

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, JANUARY 4, 2010 AT 4:30 P.M.

The White County Board of Commissioners met in a regular session on Monday, January 4, 2010 at 4:30 P.M. in the Grand Jury Room of the White County Courthouse Cleveland, Georgia. Present at the meeting were Chairman Travis Turner, Post 1 Commissioner Joe Campbell, Post 2 Commissioner Craig Bryant, County Manager Carol Jackson, Finance Director Vickie Neikirk, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Dean Dyer brought the invocation.

Doug Dockery, Public Works Director, stated the White County Road Department had inspected Clearview Drive and all requirements had been met by the property owner for final road acceptance. Shanda Smallwood, County Clerk, stated a right of way certification had been conveyed to White County for a forty (40) foot right of way on Clearview Drive.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to approve final road acceptance for Clearview Drive.

Sheriff Neal Walden stated he had reviewed the agreement for jail services with the City of Helen and explained this was an agreement which was approved on an annual basis for the housing of those arrested in the City of Helen. Sheriff Walden further stated he approved of the terms of the agreement.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to approve the jail services agreement with the City of Helen.

Commissioner Bryant stated it had been brought to his attention that the current sign ordinance required a fee of fifty dollars (\$50.00) per sign face. He stated he wanted the Board of Commissioners to discuss the possibility of changing the required fee to a flat fifty dollars (\$50.00), regardless of the number of sides and no longer requiring an annual renewal.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to reduce the sign permit fee to a flat fifty dollar (\$50.00) fee at inception, when a change is made to the sign, or if a business is sold, with annual renewals no longer being required.

Carol Jackson asked the Board of Commissioners to address when this change would be effective and if refunds would be due to those who had already paid the previously established renewal fee for the 2010 calendar year.

Chairman Turner asked for an amended motion to include the effective date and to address the issue of providing refunds to those who had paid the previously established renewal fee.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to charge a fifty dollar (\$50.00) fee for a sign permit, to refund those who had paid the one-hundred dollar (\$100.00) fee associated with having a double faced sign - and henceforth all new signs requiring a fifty dollar (\$50.00) permit fee – regardless of the number of sides - only at inception, with an annual renewal not being required.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to appoint Ms. Jane Grillo to the Region Two Department of Behavioral Health and Developmental Disabilities Planning Board to fulfill the remainder of the term previously held by Ms. Dorothy Gore, with the term to expire June 30, 2011.

Ms. Carol Jackson presented a reimbursement resolution relative to the White County Detention Center Construction Project and the subsequent participation in the issuance of bonds to finance the project. Ms. Jackson explained there were some expenses associated with the project, prior to the County receiving the associated SPLOST collections. These expenses had to be paid from the general fund and the adoption of this resolution would allow the County to reimburse the general fund from the SPLOST collections once these were received by the County.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to adopt the reimbursement resolution relative to the White County Detention Center Construction Project, being County Resolution Number 2010-02.

RESOLVED: 01/04/2010

RESOLUTION NO. 2010-02

RESOLUTION OF THE WHITE COUNTY BOARD OF COMMISSIONERS STATING THE REASONABLE EXPECTATION OF THE COUNTY TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN AND CONSTRUCTION OF THE NEW WHITE COUNTY LAW ENFORCEMENT CENTER; AND CERTAIN RELATED MATTERS.

WHEREAS, the Board of Commissioners of White County, Georgia (the “Board”) has determined that it is necessary and in the best interest of White County (the “County”) to design and construct a new White County Law Enforcement Center and other public facilities, (such design, construction and equipping being referred to herein as the “Project”); and

WHEREAS, in order to pay costs and expenses associated with the Project, the County intends to participate in the issuance of bonds (the “Bonds”), lease-purchase or other obligations; and

WHEREAS, prior to the issuance of the Bonds, lease-purchase or other obligations, the County expects to make certain capital expenditures in connection with the Project in the nature of engineering, environmental and other studies and construction and other activities, including payments for certain construction activities, the cost of which capital expenditures will be paid by the County; and

WHEREAS, the County reasonably expects to reimburse itself for such capital expenditures, which are estimated not to exceed Eight Million Five Hundred Thousand and No/100 Dollars (\$8,500,000.00) from the proceeds of the sale of Bonds, lease-purchase or other obligations;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WHITE COUNTY, GEORGIA, AS FOLLOWS:

Section 1. That the County reasonably expects to reimburse itself for capital expenditures made in connection with the design, construction and equipping of the Project, including expenditures for engineering, environmental and other studies and certain construction and other activities, including payments for construction activities, all which are to be undertaken prior to the execution and delivery of the Bonds, lease-purchase or other obligations from the proceeds of the Bonds, lease-purchase or other obligations which are reasonably expected to be executed and delivered not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid.

Section 2. That this Resolution is intended to comply with the “declaration of official intent” provisions of Section 1.150-2 of the Treasury Regulations promulgated under Sections 103 and 150 of the Internal Revenue Code of 1986, as amended.

Section 3. The Chief Financial Officer is hereby authorized, directed and designated to act on behalf of the County for the purpose of determining and itemizing all such capital expenditures which the County reasonably expects to reimburse itself for in connection with the acquisition, construction and completion of the Project.

Section 4. That this Resolution shall become effective on the date of its adoption.

PASSED, ADOPTED AND APPROVED this 4th day of January, 2010.

**BOARD OF COMMISSIONERS
OF WHITE COUNTY**

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

By: s/Joe R. Campbell

Joe R. Campbell, Post 1 Commissioner

By: s/Craig Bryant
Craig Bryant, Post 2 Commissioner

(SEAL)

CERTIFICATE OF CLERK

I, Shanda Smallwood, duly appointed Clerk for White County (the “County”) do hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a Reimbursement Resolution adopted on the 4th day of January, 2010, by the Board of Commissioners of White County, in a meeting duly called and assembled, which was open to the public and at which a quorum was present and acting throughout, and that the original of said Resolution appears of record in the Minutes of the County which are in my custody and control.

Given under my hand and the seal of White County, this 4th day of January, 2010.

s/Shanda Smallwood
Shanda Smallwood, County Clerk

-End of Adopted Resolution-

Ms. Carol Jackson stated that Mr. Larry Goldberg, architect for the White County Detention Center Construction Project, had reviewed the eight (8) responses submitted for the request for qualifications (RFQ) for an At Risk Construction Manager for the White County Detention Center Construction Project. Ms. Jackson further stated that Mr. Goldberg, based on his review of the RFQ’s submitted, recommended the contract be awarded to Charles Black Construction Company.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to award the contract for At Risk Construction Manager on the White County Detention Center Construction Project to Charles Black Construction Company, contingent upon the approval of the actual contractual agreement for these services. Commissioner Bryant stated that Charles Black Construction Company was the only local company who had submitted a response to the request for qualifications on this project. Chairman Turner stated the Board of Commissioners are dedicated to using as many local companies on the Detention Center Construction Project as possible.

Ms. Carol Jackson asked Doug Dockery, Director of Public Works, to present information on the construction of a retaining wall on the property adjacent to the White County Senior Center. Mr. Dockery stated the retaining wall construction would allow for the usage of this property for a

parking area and/or driveway, which would be part of the expansion plan for the White County Senior Center. He further stated the wall would be approximately 2,000 face feet and he would need an engineer to prepare a drawing with specifications for the retaining wall in order to put the project out for bid. Chairman Turner stated the construction of the retaining wall would serve two purposes – allow for additional parking and provide the area necessary to maintain an entrance to the existing White County Detention Center. Mr. Dockery said architect Tom Wright would produce the necessary plans for the retaining wall for approximately \$300.00. Mr. Dockery was directed to have the plans drawn, put the project out for bid, and to return to the Board of Commissioners with the bid results.

Ms. Carol Jackson informed the Board of Commissioners that Mr. George Havlenka was continuing to work on the plans for the actual building expansion for the White County Senior Center and he would have these ready for the Board of Commissioners to review in the near future.

In providing an update on the status of the animal shelter construction project, Ms. Carol Jackson stated she had been in contact with representatives from the Georgia Department of Agriculture and she had obtained the state requirements for the animal shelter construction. Ms. Jackson stated these requirements were very broad and included proper drainage to maintain sanitary conditions, adequate pin size, and outside runs having shelter. Ms. Jackson stated the representatives from the Department of Agriculture had offered their assistance, at no charge, in developing the plans for the animal shelter. The Board of Commissioners asked that Ms. Jackson and Pat Cooper, Animal Control Supervisor, contact the Department of Agriculture in order to schedule a time for them to meet regarding the plans.

Debbie Gilbert with the White County News asked if the Board of Commissioners had abandoned the idea of possibly utilizing the existing Smithgall Woods Animal Shelter. Chairman Turner confirmed the County was moving ahead with other plans at this time.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to adopt a resolution, being County Resolution Number 2010- 01, setting the qualifying fees for the County offices to be filled in the upcoming 2010 primary or election.

WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2010- 01

WHEREAS, the White County Board of Commissioners, as the governing authority of White County, is required by the Official Code of Georgia Annotated Section 21-2-131, to fix and publish a qualifying fee for each county office to be filled in the upcoming primary or election;

AND WHEREAS, the White County Board of Commissioners is required, no later than February 1 of 2010 to fix and publish such fees;

NOW, THEREFORE, the qualifying fees for the following county offices to be filled in the upcoming 2010 primary or election are hereby set as follows:

- 1) Board of Commissioners, District 1(New Position, 2 Year Term)- \$90.00;
- 2) Board of Commissioners, District 2(Formerly Known As Post 2, 4 Year Term)- \$90.00;
- 3) Board of Commissioners, District 3(Formerly Known As Post 1, 4 Year Term) - \$90.00;
- 4) Board of Commissioners, District 4(New Position, 2 Year Term) - \$90.00;
- 5) Board of Education, District 2 - \$25.50; and
- 6) Board of Education, District 3 - \$27.00.

The Clerk of the Board of Commissioners is hereby directed to forward a copy of this Resolution to the Superintendent of Elections of White County.

ADOPTED, this 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

Attest:
s/Shanda Smallwood
Shanda Smallwood, County Clerk

-End of Adopted Resolution-

Commissioner Campbell asked that County Staff post a copy of the new commission district map for the 2010 election and Chairman Turner asked this information also be provided to the media outlets in an effort to inform the public on which commission district they reside in and will be voting in during the 2010 election.

Carol Jackson stated the YMCA, in their interim management of the White County Parks and Recreation facilities, had determined there was no longer a need for the work detail which was assigned to the Parks and Recreation facilities on a daily basis. Ms. Jackson stated this was an annual contract costing the county \$39,500.00 per year plus the cost of the van and fuel which are furnished for transportation of the work detail. Ms. Jackson stated she would like to negotiate the contract with the Georgia Department of Corrections for an as needed basis. The Board of Commissioners asked that Ms. Jackson discuss this option with the Georgia Department of Corrections and report back to the Board on the results of the negotiations.

January 4, 2010 – Minutes of Regular Meeting

Vickie Neikirk, Chief Financial Officer, presented the monthly financial report for the month of November 2009 (see attached).

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to enter into executive session in order to discuss potential land acquisition and personnel.

-See The Following Closed Meeting Affidavit-

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell, there was a unanimous vote to exit session and re-enter into the regular meeting.

Carol Jackson presented a recommendation to the Board of Commissioners that Tread Syfan be appointed Bond Counsel for the bond issuance in the White County Detention Center Construction Project.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to appoint Tread Syfan as Bond Counsel for the White County Detention Center Construction Project.

Chairman Turner stated the agenda item regarding the consideration of revisions to the ninety (90) day extension of the consulting agreement with the Georgia Mountains YMCA was going to be postponed until a later date.

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

The minutes of the January 4, 2010 regular meeting are hereby approved as stated this the 1st day of February, 2010.

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

WHITE COUNTY BOARD OF COMMISSIONERS

Financial Status Report
November 2009

General Fund Revenues

- ▶ Budgeted Revenues \$13,255,700
- ▶ Actual YTD \$ 8,493,508
- ▶ This is 64.07% of Budgeted Revenues for FY 2010

ALCOHOL RELATED FEES/TAXES

- ▶ Beer/Wine Tax & fees (YTD) \$72,797.70



General Fund Expenditures

- ▶ Budgeted Expenditures \$13,255,700
- ▶ Actual Expenditures \$ 5,174,430

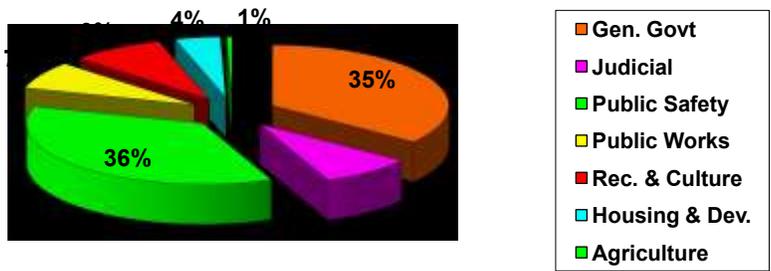
General Fund expenditures are at 39.04% of budget as of November 30, 2009. November is the 5th. month of the fiscal year and represents 41.67% of the fiscal year/budget.

General Fund Expenditures in total are 2.63% under budget through the month of November



Function	Budget	Actual	%Budget Expended
Gen. Govt.	4,740,934	1,824,430	38.48%
Judicial	1,145,613	437,814	38.22%
Pub. Safety	4,457,834	1,853,978	41.59%
Pub. Works	1,173,282	378,639	32.27%
Culture/Rec	1,080,778	440,250	40.73%
Housing/Dev	594,667	213,566	35.91%
Agriculture	62,592	25,754	41.15%
Total	13,255,700	5,174,430	39.04%

Use of Funds by Function



Hotel/Motel Tax

▶ November 2009 \$ 92,338.12
YTD \$292,561.02

▶ November 2008 \$ 55,564.18
YTD \$199,597.12

YTD is 46% higher than last year

Local Option Sales Tax

▶ November 2009 L.O.S.T. \$163,286.56
▶ YTD \$730,888.94

▶ November 2008 L.O.S.T. \$166,976.91
▶ YTD \$550,241.87

▶ Budgeted for FY 2010 \$2,000,000

L.O.S.T. is 32% higher than last year

S.P.L.O.S.T. Update

- November receipt = \$272,144.19
 - ▶ Distributed to Cities = \$125,186.32
 - ▶ County SPLOST Projects = \$146,957.87
 - ▶ November 2008 receipt = \$245,798.53
 - ▶ SPLOST COLLECTIONS Since Dec. 2004
\$15,862,366.70
 - ▶ County portion = \$8,565,677.96 (54%)
 - ▶ Distributed to cities = \$7,296,688.74 (23% each)
- October 2009 was the Final month of the 60 months of current SPLOST

S.P.L.O.S.T. Distribution

[REDACTED]	[REDACTED]	[REDACTED]

Other Funds Budget to Actual

	(Co. Cost)		
	\$348,257		
	\$32,292		
	\$120,489		
	\$164,247		

CLOSED MEETING AFFIDAVIT

STATE OF GEORGIA
COUNTY OF WHITE

AFFIDAVIT OF BOARD OF COMMISSIONERS

The White County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of their knowledge and belief:

1

The White County Board of Commissioners met in a duly advertised meeting on January 4, 2010.

2

During such meeting, the Board voted to go into closed session.

3

The executive session was called to order at 5 10 a.m. (p.m.)

4

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. Section 50-14-2(1);

Discussion of tax matters made confidential by state law as provided by O.C.G.A. Section 50-14-2(2) and (insert the citation to the legal authority making the tax matter confidential);

Discussion of the future acquisition of real estate as provided by O.C.G.A. Section 50-14-3(4);

Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. Section 50-14-3(6);

Other (describe the exemption to the open meetings law):
_____ as provided in (insert the citation to the legal authority exempting the topic)

This 4th day of January, 2010

[Signature]
Travis C. Turner, Chairman

[Signature]
Joe Campbell, Post 1

[Signature]
Craig Bryant, Post 2

Sworn to and subscribed before me,
this 4th day of January, 2010.

[Signature]
Notary Public

My commission expires: _____

