

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM CALLED MEETING HELD JUNE 11, 2007

AT 9:00 A.M.

The White County Board of Commissioners met in a called session at 9:00 A.M. in the Grand Jury Room of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, and County Manager Alton E. Brown. Chairman Nonnemaker called the meeting to order.

Chairman Nonnemaker stated that the meeting had been called to consider adopting a resolution concerning the proposed annexation by the City of Cleveland of a 54.784-acre tract on Highway 129 South of town for a proposed Walmart.

Stacy Watford of Wolverton and Associates stated that they were the civil engineer of record for the proposed Walmart site. David Kirk, Attorney with the firm of Troutman Sanders in Atlanta, stated that they were the legal council of Walmart and also represented the property owners in the annexation and in other issues.

Alton Brown stated that there were questions and issues brought up at the last meeting that needed to be resolved. Mr. Brown stated that Chief Foster was going to get with Sheriff Walden to lay the ground work for an intergovernmental agreement; that someone was to get with Doug Dockery, the Public Works Director, concerning the improvements on Old Highway 75; that someone was going to get with Tom O'Bryant, the Director of Planning and Economic Development. Mr. Brown asked if these meetings had been accomplished. Mayor Stanley stated that they had brought the people today to get them in contact with those who needed to be contacted.

Sheriff Walden stated that concerning the traffic, etc., an intergovernmental contract was not something that they would be able to do; that in the beginning he was not aware that the City could not annex the roads unless they annexed property on both sides of the road; that the traffic was going to be his concern or problem; that Mayor Stanley had assured him that whatever the City of Cleveland needed to do to assist the Sheriff's Office, they would be glad to do it; that he would handle the traffic situation there with the understanding from Mayor Stanley that if they needed assistance there, they would assist.

Mayor Stanley stated that they had assumed that they would have to assist in the traffic, etc. and had been making some provisions to take care of that. Sheriff Walden stated that he would like to be included in any future discussions concerning traffic and enforcement in that area. Mayor Stanley stated that they would do that. Chief Foster stated that any accidents or incidents in the parking lot would be the City's responsibility, including investigations for crimes committed thereon.

Alton Brown asked Sheriff Walden if he thought there would be a problem with the in/out city limits along Highway 129. Sheriff Walden stated that there would not be any in/out on the Highway 129. It was stated that the right-of-way of both Old Highway 75 and U. S. Highway 129 would not change as to where the City Limits extended.

Ms. Watford discussed the storm water engineering plans. Ms. Watford stated that a traffic study was being conducted; that she felt that the entrance on 129 would warrant a signal. Chairman Nonnemaker stated that he felt the traffic designs would help the City traffic.

Ms. Watford stated that Walmart would conduct a site lighting study in order to prevent excessive lighting and obtain a zero spill off condition on the lighting.

Mr. O'Bryant asked about the signage. Ms. Watford stated that she needed to look at Cleveland's sign ordinance.

Alton Brown asked Mayor Stanley why the City was not annexing property to the North of the subject site. Commissioner Bryant stated that Mr. Allen had said no. Mayor Stanley stated that he felt that it would eventually be a part of the City.

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

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2007-24

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 54.785-ACRE, MORE OR LESS, TRACT OF LAND LYING AND BEING IN LAND LOTS 40 AND 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, the owners of the hereinafter described 54.785-acre, more or less, tract [(a) James E. Hatcher, Edward L. Hatcher and Jessica Hatcher Norris as to 21.784 acres, more or less; (b) HTG Properties, LLC, a Georgia Limited Liability Company, as to 3.000 acres, more or less; and (c) Bruce J. Pauline as to 30.00 acres, more or less] have requested that said 54.785-acre, more or less, tract be annexed into the City of Cleveland, Georgia in order that a Wal-Mart store might be thereafter be located on the combined parcel (a Conceptual Site Plan for which store is attached hereto as Exhibit "A"); and

WHEREAS, the City of Cleveland has requested that White County expressly approve its annexation of said 54.785-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 54.785-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:

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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 54.785-acre, more or less, tract composed of three contiguous parcels more particularly described as follows:

Tract I (which abuts the present City limits for 300.18 feet along the Southeasterly boundary of the above-referenced 0.33-acre tract owned by the City of Cleveland which was recently annexed into the City of Cleveland):

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All that tract or parcel of land lying and being in Land Lots 40 and 41 of the 2nd Land District of White County, Georgia, containing 21.784 acres, more or less, and being all of the Tract 1 designated and delineated on Plat of Survey dated October 7, 2002, prepared for H T G Properties by Rochester & Associates, Inc., and James C. Jones, Georgia Registered Land Surveyor No. 2298, recorded in Plat Book 51, page 167, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. A copy of said Plat of Survey is attached hereto as Exhibit "B". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No. 048A-078, and is owned by James E. Hatcher, Edward L. Hatcher and Jessica Hatcher Norris.

Tract II (which abuts the above-described Tract I for 872.03 feet):

All that tract or parcel of land lying and being in Land Lot 41 of the 2nd Land District of White County, Georgia, containing 3.00 acres, more or less, and being all of the Tract 2 designated and delineated on Plat of Survey dated October 7, 2002, prepared for H T G Properties by Rochester & Associates, Inc., and James C. Jones, Georgia Registered Land Surveyor No. 2298, recorded in Plat Book 51, page 167, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. A copy of said Plat of Survey is attached hereto as Exhibit "B". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No. 048C-203, and is owned by HTG Properties, LLC, a Georgia Limited Liability Company.

Tract III (which abuts the above-described Tract I for 1634.85 feet):

All that tract or parcel of land lying and being in Land Lots 40 and 41 of the 2nd Land District of White County, Georgia, containing 30.00 acres, more or less, and being all of the 30.00-acre tract designated and delineated on Plat of Survey dated August 6, 1979, last revised April 30, 1980, prepared for William J. Norwicki by Farley-Collins Associates, Gainesville, Georgia, William C. Collins, Georgia Registered Land Surveyor, and H. P. Farley, Georgia Registered Land Surveyor, recorded in Plat Book 14, page 46, Office of Clerk, Superior Court, White County, Georgia. Reference is hereby made to said Plat of Survey and the record thereof for a more complete description of said property. A copy of said Plat of Survey is attached hereto as Exhibit "C". This parcel is presently identified on the White County Tax Maps as Tax Map and Parcel No. 048A-079, and is owned by Bruce J. Pauline.

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.

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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.

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The effective date of this Resolution shall be June 11, 2007.

THIS RESOLUTION IS HEREBY ADOPTED this 11th day of June, 2007.

**WHITE COUNTY BOARD OF
COMMISSIONERS**

By: s/Chris R. Nonnemaker
Chris R. Nonnemaker, Chairman

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

ATTEST:

s/Craig Bryant
Craig Bryant, Post 2

s/Jean Welborn
Jean Welborn, County Clerk"

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

Chris R. Nonnemaker, Chairman

Joe R. Campbell, Post 1

Craig Bryant, Post 2