

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF REGULAR MEETING HELD

MONDAY, DECEMBER 7, 2009 AT 4:30 P.M.

On Monday December 7, 2009 at 4:30 P.M. the White County Board of Commissioners met in a Regular Session at the White County Courthouse, Courtroom Number Two. Present at the meeting were Chairman Travis Turner, Post 1 Commissioner Joe Campbell, Post 2 Commissioner Craig Bryant, County Manager Carol Jackson, Interim County Manager Jean Welborn, and Finance Director Vickie Neikirk.

Chairman Turner called the meeting to order.

Following the pledge of allegiance, Pastor Marc Turner of the Cleveland Worship Center brought the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell the minutes of the Regular Meeting held November 2, 2009 and the Called Meeting held November 5, 2009 were unanimously approved.

Upon presentation of proclamation, December 10, 2009 was declared “Dr. Myron Eberhardt Day in White County” in recognition of Dr. Eberhardt’s contributions to White County, the Northeast Georgia area and numerous other countries, through his medical practice, his faith, work ethic, family values, and community involvement; and

Upon presentation of proclamation, December 8, 2009 was declared “Dean Dyer Day in White County” in recognition of Mr. Dyer’s contributions to the citizens of White County and the State of Georgia through his career of communication, service, and commitment; and

Upon presentation of proclamation, December 9, 2009 was declared “Alice Bagwell Day in White County” in recognition of Ms. Bagwell’s contributions to the citizens of White County and the Northeast Georgia area through her life of community service and commitment.

Upon presentation of proclamation, the White County Board of Commissioners declared their support and partnership with the United States Census Bureau for promoting the 2010 Census in White County.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the following resolution, being County Resolution Number 2009-35, was unanimously approved providing for annexation into the City of Cleveland of 0.0467 acre owned by Wal-Mart TRS.

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2009- 35

A RESOLUTION

TO PROVIDE FOR THE APPROVAL OF THE ANNEXATION BY THE CITY OF CLEVELAND, GEORGIA, A DULY CHARTERED MUNICIPALITY OF THE STATE OF GEORGIA, OF A 0.467-ACRE, MORE OR LESS, TRACT OF LAND LYING AND BEING IN LAND LOT 41 OF THE 2ND LAND DISTRICT OF WHITE COUNTY, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, under the provisions of the service delivery dispute resolution process set out in the intergovernmental agreement dated July 1, 1998, by and between White County, Georgia, and the City of Cleveland, Georgia, said City is to provide notice to White County before initiating any formal annexation activities; and

WHEREAS, Wal-Mart IRS, LLC has requested that 0.0467 acre, more or less, owned by Wal-Mart IRS, LLC, be annexed into the City of Cleveland in order that this small tract of land can be joined with the larger Wal-Mart tract previously annexed into the City of Cleveland; and

WHEREAS, the City of Cleveland has requested that White County expressly approve its annexation of said 0.0467-acre, more or less, tract into the City in accordance with said intergovernmental agreement dated July 1, 1998; and

WHEREAS, the Board of Commissioners of White County, after due consideration, has determined that it is in the public interest to have the City of Cleveland, Georgia annex said City said 0.0467-acre, more or less, tract;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County and it is resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County, in accordance with said intergovernmental agreement dated July 1, 1998, expressly approves the annexation by the City of Cleveland, Georgia of the 0.0467-acre, more or less, tract described in Exhibit A attached hereto. A copy of the plat of said 0.0467-acre, more or less, tract is attached hereto as Exhibit B.

-2-

If any section, subsection, sentence, clause, phrase, or any portion of this Resolution be declared invalid or unconstitutional by any Court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this

Resolution not so held to be invalid, or the application of this Resolution to other circumstances n so held to be invalid. It is hereby declared separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason

-3-

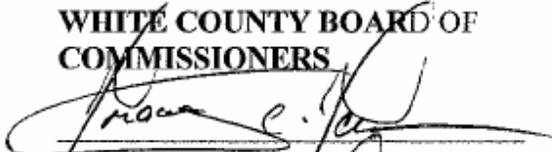
All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed; but it is hereby provided that any resolution, ordinance, or law, which may be applicable hereby and aid in carrying out and making effective the intent, purpose and provision hereof, which shall be liberally construed to be in favor of White County, is hereby adopted as a part hereof.

-4-

The effective date of this Resolution shall be December 7, 2009.

THIS RESOLUTION IS HEREBY ADOPTED this 7th day of December, 2009.

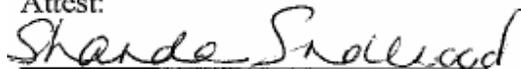
**WHITE COUNTY BOARD OF
COMMISSIONERS**


Travis C. Turner, Chairman


Joe R. Campbell, Post 1


Craig Bryant, Post 2

Attest:



Shanda Smallwood, County Clerk

ANNEXATION AREA

All that tract or parcel of land, lying and being in the City of Cleveland, Land Lot 41 of the 2nd District, White County, Georgia, and being more particularly described as follows:

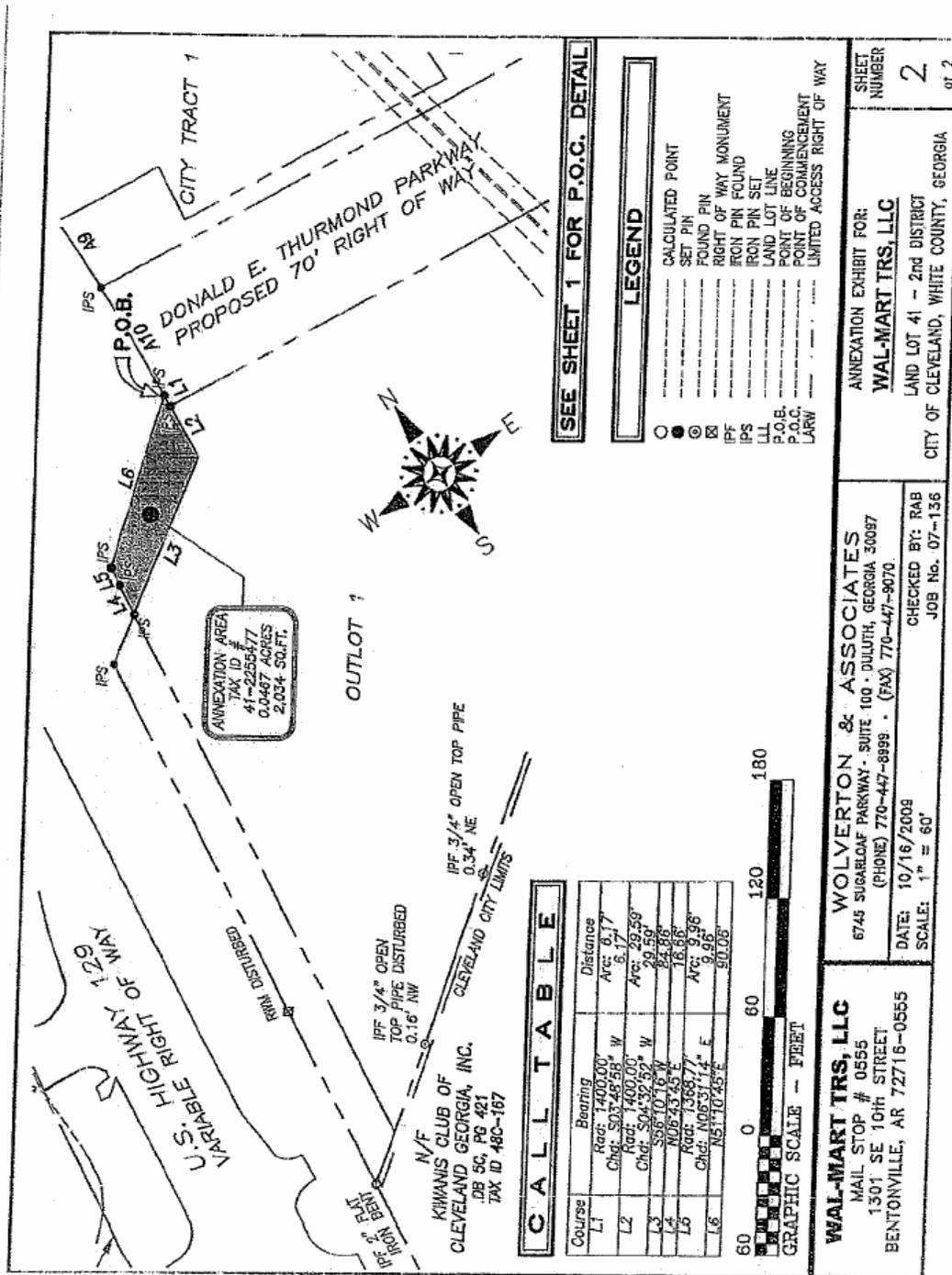
Commence at the intersection of an un-named creek and the easterly right of way line of U.S. Highway 129 (variable width), said point being 2723 07 feet south of the intersection of said right of way and the centerline of S.R. 75 as shown on a plat recorded in Plat Book 51, Page 167, White County, Georgia records;

THENCE from said **POINT OF COMMENCEMENT** along said right of way line of U.S. Highway 129 the following courses and distances: South 06 degrees 46 minutes 02 seconds West for a distance of 136.93 feet to a 3/4 inch rebar with cap set; South 83 degrees 15 minutes 38 seconds East for a distance of 10.00 feet to a 3/4 inch rebar with cap set; South 06 degrees 46 minutes 02 seconds West for a distance of 60.00 feet to a 3/4 inch rebar with cap set; North 83 degrees 16 minutes 30 seconds West for a distance of 10.00 feet to a 3/4 inch rebar with cap set; South 06 degrees 46 minutes 02 seconds West for a distance of 279.54 feet to a right of way monument found; North 83 degrees 13 minutes 51 seconds West for a distance of 25.00 feet to a 3/4 inch rebar with cap set; South 06 degrees 33 minutes 09 seconds West for a distance of 295.65 feet to a 3/4 inch rebar with cap set; along a curve to the right having a radius of 1400.00 feet and an arc length of 353.72 feet, being subtended by a chord of South 06 degrees 10 minutes 07 seconds East for a distance of 352.78 feet to a 3/4 inch rebar with cap set at the intersection of the easterly right of way line of U.S. Highway 129 and proposed northerly right of way line of Donald E. Thurmond Parkway (70 foot right of way); thence leaving said proposed northerly right of way line of Donald E. Thurmond Parkway and continuing along said easterly right of way line of U.S. Highway 129 along a curve to the right having a radius of 1400.00 feet and an arc length of 64.03 feet, being subtended by a chord of South 02 degrees 22 minutes 46 seconds West for a distance of 64.02 feet to a 3/4 inch rebar with cap set, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** and continue along existing easterly right of way line of U.S. Highway 129 along a curve to the right having a radius of 1400.00 feet and an arc length of 6.17 feet, being subtended by a chord of South 03 degrees 48 minutes 58 seconds West for a distance of 6.17 feet to a 3/4 inch rebar with cap set at the intersection of the proposed southerly right of way line of Donald E. Thurmond Parkway and the existing easterly right of way line of U.S. Highway 129; thence leaving proposed southerly right of way line of Donald E. Thurmond Parkway and continue along the existing right of way line of U.S. Highway 129 the following courses and distances: along a curve to the right having a radius of 1400.00 feet and an arc length of 29.59 feet, being subtended by a chord of South 04 degrees 32 minutes 52 seconds West for a distance of 29.59 feet to a point; South 56 degrees 10 minutes 16 seconds West for a distance of 84.86 feet to a 3/4 inch rebar with cap set; thence leaving said existing right of way line of U.S. Highway 129 the following courses and distances: North 06 degrees 43 minutes 45 seconds East for a distance of 16.66 feet to a 3/4 inch rebar with cap set; along a curve to the left having a radius of 1368.77 feet and an arc length of 9.96 feet, being subtended by a chord of North 05 degrees 31 minutes 14 seconds East for a distance of 9.96 feet to a 3/4 inch rebar with cap set; North 51 degrees 10 minutes 45 seconds East for a distance of 90.06 feet to a 3/4 inch rebar with cap set, said rebar being the **TRUE POINT OF BEGINNING**.

Said property contains 0.0467 acres 2,034 square feet.

Exhibit A



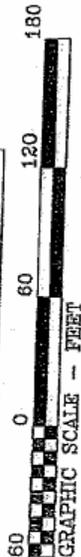
SEE SHEET 1 FOR P.O.C. DETAIL

LEGEND

- CALCULATED POINT
- SET PIN
- ⊗ FOUND PIN
- ⊠ RIGHT OF WAY MONUMENT
- ⊡ IRON PIN FOUND
- ⊢ IRON PIN SET
- ⊣ LAND LOT LINE
- ⊤ POINT OF BEGINNING
- ⊥ POINT OF COMMENCEMENT
- ⊦ LIMITED ACCESS RIGHT OF WAY
- ⊧ LARW
- ⊨ P.O.B.
- ⊩ LLL
- ⊪ IPF
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CALL TABLE

Course	Bearing	Distance
L1	Rad: 1400.00°	Arc: 0.17°
	Chd: S03°46'58" W	6.17'
L2	Rad: 1400.58°	Arc: 29.59°
	Chd: S04°30'52" W	29.59'
L3	Rad: 107.52°	Arc: 24.66°
	Chd: N06°42'16" W	24.66'
L4	Rad: 107.16°	Arc: 18.66°
	Chd: N06°34'48" E	18.66'
L5	Rad: 106.77°	Arc: 9.96°
	Chd: N06°33'77" E	9.96'
L6	Rad: 104.45°	Arc: 50.06°
	Chd: N06°10'45" E	50.06'



ANNEXATION EXHIBIT FOR:
WAL-MART TRS, LLC
 LAND LOT 41 - 2nd DISTRICT
 CITY OF CLEVELAND, WHITE COUNTY, GEORGIA

WOLVERTON & ASSOCIATES
 6745 SUGARLOAF PARKWAY - SUITE 100 • DULUTH, GEORGIA 30097
 (PHONE) 770-447-8999 • (FAX) 770-447-9070
 DATE: 10/16/2008
 CHECKED BY: RAB
 JOB No. 07-136

WAL-MART TRS, LLC
 MAIL STOP # 0555
 1301 SE 10th STREET
 BENTONVILLE, AR 72715-0555

SHEET NUMBER
2
 of 2

Z:\Survey Dept\Projects\2007\07-136\Draw\EXHIBIT\ANNEXATION EXHIBIT (2nd).dwg

Exhibit B

December 7, 2009 – Regular Meeting Minutes

Tom O’Bryant, Director of Community and Economic Development, announced to the Board of Commissioners and the public the upcoming plans for the five (5) year short term work program update. Mr. O’Bryant explained this program was required by the Georgia Planning Act as part of the twenty (20) year comprehensive plan and was updated annually. Mr. O’Bryant stated the draft, when complete, would be available to the public for comment then approved by the Board of Commissioners.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to re-appoint Joe Campbell and Tom O’Bryant as representatives on the Chestatee-Chattahoochee Resource Conservation and Development Council for the 2010 calendar year.

Commissioner Bryant stated he had received complaints relative to representatives from all applicable departments not attending the weekly development plan review meetings, which resulted in citizens having to locate the department heads in order for them to sign off on their project plans. Commissioner Bryant stated he felt it was unreasonable for citizens to have to do this and he wanted to discuss a change in the process of development plan review.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote providing Tom O’Bryant, Director of Community and Economic Development with the authorization to sign off on plan reviews – which were completed according to the Planning Commission requirements- for any department which did not have a representative present at the weekly development plan review meetings.

Chairman Turner presented a Recreation Department Project list on behalf of the YMCA and the Recreation Advisory Board. Mike Brown, CEO of the Georgia Mountains YMCA stated the project list consisted of items to be funded by the fundraising account, which currently had a balance of approximately \$20,000, and projects were listed in order of priority.

Chairman Turner asked the minutes of the meeting reflect the Board of Commissioners have accepted the project list presented including - lights on field #7, air conditioning for the gym, replacement of all exterior doors, and wood surface for the gym floor – as well as the Board of Commissioners acknowledged the Recreation Department is working diligently in fundraising for the projects identified.

Commissioner Campbell asked Mike Brown to provide an estimate to the Board of the costs associated with each of the projects listed, which would be reviewed during budget preparations.

Chairman Turner asked Carol Jackson and Mike Brown to evaluate the ability for concession revenues to be utilized for additional fundraising opportunities.

December 7, 2009 – Regular Meeting Minutes

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to accept the project list as presented by the Recreation Department and YMCA.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote reappointing Linda Dixon and Bob Oliver as well as the appointment of Larry Freeman (to fill the position formerly held by John Jordan) to the White County Planning Commission for a three (3) year term expiring December 31, 2012.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to appoint Thomas Wills to the White County Board of Assessors (to fill the position formerly held by Dan Albertus) for a three (3) year term expiring December 31, 2012.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to appoint Dr. John Clark to the White County Board of Health (to fill a position formerly held by William Oliver) for a six (6) year term expiring December 31, 2015.

There was unanimous agreement of the White County Board of Commissioners to table the appointments to the White County Park and Recreation Advisory Board, extending the expiring terms of the current board members (Allen Mauney and John Collins) until contract negotiations with the Georgia Mountains YMCA were complete.

Senior Superior Court Judge David Barrett presented, for the board's approval, a private probation contract between the Superior Court of White County and Northeast Georgia Probation Services, Inc. Judge Barrett indicated that Northeast Georgia Probation Services, Inc. had been handling the misdemeanor probationary cases for White County Superior Court for the past eight (8) years, since the Georgia State Probation had announced they would no longer handle probation for misdemeanor offenses. Judge Barrett further indicated the only change to the current contract was an addendum which addressed the need for Northeast Georgia Probation Services, Inc. to access the NCIC database through the Federal Bureau of Investigations.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to approve the private probation contract between the Superior Court of White County and Northeast Georgia Probation Services, Inc.

Vickie Neikirk presented property to be declared surplus and requested authorization for the sale of the property on Gov Deal.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to adopt the following resolution (County Resolution 2009-36) declaring certain property as surplus and authorizing the sale thereof on Gov Deals.

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2009-36

TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY ON-LINE AUCTION THROUGH GOVDEALS; TO PROVIDE FOR ADVERTISING OF SAID DISPOSITION OF SAID PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE ANY TITLE TRANSFERS AND BILLS OF SALE ON THE PROPERTY.

WHEREAS, the Board of Commissioners of White County have determined that certain County-owned property is surplus; and

WHEREAS, the Board of Commissioners of White County desires to dispose of said property through the government on-line auction and to give public notice of said disposition;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of White County, Georgia, and it is hereby resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County hereby declares that the property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by government on-line auction to the highest responsible bidder for each item. All surplus personal property will be sold "as is" and must be removed from the county property by the successful bidder within ten (10) days from the award of the bid, except as otherwise provided in Exhibit "A."

-2-

The Board of Commissioners of White County reserves the right to refuse any and all bids on said property.

-3-

The County Manager is hereby authorized to execute any title transfers and bills of sale to the successful bidders on the personal property.

ADOPTED, this 7th day of December, 2009.

December 7, 2009 – Regular Meeting Minutes

**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

ATTEST:
s/Shanda Smallwood
Shanda Smallwood
County Clerk

**WHITE COUNTY
SURPLUS PROPERTY
TO BE SOLD “AS IS/WHERE IS”**

Sprint – Blackberry Curve - 1
Sprint – Blackberry – 2
Samsung-Smartphone w/ camera – Verizon – 1
Motorola V750 – Verizon – 14
LG VX533 – Verizon – 3
Verizon – Blackberry Pearl 8130 – 1
Verizon Vehicle Charges (Universal) – 2

2000 Ford Ranger (VIN 1FTYR10V1YPA62908)

-Exhibit A-

December 7, 2009 – Regular Meeting Minutes

Vickie Neikirk presented the quotes from underwriters for bond issuance on the White County Detention Center Construction Project. Ms. Neikirk stated the annual debt service amount on \$8.5 million, including underwriting fees and interest, from Merchant Capital would be \$1,821,514.00 and from Raymond James would be \$1,812,537.00.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to select Raymond James as the underwriter for the bond issuance on the White County Detention Center Construction Project.

Vickie Neikirk presented the quotes she had received from local banks for the SPLOST accounts. Ms. Neikirk stated there would be one account for the SPLOST collection which ended September 30, 2009 and one account for the SPLOST collection which began October 1, 2009. Quotes received were 1.33% (fixed) from Mountain Valley Community Bank and .27% (prime minus 2.98%, variable) from United Community Bank.

Upon a motion made by Commissioner Bryant, seconded by Chairman Turner there was a vote to award the SPLOST collection accounts to Mountain Valley Community Bank. Commissioner Campbell abstained from the vote due to him being a member of the Board of Directors at Mountain Valley Community Bank.

Carol Jackson stated a few mapping errors had been identified on the 2008 and 2009 tax bills. Ms. Jackson stated the staff was seeking the authorization from the Board of Commissioners to make amendments to correct these errors.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to provide authorization to make amendments on the 2008 and 2009 tax bills in order to correct the identified mapping errors.

There was unanimous agreement from the Board of Commissioners to table the discussion for reinstatement of the county contributions to the employee retirement plan.

Vickie Neikirk presented the monthly financial status report for October 2009.

There was unanimous agreement from the Board of Commissioners to cancel the December Work Session previously scheduled for December 28, 2009.

Chairman Turner acknowledged Jean Welborn's continued contributions to White County and thanked her for her willingness to assist during Carol Jackson's transition to County Manager. The Board of Commissioners also expressed their appreciation to Carol Jackson for her hard work.

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

December 7, 2009 – Regular Meeting Minutes

The minutes of the December 7, 2009 Regular Meeting of the White County Board of Commissioners is hereby approved as stated this the 4th day of January, 2010.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner

Travis C. Turner, Chairman

s/Joe R. Campbell

Joe R. Campbell, Post 1 Commissioner

s/Craig Bryant

Craig Bryant, Post 2 Commissioner

s/Shanda Smallwood

Shanda Smallwood, County Clerk