



Agenda
City of Clarkesville
Council Work Session
5:00 PM April 3, 2023

1. *Call to Order*
 - 1a. *Mayor Barrie Aycock Will Call the Meeting to Order*
2. *Unfinished Business*
 - 2a. *Discuss Completion of Moratorium Sewer Study*
3. *New Business*
 - 3a. *Discuss and Vote on 2022 Year End Budget Amendments*
 - 3b. *Discuss Short Term Rentals*
4. *Public Comment*
5. *Consider Going Into Executive Session*
6. *Adjournment*

RESOLUTION NO. 2023-1

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CLARKESVILLE, GEORGIA AMENDING THE FISCAL YEAR 2022 BUDGET; ADJUSTING, RECLASSIFYING, AND CORRECTING CERTAIN REVENUES AND EXPENDITURES, BY FUND, AS REFLEXED IN THE SCHEDULE OF BUDGET AMENDMENTS:

WHEREAS, The Mayor and Council of the City of Clarkesville (the “City”) adopted a balanced operating budget for Fiscal Year 2022;

WHEREAS, Subsequent to the adoption of the Fiscal Year 2022 budget, the City approved various expenditures, and budget amendment requests;

WHEREAS, State law authorizes the City to amend its budget, by resolution, in order to adapt to changing governmental needs, under O.C.G.A. § 36-81-3(d).

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. The City of Clarkesville Budget for the Fiscal Year ending December 31, 2022 is hereby amended as shown in Exhibit “A.”

Section 2. All resolutions, ordinances or portions thereof in conflict with the provisions of this Resolution are hereby repealed.

Section 3. This Resolution shall become effective immediately upon adoption.

SO RESOLVED this 3 day of April, 2023.

CITY OF CLARKESVILLE, GEORGIA

Barry Aycock, Mayor

Attest: _____
Julie Poole, City Clerk

EXHIBIT A

Budget Amendment				
Line Item	Description	Original Budget	Increase Amount	Amended Budget
100-01-1510-521300	Computer R&M	36,000.00	6,790.51	42,790.51
100-01-1510-522205	Building R&M	3,200.00	5,780.50	8,980.50
100-01-1510-523100	Liability Insurance	4,500.00	98.00	4,598.00
100-01-1510-523802	Downtown Reconstruction	0	45,936.81	4,5936.81
100-01-1510-523825	SPLOST VI Expenses	0	109,030.00	109,030.00
100-01-1510-523850	Property Purchases	0	251,539.24	251,539.24
100-01-1510-531150	Election	0	8,045.51	8,045.51
100-04-7550-511110	Salaries FT	57,222.00	22,383.84	79,605.84
100-04-7550-512100	Group Insurance	8,820.00	2,835.30	11,655.30
100-04-7550-512200	FICA/Medicare	5,586.00	781.15	6,367.15
10-04-7550-512700	Worker's Comp	150.00	34.02	184.02
100-04-7550-523900	Special Events	20,500.00	6,554.69	27,054.69
100-04-7550-531100	Office Supplies	900.00	740.80	1,640.80
100-04-7550-571100	Façade Grant Payments	5,000.00	262.48	5,262.48
100-05-3500-511200	Salaries Volunteer	16,000.00	1,500.00	17,500.00
100-05-3500-531600	Fire Equipment & Supplies	,2000.00	11,029.01	13,029.01
100-15-6200-522205	Building R&M	0	886.97	886.97
100-15-6200-531231	Utilities	3,400.00	5,047.19	8,447.19
100-15-6200-531700	Park Supplies	3,000.00	5,611.24	8,611.24
100-20-7400-511110	Salaries Full Time	57,222.00	399.59	57,621.59
100-20-7400-512100	Group Insurance	8,820.00	1.44	8,821.44
100-20-7400-523800	Contract Inspections	0	96,083.09	96,083.09
100-25-3200-511110	Salaries Full Time	367,997.00	38,919.30	406,916.30
100-25-3200-511111	Salaries Clerical	38,200.00	4,068.80	42,268.80
100-25-3200-512200	FICA/Medicare	32,726.00	2,610.69	35,336.69
100-25-3200-512700	Worker's Comp	12,500.00	1,033.61	13,533.61
100-25-3200-522210	Vehicle R&M	3,000.00	15,517.35	18,517.35
100-25-3200-531540	Telephone	12,000.00	707.62	12,707.62
100-25-3200-572055	GSCCCA	6,500.00	4,667.72	11,067.72
100-35-4200-511110	Salaries Part Time	60,788.00	6,099.72	66,887.72
100-35-4200-511300	Salaries Over Time	650.00	424.92	10,74.92
100-35-4200-512200	FICA/Medicare	4,650.00	549.14	5,199.14
100-35-4200-512700	Worker's Comp	100.00	834.79	934.79
505-40-4410-511110	Salaries Full Time	75,500.00	33,853.79	109,353.79
505-40-4410-512100	Group Insurance	17,640.00	8,381.32	26,021.32
505-40-4410-512200	FICA/Medicare	5,795.00	2,535.06	8,330.06
505-40-4410-512400	Retirement Contributions	39,724.00	10,212.08	49,936.08
505-40-4410-523950	USGS Gauging Station	6,000.00	231.73	6,231.73
505-40-4410-531100	Office Supplies	14,800.00	2,720.57	17,520.57

505-45-4430-522205	Water Plant R&M	0	6,390.49	6,390.49
505-45-4430-531230	Finished Water Purchases	0	7,259.10	7,259.10
505-45-4430-531231	Utilities	54,000.00	9,025.53	63,025.53
505-45-4430-531540	Telephone	3,500.00	1,635.89	5,135.89
505-45-4430-531600	Equipment	0	2,605.18	2,605.18
505-45-4430-581200	Debt Service Principal	158,600.00	7,223,392.52	7,381,992.52
506-55-4335-522205	Building R&M	0	1,025.99	1,025.99
506-55-4335-523900	Tipping Fees	145,00.00	26,431.00	40,931.00
506-60-4331-523100	Liability Insurance	7,500.00	2,299.00	9,799.00

WHITE COUNTY BOARD OF COMMISSIONERS
SHORT-TERM RENTAL HOST LICENSE ORDINANCE

RESOLUTION NO. 2022-13

WHEREAS, the White County Board of Commissioners wish to amend the Official Code of White County by adding Chapter 16, Business Regulations and Licensing, Article II, Short Term Rental Host License; and

WHEREAS, White County is one of the most popular tourist destinations in the State of Georgia, which lends to the County's unique character and has a positive economic impact for the region – however, if not managed appropriately can have negative impacts on our residential areas and the peaceful natural beauty as the number of short-term rentals have increased dramatically in residential areas over the last 10 years; and

WHEREAS, the purpose of this amendment 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 insure proper safety precautions are in place, to establish a short-term rental host license and to facilitate the collection and payment of required hotel / motel taxes; and

NOW THEREFORE BE IT RESOLVED, that the Official Code of White County be amended as follows in order to establish a short-term rental host license in White County effective January 1, 2023:

All other rules, regulations, definitions, etc. contained in said Official Code of White County, not herein amended or deleted, shall remain in full force and effect.

ADOPTED, this the 15th day of November, 2022.

WHITE COUNTY BOARD OF COMMISSIONERS

Travis C. Turner, Chairman

Terry D. Goodger, District 1

Lyn Holcomb, District 2

Edwin Nix, District 3

Craig Bryant, District 4

Attest:

Shanda Murphy, County Clerk

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.

City. City of Clarkesville.

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 city 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.

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, motels, 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 city 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 city 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 the City of Clarkesville.
- (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 City Clerk, 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 City Clerk's 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 the City of Clarkesville.
 - (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 the City of Clarkesville.
- (3) Provide proof that the short-term rental host license number is included on any short-term rental advertisement.
- (4) Provide the Clarkesville City Clerk's office with a copy of "house rules".
- (5) Certify that there are no unpaid financial obligations to the City of Clarkesville.
- (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. 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 City of Clarkesville ordinances and must be in compliance with Zoning regulations.

- (14) Provide the City Clerk 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, the City Clerk 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 City Clerk's office or provide a separate lodging tax form for each property to the City Clerk's 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 Zoning Administrator 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 Zoning Administrator 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 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.
- (d) 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.

Secs. 16-208—16-293. Reserved

Section 731. Short-term Rentals; Purpose.

The purpose of this article is to establish regulations for the use of a residential structure or any part thereof as a short-term rental in the City of Clarkesville while minimizing the negative, secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and city code.

(Res. No. 2019-09, 6-4-19)

Section 732. License required.

It is unlawful for any person to operate or advertise as a short-term rental within the city without a valid business occupational tax license, and authorization to collect hotel/motel tax.

(Res. No. 2019-09, 6-4-19)

Section 733. Permitted uses.

(a) Short-term rentals are allowed as a permitted use in DB Downtown Business District and HB Highway Business District. Short-term rentals in the Downtown Business District shall not be permitted on first-floor or street-level spaces.

(b) Short-term rentals are allowed as a conditional use in R-1 Residential Single-Family, R-1A Residential Single-Family, R-1B Residential Single-Family, R-2 Residential Multi-Family, PRO Professional, and CB Community Business Districts. Short-term rental properties in these districts will have to acquire a conditional use permit through the process outlined in this ordinance, and obtain an occupational tax license and hotel/motel tax authorization certificate, prior to renting the property.

(c) Short-term rentals are prohibited in R Single-Family Residential, INS Institutional, and M-1 Light Industrial Districts.

(d) Conditional use permits for short-term rentals will not be issued to property owners in subdivisions unless short-term rentals are specifically allowed by the subdivision or homeowners association covenants - or with a signed majority of the homeowners in the subdivision if there is no homeowners association.

(Res. No. 2019-09, 6-4-19)

Section 734. Applications.

Short-term rental conditional use permit applications have to comply with Appendix D, Section 3 of the Zoning Ordinance and in addition:

- 1) Acknowledge that the applicant will keep the total number of guests to that number which can safely stay on the premises and that the applicant may be subject to the State of Georgia's fire safety code regulations.
- 2) Certify that there are no deed restrictions and/or covenants on a property that prohibits the use of the property as a short-term rental.
- 3) Certify that the owner has commercial or specific short-term rental insurance for the property.
- 4) 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.

(Res. No. 2019-09, 6-4-19)

Section 735. Short-term rental requirements.

This section applies to all short-term rental properties in the City of Clarkesville and is in addition to any rules that the property is subject to via any land covenants, homeowner association covenants, subdivision rules, etc.

Parking. Vehicles shall not be parked on any public right-of-way so as to hinder access to such and 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.

Solid waste/trash. 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.

Noise. Short-term rentals shall not violate any noise or sound regulations, subdivision rules, etc.

Hours of operation. Check-in/departure and other rental-related activities should occur between 3 p.m. and 10 p.m.

Additional information. Short-term rental owners or responsible parties must provide the City of Clarkesville Clerk's office with the following information:

1. Full contact information for a local contact (responsible party) who is available 24 hours a day to respond within two hours to any complaint about the property or guest behavior.
2. The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company within the City of Clarkesville.
3. Certify that there are no unpaid financial obligations to the City of Clarkesville.
4. Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property.

(Res. No. 2019-09, 6-4-19)

Section 736. Violations.

All violations will be dealt with in accordance with article XXVI of this Ordinance.

(Res. No. 2019-09, 6-4-19)