

## **WHITE COUNTY BOARD OF COMMISSIONERS**

### **MINUTES OF THE REGULAR MEETING HELD**

**MONDAY, MARCH 7, 2011 AT 4:30 P.M.**

The White County Board of Commissioners held a Regular Meeting on Monday, March 7, 2011 at 4:30 p.m. in the Grand Jury Room of the White County Courthouse. Present at the meeting were Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Carol Jackson, Finance Director Vicki Mays, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

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

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to adopt the minutes of the February 7, 2011 Regular Meeting as presented.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Nix there was a unanimous vote to approve the unsealing of the Executive Session Minutes regarding acquisition of real estate dated January 6, 2011 and January 27, 2011 – due to the project now being complete.

Upon presentation of proclamation, March 7 – 11, 2011 was proclaimed National BETA Club Week in White County.

Upon presentation of proclamation, April 2011 was recognized as Confederate History & Heritage Month in White County.

Upon presentation of proclamation, March 19, 2011 was proclaimed Master Gardener Appreciation Day in White County.

Upon a motion made by Commissioner Nix, seconded by Commissioner Holcomb there was a unanimous vote to approve the following consent agenda as presented:

- Approval of a change order policy on the Jail Construction Project with any changes to the Guaranteed Maximum Price (GMP) to require the approval of the Board of Commissioners;
- Adoption of County Resolution Number 2011-10, approving amendments to the Fiscal Year 2011 Budget;
- Adoption of County Resolution Number 2011-11, approving the surplus of a 1997 Ford Crown Victoria (VIN# 2FALP71W6VX145675) which was previously assigned to the White County Sheriff's Office;
- Approval to award the bid for the emergency notification system – through a 75% Hazard Mitigation Grant, with 25% to be paid from the above projected Beer & Wine Revenue

(as approved at the December 6, 2010 Meeting) to Global Connect, not to exceed \$13,750.00 (\$11,000 Grant Funds & \$2,750 County Contribution);

- Approval of a U.S. department of Health and Human Services – Office of Rural Health Policy Grant Application (100% Grant) for the purchase of Automatic External Defibrillations (AED's) for Public Buildings and the associated training – with equipment to be purchased from Zoll, a sole source supplier; and
- Approval of the White County Animal Control Facility schedule of operations, to be effective April 4, 2011.

-End of Consent Agenda-

Chairman Turner presented the agenda item regarding the consideration of entering into an Environmental Facilities Agreement in Partnership with the White County Water Authority for the borrowing of \$1,242,582.00 through a Georgia Environmental Finance Authority (GEFA) Loan to finance the acquiring, constructing, and installing additions, extension, or improvements to the White County Water Authority's Environmental Facilities, with the White County Water Authority being responsible for the loan repayment.

Carol Jackson stated she had thoroughly reviewed the Water Authority's financial status in relation to their ability to service the debt on the referenced loan she had determined there would be adequate resources to make the required payments. She also stated the County would not be required to include any expense on the County's budget in relation to this loan. Ms. Jackson stated she saw no problem with the approval of this item. Commissioner Nix entered a letter from the Water Authority's Attorney, Allan Ramsay, into the meeting record. This letter detailed the County's responsibility if the Water Authority defaulted on the referenced loan and White County's ability to file a claim against the Water Authority. Commissioner Nix also entered an email dated March 3, 2011 into the meeting record. This email contained a statement from GEFA that the County would only be required to budget debt payments for the referenced loan if the Water Authority defaulted. Commissioner Nix stated the GEFA loan was at a 0.00% interest rate and the Water Authority had received a grant in the amount of \$500,000.00 – bringing the total funding for the expansion project to \$1,742,582.00.

Commissioner Bryant and Commissioner Nix stated they would be abstaining from the vote due to the positions they held on the White County Water Authority Board of Directors.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a vote to approve entering into an Environmental Facilities Agreement in partnership with the White County Water Authority for the borrowing of \$1,242,582.00 through a Georgia Environmental Finance Authority (GEFA) loan to finance the acquiring, constructing, and installing additions, extensions, or improvements to the White County Water Authority's environmental facilities, with the White County Water Authority being responsible for the loan repayments. Chairman Turner voted in favor of this motion, with Commissioner Bryant and Commissioner Nix abstaining.

Commissioner Goodger stated he would like to remove the agenda item concerning the traffic operation study conducted by the City of Helen for Ridge Road – of which a portion is County

maintained – and considering the approval of signage changes with cooperation with the City of Helen – due to the Helen City Commission having not yet met on this issue.

With there being no action taken and with a consensus of the Board of Commissioners this item was removed from the meeting agenda.

Chairman Turner presented the list of transportation projects – as discussed at the February 28, 2011 Work Session - to be submitted by the March 30, 2011 due date to the Georgia Mountains Regional Commission for roundtable consideration for funding consideration with the potential regional transportation sales tax to be voted on August 2012.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to approve the County’s transportation project list as presented.

Chairman Turner stated the Board would not be considering the award of the bid for the banking accounts (E-911, Solid Waste, etc.) currently held at Regions Bank due to time constraints listed in the bid document. He asked that these services be re-bid, allowing the financial institutions thirty (30) days to submit their bids. There was a consensus of the Board that this item be removed from the agenda and be discussed at a later date.

Carol Jackson presented the first reading for proposed amendments to the White County Alcohol Ordinance as follows:

**FIRST READING: MARCH 7, 2011**

**SECOND READING: \_\_\_\_\_**

**PASSED: \_\_\_\_\_**

**WHITE COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO. 2011-**

**AN ORDINANCE 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, Alcohol Beverages, Article II, Definitions – shall be amended with the addition of the following:

*Convenience Store* means a small store or shop that sells, but is not limited to, such items as candy, ice cream, soft drinks, water, lottery tickets, tobacco products, newspapers, magazines, a selection of processed foods, sandwiches, a few items of groceries, ATM and money order services, as well as fuel, motor oils, etc. such as are typical in White County.

*Grocery Store* means a store established primarily for the retailing of food. This term includes large grocery stores, such as supermarkets, that also stock products other than food, such as paper goods, cleaning supplies and household items in addition to food items.

Chapter 6, Alcoholic Beverages, Article III, Licenses, Division 2, Application, Section 6-41, Application Information – shall be amended with the deletion and the subsequent replacement of the following:

~~(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~~

(10) Upon a license being granted, an affidavit signed by each employee, manager, server, cashier or other person handling the sale or service of alcoholic beverages in any way, including owners who work in any premises selling alcoholic beverages, shall be filed with the alcohol board, attesting that the person has received the required training, is familiar with this article, and has read and agrees to follow the written policies and procedures provided to each such person.

Chapter 6, Alcohol Beverages, Article III, Licenses, Division 3, Rules Generally, Section 6-50, Knowledge; Responsibility Of The Licensee – shall be amended with the addition of the following:

Every licensee under this article shall maintain at all times on the premises for which the license has been issued, a list of all persons currently employed by such license at such premises, which list shall show the current full legal name, alias, date of birth, current address, current home telephone number, and social security number of each employee.

Chapter 6, Alcohol Beverages, Article III, Licenses, Division 3, Rules Generally, Section 6-53, PROHIBITED Conduct Specifically Pertaining To Retail Package Dealers – shall be amended with the addition of the following:

(4) Allow display of malt beverages or wine outside of the building, inside within 20 feet of an entrance door, in any ice-filled open display container or cooler.

Chapter 6, Alcohol Beverages, Article III, Licenses, Division 4, Licenses, shall be amended to add the following section:

Section 6-65 Limitations on total number of licenses issued.

The total number of licenses within each class that may be operative simultaneously may be limited by the Board of Commissioners. Should there be a sufficient number of current licenses to meet the needs and desires of the inhabitants of the county, no new licenses shall be issued. In determining the needs and desires of the inhabitants, the County Commissioners shall consider the best interest of the county citizens, based on factors affecting the local peace, health, and welfare.

Chapter 6, Alcohol 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, Division1, General Section 6-100, Location Restrictions – shall be amended with the addition of the following:

- (f) In determining whether or not any license applied for under this article shall be granted, in addition to all provisions of this article, the following shall be considered by the Alcohol Beverage Commission in the public interest and welfare:
- (1) Each building in which a business will be located shall be complete and in good repair, constructed of permanent exterior materials, and be neat, clean and well maintained not only at the time of application, but continuously maintained at all times a premise is licensed.
  - (2) Any exterior lighting shall be aimed at and around the premises so as to minimize any negative effects on neighboring properties.
  - (3) All parking areas must be paved and maintained in good repair in a neat and clean manner.
  - (4) Each location at which a business will be located shall front on a highway or a paved roadway.
  - (5) The suitability of the premises for the conduct of alcohol beverage business including its appearance, state of repair, maintenance standards, location, traffic problems and the difficulty or absence thereof of policing by law enforcement agencies.

Chapter 6, Alcohol 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 3 Retail Package Sales Section 6-104, License for retail package sales required – shall be amended with the addition of the following:

Malt Beverages and wine may be sold by the package in grocery stores and convenience stores.

Upon the date of the passage of the above stated amendments, all existing licensed entities shall be grandfathered, thereby being exempt from the above stated requirements. The grandfathered

status of these entities does not exempt the entity from any requirements imposed prior or subsequent to adoption of County Resolution 2011- \_\_\_\_.

The effective date of this amendment shall be \_\_\_\_\_, 2011.

**ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**WHITE COUNTY BOARD OF  
COMMISSIONERS**

\_\_\_\_\_  
Travis C. Turner, Chairman

\_\_\_\_\_  
Terry D. Goodger, District 1

\_\_\_\_\_  
Lyn Holcomb, District 2

\_\_\_\_\_  
Edwin Nix, District 3

\_\_\_\_\_  
Craig Bryant, District 4

-End of First Reading-

Chairman Turner stated the seconded reading would take place at the next Regular Meeting of the White County Board of Commissioners on April 4, 2011.

In considering the request of amendment of the White County Enabling Legislation regarding the manner in which District Commissioners were elected, to allow for at large voting, Chairman Turner stated that in speaking with State Legislators he was encouraged to have the White County Board of Commissioners hold public hearings regarding the matter during the Summer of 2011; thereby allowing legislation to be submitted early on in the 2012 Legislative Session. Chairman Turner stated that in these candid conversations he was informed that if the Board of Commissioners considered this action at this time and the vote was 3-2 on the issue – the State Legislators would not be willing to submit the bill of consideration.

Mr. Dewayne Turner asked if the Board of Commissioners would not be willing to take a vote on the issue of at large voting at this time in order to the public to know where each Commissioner stands on this issue.

March 7, 2011 – Regular Meeting Minutes (Continued)

Commissioner Bryant stated that if a vote was taken, the action would be required to be taken to the State Legislature.

Chairman Turner explained the State Legislators encouraged the Board of Commissioners to have the public hearings prior to voting on the issue in order to allow the public an opportunity to voice their opinion and to allow this to direct the Board's vote on the issue of at large voting.

Upon a motion made Commissioner Goodger, seconded by Commissioner Holcomb there was a unanimous vote to appoint Mr. Stanley L. Strickland to the White County Board of Assessors for a three year term expiring December 31, 2013 (*as previously held by Mr. Tom Harbst*).

Vicki Mays, Finance Director, presented the monthly Financial Report through January 2011 (See Attached Report).

Chairman Turner opened the floor for citizen participation.

Irma Jean Butler, 103 Cherie Drive Cleveland, GA – Ms. Butler publicly expressed her appreciation to the White County Senior Center for all the assistance they have provided to her.

Chairman Turner informed that White County had purchased 1.25 acres on Hulsey Road for the relocation of the White County Convenience Center. He asked Tom O'Bryant, Director of Community & Economic Development, to explain the construction timeline. Mr. O'Bryant stated they would be meeting with the Engineer the following day to finalize the site plan, and then the project would be put out to bid. Chairman Turner reminded everyone the funding for this project was being taken from the Solid Waste SPLOST Fund.

Commissioner Bryant stated that he had a request to present to the Board of Commissioners for consideration. He explained the Sautee Nacoochee Community Association (SNCA) was constructing an outdoor pavilion on the Association's property to be completed in time for the second annual Hillbilly Hog Barbeque Competition to be held in October 2011. Commissioner Bryant stated that 100% of the proceeds from the event would be donated to United Way. Commissioner Bryant asked the Board of Commissioners to consider a one time contribution to the Sautee Nacoochee Community Association in the amount of \$4,000.00 (in addition to the contracted annual contribution of \$5,000.00) to be designated solely for the hard cost of construction of the pavilion – with the funds to be taken from Lodging Taxes.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to contribute \$4,000.00 (one time) to the Sautee Nacoochee Community Association to fund the hard construction costs of the pavilion on the Association's Property, with funds from the Lodging Tax Revenue.

Michael Humphrey, White County Library Manager, advised the Board of Commissioners that on October 15, 2011 – White County would be hosting the Georgia Literary Festival at the Sautee Nacoochee Center. He requested this event be considered for funding in the future from the Lodging Tax proceeds, as this is a statewide event and is predicted to bring 2,000 to 3,000

March 7, 2011 – Regular Meeting Minutes (Continued)

people to White County. Chairman Turner asked Mr. Humphrey to prepare a presentation for the Board of Commissioner at a future work session for their consideration.

Upon a motion made by Commission Nix, seconded by Commissioner Goodger there was a unanimous vote to adjourn the meeting.

The minutes of the Regular Meeting held on March 7, 2011 are hereby approved as stated this the 4th day of April, 2011.

**WHITE COUNTY BOARD OF COMMISSIONERS**

s/Travis C. Turner

**Travis C. Turner, Chairman**

s/Terry D. Goodger

**Terry D. Goodger, District 1**

s/Lyn Holcomb

**Lyn Holcomb, District 2**

s/Edwin Nix

**Edwin Nix, District 3**

s/Craig Bryant

**Craig Bryant, District 4**

s/Shanda Smallwood

**Shanda Smallwood, County Clerk**