

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

AUGUST 4, 2008, AT 4:30 P.M.

The White County Board of Commissioners met in a regular session at 4:30 P.M. in the Grand Jury Room of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, County Manager Alton Brown, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Chris Shurtz brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the minutes from the Regular Meeting held July 7, 2008, Called Meeting of July 21, 2008, First Public Hearing on Tax Increase of July 24, 2008, at 9:30 A.M.; Second Public Hearing on Tax Increase of July 24, 2008, at 6:00 P.M., Third Public Hearing on Tax Increase and Called Meeting of July 31, 2008 were unanimously adopted.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the following Consent Agenda Items were unanimously adopted:

1. Awarded Contract on Generator Maintenance at the Mauney Building, Hamby Mountain and Long Mountain (Daybreak Road) sites to Anderson Power Service for the annual sum of \$1500.
2. Adopted the following Resolution suspending certain codes and ordinances during a declared emergency:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-26

A RESOLUTION AUTHORIZING THE SUSPENSION OF PORTIONS OF THE CODE OF RESOLUTIONS AND OTHER FORMALITIES DURING A STATE OF EMERGENCY

WHEREAS, the health, safety and welfare of the citizens and property of **White County** may be jeopardized during an emergency, disaster or the subsequent recovery period by the inability for the local governing authority to act expediently without regard to certain formalities;

WHEREAS, the local governing authority of **White County** is authorized pursuant to O.C.G.A. §§ 38-3-27(b) and 38-3-28 to take actions necessary to provide for the health and safety of persons and property during periods of emergency or disaster, provided that such actions are not inconsistent with any orders, rules, or regulations promulgated by the Governor or his delegatee;

WHEREAS, the powers and functions exercised by the local governing authority necessary to conduct the business and affairs of **White County** during an emergency or disaster proclaimed as such by the appropriate state official may continue without the regard to compliance with time consuming procedures and formalities pursuant to O.C.G.A. § 38-3-54;

WHEREAS, in accordance with O.C.G.A. §§ 36-10-4(c)(5) and 32-4-63(6), certain formalities concerning public works contracts may be waived when necessitated by emergency;

WHEREAS, the White County Board of Commissioners believes that it is desirable to have legislation in place authorizing the Board to waive certain formalities and procedures as necessary in case of emergency, natural disaster or the subsequent recovery period.

NOW, THEREFORE, BE IT RESOLVED that the governing authority of **White County**

hereby enacts the following Resolution to authorize the waiver of certain formalities and procedures in case of emergency, natural disaster or the subsequent recovery period:

"Section I. Authority to Waive Procedures and Fee Structures.

(1) Meetings. Upon proclamation by the appropriate state official of an emergency or disaster of manmade or natural causes or enemy attack impending on or affecting Georgia or the United States, the affairs and business of **White County** may be conducted at places other than the regular or usual place thereof, within or outside of **White County**, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of **White County**, all actions taken by the local governing body shall be as valid and binding as if performed within **White County**.

Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.

(2) Purchasing and Public Works Contracts. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that any public works contract entered into pursuant to this subsection shall be entered on the minutes of the county as soon as practical and the nature of the emergency described therein.

(3) Code Enforcement. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily suspend the enforcement of the Code of Resolutions of **White County**, or any portion thereof, where: (a) the emergency or disaster is of such nature that immediate action outside the Code is required; (b) such suspension is consistent with the protection of the public health, safety and welfare; and (c) such suspension is not inconsistent with any federal or state statutes or regulations.

(4) Fees. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the area impacted by the disaster or emergency.

(5) Temporary Dwellings. Upon the declaration of a state of emergency by the Governor, or upon the determination by the county governing authority, or its designee, of the existence of an emergency or disaster, the county governing authority, their designee or the emergency interim successor may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district while the primary dwelling is being repaired provided that such temporary dwellings or parks are designed by an engineer and the plans are approved by the White County Health Department and White County Building and Inspections Department. The temporary permit shall not exceed six (6) months in duration. In the case of continuing hardship and in the discretion of the governing authority or its designee, the permit may be extended for a period for an additional six (6) months. Upon expiration of the temporary permit or an extension, the temporary dwelling shall be removed.

(6) Section 2. Definitions.

(1) Fees. Any fee or rate charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair and clean up of areas impacted by the disaster or emergency. "Fees" shall not include those fees collected by the county on

behalf of the federal or state government or those fees charged by the county pursuant to a federal or state statute or regulation.

(2) State of Emergency. As defined by O.C.G.A. § 38-3-3(5), a condition declared by the Governor when, in his judgment, the threat or actual occurrence of a disaster, emergency, or energy emergency is of sufficient severity and magnitude to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.

(3) Subsequent Recovery Period. The period of time that the disaster emergency continues to cause disruptions in the area impacted by the disaster emergency. The "subsequent recovery period" shall not exceed six (6) months. The State of Emergency declaration by the Governor is terminated unless extended by official action of the governing authority of **White County**.

(4) Temporary Dwelling. Any mobile or easily movable home, trailer, recreational vehicle or structure not otherwise permitted by the zoning regulations in a particular zoning district.

Section 3. Severability.

If any section, paragraph, sentence, clause, phrase or word of this Resolution is, for any reason, held to be unconstitutional, inoperative, or void by any competent jurisdiction, such holding shall not affect the remainder of this Resolution.

Section 4. Effective Date.

This Resolution shall become effective upon adoption by the local governing authority of **White County**."

APPROVED AND ADOPTED by the White County Board of Commissioners, this 4th day of August, 2008.

WHITE COUNTY BOARD OF COMMISSIONERS

By: s/Chris R. Nonnemaker
Chris R. Nonnemaker, Chairman

s/Joe Campbell
Joe Campbell, Post 1

s/Craig Bryant
Craig Bryant, Post 2

ATTEST:

s/Jean Welborn
Jean Welborn,
County Clerk"

3. Authorized the triple surface application to a portion of Dean Mountain Road and the RTR Econopave product on a portion of Sutton Road.

4. Allowed Automotive Repairs, Inc. (ARI) to place a temporary sign on the existing signboard in front of the Enotah Public Defender Building, subject to the future proposed D.O.T. right-of-way acquisition plans.

5. Allowed the City of Cleveland to purchase fuel at the County Shop at the County cost plus a 5% administrative fee.

Minutes from Regular Meeting Held August 4, 2008, Continued

The Board of Commissioners conducted the public hearing on the proposed abandonment of a portion of Leaford Road. Many residents in the area were present to make comments.

Trucy Stowers stated that Leaford Road had two exits, one onto Highway 115 and one onto Pless Road; that the intersection at Highway 115 was not safe because of the inadequate sight distance; that she had a daughter who was just now driving and that she had forbid her daughter to use the Highway 115 exit because of the safety factor.

Elizabeth Stewart stated that the Highway 115 exit was dangerous and she presented pictures of both exits to the Board of Commissioners. Ms. Stewart stated that during school time, especially in the morning, the traffic was terrible and that it was not safe to use the Highway 115 exit. Ms. Stewart stated that she had been told by Lyn Stovall that they wanted to get the Pless Road end of Leaford Road abandoned and that they had plans to put speed bumps on the paved portion of the road. Ms. Stewart stated that she told Ms. Stovall that she had heard a gate mentioned and that Ms. Stovall stated that the gate might be later down the road.

Lyn Stovall stated that their main concern was getting speed bumps down; that the FedEx truck was traveling so fast the other day that it actually left the ground in front of the Sullens house; that it was dangerous; that they needed to come to her house and sit on her front porch from 5:00 P.M. to 7:00 or 8:00 P.M.; that it was unbelievable; that people were running through her yard, going through her grass; that she did not think any of them would appreciate that; that they needed the traffic slowed down somehow, someday. Ms. Stovall stated to Trucy Stowers that her property also fronted on Highway 115 and that she (Ms. Stowers) could exit onto Highway 115 without using Leaford Road. Ms. Stowers stated that that was not an option; that any drive there would also be unsafe. Ms. Stovall stated that it wasn't safe at her house either.

Ms. Stewart stated that Ms. Pless had stated that later they might put up a gate if that portion of the road was abandoned. Ms. Stewart stated that their concern was that if the County abandoned the road, later the road might be closed, forcing all the residents on the County-maintained portion to use the unsafe intersection of Leaford and Highway 115.

Patrick Cunningham expressed his concern that it was a lot safer to use the Pless Road intersection; that he drove a tractor-trailer and that he could not turn left from Gunn Circle onto Leaford to go to the 115 exit. Stacy Sullens stated that Mr. Cunningham should be able to turn the truck around on Gunn Circle. Stacy Sullens stated that they had not said anything about closing the road.

Harold Dowdy who lives on Gunn Circle stated that it would be a hazard for the school bus to come in and out of the 115 intersection; that it was a bad place to get on the road; that the children on Gunn Circle had to be transported to Leaford to meet the bus now; that if the children had to go to 115 to meet the bus, it would be creating another hazard; that he was not in favor of the abandonment of a portion of the road.

Joyce Garmon stated that she had heard Mr. Sullens state that they had not talked about closing the road. Ms. Garmon asked what the purpose was for abandoning a portion of the road. Chairman Nonnemaker stated that Mr. Sullens had said that they wanted to put speed bumps on the road; that the County's policy was not to put speed bumps on the county roads at this point; that if it became a private road, they could put down their own speed bumps. Chairman Nonnemaker asked Mr. Sullens if this was correct. Mr. Sullens stated that he also wanted to pave the hill that everyone was complaining about; that he could not do that as long as it was a County Road. Ms. Stewart stated that she understood that Mr. Sullens paved that portion of the road when it was a county road.

Billy Dixon, who owns property on Gunn Circle, asked Chairman Nonnemaker if Leaford Road was a County Road. Chairman Nonnemaker stated that it was through a prescriptive easement; that the County maintained the road. Mr. Dixon stated that Mr. Sullens should not have been allowed to pave the county road unless he had permits and it was to county standards.

Judy Pless stated that she had lived on Pless Road since 1958; that the County never kept that road up, never; that her family had kept the road up; that they had no problem with all the traffic until Gunn Circle was developed; that now everybody flies through there; that she almost got hit there.

Minutes from Regular Meeting Held August 4, 2008, Continued

Tracy Stowers stated that the speeding had a lot to do with the paving that Mr. Sullens did; that they go faster because of the paving.

Charlotte London Wade, who lives on Gunn Circle, stated that she had driven those roads since she was old enough to drive and that she had been hit on Highway 115 as she was coming out of Leaford; that the intersection was dangerous; that she was also in favor of slowing the traffic down; that she had ridden a school bus all through Leaford Road. Ms. Wade asked if the school bus would continue to go through Leaford if a portion of it was abandoned. Chairman Nonnemaker stated that he thought the School Board's policy was that they would not send a school bus on a private road.

Tammy Berry stated that she drove a little GEO Tracker; that she would not use the intersection of Leaford and Highway 115 because she was concerned with the ongoing traffic not being able to see her until they hit her. Ms. Berry stated that she always used the intersection at Pless Road; that the paved portion of the road was just a little wider than her GEO; that if she is meeting another vehicle, she had to move over; that they were not purposefully driving in people's yards.

Dick Mathews stated that he was the owner of the white house at the corner of Gunn Circle and Leaford Road. Mr. Mathews asked if he was an adjoining property owner to this issue. Mr. Mathews stated that if he was an adjoining property owner, he was not notified properly. Mr. Sullens stated that Mr. Mathews was not an adjoining property owner; that the proposed abandoned portion of the road would stop before his property line.

Mr. Sullens stated that the portion of Leaford Road along Gunn Circle and toward Highway 115 could be paved by the County; however, adequate right-of-way on the other end of Leaford Road would never be given for paving of a County Road. Mr. Sullens stated that he had never said that they were going to close Leaford Road; that his intention was to pave the hill and put in speed breakers.

Claud Pless asked the Board of Commissioners where they got the supposed right-of-way on Leaford Road to begin with. Chairman Nonnemaker stated that it was a prescriptive easement. Mr. Pless stated that he had been there for 49 years. Chairman Nonnemaker asked if the people had used it as a public road for those years. Mr. Pless stated that they had; that the County had not kept up the road; that his family had; that his father and grandfather had kept the road up in previous times. Chairman Nonnemaker stated that according to the Road Department, the County maintained the road.

Lyn Stovall stated that a lot of people who were complaining about the proposed abandonment did not live on Leaford Road, but it was just that they liked to come out that way; that there were roads abandoned over the county all the time, but just because she liked to drive on them didn't mean that it would give her the right to drive up and down the road and tell somebody else what to do in front of their house. Ms. Stovall stated that when Gunn Circle was started, the road was closed off for several months by the people who started Gunn Circle in order for them to do the logging, etc.; that they did not complain about the closing of their end of the road.

Haley Stovall stated that she did not understand why the people were complaining. Someone stated that it was because it was dangerous. Ms. Stovall stated that she had always gone out the other way.

Mr. Mathews asked if the Board of Commissioners had been out there to look at the site. The Board of Commissioners had. Mr. Mathews asked if they had received school district input on this. Chairman Nonnemaker stated that they had not. Mr. Mathews asked how much money had been expended by the County on Leaford Road to maintain it because there was a large pothole near the Highway 115 end. Mr. Mathews suggested that they get more police patrols out there to stop the speeding; Mr. Mathews asked if the line of sight at the Highway 115 intersection been inspected. Chairman Nonnemaker stated that Leland Owens, a County employee who is also a retired D.O.T. engineer, had looked at the site and had concurred that it was safer to exit on the Pless Road end of Leaford, rather than on the Highway 115 end.

Mr. Leonard Griffin presented a petition signed by 23 residents in opposition to the abandonment of a portion of Leaford Road.

Minutes from Regular Meeting Held August 4, 2008, Continued

Hartwell Taylor stated that Stacy Sullens had done most of the improvements on Leaford Road; that Mr. Sullens was not talking about closing the road, just making it safer.

Odessa McAlpin, who lives on Gunn Circle, stated that the intersection with Highway 115 was not safe due to the sight distance.

Stacy Sullens stated that whatever decision was made by the Board of Commissioners, they needed to make the other end of Leaford Road better (the Highway 115 end).

Claud Pless stated that the County would not get any right-of-way from him.

Chairman Nonnemaker stated that the Board of Commissioners would not vote on this tonight; that they had conducted the public hearing; that they would get with the Public Works Director, Doug Dockery, get with the School Superintendent, look at what improvements could be made and look at the whole issue. Chairman Nonnemaker stated that they would put this on the work session of August 25 and make a decision at the next regular meeting of September 8.

Stacy Sullens asked Chairman Nonnemaker to make it known to those in attendance that he had been given permission to pave a portion of Leaford Road. Chairman Nonnemaker stated that he had.

Vickie Neikirk, Chief Financial Officer, gave the May, 2008 County Financial Report (see copy attached).

Judge Turk addressed the Board of Commissioners concerning his request for approximately \$13,000 as White County's portion of a cash match to receive a \$91,600 grant for a family drug court. Judge Turk stated that Lumpkin County would need to expend \$13,000 also; that Lumpkin County had not made a commitment at this time. Judge Turk stated that this program would help parents who had lost custody of their children due to substance abuse. Chairman Nonnemaker stated that the County had had to raise the millage to meet the present budget. Judge Turk stated that he also needed one of the counties to be the financial agent for the grant funds. Judge Barrett stated that the grant for his felony drug court was \$29,000, which paid for some drug screens and surveillance officers. Chairman Nonnemaker stated that he supported everything to help these kids; however, he did not know that the participants were so few – 10. Judge Turk stated that that was partially by design in that they wanted to start small and work into a bigger program. Chairman Nonnemaker stated that the cost for 10 participants would be \$119,000, which would equal almost \$12,000 per participant. Chairman Nonnemaker asked Judge Barrett how many people he served in a year with his drug court. Judge Barrett stated that it was between 36 and 52. Judge Turk stated that his program would be a family drug court and that for every participant in his program, there could be several other family members who would be affected by the services. Chairman Nonnemaker stated that he felt that Judge Turk needed to have a dinner meeting with the representatives from White and Lumpkin Counties and let them discuss this. Chairman Nonnemaker asked if there was a way to cut back on the proposed budget for the program. Judge Turk stated that they were going to use some space of CASA for the program. Judge Barrett stated that they could use the same site as he uses for drug court if the times would work out. Chairman Nonnemaker stated that he felt that some of the office equipment, etc. could be trimmed down. Judge Turk was asked to revise the proposed budget and get a meeting together with both counties.

Janice McAllister, Andy Brent, Karen Fain, and Denese Hulsey from Avita Community Partners came to acquaint the Board of Commissioners with their name change from Georgia Mountains Community Services and to give them an overview of their services.

John Parks, the Northeast District Director of the University of Georgia Extension Service, introduced White County's new County Extension Agent, Joe Potter, who would take that position on September 1, 2008. Mr. Parks stated that Mr. Potter had twenty + years of extension experience with Alabama.

Delbert Grear, from Helen, Georgia, addressed the Board of Commissioners about his concerns with the helicopter tour operation in Helen. He stated that the noise echoes around the hills and disturbs the community. He stated that the County should look at something to control this type of business.

Minutes from Regular Meeting Held August 4, 2008, Continued

Chairman Nonnemaker announced the following meetings:

- 1) Work Session of Monday, August 25, 2008, at 9:00 A.M.; and
- 2) Regular Meeting of Monday, September 8, 2008 (due to Labor Day Holiday), at 4:30 P.M.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the meeting was adjourned.

Chris R. Nonnemaker, Chairman

Joe Campbell, Post 1

Craig Bryant, Post 2

Jean Welborn, County Clerk