

## **WHITE COUNTY BOARD OF COMMISSIONERS**

### **MINUTES FROM REGULAR MEETING HELD**

**MARCH 6, 2007, 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 Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Doug Bennett of First Baptist Church of Cleveland brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held February 8, 2007 and Called Meeting of February 26, 2007 were unanimously adopted.

#### **RECOGNITIONS & PROCLAMATIONS:**

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

1. Declared the Month of March, 2007 as "NATIONAL ATHLETIC TRAINING MONTH IN WHITE COUNTY."
2. Declared the Month of March, 2007 as "RED CROSS MONTH IN WHITE COUNTY."

#### **VARIANCES:**

The Board of Commissioners heard the variance request filed by Ronald Powell to allow access of more than two lots with one easement at the site of Pine Ridge Rental Cabins. Chairman Nonnemaker and Commissioner Bryant stated that they had looked at the site along with Dickie Howard, the Fire Chief. Commissioner Campbell stated that he had talked to Commissioner Bryant about this.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to allow Ronald Powell to subdivide and access Lots 6, 12 and 14 from the balance of his property (which Lots 6, 12 and 14 are shown as Cabin # 6 (1.00 acres), Cabin # 12 (1.11 acres), and Cabin # 14 (1.08 acres) on Plat of Survey prepared for Ronald E. Powell on September 16, 2005 (and which has been revised subsequent to the Board of Commissioners meeting on March 9, 2007, and recorded in Plat Book 61, page 104, Office of Clerk, Superior Court, White County, Georgia), SUBJECT TO the following conditions:

1. A dirt, loop road must be cleared upon the property of Owner (Mr. Powell), the location and sufficiency of which shall be approved in good faith by the White County Fire Chief, for emergency vehicle use only, and be maintained by Owner (Mr. Powell);
2. Additional turnouts must be constructed and maintained by Owner (Mr. Powell), the location and sufficiency of which shall be approved in good faith by the White County Fire Chief;
3. Designated trees, as determined from time to time in good faith by the White County Fire Chief, must be removed by Owner (Mr. Powell) and the road widened, if necessary, to accommodate the emergency vehicles of White County;

Minutes from Regular Meeting Held March 6, 2007, Continued

4. Mr. Powell and any other owners of the property shall convey, grant and quitclaim to White County, Georgia, all rights of subdivision on the entire 15.84 acre-tract [shown as 19.03 acres, less the areas of Cabin 14 (1.08 acres), Cabin 12 (1.11 acres), and Cabin 11 (1.00 acre) on Plat of Survey conducted for Ronald E. Powell on September 16, 2005 by Lovell, Duvall, Miller & Associates, Registered Land Surveyors, and recorded in Plat Book 59, page 79, Office of Clerk, Superior Court, White County, Georgia] stipulating that the 15.84 acres may be subdivided into a maximum of four (4) tracts, and conditioned upon that this conveyance of subdivision rights may be voided, if now or in the future, Owner (Mr. Powell) or successors in title, construct a public road that meets the road construction standards and development standards of White County, Georgia.

It was stated that the Quitclaim Deed from Mr. Powell would need to be approved by the County Attorney and recorded on the deed records at the cost of Mr. Powell. It was agreed that the Quitclaim Deed would be prepared by the County Attorney, David Syfan, at the expense of Mr. Powell. It was also stated that Mr. Powell would need to check with the Planning Department about a grading permit (land disturbance permit) on the required improvements. Chairman Nonnemaker stated that Mr. Powell should place the proper signage on the roads and 9-1-1 numbers for each unit.

It was stated that the maximum four (4) tracts comprising the 15.84 acres tract above referred to shall be allowed access by Sweetheart Lane and that the tract shown as "Cabin # 11- 1.00 acre" would not be released for individual sale until the 15.84-acre tract was sold.

It was stated that Jean Welborn should notify David Syfan, the County Attorney, to prepare Quitclaim Deed. Mr. Powell was directed to get legal description on property to Ms. Welborn.

**OLD BUSINESS:**

Commissioner Bryant stated that the report would be made at the next meeting. A Water Authority meeting was set for the next Thursday.

**CONSENT AGENDA:**

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

1. Granted Variance to Parker R. Ballard and Wanda J. Ballard to allow for encroachment into set back to allow for replacement of old RV trailer with newer, larger model in Brookside Campground.
2. Granted Variance to Emanuel Grizzle and Betty Grizzle to allow for encroachment into set back to allow for replacement of old RV trailer with newer, larger model in Brookside Campground.
3. Authorized the purchase of a replacement County Gas System from Freeman Electrical for the sum of \$35,850, with the amount to be paid from the Road Department Budget (\$25,000) and the balance (\$10,850) from the Capital Improvements funds.
4. Authorized the purchase of a trench roller for the Public Works Department from Yancy for the sum of \$26,500 to be paid from SPLOST.
5. Authorized the purchase of a 2007 John Deere 6715 4WD Tractor with Alamo Sidearm A-Boom mower for the Public Works Department from Nelson Tractor for the sum of \$79,229 for a July 1 delivery date and to be invoiced and paid from the Public Works Department 2008 budget.

6. Adopted the following Resolution amending the White County Code to eliminate conflict in Board of Commissioners' meeting times:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2007-10**

**A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 2, ARTICLE II, BOARD OF COMMISSIONERS, SECTION 2-40 REGULAR MEETINGS**

**WHEREAS**, White County has heretofore adopted procedures for holding its meetings;

**AND WHEREAS**, the time and place for holding the meetings as set out in the Code need to be updated;

**AND WHEREAS**, the White County Board of Commissioners hereby revise the Code as follows:

**CHAPTER 2, ARTICLE II, BOARD OF COMMISSIONERS, SECTION 2-40, REGULAR MEETINGS** is hereby deleted in its entirety and the following substituted in lieu thereof:

*“Regular meetings of the board of commissioners for the transaction of public business pertaining to county matters shall be held in an appropriate office of the courthouse of White County on the first Tuesday in each month of the year, unless otherwise posted as required by law. The time and exact location of the meetings will be set by the Board of Commissioners and the public will be notified thereof.”*

**ADOPTED**, this 6<sup>th</sup> day of March, 2007.

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

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

s/Craig Bryant  
Craig Bryant, Post 2 Commissioner

**ATTEST:**  
s/Jean Welborn  
Jean Welborn  
County Clerk”

7. Adopted the following Resolution amending Building Codes, Recreational Vehicle Parks Section, regarding allowable sizes for decks:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2007-11**

**A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 14, ARTICLE III, DIVISION 4, TRAVEL TRAILER/RECREATIONAL VEHICLE PARKS, SECTION 14-133(k) STRUCTURES AND BUILDINGS**

**WHEREAS**, the White County Board of Commissioners wishes to revise the Travel Trailer/Recreational Vehicle Parks Regulations as hereinafter set out;

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

**CHAPTER 14, ARTICLE III, DIVISION 4, TRAVEL TRAILER/RECREATIONAL VEHICLE PARKS, SECTIONS 14-133 (k)** is hereby deleted in its entirety and the following substituted in lieu thereof:

*“(k) Structures and Buildings-No permanent buildings and non-motorized vehicles, except those falling under the definition of recreational park trailer and/or recreational vehicles shall be permitted on any rental lot. No buildings shall be allowed on rental lots and structures consisting of open decks may be allowed on rental lots not to exceed 200 square feet, or 10 % (ten percent) of the lot area, whichever is less. If the lots are sold for individual ownership, permanent buildings shall be limited to four hundred (400) square feet. Structures consisting of open decks may be allowed up to an additional four hundred (400) square feet or twenty (20) percent of the lot area, whichever is greater. All buildings shall not be used for permanent habitation and shall have no plumbing. Construction of any building or structure shall require a location or placement review for compliance with setback requirements as part of the footing inspection, which shall be handled in the same manner as detailed in Sec. 14-128(a).”*

**ADOPTED**, this 6th day of March, 2007.

**WHITE COUNTY BOARD OF COMMISSIONERS**

s/Chris R. Nonnemaker  
Chris R. Nonnemaker, 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”

8. Adopted the following Resolution amending Building Codes, Electrical Code Adoption, to require the electrical disconnection means to be located on the outside of a structure:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2007-12**

**A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 14, ARTICLE III, CONSTRUCTION CODES AND ENFORCEMENT, DIVISION 1, PURPOSE AND SCOPE, SECTION 14-73(a)(2)c, ELECTRICAL**

**WHEREAS**, White County has heretofore adopted building code restrictions and construction codes;

**WHEREAS**, the White County Board of Commissioners wishes to amend the Buildings and Building Regulations Section of White County's Code;

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

**CHAPTER 14, ARTICLE III, CONSTRUCTION CODES AND ENFORCEMENT, DIVISION 1, PURPOSE AND SCOPE, SECTION 14-73(a)(2)c.** is to be deleted in its entirety and the following substituted in lieu thereof:

*“c. Electrical. The provisions of the state minimum standard electrical code (National Electrical Code), as adopted and amended by the state Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto, WITH THE FOLLOWING EXCEPTION:*

*ARTICLE 230, VI. Service Equipment – Disconnecting Means, Section 230.70 (A) (1) of The National Electrical Code is hereby adopted by White County to read as follows in its Code:*

*“(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure nearest the point of entrance of the service conductors.”*

The effective date of this amendment shall be March 6, 2007.

**RESOLVED** this 6<sup>th</sup> day of March, 2007.

**WHITE COUNTY BOARD OF  
COMMISSIONERS**

s/Chris R. Nonnemaker  
Chris R. Nonnemaker, 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, it was unanimously voted to award the contract for labor, equipment, and materials for subgrade preparation, base and triple surface treatment on 6.87 miles of county roads and triple surface treatment for resurfacing on 4.96 miles of county roads (total of 11.83 miles) to Carnes Construction Co., Inc. for the total sum of \$1,088,479.65, with the stipulation that the county attorney, David Syfan, review the 1969 right-of-way deed on

## Minutes from Regular Meeting Held March 6, 2007, Continued

the Henry Nix Road. It was stated that should the deed not be valid, they could then remove Henry Nix Road from the contract.

Dennis Ivey of Henry Nix Road stated the paving of Henry Nix Road had good points (such as eliminating some of the dust and having clean automobiles); however, it would have several bad points (such as landowners not wanting the road paved that he knows of, too many children on the road, already have speeding problem, and water drainage is serious problem with 4 wet weather springs in road). Commissioner Campbell stated that to his knowledge the County was not planning to pave the West end of the road; that some people didn't want the road on one end and other people wanted it paved on the other end. Mr. Ivey stated that he was satisfied with that.

Chairman Nonnemaker stated that the tractor that was on the shoulder of Henry Nix Road should be moved; that the owner of the tractor should be made to remove it from the road. It was stated that Doug Dockery would send a letter to the owner and demand to have it removed within a certain amount of time.

### **NEW BUSINESS:**

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

The Board of Commissioners discussed how to handle a refund of \$42,340.99 to the Circuit from the Georgia Public Defender Standards Council, which was due, in part, to a vacant position. Vickie Neikirk stated that Lumpkin County administers the Public Defender's budget; that the benefits in the Public Defenders Office were going up drastically in the next budget year; that they need approval to keep the refund in the Enotah Budget to offset some of the increases. Commissioner Campbell stated that they would like to retain the refund in the Enotah Circuit General Fund until budget time comes up; that a decision could be made by the Counties at that time as to how to appropriate the money. It was stated that no decision on the increase in benefits would be made at this time; that it was only authorizing the retaining of the funds. Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, it was unanimously voted to give approval to keep the refund from the Georgia Public Defender Standards Council in the Enotah Circuit General Fund and any further decisions as to increases in benefits, etc. would have to be made by the Circuit at budget time.

Chief Deputy John O'Brien, representing Sheriff Neal Walden, discussed the request for the merit increases to the employees. Chairman Nonnemaker stated that they had discussed this at the work session; that he did not know how they were standing on the budget; that Shanda Smallwood had done a great job in giving them some numbers; that it would cost \$46,000 to fund the merit increase from March 1 to June 30 for the entire staff. Commissioner Campbell stated that until they could discuss the numbers and look at the budget, they did not need to increase this at this time. Commissioner Bryant stated that he had not seen the numbers of what it would cost and from where they would get it. Vickie Neikirk stated that she now had the numbers. Chairman Nonnemaker asked if they had a copy. Vickie Neikirk stated that she would send it to them via email. Ms. Neikirk stated that Chairman Nonnemaker had asked her to go back and see what it would cost to fund the merit increases retroactive to January 1; that the total cost of that would be \$65,000+; that currently in General Fund contingency, they had \$382,000.

Chairman Nonnemaker stated that the contingency balance scared him; that the next few months would be a critical time; that last year they ended up spending over \$200,000 of contingency just to balance the departments. Commissioner Bryant stated that they knew the jail boarding fees had already gone over budget. Chairman Nonnemaker asked Ms. Neikirk what the cost would be if they just did the hourly employees. Ms. Neikirk stated that the figure that she gave them was for that. Shanda Smallwood stated that the \$46,000 was for everybody for March through June 30. Vickie Neikirk stated that just the hourly employees for January and February was \$18,800; that she was not sure what

Minutes from Regular Meeting Held March 6, 2007, Continued

it would be for just hourly employees through June 30. Chairman Nonnemaker asked that she go back and figure this on the hourly employees.

Chief Deputy John O'Brien stated that Hall County was fixing to hire 100 employees for their new jail; that they would be looking at surrounding counties and taking from their already trained man power; that Hall County was starting their jailers at \$13.69 per hour; that White County started their detention center employees at \$11.19; that folks could go right down the road and earn \$2.50 an hour more.

Chairman Nonnemaker stated that all of the Board of Commissioners thought that the employees deserved more money but they had such a tight budget this year; that health insurance was what killed them; that instead of taking away any more of the benefit from the county employees, which they probably should have (because that was where the 2 ½ % was going), the County was eating part of that huge increase. Chairman Nonnemaker stated that Shanda Smallwood had gotten some information from surrounding counties and that White County was contributing above the amount that was normally given. Shanda Smallwood stated that because their insurance costs were higher, the employees were also paying more than those in surrounding counties.

Chief Deputy John O'Brien stated that all they were asking for was to maintain the class/compensation plan so as not to fall behind. Chairman Nonnemaker stated that he knew that. Chairman Nonnemaker stated that a 2 ½ % increase on \$11.19 per hour was just \$.28; that it wouldn't be enough to stop them from going to a job with a \$2.50 per hour increase.

Chief Deputy John O'Brien stated that if they didn't maintain the plan, they would continually fall behind; that the County paid around \$34,000 to have this study done a couple of years ago. Chairman Nonnemaker stated that most employees got a significant increase at that time; that the Sheriff's deputies had been starting at \$9.25 per hour; that it was a big jump to \$11.19 per hour. It was stated that deputies start in Hall County at over \$14.00 per hour. Chairman Nonnemaker stated that you could also ask anyone in there if they were happy with paying what they were in county property taxes.

Chairman Nonnemaker stated that White County did not pay a lot but they hated to continually have to raise the millage rate in order to make salaries. Chairman Nonnemaker stated that this year's budget process was going to be tough also; that he didn't think the insurance costs would go down.

Shanda Smallwood stated that they had issued the Request for Qualifications for insurance brokers; that they were hoping that someone had an idea to come up with a plan to lower the costs; that they were just now beginning this process, but that was the goal. Ms. Smallwood stated that the cost to Hall County employees for their benefits was less than the employees had to pay in White County, making the gap even wider. Chairman Nonnemaker stated that they would never be able to compete, not until they could get the big box stores like Walmart, bigger restaurants, etc. Commissioner Bryant stated that it was difficult; that they were not being paid enough; that it was hard to compare with Hall County because White County was not Hall County; that they had ten times the people that White County had; that the revenue was completely different.

Vickie Neikirk stated that they did retro one number back for just the Sheriff's Office; that the extra two months would be about \$8600. Chairman Nonnemaker stated that the Tax Assessors Office had written a letter stating that their employees deserved a merit increase because they had to go to school to keep up their certifications; that he felt if they were going to do it, they would need to do it for, at least, all the hourly employees.

Commissioner Campbell stated that he felt that they needed to table this, and made a motion to that effect, until they could look at budgets; that when they got to the budget process, they could still do this and make it retroactive if the money was there; that all the Board of Commissioners felt that the employees were deserving and they would like for

Minutes from Regular Meeting Held March 6, 2007, Continued

everybody to get as much as they could; that at this time, they did not have enough information about the budget and how it will end up to give an answer to this.

Commissioner Bryant seconded the motion to table this until late April or early May. The vote was unanimous.

**CITIZEN PARTICIPATION:**

Mr. Green asked if the roads on the paving contract would be paved in any particular order. Commissioner Campbell stated that some of the roads might require utilities to be moved, etc.; that the roads that were grouped together would probably be done by the contractor in a group in order to prevent having to move the equipment unnecessary distances over the county; that they were going to get all done as soon as they could; that the roads would not be done in the exact order as they were listed; that the road department would do what was best to expedite the paving process in order to get it completed before winter.

Chairman Nonnemaker asked if Pinebrook Trail, Pinebrook Court and those little roads would now be done with the triple surface instead of paving. Doug Dockery stated that they would. Chairman Nonnemaker stated that some of these people had been waiting a couple of years; that those had to be done.

**ANNOUNCEMENTS:**

Chairman Nonnemaker stated that there was to be a meeting on March 14, 2007 at 6:30 P.M. at Nacoochee Grill with Kendyl Brock and the School Board with the legislators; that the meeting was to discuss some contentious legislation affecting the school board pertaining to special eds or special needs children; that they also needed to talk to them about the resolution for the five person board; that Rep. Bridges was not wanting to get that passed.

The next work session will be held on Monday, March 26, 2007 at 4:30 P.M.

The next Regular meeting was announced for Tuesday, April 3, 2007 at 4:30 P.M.

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

---

Chris R. Nonnemaker, Chairman

---

Joe R. Campbell, Post 1

---

Craig Bryant, Post 2

---

Jean Welborn, County Clerk