meeting at 8:01 p.m.