

**WHITE COUNTY BOARD OF COMMISSIONERS**

**MINUTES FROM REGULAR MEETING HELD**

**MARCH 2, 2009, 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 Travis C. Turner, 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 Turner called the meeting to order. After the pledge to the flag, Commissioner Joe Campbell brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held February 2, 2009 and Called Meeting held February 6, 2009 were unanimously adopted.

The Board of Commissioners declared the week of March 29 through April 3, 2009 as “Special Olympics Week in White County.”

The Board of Commissioners declared April, 2009 as “Confederate History and Heritage Month in White County.”

The Board of Commissioners issued a Proclamation of appreciation to the County Clerk, Jean Welborn, upon her forthcoming retirement. The Proclamation declared March 26, 2009 as “Jean Welborn Day in White County.” Chairman Turner announced that a reception would be held in Ms. Welborn’s honor on March 26 from 2:00 P.M. to 4:00 P.M. at the United Community Bank Community Room.

Danny Lewis and Faith Jones from Georgia Mountains RDC discussed a proposed Contract for Digital Aerial Photography and Lidar. Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to decline the offer.

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

- Adopted the following two Resolutions concerning Surplus Property:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2009-7**

**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 2nd day of March, 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

ATTEST:

s/Jean Welborn  
Jean Welborn  
County Clerk

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

**FROM PARK AND RECREATION DEPARTMENT:**

**One 1992 Kubota L2650 tractor, with Bush hog front end loader, 3-point hitch on rear lift.**

**FROM FIRE DEPARTMENT:**

**One 1988 Chevrolet Fire Truck, I. D. # 1GBG7D1BOJV118138.**

**-Exhibit A-**

**"WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2009-8**

**TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY TRADING ON OTHER PROPERTY OR SERVICES; 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 in that it does not meet the needs of the County; and

**WHEREAS**, the Board of Commissioners of White County desires to dispose of said property by trading it in for equipment repair that would meet the County's needs;

**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 trading it in on equipment that would meet the needs of the County. All surplus personal property will be traded "as is."

-2-

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

**ADOPTED**, this 2nd day of March, 2009.

**WHITE COUNTY BOARD OF  
COMMISSIONERS**

Attest: s/Travis C. Turner  
Travis C. Turner, Chairman

s/Jean Welborn  
Jean Welborn, County Clerk

s/Joe R. Campbell  
Joe R. Campbell, Post 1

s/Craig Bryant  
Craig Bryant, Post 2

LIST OF PROPERTY  
AUTHORIZED TO BE TRADED FOR EQUIPMENT REPAIR

1. 1991 Ford Super Duty Chassis, I.D. # 2FDLF47M5MCA31959.”
  - Authorized the purchase of a used 2005 John Deere 5300 AG Tractor for the sum of \$12,750.00 for the Park and Recreation Department, with the funds to be paid from the Park and Recreation Budget.
  - Authorized the repair of Fire Department Engine 2 at Kevin’s Body Shop for the sum of \$1,061.57 to be paid from the insurance settlement.

Vickie Neikirk, Chief Financial Officer, presented the monthly financial report (see copy attached).

The Commissioners discussed HB 238 (Clean Water Act). Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to recommend the following for consideration by the legislature to be included in the Clean Water Act amendment:

- (1) There needs to be a requirement, that the location of the treatment process [not spray fields, but where the treatment of the sludge, fats, oils and grease initially begins and is the most odorous] be enclosed and equipped with reasonable air scrubbers or purifiers. A substantial percentage of complaints deal with odors and there needs to be some requirement to minimize the impact of the odors.
- (2) Second greatest generator of complaints is from the spray fields and this typically is where breaches of the Clean Water Act occur. To counter this problem, there needs to be a buffer requirement that the treatment process and the spray fields cannot be at least 500 feet within the property lines and 1000 feet would be even better.
- (3) There is need for a testing requirement for the sludge etc. that goes into the facility. Every 10th truck or whatever is a reasonable standard. This requirement protects the facility, in that it prevents toxic sludge from coming in that would disrupt the treatment process and would protect adjoining neighbors. The testing requirement paid by the operator would serve as incentive for the transporters not to bring in toxic sludge.
- (4) There is a need for standardized transporter manifests with an itemization of what is in the truck, where it originated, how many gallons, who carried it etc. with copies provided to both EPD and an agent of the local governmental entity. The fats, oils and grease regulations have similar requirements that would apply to these facilities.

(5) Facilities need to have monthly reporting requirements to EPD and the local governmental entity as to waste in, treatment reports, and disposal reports. Right now, it all goes to EPD and one has to make an open records act request to acquire locally.

(6) All facilities currently operating and operating in the future need to provide a soil analysis, to EPD and the local governmental entity. As best as I can tell, LHR is operating without any soil analysis.

(7) All applicants for an operating permit should have to provide a copy of all documentation, applications, reports, consent orders, testing results etc., also to the local governmental entity.

(8) There should be reasonable restrictions on days of operation and operating hours, unless there is an emergency need. LHR was taking Receiving shipments in the middle of the night raises issues.

(9) There should be street requirements imposed upon the facilities or bonding requirements for damage to the streets due to the heavy truck traffic and the impact of the truck traffic on the streets.

(10) As a part of the formal EPD permitting process for such facilities, the local governmental entity have formal input into the permitting process and the ability to have imposed as a part of the permit, conditions to mitigate the impact of the facility, such as hours of operation, bonding for streets etc.

The Board of Commissioners conducted the public hearing on the proposed abandonment of a portion of Willett Drive. Jackie Burkhalter, who resides on Willett Drive, asked who initiated the proposed abandonment process and the purpose for it. Mr. Brown stated that the event that initiated the process was when Mr. Eddie Collis put a gate across Willett Drive at his property line, cutting off a portion of Willett Drive from public access and maintenance by the County; that the County was proposing to abandon that portion of Willett Drive lying inside Mr. Collis' property and past the gate; that Ms. Burkhalter's property and any other property accessed from Willett Drive would still be accessed by a County-maintained road. Ms. Burkhalter stated that her concern was in access to the common-owned lake and the bank of the lake. It was stated that any access to Mr. Collis' property for purposes of the use of the lake would be a civil matter between the property owners and not affected by the County's process of abandoning a portion of Willett Drive.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the following Resolution was unanimously adopted:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2009-9-**

**A RESOLUTION**

**TO PROVIDE FOR THE ABANDONMENT OF A PORTION OF WILLETT DRIVE (PORTION OF COUNTY ROAD NO. 238) SO THAT SAID PORTION OF ROAD WILL CEASE TO BE A PUBLIC ROAD SUBJECT TO COUNTY MAINTENANCE; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES**

**WHEREAS**, The Board of Commissioners of White County is empowered under Georgia Code Annotated Section 32-7-2 (b)(1) to abandon County roads; and

**WHEREAS**, all parties having an interest in and to the properties abutting the portion of said road have been notified of the County's intentions to abandon said portion of road, subject to existing easements for public utilities; and

**WHEREAS**, a public hearing was held on November 6, 2007 pursuant to notice in the legal organ of White County; and

**WHEREAS**, the Board of Commissioners of White County has determined that it is in the public interest of the County to abandon a portion of the aforementioned road, subject to existing easements for public utilities;

**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 pursuant to notice and hearing has determined that **A PORTION OF WILLETT DRIVE (PORTION OF COUNTY ROAD NO. 238)** no longer warrants county maintenance. Therefore, the Board of Commissioners of White County hereby declares that said portion of Road as hereafter defined is hereby abandoned as to County maintenance, subject to existing easements for public utilities:

Said portion of Willett Drive is an unpaved road lying and being in Land Lot Number 157 of the 3rd Land District of White County, Georgia. Said portion of Road begins at a gate where Willett Drive is intersected by the Southeast-most line of property, now or formerly, of Linda F. McCullers as shown on Plat recorded in Deed Book 483, page 272, Office of Clerk, Superior Court, White County, Georgia and extends in a Westerly direction 316 feet, more or less, to the end of the formerly county-maintained Willett Drive.

-2-

After the effective date of this Resolution, the above-described portion of Willett Drive will no longer be a County public road and will no longer be eligible for or subject to County maintenance. The owner of the property encompassing the portion of the abandoned road will retain ownership and provide maintenance on said portion of Willett Drive.

-3-

This abandonment procedure is conducted pursuant to authority granted to the Board of Commissioners of White County pursuant to the Constitution and laws of Georgia, including but not limited to, O.C.G.A. Section 32-7-1, et seq.

-4-

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 not 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.

-5-

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.

-6-

The effective date of this Resolution shall be March 2, 2009.

**THIS RESOLUTION IS HEREBY ADOPTED** this 2nd day March, 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

ATTEST:

s/Jean Welborn

Jean Welborn  
County Clerk'

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the following Resolutions were unanimously adopted:

**WHITE COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. 2009-10**

**A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY,  
GEORGIA, CHAPTER 6, ALCOHOLIC BEVERAGES**

**WHEREAS**, the White County Board of Commissioners wishes to revise a portion of the Official Code of White County as it relates to the Alcoholic Beverage regulations;

**NOW THEREFORE, BE IT RESOLVED** by the County Commissioners of White County and it is hereby resolved by authority of the same that the regulations be revised as follows:

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES),  
DIVISION 2 (APPLICATION), SECTION 6-41 (APPLICATION  
INFORMATION), SUBSECTIONS (b), (c) AND (d)**- are hereby deleted in their

entirety and the following substituted in lieu thereof:

*“(b) All applications for licenses under this Ordinance shall be made by the applicant to the Business License Office, or other County office designated by the Board of Commissioners, in writing under oath and verified on forms furnished by the County, and all requested information thereon shall be provided. Any misstatement or concealment of fact in the application shall be grounds for denial or revocation of the license issued and shall make the applicant liable to*

*prosecution for perjury under the laws of the state. An application containing false information or false statements may result in disapproval, revocation, suspension or failure to renew the license applied for.*

*(c) Such application shall be filed with the Business Tax Office, or other County office designated by the Board of Commissioners, and contain the following information:*

- (1) The names, ages, addresses and length of residency of all persons who have an ownership interest in the business; and*
- (2) The license category for which the applicant is applying; and*
- (3) The names and addresses of all persons and immediate family members having an ownership interest in the business who have an interest in any other business licensed to sell malt or vinous beverages; and*
- (4) The name of the owner, landlord or lessor of the proposed location and whether rent for the premises is to be paid to the landlord or lessor on a percentage of the receipts of the business or contingent upon the amount of business done; and*
- (5) The names and addresses of all entities having any whole, partial, beneficial or other interest in and to the land and building on and in which the store is located; and*
- (6) The trade name, address and description of the premises or place of business, which is to be operated under the license; and*
- (7) A statement of whether the applicant, or any entity with an interest in the application, has made application at any previous time for any alcoholic beverage license and the disposition of such application; and*
- (8) A statement of whether a previous license issued to the applicant or any entity with an interest in the application has been revoked or suspended by or surrendered to any federal, state or local authority and the reason therefore.*

*(d) The following documents shall be attached to each application:*

- (1) Evidence of ownership of the premises where the proposed business is to be located or a copy of the lease if the applicant is leasing the building or premises; and*
- (2) A certified or cashier's check payable to White County; and*
- (3) A drawing to scale showing the nearest church, residence, and school or an affidavit from a registered surveyor indicating that the proposed location of the business premises complies with Section 6-100 or 6-146 herein; and*
- (4) If malt beverages are to be sold in packages or for consumption on the subject premises, a copy of the advertisement from two (2) consecutive issues of the White County legal organ stating the purpose of the application, the location of the business and the owner or owners of the business, along with a Publisher's Affidavit verifying the dates of advertisement. The notice must contain:*
  - i. The name of the applicant(s); or*
  - ii. If a partnership, the names of all the partners, both general and limited; or*



- iii. *If a corporation, the names of the officers and board of directors; and*
- iv. *The License Category applied for; and*
- v. *The location.*

*(5) Photograph(s) of the principal officers; and*

*(6) A full disclosure of any interest in establishments, which sell wholesale or retail malt and vinous beverages; and*

*(7) Three-(3) character references; and*

*(8) For newly constructed buildings, a copy of Certificate of Occupancy issued by the White County Building Inspection Department indicating that the building in which the business will be located is complete for the purposes set out in the application, along with detailed plans of such building and outside premises; and*

*(9) If Retail Consumption Dealer license is applied for, a copy of current food service permit and a current inspection from the White County Health Department; and*

*(10) An Affidavit by the applicant or managing agent affirming that prior to any sales/service of alcoholic beverages, all employees, cashiers, or servers, or future employees, cashiers, or servers, will be trained in the regulations governing the sale of alcoholic beverages prior to being allowed to serve/sell, and that a copy of the policies and procedures for such sales/service be attached to the Affidavit; and*

*(11) Any other information requested by the Alcoholic Beverage Commission.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES), DIVISION 2 (APPLICATION), SECTION 6-42 (QUALIFICATIONS OF APPLICANT), SUBSECTION (d)(4)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“(4) Any person, managing agent, registered agent, or anyone holding a five percent (5%) interest or more in the business who has been convicted under any federal, state or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES), DIVISION 2 (APPLICATION), SECTION 6-44 (INVESTIGATION OF APPLICANT)**, - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“Sec. 6-44. Investigation of applicant.*

*(a) Prior to accepting applications, background investigations from the White County Sheriff’s Office must be filed with the White County Business Tax Office, or other designated County office. Background investigations must be completed on any person, entity, managing agent, registered agent, and anyone holding a 5% interest or more in the business which seeks a license under the alcoholic beverage ordinance. The fee for each background investigation is \$50.00 and must be paid to the White County Business Tax Office, or other County designated office, prior to the investigation process. After payment of the \$50.00 fee, the person seeking the background investigation must present the receipt for the fee and a completed*

*Background Investigation and Criminal History Consent Form to the White County Sheriff's Office for fingerprinting and further background checks. The results of the background investigation will be forwarded from the Sheriff's Office to the White County Business Tax Office or other designated office.*

*(b) The Alcoholic Beverage Commission or designated agent shall investigate all applications for new licenses and applications for renewals.*

*(c) Applicants agree to submit under oath to interrogation by the Alcoholic Beverage Commission as to any facts considered pertinent to the application. Applicants also agree to produce for oral interrogation by the Alcoholic Beverage Commission any entity requested as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this data, information, records or entities within thirty-(30) days from the date of the request shall automatically serve to dismiss the application."*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES), DIVISION 2 (APPLICATION), SECTION 6-44 (INVESTIGATION OF APPLICANT).** - is hereby deleted in its entirety and the following substituted in lieu thereof:

***"Section 6-44. Investigation of Applicant***

*(a) Prior to accepting applications, background investigations from the White County Sheriff's Office must be filed with the White County Business Tax Office, or other designated County office. Background investigations must be completed on any person, entity, managing agent, registered agent, and anyone holding a 5% interest or more in the business which seeks a license under the alcoholic beverage ordinance. The fee for each background investigation is \$50.00 and must be paid to the White County Business Tax Office, or other County designated office, prior to the investigation process. After payment of the \$50.00 fee, the person seeking the background investigation must present the receipt for the fee and a completed Background Investigation and Criminal History Consent Form to the White County Sheriff's Office for fingerprinting and further background checks. The results of the background investigation will be forwarded from the Sheriff's Office to the White County Business Tax Office or other designated office.*

*(b) The Alcoholic Beverage Commission or designated agent shall investigate all applications for new licenses and applications for renewals.*

*(c) Applicants agree to submit under oath to interrogation by the Alcoholic Beverage Commission as to any facts considered pertinent to the application. Applicants also agree to produce for oral interrogation by the Alcoholic Beverage Commission any entity requested as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this data, information, records or entities within thirty-(30) days from the date of the request shall automatically serve to dismiss the application.*

*(d) At the meeting at which the issuance of a license is being considered by the Alcoholic Beverage Commission, the applicant or managing agent of the subject applicant must be present."*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES), DIVISION 2 (APPLICATION), SECTION 6-45 (PROCESSING OF APPLICATION), SUBSECTION (a)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

***"(a) Upon completion of the application and upon receiving the results from the fingerprint search, the White County Business Tax Department, or other designated office, shall submit the application to the Alcoholic Beverage Commission and notify the applicant of the date, time and place of the meeting. The Alcoholic Beverage***

*Commission shall act within sixty-(60) days from the date of the filing of the completed application or a change in any relationship declared in Section 6-148.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE III (LICENSES), DIVISION 3 (RULES GENERALLY), SECTION 6-55 (EMPLOYEES), SUBSECTION (a)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“Sec. 6-55. Prior Convictions*

*a) No licensee or managing agent shall have been convicted within ten (10) years immediately prior to the date of application of:*

- 1) Soliciting for prostitution; or*
- 2) Keeping a disorderly place; or*
- 3) Illegal possession or use of controlled substances; or*
- 4) Illegally dealing in controlled substances; or*
- 5) Sex offenses; or*
- 6) Unlawful manufacture of intoxicating liquors; or*
- 7) Illegal sale of intoxicating liquors; or*
- 8) A crime involving moral turpitude.*

*b) Such conviction subjects the licensee to suspension or revocation of the license.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE IV (REGULATIONS SPECIFICALLY AFFECTING RETAIL PACKAGE DEALER, RETAIL CONSUMPTION DEALER, AND WHOLESALER OF WINE AND MALT BEVERAGES, BUT EXCLUDING FARM WINERY LICENSEES AND TASTING ROOMS OF A FARM WINERY), DIVISION 1 (GENERAL), SECTION 6-100 (LOCATION RESTRICTIONS), SUBSECTION (a)(2)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

- (2) Within five hundred (500) feet of an educational building, college campus, private school or public school, with the distance limitations being measured in a straight line from the nearest point of the proposed licensed building to the nearest point of the property line of any educational building, college campus, private school, or public school;*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE IV (REGULATIONS SPECIFICALLY AFFECTING RETAIL PACKAGE DEALER, RETAIL CONSUMPTION DEALER, AND WHOLESALER OF WINE AND MALT BEVERAGES, BUT EXCLUDING FARM WINERY LICENSEES AND TASTING ROOMS OF A FARM WINERY), DIVISION 4 (ON PREMISE CONSUMPTION SALES), SECTION 6-112 (LICENSED PREMISES – DETERMINATION OF CAPACITIES)**, - is hereby deleted in its entirety with no substitution therefor.

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE V (REGULATIONS SPECIFICALLY AFFECTING FARM WINERIES), DIVISION 1 (GENERAL), SECTION 6-140 (LICENSE REQUIRED), SUBSECTION (e)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

- “(e) The Alcoholic Beverage Commission may also issue a farm winery license for additional tasting rooms on or off the primary premises if the*

*additional tasting room(s) are owned or leased by the primary farm winery owner and said rooms have been licensed by the Commissioner.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE V (REGULATIONS SPECIFICALLY AFFECTING FARM WINERIES), DIVISION 1 (GENERAL), SECTION 6-141 (GRANDFATHERING OF CURRENT STATE LICENSED FARM WINERIES),** - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“Section 6-141 Grandfathering of current state licensed farm wineries.*

*For the initial year of application of the new White County regulations concerning farm wineries, which begins January 1, 2009, farm wineries within White County licensed by the State prior to January 1, 2009, shall be allowed to continue their current operations that existed prior to January 1, 2009, while the operator goes through the licensing process required herein if said initial completed application is filed by June 1, 2009.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE V (REGULATIONS SPECIFICALLY AFFECTING FARM WINERIES), DIVISION 1 (GENERAL), SECTION 6-142 (LICENSE FEES), SUBSECTION (c)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“(c) For a licensed entity to obtain an additional license for a tasting room owned or leased by the licensed entity and which is located off of the primary farm winery premises, there shall be an additional license fee in the amount of \$750.00 for each such off-site locations.”*

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE V (REGULATIONS SPECIFICALLY AFFECTING FARM WINERIES), DIVISION 1 (GENERAL), SECTION 6-144 (LICENSE CATEGORIES), SUBSECTION (a)(5)** - is hereby deleted in its entirety with no substitution therefor.

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE V (REGULATIONS SPECIFICALLY AFFECTING FARM WINERIES), DIVISION 2 (WHOLESALE SALES), SECTION 6-150 (LICENSE AS WHOLESALER REQUIRED),** - is hereby deleted in its entirety with no substitution therefor.

**CHAPTER 6 (ALCOHOLIC BEVERAGES), ARTICLE VI (ALCOHOLIC BEVERAGE COMMISSION), SECTION 6-156 (REPORTING), SUBSECTION (d)** - is hereby deleted in its entirety and the following substituted in lieu thereof:

*“(d) The County Clerk or designee shall upon the filing of any application, revocation or suspension of an alcoholic beverage license or any decision concerning same ensure the timely distribution of a copy of same to the Board of Commissioners, County Manager, Sheriff and Code Enforcement Officer. The County Attorney shall be given a copy of documents pertaining to revocation or suspension or any other applications or documents as may be determined by the Alcoholic Beverage Commission.”*

The effective date of this amendment shall be March 2, 2009.

ADOPTED, this 2<sup>nd</sup> day of March, 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

ATTEST:

s/Jean Welborn  
\_\_\_\_\_  
Jean Welborn, County Clerk

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2009-11**

**A RESOLUTION**

**WHEREAS**, White County has adopted an Alcoholic Beverage Ordinance that has fees associated with certain licenses, permits, etc.;

**NOW THEREFORE**, the White County Board of Commissioners hereby adopts the following amended fee schedule pertaining to the Alcoholic Beverage Ordinance:

**“Annual License For:**

❖	<b>Farm Wineries:</b>	
	<b>Primary Farm Winery Site -</b>	<b>\$1,500.00</b>
	<b><u>Plus:</u></b>	
	<b>To Sell Beer, Malt Beverage Or Wine In Unbroken Packages On The Farm Winery Premises At Retail And Not For Resale</b>	<b>1.00</b>
	<b><u>Plus:</u></b>	
	<b>To Sell At Retail Beer, Malt Beverage Or Wine For Consumption On The Farm Winery Premises To Consumers</b>	<b>1.00</b>
	<b><u>Plus:</u></b>	
	<b>Each Additional Tasting Room Location On The Primary Farm Winery Premises</b>	<b>100.00</b>
	<b><u>Plus:</u></b>	
	<b>Each Additional Tasting Room Owned or Leased By The Licensed Entity And Which Is Located Off The Primary Farm Winery Premises</b>	<b>750.00</b>
❖	<b>Retail Package Dealer:</b>	<b>800.00</b>
❖	<b>Retail Consumption Dealer:</b>	<b>1,200.00</b>
❖	<b>Wholesale Dealer:</b>	<b>800.00</b>

❖	<b>Application Fee:</b>	
	<b>For Each License Applied For:</b>	<b>150.00</b>
	<b><u>Plus :</u></b>	
	<b>Fingerprinting Fees Of:</b>	<b>50.00</b>
	<b>To Be Paid To The White County Business Tax Office or other designated County Office For Each Required Applicant, Owner, Partner, Etc.</b>	
❖	<b>Temporary Special Use Permit (Per Event)</b>	<b>50.00</b>
❖	<b>Change of Managing Agent</b>	<b>100.00</b>
❖	<b>Change of Registered Agent</b>	<b>25.00</b>
❖	<b>Variance Review Fee</b>	<b>100.00</b>
❖	<b>Appeal</b>	<b>100.00”</b>

**ADOPTED**, this 2<sup>nd</sup> day of March, 2009.

s/Travis C. Turner  
Travis C. Turner, Chairman

s/Joe Campbell  
Joe Campbell, Post 1 Commissioner

s/Craig Bryant  
Craig Bryant, Post 2 Commissioner

ATTEST:

s/Jean Welborn  
Jean Welborn  
County Clerk

Mr. Ray Davis addressed his concern with the Sheriff's Department traffic going by the Senior Center and requested permission to replace the sign directing traffic to the detention center with a sign directing traffic to the Senior Center. The Sheriff stated that he could not direct all the traffic to enter from Hulsey Road because the traffic would have to cross the guard line. Mr. Davis stated that the present drive to the detention center would have to be eliminated when the Senior Center was expanded. Sheriff Walden stated that this would have to be looked at because he had to have an entrance that would not cross the guard line. Chairman Turner asked Mr. Brown to look at this situation.

Chairman Turner announced the following meetings:

- 1) Public Hearing on proposed revision to the CDBG grant on the Bean Creek Water Improvements to be held at 12:00 noon on Friday, March 6, 2009;
- 2) Work Session of Monday, March 30, 2009, at 4:30 P.M.;
- 3) Regular Meeting of Monday, April 6, 2009, at 4:30 P.M.

Minutes from Regular Meeting Held March 2, 2009 Continued

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

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Travis C. Turner, Chairman

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Joe R. Campbell, Post 1

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Craig Bryant, Post 2

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Shanda Smallwood, County Clerk