

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

JUNE 5, 2008, AT 1:00 P.M.

The White County Board of Commissioners met in a regular session at 1:00 P.M. in the Grand Jury Room of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 2 Commissioner Craig Bryant, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Charles Black brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the minutes from the Regular Meeting held May 5, 2008 and Called Meeting held May 15, 2008 were unanimously adopted.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the following Consent Agenda items were unanimously approved:

1. Adopted the following Resolution requiring registration of building and repair services in any future declared state of emergency:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-18

**A RESOLUTION TO REQUIRE REGISTRATION
OF BUILDING AND REPAIR SERVICES
DURING A STATE OF EMERGENCY**

WHEREAS, during and following periods of emergency resulting from natural or manmade disaster, the public is at risk from unscrupulous building contractors and repair services, scams, and other unconscionable activities related to constructing, repairing, renovating and making improvements to buildings and other structures damaged during the disaster; and

WHEREAS, registration of building construction and repair contractors during a declared emergency, as authorized pursuant to the police powers of **White County** and §§38-3- 28 and 38-3-56 of the Official Code of Georgia Annotated, will provide a means to protect the public from unscrupulous and criminal building and repair contractors.

NOW, THEREFORE, BE IT RESOLVED, that the governing authority of **White County** hereby enacts the following resolution to require persons, firms, partnerships, corporations and other entities who provide building, construction, repair, renovation and related services to register with **White County** prior to doing business within the unincorporated areas of **White County** during any state of emergency and during any subsequent recovery period:

"Section 1. Building Contractor Registration Required.

No person, firm, partnership, corporation or other entity shall engage in, undertake or carry on any business in whole or in part within the unincorporated areas of **White County**, consisting of or relating to building, constructing, repairing, renovating or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto without having registered the name of the business with the governing authority of the county and having paid fees as provided by this Resolution.

Section 2. Definitions.

1. Building contractor. As used in this Resolution the word or term 'building contractor' shall mean any person, firm, partnership, corporation or other entity engaging in, undertaking or carrying on any business consisting of or relating to building construction, repair, renovation or making improvements to real property including dwellings, homes, buildings, structures, or fixtures attached thereto.
2. Doing business. Any building contractor shall be deemed to be 'doing business' subject to the requirements of this Resolution if: (a) he has or operates an office, agency, project site or place of business located in the unincorporated areas of the county, whether permanently, temporarily, periodically, or otherwise, that provides the following activities in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto; or (b) he performs the following activities or services in the unincorporated areas of the county expressly including but not limited to the construction, renovation or repair of dwellings or buildings or the making of improvements to real property or any fixtures attached thereto regardless of the location of the principal office.
3. State of Emergency. The term 'state of emergency' is defined, pursuant to §38-3-3(5) of the Official Code of Georgia Annotated, as a condition declared by the governor when, in his judgment, the threat or actual occurrence of a disaster or is of sufficient severity and magnitude as to warrant extraordinary efforts in preventing or alleviating the damage, loss, hardship, or suffering threatened or caused thereby.
4. Subsequent Recovery Period. The term 'subsequent recovery period' is defined as that period during which the disaster continues to cause disruptions in the disaster area, but shall not exceed three (3) months after the emergency declaration has been terminated by the Governor.

Section 3. Registration; Certification.

All building contractors doing business or proposing to do business in the unincorporated areas of **White County** during a state of emergency or the subsequent recovery period shall register and file applications with the clerk of the governing authority of the county or such other person designated by the governing authority at the county courthouse or such other place or places designated by the county. The building contractor shall, under oath, provide the county governing authority with a statement describing the general nature of the business to be conducted and give true and correct information as may be called for on the registration form, application or certificate provided by the county.

Section 4. Registration Fees.

Building contractor registration fees are hereby fixed under the terms and conditions of this Resolution at \$50.00 per annum. Registration fees shall be paid in full at the time of issuance of the registration certification.

Section 5. Penalties.

Any building contractor required by this Resolution to pay a registration fee who engages in business without first registering and receiving a registration certification from the county as required shall be in violation of this resolution. Violation of this resolution, upon conviction, shall be punishable by a fine not to exceed \$1,000 per violation and/or imprisonment not to exceed sixty (60) days. Each day a building contractor does business in the unincorporated areas of the county without complying with this Resolution shall constitute a separate offense.

Section 6. Transferability.

Each certification issued under this resolution is granted to, and shall be accepted by, the building contractor under the condition that the same is not transferable and after issuance no such certification shall be transferred by the county or the building contractor to another individual or entity.

Section 7. Display of Registration Certification.

Each certification issued hereunder shall be posted conspicuously by the building contractor in the place of business of the building contractor or shall be carried on his person or vehicle used in such business. Such certification shall be exhibited to any authorized enforcement officer when so requested.

Section 8. Revocation; Suspension.

Each certification granted under this Resolution is a mere permit to engage in the business only so long as said business is conducted in a lawful manner. The county governing authority hereby reserves the right to revoke or suspend any certification granted hereunder, if the building contractor, or the building contractor's agent or employee acting within the scope of his employment, violates this resolution or any other county, state or federal law .If after issuance of a certification, the county desires to revoke such certification, written notice thereof shall be given to the building contractor, which notice shall specify the violation with which the building contractor is charged and a date, time and place at which a hearing shall be held with regard to the violation. The building contractor shall have an opportunity to be heard at such hearing, shall have the right to be represented by counsel, and shall have the right to introduce and submit evidence in opposition to such revocation.

Section 9. Severability.

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

Section 10. Effective Date; Expiration.

This resolution shall take effect on the date of its being duly adopted and shall apply to all building contractors doing business in the unincorporated areas of **White County** on that date and doing business on any date thereafter. However, this resolution and any certification issued pursuant to it shall be operative only during the period of a declared state of emergency and any subsequent recovery periods.”

APPROVED AND ADOPTED by the Board of Commissioners of **White County**, this 5th day of June, 2008.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Chris R. Nonnemaker

Chris R. Nonnemaker, Chairman

(Absent)

Joe Campbell, Post 1

s/Craig Bryant

Craig Bryant, Post 2

ATTEST:

s/Jean Welborn

Jean Welborn, County Clerk”

Minutes from Regular Meeting held June 5, 2008, Continued

2. Authorized the purchase of a used F-450 Ford Mini-pumper from East Grand Rapids Fire Dept. for the sum of \$25,000, which sum would be paid from the Fire Department Budget.
3. Authorized the purchase of: A) Liquid Asphalt Distributor Tack Truck; and B) Self-Propelled Hydrostatic Broom from Reynolds and Warren for the sum of \$126,981, for the Road Department, which price has been reduced from \$141,981 by the trade-in of a 2006 Puckett 540 Asphalt Spreader and a 2003 Lee Boy Tack Distributor. The sum of \$126,981 is to be paid from the Old SPLOST Roads and Bridges Fund.
4. Granted final County Road Acceptance to Jerry Nicholson on LONG MOUNTAIN TRAIL and END OF THE TRAIL roads, for which Preliminary Road Acceptance was granted on June 6, 2006, Subject to the conveyance to White County of the rights-of-ways of said roads.

Shirley McDonald stated that Miriam Hammond was retiring as Library Director and that the new Director had been hired. Ms. McDonald introduced the new Director, Michael Humphrey.

Dr. David Westfall, District 2 Health Director, discussed a proposed Comprehensive Health Ordinance. Dr. Westfall stated that the proposed Resolution would incorporate the public health rules and regulations that DHR had passed, as well as the ones that the County had previously passed. Dr. Westfall stated that he had discussed the proposed Resolution with Alton Brown, County Manager, and that Mr. Brown had started working with the County Attorney to draft a resolution. Dr. Westfall stated that they needed something across the entire district for all thirteen counties; that they actually worked with an attorney, Ken Jarrard, from Forsyth County in preparing this proposal; that Attorney Jarrard had worked with several counties in health concerns and was well-versed in environmental health rules and regulations; that this proposed comprehensive ordinance was developed to be appropriate for all the county commissions in the thirteen-county district to adopt.

Dr. Westfall stated that the reason for the adoption of this resolution was to aid in the enforcement of the rules and regulations; that the adoption of this regulation would allow up to 99% of environmental health enforcement issues to be handled in Magistrate Court as opposed to State Court, which could be very expensive and time-consuming; that the majority of the cases would not require a prosecuting attorney; that the environmental health officer of the Health Department could bring the case to Magistrate Court to have it disposed of. Dr. Westfall stated that he felt that the adoption of this resolution would allow Environmental Health to move more quickly to protect the health of the community; that the proposed resolution had been approved by the local Health Board.

Chairman Nonnemaker asked Jean Welborn to forward the proposed resolution to the County Attorney, David Syfan, for review.

Vickie Neikirk, Chief Financial Officer, presented the monthly financial report. (See copies attached.)

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the following appointments were unanimously made to the ACCG Policy Committee:

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|-----------------------------------------|------------------------------------------------------------------|
| Economic Development and Transportation | - Director of Community and Economic Development – Tom O’Bryant; |
| General County Government | - County Manager – Alton Brown; |
| Health and Human Services | - Director of Human Resources – Shanda Smallwood; |
| Natural Resources and Environment | - G.I.S. Coordinator – Chris Ernst; |

Minutes from Regular Meeting held June 5, 2008, Continued

Public Safety and Courts

- Director of Emergency Management Agency and 911 – David Murphy;

Revenue and Finance

- Director of Finance – Vickie Neikirk.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the Board of Commissioners unanimously authorized the White County Building Inspection staff to conduct building inspections and plan reviews for the City of Helen for the sum of \$35.00 per hour to be paid to the County to cover a portion of salary, benefits, insurances, fuel costs and vehicle maintenance, which services would begin immediately.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, it was unanimously voted that no further permits would be given to Mountain Creek Grove until all citations and court fines due White County were paid in full.

The Board of Commissioners, upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, unanimously voted to execute the amendment for the Legacy Link contract for the fiscal year ending June, 2008.

Dickie Howard, Fire Chief, presented information concerning the need for additional funds in the form of a fire tax to provide more fire service in White County. (See copies of presentation attached.) Chairman Nonnemaker stated that he was always a proponent of allowing the citizens to vote on topics; however, he stated that the problem was that a crucial SPLOST vote was already slated to be on the November ballot; that there was not enough money to go around; that the citizens, especially under the current economic conditions, might vote against all tax increases, including the extension of the SPLOST tax, if too much taxation was placed on the ballot; that he was in favor of putting this fire tax issue on a future ballot. Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, it was unanimously voted not to place this item on the November ballot.

Shirley McDonald reminded everyone of Flag Day on June 14 and asked if the Board of Commissioners would be interested in participating in a small ceremony next week in which a new flag from the Woodmen of the World would be presented to the Board of Commissioners. They stated that they would be having a meeting on June 11 if she wanted to incorporate it into that.

Fire Chief, Dickie Howard, asked the Board of Commissioners for permission to bid on another mini pumper on-line. Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the Fire Chief was unanimously authorized to place a bid of up to \$20,000 on this vehicle located in Kentucky, with funds to be paid from the fire capital funds.

Judy Walker asked that an appointment be made to the Chamber of Commerce Board. Robert Oliver was the only applicant. Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, **ROBERT OLIVER** was unanimously appointed to the **Chamber of Commerce Board** for a term to expire June 30, 2010.

Peggy Rutter asked for updates on the LHR Farm situation and expressed her displeasure in the way things were progressing. Ms. Rutter stated that she felt that the County Attorney, David Syfan, had a conflict of interest and should not be involved at all in the negotiations. Ms. Rutter stated that Mr. Syfan was also the attorney for Steve Gailey whose brother was the owner of Chattahoochee Disposal Services, which removes the sludge from LHR Farms. Ms. Rutter asked the Board of Commissioners to remove David Syfan from anything involving LHR Farms.

Mr. Ray Davis presented a concept of a design for a memorial entrance of a senior center or addition to the senior center. Mr. Davis asked the Board of Commissioners if they would have any objections to them selling bricks for pavers as a fund raiser for the addition. The Board of Commissioners stated that they did not.

ANNOUNCEMENTS:

- ❖ Called Work Session with Cities of Cleveland and Helen and interviews with prospective builders on Courthouse renovations on Wednesday, June 11, 2008, at 9:00 A.M.;
- ❖ First Public Hearing on Budget – Thursday, June 19, 2008, at 9:00 A.M.;
- ❖ White County-hosted RDC meeting at Blackstock Vinyard on Thursday, June 26, 2008, at 6:00 P.M.;
- ❖ Second Public Hearing on Budget – Monday, June 30, 2008, at 9:30 A.M.;
- ❖ Called Meeting to Adopt Budget – Monday, June 30, 2008, at 9:45 A.M.;
- ❖ Work Session – Monday, June 30, 2008, immediately following the Called Meeting; and
- ❖ Regular Meeting of Monday, July 7, 2008, at 4:30 P.M.

Upon motion made by Commissioner Bryant, seconded by Chairman Nonnemaker, the meeting was adjourned to a budget workshop.

Chris R. Nonnemaker, Chairman

Craig Bryant, Post 2

Jean Welborn, County Clerk