

**TOWN OF TALLULAH FALLS  
STATE OF GEORGIA  
REGULAR COUNCIL MEETING  
255 MAIN STREET, TALLULAH FALLS, GA 30573  
WITH VIDEO CONFERENCE STREAMING AVAILABLE FOR THE PUBLIC  
JULY 9, 2020, 6:00 PM**

**MINUTES**

The Council meeting for July 9, 2020 of the Town Council of Tallulah Falls, Georgia was called to order at 6:10 PM. A simultaneous live-stream view of the meeting was available through YouTube at <https://www.youtube.com/channel/UCytr3V3naaBwBwlzBlg-y8A> and had been previously circulated to the media and citizens through e-mail notification and the Town’s website. The public was also able to participate in the meeting via Webex with Meeting #794 499 414. Social distancing protocols were observed in response to the COVID-19 pandemic and overflow seating was available in the engine bay with audio feed of the meeting.

PRESENT WERE: Mayor Mike Early  
Mayor Pro tem Larry Hamilton  
Councilperson Deb Goatcher  
Councilperson Craig Weatherly  
Town Clerk Linda Lapeyrouse  
Town Attorney Warren Tillery  
Police Chief Tonya Elrod

PRESENT VIA VIDEO CONFERENCE: Councilperson Joey Fountain

OTHERS PRESENT OR VIA VIDEO: Public at large – see attached list

Mayor Early welcomed everyone to the meeting and asked for a moment of silence.

**AGENDA:**

**Mayor Early asked for a motion to amend the agenda to go into Executive Session as the first item of business for the purposes of discussing potential litigation. A motion was made by Councilperson Goatcher to amend the agenda as stated. The motion was seconded by Councilperson Weatherly and unanimously approved.**

**A motion was then made by Councilperson Weatherly to approve the agenda as previously amended. The motion was seconded by Councilperson Goatcher and unanimously approved.**

Due to an audio issue, the amendment of the agenda was restated to those public participants that were in the engine bay and the audio feed was fixed.

**EXECUTIVE SESSION:**

**A motion was made by Councilperson Hamilton to go into Executive Session for the purpose of discussing potential litigation with legal counsel. The motion was seconded by Councilperson Weatherly and unanimously approved at 6:15 PM. Livestreaming was temporarily discontinued at**

that time. Upon returning from Executive Session, live-streaming and the engine bay audio was resumed.

**At 7:16 PM, a motion was made by Councilperson Weatherly to re-open regular session. The motion was seconded by Councilperson Goatcher and unanimously approved.**

## **PUBLIC HEARINGS:**

### **Public Hearing on 2021 Budget**

Town Clerk Lapeyrouse was asked to present the 2021 Budget by Mayor Early. A budget work session was held on June 18<sup>th</sup>. The proposed budget was created as the result of the discussion from that work session. Lapeyrouse gave a summary of the General Fund, Water Fund, Capital Projects, and Special Revenue Funds. The process for the public hearing was stated by Mayor Early.

**Keith Nelms, 990 Hickory Nut Mountain Road, Tallulah Falls, GA stated that he was concerned about the transfer to the Water Fund from the General Fund. He stated that based on a \$12,000 subsidy from the General Fund, he estimates that we are subsidizing the State Park by \$4,000 - \$5,000 from Town taxes. He does not believe it is a good use of the Town's funds since Enterprise Funds are designed to support themselves.**

**No other comments.**

**Mayor Early closed the public hearing and let everyone know that the budget would be considered by Council for approval at a Special Called Meeting to be held on July 23, 2020.**

### **Public Hearing on Official Zoning Map**

Town Clerk Lapeyrouse, as Co-Zoning Administrator, was asked to present the Zoning Map. Lapeyrouse explained that this would be a new zoning map. It officially added the annexed area on Hickory Nut Mountain and amended the zoning for the property where the Tallulah Falls Middle School is now located. There have been no other changes to the map. The proposed map has been properly advertised and published in preparation of this hearing.

The process for the public hearing was stated by Mayor Early. He explained that there would be equal time for both sides to comment and he would alternate between the public in the engine bay and those attending via Webex. Each side was given twenty minutes.

Mayor Early opened the public hearing and asked for those who wanted to speak in favor of the Zoning Map as presented:

**Mary Beth Hughes, 455 River Street, Tallulah Falls, GA stated her support for the zoning map as presented.**

**No other comments.**

**Mayor Early closed that side of the public hearing and asked for comments from those that were opposed to the zoning map as presented.**

**David Irvin, Clarkesville, GA, opposed the zoning map stating that when Hickory Nut Mountain was annexed, the property owners were supposed to bring the water system and roads up to standard and they did not.**

**No other comments**

**Mayor Early closed the public hearing.**

**Public Hearing on a Zoning Ordinance to Allow and Regulate Short Term Vacation Rentals in Certain Zoning Districts**

**Town Clerk Lapeyrouse, as Co-Zoning Administrator, was asked to present the synopsis of the proposed Ordinance. Lapeyrouse stated that Short Term Vacation Rentals are a growing industry that have become popular through the ease and use of internet sites such as VRBO and Airbnb. Currently, the Town's Zoning Ordinance prohibits Short Term Vacation Rentals in all districts except Business and Highway Business. The Council tasked the Planning & Zoning Commission with looking into expanding and regulating STVRs. The Planning & Zoning Commission has met several times on this and has held a public hearing. They have made a recommendation to the Council that is included in the agenda packet. The proposed ordinance has been advertised and published in preparation of this hearing.**

**The process for the public hearing was stated by Mayor Early. He explained that there would be equal time for both sides to comment and he would alternate between the public in the engine bay and those attending via Webex.**

**Mayor Early opened the public hearing and asked for those who wanted to speak in support of the proposed ordinance.**

**Mary Beth Hughes, 455 River Street, Tallulah Falls, GA stated her support for residential areas being controlled and protecting their integrity.**

**Keith Nelms, 990 Hickory Nut Mountain Road, Tallulah Falls, GA stated his support for the zoning ordinance emphasizing R-1 as quiet single-family home neighborhoods. He supports the ordinance to emphasize and clarify what is already in place. Lodging activities are clearly allowed in the business districts. A written public comment has also been submitted for the record.**

**No other comments.**

**Mayor Early closed that side of the public hearing and asked for comments from those that were opposed to the ordinance.**

**Shaun Adams, Anderson, Tate & Carr, 1960 Satellite Boulevard, Duluth, GA stated that an objection had been filed with the Clerk to be included in the record. There are four proposals for resolving their objections which are outlined in the written comment. They include striking R-1 from Section 2203 removing the prohibition of STVRs in the R-1 zoning district; exempting the 24 parcels owned by the Irvin Family; tabling the vote to allow for additional time to review alternative solutions; or adopting the regulatory portion of the ordinance and deleting Section 2203. Mr. Adamas reserved all rights on behalf of his client J and D Irvin Holdings, LLC.**

**David Irvin, Clarkesville, GA, opposed stating that much of a year has been spent by them on working to bring lodging to Tallulah Falls. STVRs allow much more control. Mr. Irvin stated they have a proven record in Rabun County. STVRs bring additional tax revenue to the Town. He has a next-door neighbor that frequently rents as a STVR and is no problem, but he has a long-term neighbor that is a problem. They have heard that people do not want any development. This puts them in an adversarial position that they don't wish to be in. They wish to be good neighbors.**

**Brian Irvin, 2036 Cobblestone Circle, is a licensed CPA and has worked the last five years for Charleston Hotels. He intends to use his knowledge to develop and manage STVRs in Tallulah Falls. STVRs are more appealing and much better tenants than LTRs. Property is maintained continuously by the property owners themselves. He requested the allowance of STVRs in the R-1 district.**

**Marcia Brock, Mt. Airy, GA, has worked with Johnny and David Irvin for 35 years. Valley Springs Lodging (the old Moon Valley Resort) has been a successful STVR for them for the last 23 years in Rabun Gap, GA. They offer secluded cabins and are very good neighbors. The cabins are meticulously maintained daily and they have strict rentals. She reviewed the terms of their rentals. They are a superhost on Airbnb. Ms. Brock shared a drawing showing four cuts on Hickory Nut Mountain Road to access their lots instead of the eleven if each lot were to have its own driveway. There would be plenty of greenspace. STVRs in R1 districts would generate revenue for the Town and would allow for a more upscale controlled residential community.**

**Claudia Lyle, Clarkesville, GA is a real estate broker with 23 years of experience in the northeast Georgia area. She was recently asked by the Irvins her opinion on short-term rentals versus long-term rentals and their effects on property values. STVRs bring more people to an area, create more demand by introducing more people to an area, and increase property values. There is a decrease in value when there are restrictions and you can't generate interest in an area. She has seen reduced prices in neighborhoods where STVRs were prohibited. Comparable properties in other neighborhoods where STVRs were not prohibited had higher values. Rentals are in better condition with STVRs and allow more freedom to manage them better. There is no eviction process like a long-term rental. STVRs boost the economy and add revenue. It was her opinion that properly managed and properly developed STVRs are smart planned growth.**

**Johnny Irvin, 616 Terrora Circle, Tallulah Falls, GA stated that there was a misconception about what properties he and David Irvin own for development. Cheryl Jackson and he bought property 35 years ago. Hickory Nut Mountain was owned by Wayne Harris. Wayne could not get to the top of HNM and he gave him right-of-way to get to the top. He also stated that the city drilled a well on his property and he gave an easement to the city at no cost.**

**Mayor Early announced that the twenty minutes was expiring and extended each side for five additional minutes**

**Johnny Irvin continued. He and David do not own anything on the other side of the lake. Those lots are all tied up in an estate with his old business partner. The property he and his brother are talking about being developable property are the lots in question on Hickory Nut Mountain, the lot on the lake and the five lots in what was known as Tallulah Old Town. He takes care of his properties. They are all first-class developments. His wife owns two STVRs and the worst complaint has been people locking themselves out of the house and not being able to work the**

television. Mr. Irvin ended by saying how much he thinks of Tallulah Falls and added that his new grandbaby had been name Tallulah Blue.

No other comments. Mayor Early closed the public comment for those in opposition.

Mayor Early gave the additional five-minute opportunity to comment to those in favor.

Mary Beth Hughes, 455 River Street, Tallulah Falls, GA stated that it is important to listen and take note of what the people in the neighborhood want. She stated that the Irvins do a fine job with Valley Springs but questioned if that is what Tallulah Falls wants.

Keith Nelms, 990 Hickory Nut Mountain Road, Tallulah Falls, GA stated that he suspected that others did not know tonight was the night for public comment. Allowing STVRs would open up the possibility to others that might not do as good as the Irvins in managing their property. He also stated that most of the comments from people opposed to the ordinance do not live here.

No other comments. Mayor Early closed the public hearing at 8:15 PM.

Town Attorney Warren Tillery asked Claudia Lyle to come back to the podium. Attorney Tillery asked if her evaluation was for properties subject to a STVR ordinance. She responded that they were not. The properties she evaluated had been located in subdivisions that restricted STVRs through their covenants instead of governmental action. Even so, she stated that the sales of properties subject to an STVR restriction decreased compared to similar properties that were not subject to an STVR restriction. Attorney Tillery asked her if the properties subject to an STVR restriction still had economic value. She stated yes.

This concluded all three of the public hearings.

#### **CONSENT AGENDA:**

The Consent Agenda included minutes of the Council Meeting June 4, 2020, Budget Work Session June 18, 2020, department reports from Water, Police, Fire, and Finance, a Volunteer Report and the Habersham County SPLOST Intergovernmental Agreement. Copies are attached hereto and made a part hereof. **A motion was made by Councilperson Weatherly to approve the items on the consent agenda. The motion was seconded by Councilperson Hamilton and unanimously approved.**

#### **REPORTS:**

Attorney Report – None.

#### **OLD BUSINESS:**

The Blueline Solutions contract had been reviewed by Town Attorney Tillery and a few changes had been proposed and agreed to by Blueline. A motion to approve the contract with Blueline was made by Councilperson Weatherly. The motion was seconded by Councilperson Fountain. Attorney Tillery explained the changes. The contract will renew in one-year intervals with a 30-day withdrawal. The \$75,000 cost basis is captured at 35% during the first year. In the event that the contract is discontinued, the signs that show speed can be kept, if desired, by the Town. Attorney Tillery stated that he had no problems with the contract as amended. The motion passed

**with Weatherly, Fountain and Goatcher voting in favor of the motion and Hamilton voting against.**

Town Clerk Lapeyrouse reported on the document management and security systems that were quoted. Her recommendation was to contract with Municode for the Munidocs system for \$350/year for the Town's public documents to be added to the website for the public's use and to use the internal server for any sensitive documents. **A motion was made by Councilperson Goatcher to approve the recommendation by Lapeyrouse and to contract with Municode for the Munidocs system. The motion was seconded by Councilperson Weatherly and unanimously approved.**

#### **NEW BUSINESS:**

Jeffrey Cope owner of Main Street BBQ and Grill made application for an alcohol license to sell beer. Town Clerk Lapeyrouse explained the situation with needing a different ORI number to process the background check. It has been applied for but she was told by the GBI that it could take 8-12 weeks to issue. **A motion was made by Councilperson Goatcher to table consideration of the license until the proper background check can be done. The motion was seconded by Councilperson Weatherly and unanimously approved.**

The Planning & Zoning Commission has a vacancy that will need to be filled for a 4-year term. Christi Shepard has volunteered and has been recommended by the existing P & Z members. A motion to appoint Christi Shepard was made by Councilperson Weatherly. The motion was seconded by Councilperson Goatcher and unanimously approved.

As of noon today, the Charter Amendment had not been signed by Governor Kemp but is on his desk for approval. A motion was made by Councilperson Weatherly to table the ratification of the DDA appointments. The motion was seconded by Councilperson Hamilton and passed unanimously with Councilperson Fountain abstaining due to his appointment on the DDA.

Mayor Early announced he would be recusing himself from the discussion of the jungle line water issue due to a conflict. Mayor Pro tem Hamilton asked Early for an explanation of his email dated 6/25/2020. Early explained that the water line crosses his property where he has a stub-out for a future connection. If the leak is by-passed, he felt that should be remedied in some way by reestablishing a stub out to that property at no cost. Early confirmed that he had spoken with Hamilton about the plan and apologized for overreacting. He has also apologized to EMS. Early then stepped out of the meeting

Mayor Pro tem Hamilton explained the jungle line and plan to by-pass the line and relocate it where it can be accessed and maintained. The rough estimate is \$30,000 to run the line and relocate the booster pump. The well only produces 9-10 gpm. The temporary line running on top of the ground is not holding pressure. Councilperson Weatherly will get another price for comparison purposes for laying the pipe and relocating the booster pump. Town Clerk Lapeyrouse will look for the easement. **A motion was made by Councilperson Weatherly to authorize up to \$35,000 for purposes of the emergency water line project including a stub-out for Mike Early's lot, with no water meter, to be located at the road. The motion was seconded by Councilperson Fountain and unanimously approved.**

Mayor Early returned to the meeting.

**A motion was made by Councilperson Goatcher to approve the Official Zoning Map as presented. The motion was seconded by Councilperson Weatherly and unanimously approved.**

**Based on information and public comment, a motion was made by Councilperson Fountain to table the consideration of an Ordinance to Allow and Regulate Short Term Vacation Rentals in Certain Zoning Districts until the Special Called Council Meeting scheduled for July 23, 2020. The motion was seconded by Councilperson Weatherly and unanimously approved.**

The budget amendment for 2020 was presented by Town Clerk Lapeyrouse. **A motion was made by Councilperson Fountain to approve the budget amendment as presented. The motion was seconded by Councilperson Weatherly and unanimously approved.**

**MAYOR'S COMMENTS: None.**

**PUBLIC COMMENTS: None.**

**There being no other business before the Council, a motion was made by Councilperson Fountain to adjourn the meeting. The motion was seconded by Councilperson Goatcher and unanimously approved.**

**The meeting adjourned at 9:30 PM.**

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*Linda Lapeyrouse, Town Clerk*