

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

MONDAY, AUGUST 3, 2009

The White County Board of Commissioners met on Monday, August 3, 2009 in a regular meeting in the Grand Jury Room of the White County Courthouse Cleveland, GA. Present were Chairman Travis Turner, Commissioner Joe Campbell, Commissioner Craig Bryant, Interim County Manager Jean Welborn, County Attorney David Syfan, Chief Financial Officer Vickie Neikirk, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order. After the pledge to the flag, Rev. David Wright of the Cleveland Seventh Day Adventist Church brought the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell the minutes of the Called Meeting/ Executive Session (sealed minutes regarding land acquisition) held July 2, 2009, the Regular Meeting held July 2, 2009, the Called Meeting held July 15, 2009, the Called Meeting held July 23, 2009, and the Called Meeting(s) held July 27, 2009 were unanimously approved.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the consent agenda was unanimously approved, containing the following items:

- Approval for the White County Road Department to change the method of repairs to Stancel Road, including the approval to utilize PaveGuard material for the road repairs at a cost of approximately \$15,703.30;
- Approval of the Partnership Agreement with the U.S. Census Bureau for the 2010 Census;
- Authorization for the White County GIS Department to provide maps to the White County Water Authority at no cost – these maps will not involve the collection of new data; however this will include existing maps (and updates) as related to the White County Water Authority operations.

Upon a motion by Commissioner Campbell, seconded by Commissioner Bryant the second and final reading of the text amendments to the Ordinance Governing the Location of Facilities Engaging in the Land Application of Human Waste, along with the adoption of the text amendments was unanimously approved as follows in County Ordinance Number 2009-20, amending Ordinance Number 2009-12:

FIRST READING: 07/27/2009

ADVERTISED: 07/16/2009

PUBLIC HEARING: 08/03/2009

SECOND READING/PASSED: 08/03/2009

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2009-20

AN ORDINANCE AMENDING THE ORDINANCE GOVERNING THE LOCATION OF FACILITIES ENGAGING IN THE LAND APPLICATION OF HUMAN WASTE AND SEPTAGE, OR COMMERCIAL WASTE, OR BOTH; TO PROVIDE THAT THE REGULATIONS REGARDING FACILITIES ENGAGING IN THE LAND APPLICATION OF HUMAN WASTE SHALL APPLY TO ANY EXPANSION OF ANY ACTIVE WASTE TREATMENT AREA OF A FACILITY OPERATING UNDER A

SPECIAL USE PERMIT AND LAND COMPLIANCE LETTER FROM WHITE COUNTY, GEORGIA OR OPERATING AS A LEGAL NON-COMFORMING USE WITHOUT A SPECIAL USE PERMIT; TO AMEND THE FIRST UNNUMBERED PARAGRAPH OF SECTION 50-2-4 AND SUBSECTION 21.(a) OF SECTION 50-2-4; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of White County, on May 28, 2009, duly adopted an ordinance providing for the regulation of facilities that engage in the land application of human waste and septage or commercial waste, or both, and with said ordinance providing provisions regarding land use (zoning), land regulation, and monitoring of such facilities; and

WHEREAS, the Board of Commissioners of White County finds that it is appropriate to require the provisions of said ordinance to apply to any expansion of any active waste treatment area of a facility operating under a special use permit and land compliance letter from White County, Georgia or operating as a legal non-conforming use without a special use permit; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of White County, Georgia and it is hereby ordained by the authority as provided within the original ordinance, that the following amendments to said ordinance are hereby adopted and which provide as follows:

SECTION 1. AMENDMENT TO SECTION 50-2-4.

(a) The first unnumbered paragraph of Section 50-2-4 is hereby stricken in its entirety (but the subsections of said section are not stricken and shall remain effective, except as amended as provided hereinafter), and the following is substituted in lieu thereof:

Facilities engaging in the land application of human waste and septage or commercial waste, or both, prior to beginning operations, and prior to any expansion of any active waste treatment area of a facility operating under a special use permit and land compliance letter from White County, Georgia, or operating as a legal non-conforming use without a special use permit, within the unincorporated area of White County, Georgia, must receive a special use permit and land compliance letter (as to the expansion for a legal non-conforming use) from White County, Georgia, and their application must meet the regulations provided by this ordinance (and said regulations shall be applicable to any expansion of any active waste treatment area). The Director of Planning and the Planning Department, after submission of an application, shall have one hundred twenty (120) days in which to review the application for compliance with the regulations of this ordinance, and after said review (which shall be no longer than the 120th day), schedule the necessary hearing and meetings regarding the special use permit and land

compliance letter according to the schedule of regular meetings of the Board of Commissioners which follow the end of the review by the Planning Department. A proposed operator of a facility engaged in the land application of human waste and septage, or commercial waste, or both, shall make out an application for a special use permit and land compliance letter, on a form acceptable to White County, Georgia, and the application must show that the facility (or any expansion of any active waste treatment area) can comply with the following regulations imposed by this ordinance:

[Subsections 1-20, and 21.(b) and (c) are not modified herein, and shall be and appear as within the original ordinance passed on May 28, 2009, and are still in full force and effect.]

(b) Subsection 21.(a) of Section 50-2-4 is hereby stricken in its entirety, and a new Subsection 21.(a) of Section 50-2-4 is substituted in lieu thereof, and shall read as follows:

21.(a). Facilities already engaging in the land application of human waste and septage, or commercial waste, or both, within the unincorporated limits of White County at the date of passage of this ordinance (being May 28, 2009), are exempt as to current operations from the land site provisions as to location and necessary infrastructure and being Subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, and 19 of this section of this ordinance as a legal non-conforming use, but shall be subject effective one hundred fifty (150) days after the passage of this ordinance (being May 28, 2009) to those provisions requiring pretesting, the requirement regarding the providing of copies of manifests, providing copies of all reports and documents provided to EPD, and the requirement regarding the financial responsibility mechanism and being Subsections 10, 11, 12, 13, 14, and 20 of this section of the ordinance. Any expansion of any active waste treatment area of a facility operating as a legal non-conforming use shall meet all requirements of this ordinance.

[(b) and (c) of Subsection 21 of Section 50-2-4 are not affected by this amendment, and remain in full force and effect.]

SECTION 2. SEVERABILITY.

These sections, paragraphs, sentences, clauses, terms, regulations, and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, regulation, or term of this ordinance shall be declared preemptive, illegal, invalid, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such preemption, illegality,

invalidity, or unconstitutionality, shall not effect any of the remaining sections, paragraphs, sentences, clauses, phrases, regulations, and terms of this ordinance. The Board of Commissioners intends that all remaining provisions of this ordinance shall remain effective notwithstanding the invalidation of one or more provisions contained herein. The Board of Commissioners intends that a court of competent jurisdiction in the construction of said ordinance should attempt to achieve the legislative intent of the Board of Commissioners as set out within the ordinance passed on May 28, 2009, and with the intent of the Board of Commissioners to also be that the provisions of this ordinance shall apply to any expansion of any active waste treatment area of a facility operating under a special use permit and land compliance letter from White County, or operating as a legal non-conforming use without a special use permit and uphold and enforce all remaining provisions of this ordinance, as amended, notwithstanding the invalidation of one or more provisions contained herein.

SECTION 3. EFFECTIVE DATE.

This amendment of the ordinance shall be effective upon the date of passage by the Board of Commissioners of White County, Georgia.

This ordinance amendment is adopted by the Board of Commissioners of White County, Georgia this 3rd day of August, 2009.

BOARD OF COMMISSIONERS

ATTEST:

s/ Shanda Smallwood
County Clerk Shanda Smallwood
(Seal)

WHITE COUNTY, GEORGIA

By:

s/ Travis C. Turner
TRAVIS TURNER, Chairman

s/ Joe Campbell
JOE CAMPBELL, Post 1
Commissioner

APPROVED AS TO FORM:

s/ David Syfan
County Attorney

s/ Craig Bryant
CRAIG BRYANT, Post 2
Commissioner

-End of Ordinance Amendment-

Commissioner Bryant asked for agenda item addressing the proposed Fire Hydrant Maintenance Agreement with the White County Water Authority be table until the next work session as he would like to speak with Dickie Howard, White County Fire Chief regarding the details of the agreement. Commissioner Campbell asked that Commissioner Bryant, as the member appointed to the Water Authority Board by the Board of Commissioners, gather the information needed in regards to the agreement and present this to the Board of Commissioners after he has met with Dickie Howard. Chairman Turner stated that as the Board of Commissioners move forward with the agreement, he wants the details of the standards and documentation of maintenance required by the agreement to be very clear, since this affects the ISO rating for White County residents.

In discussing the application submitted by Chris Jones for a credit and / or refund of property taxes for 2007 and 2008 for the property designated as Tax Map Parcel 048B, Parcel 140, the Commissioners were in agreement that the adjustments made by the White County Assessor's Office were sufficient in their opinion and they did not think a further adjustment was warranted.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to decline the application submitted by Chris Jones for a credit and / or refund of property taxes for 2007 and 2008.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the FY 2010 Annual Contribution Contract with the Enotah Family Drug Court was unanimously approved for the contribution amount of \$6,500 – as was approved in the 2009 -2010 Budget.

The Board of Commissioners expressed their appreciation to Judge David Turk for the work he does through the Family Drug Court. Judge Turk's request for additional funding in the amount of \$32,000.00 during the August 27, 2009 Work Session was addressed with the Commissioners stating the additional funds were not available. Commissioner Bryant stated he would like to see the Board of Commissioners review Judge Turk's request for additional funding in six (6) months in order to determine if any additional funds would be available for distribution to the Enotah Family Drug Court. Judge Turk expressed his appreciation to the Board of Commissioners for the approved funding and for future consideration of additional funding.

White County Fire Chief Dickie Howard presented a recommendation for the purchase of extrication equipment from a single source supplier, Georgia Fire and Rescue Supply. Chairman Turner explained this equipment is also known as "The Jaws of Life". Chief Howard stated there had been some concerns that current equipment had failed during a recent extrication. However, he explained that the equipment did not fail - instead there was an issue with the loss of pressure due to the wear of a pump on the 1988 equipment. He also explained that the cutters on the 1988 equipment did not meet the needs for cutting vehicles built to current manufacturing standards—this was due to the age of the equipment – therefore the equipment which needs to be replaced would be a cutter and a power unit. Chief Howard stated there is one supplier per state for this type of equipment, in order to prevent issues with competitive pricing. The supplier currently has demo equipment available for purchase at the cost of \$11,730.25 – including a power unit and cutter. Chief Howard explained the purchase of the demo cutter would reduce the cost by \$1,350.00 and both pieces of equipment would be under warranty. Chairman Turner asked Chief Howard how often the extrication equipment was serviced and run. Chief Howard responded that equipment is serviced annually and run each month, both of which are documented in the Fire Department maintenance file. Commissioner Campbell asked if the 1988 equipment could be repaired in order to provide the Fire Department with an extra set of extrication equipment. Chief Howard explained that the 1988 equipment operated by outdated technology and parts were not available to repair the equipment.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to approve the White County Fire Department's purchase of an extrication power unit and demo cutter at the cost of \$11,730.25 from the single source supplier – Georgia Fire and Rescue Supply, with the cost of this purchase being expended from the Fire Fund.

Jean Welborn presented the Board of Commissioners with the following resolutions in order to update the signatories on the various White County Banking Accounts.

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2009- 21

A RESOLUTION

WHEREAS, the Board of Commissioners wishes to amend the authorization for signatures on the accounts held by White County at Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank;

THEREFORE, IT IS HEREBY RESOLVED THAT: The records of Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank be amended to show that any withdrawals (except Certificates of Deposit) or checks written out of the Commission Accounts must bear signatures as follows:

1. On any payroll checks or on any payroll-related checks, any TWO of the following:

TRAVIS C. TURNER, COMMISSION CHAIRMAN;
JOE R. CAMPBELL, POST 1 COMMISSIONER;
CRAIG BRYANT, POST 2 COMMISSIONER; OR
SHANDA SMALLWOOD, COUNTY CLERK;

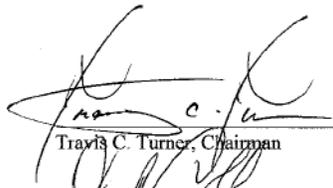
2. On checks, other than payroll checks or payroll-related checks, in any amount, TWO of the following, with ONE signature being that of one of the County Commissioners:

TRAVIS C. TURNER, COMMISSION CHAIRMAN;
JOE R. CAMPBELL, POST 1 COMMISSIONER;
CRAIG BRYANT, POST 2 COMMISSIONER; OR
SHANDA SMALLWOOD, COUNTY CLERK.

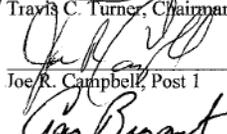
IT IS FURTHER RESOLVED that each of the above designees could affix his/her signature to such checks with a signature facsimile stamp, with each designee having the sole possession and control of his/her signature stamp.

Let the Clerk prepare an extract of these minutes for the records of Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank.

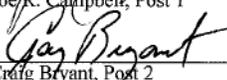
ADOPTED, this 3rd day of August, 2009.



Travis C. Turner, Chairman

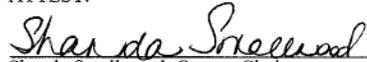


Joe R. Campbell, Post 1



Craig Bryant, Post 2

ATTEST:



Shanda Smallwood, County Clerk

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2009- 22

A RESOLUTION

WHEREAS, the Board of Commissioners wishes to amend the authorization for signatures on the purchase, renewal and/or redemption of any and all Certificates of Deposit held by White County Board of Commissioners at Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank;

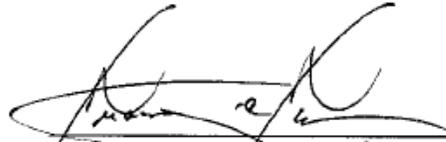
THEREFORE, IT IS HEREBY RESOLVED THAT: The records of Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank be amended to show that any purchase, renewal, and/or redemption of any Certificates of Deposit in the name of the White County Board of Commissioners must bear signatures as follows:

Any TWO of the following:

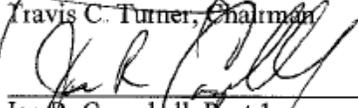
TRAVIS C. TURNER, COMMISSION CHAIRMAN;
JOE R. CAMPBELL, POST 1 COMMISSIONER;
CRAIG BRYANT, POST 2 COMMISSIONER;
SHANDA SMALLWOOD, COUNTY CLERK; OR
VICKIE NEIKIRK, CHIEF FINANCIAL OFFICER.

Let the Clerk prepare an extract of these minutes for the records of Regions Bank of White County, Habersham Bank, Stephens Federal, Community Bank and Trust, United Community Bank, and Mountain Valley Community Bank.

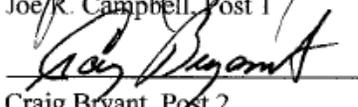
ADOPTED, this 3rd day of August, 2009.



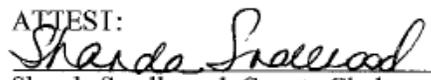
Travis C. Turner, Chairman



Joe R. Campbell, Post 1



Craig Bryant, Post 2

ATTEST:


Shanda Smallwood, County Clerk

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell – there was a unanimous vote to adopt Resolution No. 2009-21 and 2009-22.

Chairman Turner recognized Jean Welborn for her willingness to serve as the Interim County Manager. He expressed the Board's appreciation to Ms. Welborn for returning to the County, following her retirement, in order to serve in this capacity. Ms. Welborn expressed her appreciation to the Board of Commissioners for having confidence in her to fill this position on a temporary basis.

Vickie Neikirk presented the Monthly Financial Report for the month of June 2009 (see the attached copy of the report presented).

Commissioner Campbell stated that he had been made aware of the Maintenance Department's need for a ladder to access the lights on the high ceiling areas throughout the Courthouse. Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to authorize the Maintenance Department to purchase a ladder at a cost not to exceed \$1,000.00.

Commissioner Campbell expressed his concern regarding the lighting in the Main Courtroom area and Sheriff Neal Walden expressed the need for the installation of exhaust fans in the restrooms located along the back hallway of the Courthouse. Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to appropriate a sum of up to \$5,000.00 from the Maintenance Department's budget for the painting of the Main Courtroom, replacing of lights (and light fixtures if necessary) with long lasting, energy efficient light bulbs, and installing exhaust fans in the restrooms located in the back hallway of the Courthouse.

Commissioner Campbell stated that several citizens had contacted him regarding the current crisis due to White County not having an animal shelter – which has resulted in Animal Control having to transport animals to the Cleveland Veterinary Office, where after three (3) days the animals are euthanized. He stated that many of those who had contacted him, as well as the other Commissioners, were requesting that White County extend the three (3) day waiting period to five (5) days in order to provide more time for the animals to be adopted. Chairman Turner stated White County was currently paying \$10.00 per day to Cleveland Veterinary for the boarding of animals collected by Animal Control and extending the waiting period would add a significant cost to the County.

Commissioner Campbell asked why the Board of Commissioners had not yet received the plans which the Georgia Department of Agriculture's representative stated she would forward to White County at a previous work session meeting. Chairman Turner asked Beverly Bollefer, Purchasing Manager, to contact the Department of Agriculture to obtain the plans which were previously discussed and to provide the Board of Commissioners an estimate of the construction costs for a 3,500 to 5,000 square foot animal shelter facility – housed in a metal building type structure – which would meet the state animal shelter requirements. Commissioner Campbell asked that this information be forwarded to all Commissioners as soon as this is received.

Chairman Turner opened the public comment portion of the meeting.

Ray Davis asked for the status on the completion of the deed for the land to be donated to the White County Senior Center by Jere Westmoreland. Chairman Turner advised Mr. Davis that the County Attorney is currently working on completing the title work for the deed and once the deed is ready the Board of Commissioners will have a Called Meeting in which they will accept the deed. Chairman Turner estimated that this process would take approximately two (2) more weeks.

Chairman Turner announced the upcoming meeting schedule - with the next regular Commission Meeting being rescheduled for Monday, September 14, 2009 at 4:30 p.m.

Ms. Shirley McDonald acknowledged the work which had been done at the Cleveland Historic Cemetery by the Cleveland Better Home Town, in coordination with the White County Board of Commissioners – with the entrance arches currently being installed.

Commissioner Campbell stated that he would like to acknowledge the work of the Cleveland Better Home Town and the City of Cleveland with the improvements which have been made to the Cleveland Square.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant – there was a unanimous vote to adjourn the meeting.

August 3, 2009 – Regular Meeting Minutes

The minutes of the August 3, 2009 Regular Meeting are hereby approved as stated this the 14th day of September, 2009.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

s/Joe R. Campbell

Joe R. Campbell, Post 1

s/Craig Bryant

Craig Bryant, Post 2

s/Shanda Smallwood

Shanda Smallwood, County Clerk