



MINUTES

Mayor & Council

Special Called Meeting

July 25, 2023, 5:45 PM



Council Chambers, 50 Booster Field Drive, Whitesburg, Georgia 30185

Elected Officials Present

Mayor, Amy Williford (AW)
 Councilmember, Chris Lewis (CL)
 Councilmember, Lucy Gamble (LG)
 Councilmember, Donna Whitley (DW)

City Staff Present

Water Superintendent, Robert Gamble (RG)
 Chief Of Police, Chris Gilliland (CG) **ABSENT**
 Assistant City Clerk, Wendy Morris (WM)

The Mayor and City Council met for a special called meeting on July 25, 2023. The meeting was called to order by Mayor Amy Williford at 5:47 pm, stating we had a Quorum and requesting everyone to silence all electronic devices.

Citizen Comments & Discussion On Agenda Items: *(Please state name & address; speaking limited to 3 minutes)*

William Smolar – 122 Railroad St – In reference to 61 Brannon St, the property was never listed as a subdivision it was sold as a 1.57-acre lot. It was non-conforming back then. Non-conforming does not transfer to the new property owner, therefore with it being 1.57 acres he can add 1 trailer to it and that is if he splits the property. Our code says you can only have 1 personal structure per lot. It would have to be split for him to add a trailer, being that a trailer requires .75 acres in the city. Reading in the minutes, Mrs. Yearta says “Not that we are asking for any big favors even though we have contributed to the city in a big way for many years”. That sounds like a solicitation as quid pro quo, it also sounds like a solicitation for bribery, if someone wanted to push it. I am asking if yall approve anything, approve 1 trailer which they are allowed once the property is split to meet the current codes of The City of Whitesburg.

Ken Yearta – 1451 West Hwy 5 – My wife hasn't tried to bribe anyone. From the tax records today, from what I can see it is still listed as a mobile home park, there are 5 mobile homes still listed with pictures. I called Mr. Carnes today to see how long the mobile home park had been there. He said long before him and Gail got married in 1965. However yall vote this I cant do nothing about it, but, the city did take up the ordinance of .75 for a mobile home so we have the legal right to put 1, and if we remove the other one we have the legal right to put another one, right? **Councilmember Whitley** – Correct. **Ken Yearta** – This is about all we wanted to do; this right here has gone on long enough. I have done everything to make this legal and my wife did not try to bribe anybody.

William Smolar – I have pictures here to represent the taxes, nowhere does it say mobile home park, it was a mobile home park it would be listed on the tax records as such. There is already 1 trailer on the lot, so he can add 1 more trailer.

Duana Williford – 131 Kelly St – The mobile home park has been there for 50 years or more. I have talked with the previous owner, and it has been grandfathered in for decades. What they were wanting was wanting to do was an RV park, things transpired, and they had to start over, they applied for conditional in February. All they are wanting to do is put it back like it was. They do have rights to do that. The previous owners had 5 mobile homes on the property.

William Smolar – I think there is a misunderstanding of what grandfathered in means. Grandfathered in is when a city comes out with a new ordinance, lets say I have a 20ft driveway and the city passes a new ordinance that driveways have to be 40ft, because I am established I am grandfathered in. If I tear my 20ft driveway up then I would have to go to 40ft driveway. Just because something was a mobile home park, which it was never legally dedicated as one, doesn't mean it is. I just wanted to let yall know the definition of grandfather in.

City Attorney Keven Drummond – It is my understanding that the property we are talking about was a permissive non-conforming use, which means at some point the property was zoned as residential but prior to that zoning it was being used as a mobile home park. Once zoning took effect, to change the use you would have to apply to rezone. Under the ordinances cease to non-conforming of 6 months or longer than they lose what we are calling a

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grandfather status at that point they have to come conforming. I don't know that any application has been filed to rezone. **Mayor Williford** – The only thing that they have done is the application for the RV park.

Duana Williford – They didn't apply until February 16. So technically it hasn't been 6 months, even though they were asking about it in September. We didn't have the paperwork or forms for them to move forward, we had to make them. So all that time is on us, the city. So, it has not been 6 months. **Councilmember Whitley** – I thought it was when they took ownership of the property. You told us at the last meeting they had 12 months when its is 6 months. Ken, you have the property for 2 mobile homes if you divide the property, so are you wanting 2? **Ken Yearta** – That is what I want, I put down 3 just in case we had room. **Mayor Williford** – That would need to be 2 double wide not singles wide, correct? **City Attorney Kevin Drummond** – Yes, the ordinance says type I. **Ken Yearta** – if that is the case, how did they get a single wide on Forrest Circle? **Mayor Williford** – I was told one of the council members agreed and never signed the application. I didn't know anything about it until it was pulled in and no one at the county knows anything about it either.

Business Session:

Mayor Williford - I need a motion. **Motion By:** Councilmember Gamble - I make a motion that we approve 2 mobile homes on the condition they divide it on 2 conforming lots **Second By:** Councilmember Whitley, **Motion Approved** with No Objections

Mayor Williford, If there are no other comments, I need a motion we adjourn. **Motion By:** Councilmember Lewis made a motion to adjourn. **Motion Approved** with No Objections.

The July 25,2023, Special Called Mayor & Council Meeting ended at 6:09 pm.

Amy R. Williford, Mayor

ATTEST: Clerk