

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

NOVEMBER 6, 2007, AT 9:00 A.M.

The White County Board of Commissioners met in a regular 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, County Manager Alton Brown, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Charles E. Black brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held October 2, 2007 were unanimously adopted.

The Board of Commissioners conducted a public hearing on the proposed abandonment of a portion of Poplar Stump Road on Forest Service Property and Tray Mountain Road from Chimney Mountain Road to the end of county maintenance. No comments were made by the public.

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

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2007- 35

A RESOLUTION

TO PROVIDE FOR THE ABANDONMENT OF TRAY MOUNTAIN ROAD (COUNTY ROAD NO. 207) 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 **TRAY MOUNTAIN ROAD (PORTION OF COUNTY ROAD NO.207)** 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 the Tray Mountain Road is an unpaved road lying and being in Land Lot Number 25 of the 6th Land District of White County, Georgia. Said portion of Road begins at a point located at Tray Mountain Road's intersection with the Northerly right-of-way of Chimney Mountain Road (County Road No. 104) and runs in a Northerly direction approximately .32 mile to a point at a concrete box culvert and point where the U. S. Forest Service maintenance currently ends.

-2-

After the effective date of this Resolution, the above-described portion of the Tray Mountain Road will no longer be a County public road and will no longer be eligible for or subject to County maintenance. The Forest Service will retain ownership and provide maintenance on said Tray Mountain Road.

-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 November 6, 2007.

THIS RESOLUTION IS HEREBY ADOPTED this 6th day of November, 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”

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2007-36

A RESOLUTION

**TO PROVIDE FOR THE ABANDONMENT OF A PORTION OF
POPLAR STUMP ROAD (PORTION OF COUNTY ROAD NO. 95)
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 POPLAR STUMP ROAD (PORTION OF COUNTY ROAD NO. 95)** 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 the Poplar Stump Road is an unpaved road lying and being in Land Lots Number 13 and 14 of the 5th Land District of White County, Georgia. Said portion of Road begins at a point located 912 feet Northwesterly (measured along the center of said Road) from the end of the paved portion of said Poplar Stump Road and runs in a Northwesterly direction approximately .43 mile (2,256 feet) to a bridge at Forest Service Roads 178 and 44.

-2-

After the effective date of this Resolution, the above-described portion of the Poplar Stump Road will no longer be a County public road and will no longer be eligible for or subject to County maintenance. The Forest Service will retain ownership and provide maintenance on said portion of the Poplar Stump Road.

-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 November 6, 2007.

THIS RESOLUTION IS HEREBY ADOPTED this 6th day of November, 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"

Commissioner Bryant stated that the Water Authority was going to have a meeting on Thursday concerning the Bean Creek Water project and that he would give an update on the project after that meeting.

The Board of Commissioners discussed the adoption of a Resolution requesting the General Assembly to authorize a Referendum to consider amendments to the Local Act.

Alton Brown stated that if the Board of Commissioners wanted to proceed, the White County Legislative Delegation would like to see the following amendments to the existing resolution:

- 1) The referendum would be held at the general election in November of 2008, which would move the times back two years for the time for taking office;
- 2) The new act including the five Member Board and the Salary Adjustments should be voted on separately; and
- 3) The School Board and the Board of Commissioners should have the same districts.

Mr. Brown stated that another change recommended by the Legislative Delegation was that the voters living within that district should elect the board members and the Chairman should be elected at large. However, Mr. Brown stated that the election by district was already a part of the existing Resolution.

Alton Brown asked the Board of Commissioners what they would like to do.

Chairman Nonnemaker asked for clarification that the proposed Resolution would just allow this to be placed on the ballot for the citizens to vote on. Alton Brown stated that that was correct. Chairman Nonnemaker stated that he was a firm believer in letting the people vote on this type of issue; that it had been an issue over the past seven years that he had been a commissioner; that people had brought it up even in the Vision 20/20 meetings wherein community leaders from all over the county met together; that it was the number one topic, which surprised him.

Alton Brown asked if it was the consensus of the Board of Commissioners to proceed with the Resolution. Chairman Nonnemaker asked the other commissioners what they wanted to do with the situation.

Minutes from Regular Meeting Held November 6, 2007, Continued

Commissioner Campbell stated that after looking at this issue over several years and looking at how Lumpkin County had gone from a sole commissioner to five commissioners and Habersham County had gone from three to five, it appeared that in both instances they always seemed to be at odds and bickering; that, to him, it was not that big an issue; that he had not had that many people to tell him that they had rather have a five-member board than a three-member board; that in his opinion, if it was not broke, don't fix it; that it would not bother him if the people wanted to have a five-person board; that, personally, he did not see that there was a big demand or push in White County to go to a five-person board.

Chairman Nonnemaker asked Commissioner Bryant what he wanted to do. Commissioner Bryant stated that he, personally, did not care if it was a three or five-person board; that he had gotten mixed opinions from people; that there were some who would, at least, like to vote on a five-person board.

Commissioner Campbell stated that one of the problems that he had with the proposal was that the districts did not conform to the county's natural boundaries; that they could have four districts created by the intersection of U. S. Highway 129 and Georgia State Highway 115, making four quadrants, however, the law stated that they had to divide the quadrants by population. Commissioner Bryant stated that he was not fully supportive of the commissioners being elected by the districts rather than at large. Commissioner Campbell stated that he felt that they should "let a sleeping dog lie."

Teresa Stansel asked if the Board of Commissioners had taken into consideration the petition that Lola Shelnut had circulated; that she understood that there were quite a few signatures on the petition against a 5-person board; that she had talked to several people in surrounding counties that had increased the size of the Board of Commissioners; that she had not found one person that thought it was a good decision for their county. Chairman Nonnemaker stated that he had not seen the petition and asked how many signatures were on there. Ms. Stansel stated that she had not talked to her in quite a while; however, she stated that the last time she talked with Ms. Shelnut, she had quite a few names. Chairman Nonnemaker asked if she had ten names. Ms. Stansel stated that it was quite a lot more, maybe 100, maybe 50; that they had to take into consideration that Ms. Shelnut was a private citizen who had to expend her own private time and resources to acquire the signatures. Chairman Nonnemaker stated that a ballot was merely a petition that the people voted on. Ms. Stansel stated that Ms. Shelnut had a right to petition. Chairman Nonnemaker agreed. Ms. Stansel stated that in regard to Vision 20/20, it was part of sustainable government, which was part of the federal top-down approach; that the county needed to look at maintaining local control; that sustainable growth was growth for profit and using natural resources for growth. Chairman Nonnemaker asked what that had to do with the 5-person board. Ms. Stansel stated that as population grows, they indicate that more representation was needed; however, in reality, would more public officials become more bureaucracy and jeopardize transparency in government?

Commissioner Campbell asked Sheriff Walden his opinion on the 5-person board. Sheriff Walden stated that it would be two more managers to whom he would have to justify everything that he does; that when you got two more people involved in the equation, that it would be two more opinions on how he needed to run his job or how he needed to provide for the county. Chairman Nonnemaker stated that it would be easier to have the 3-member board.

Commissioner Campbell asked Shirley McDonald how she felt about the 5-person vs. 3-person board. Ms. McDonald stated that for a county of White County's size, she felt that the 3-person board was sufficient. Sandy Haines stated that she would like for it to stay with the 3-person board because she had talked with people in Lumpkin County and Habersham County; and, at first, it was all positive to go to a 5-person board; however, when it was done, they had regretted it ever since; that it complicated everything, with more and more conflict. Commissioner Campbell asked Tom O'Bryant how he felt about

Minutes from Regular Meeting Held November 6, 2007, Continued

this. Mr. O'Bryant stated he felt that when a community grew, they needed more representation; that he did not know what that trigger was to go from 3 to 5 members; that some communities smaller than White County had 5 commissioners who struggled and some communities larger than White County had 3 commissioners and operated fine; that he thought that it was an issue that the Board of Commissioners needed to decide.

Chairman Nonnemaker asked Alton Brown how many commissioners he had served under. Alton Brown stated that at the county level, in a county about twice the size of White County, there were 24 members; that the meetings lasted forever.

Chairman Nonnemaker stated that it was a hard decision; that he felt it was easier with three; that it was difficult getting several people together for a meeting.

Commissioner Campbell asked Vickie Neikirk about the 5-person commission in Hall County. Ms. Neikirk stated that everything took longer with 5 persons.

Chairman Nonnemaker asked Commissioner Bryant what he wanted to do. Commissioner Bryant stated that he would like to table this until the next meeting. Alton Brown stated that they were at the forks of the road; that nothing had changed in this document; that if the county was going to get this to the legislature, through the legislative council and the general assembly, they needed to move on. Mr. Brown stated that they could vote on it at the Called Meeting on Tuesday, November 13. Commissioner Bryant stated that he wanted to talk to some people before that meeting. Chairman Nonnemaker stated that this resolution would only authorize the vote. It was agreed that this item would be placed on the November 13 agenda.

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

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to authorize the purchase of a quick attack vehicle for fire fighting purposes under the State Purchasing contract (chassis) and the needed equipment for possible emergency fire protection for the total amount (including skid unit, light, siren, radio package, lettering and tool box) not to exceed \$35,505.13. It was explained by Chairman Nonnemaker that Chief Dickie Howard had explained that the funds to purchase this vehicle was in the budget and in capital funds. He asked for verification on that from Ms. Neikirk, who agreed. Alton Brown stated that the proposed purchase met the purchasing policy; that the vehicle itself was purchased under government state contract and the skid unit purchased under emergency situations because of the drought and fire hazards; that they did get five verbal bids on this unit; that a local vendor was used for the lettering and two side mounts.

The Board of Commissioners conducted the first reading on the proposed Resolution amending the due date of ad valorem taxes on tangible property other than motor vehicles to be payable in full not later than the 15th day of November, beginning with the taxable year 2008. Alton Brown stated that the staff and David Syfan were good with this change; that he had notified Dr. Shaw and Ms. Tracas of the City of Cleveland and Jerry Elkins from the City of Helen regarding this but had not heard back from them; that he would get with them before December 4 (the next regular meeting).

The Board of Commissioners discussed the adoption of a resolution to authorize the General Assembly to amend the Local Act regarding homestead exemptions. It was decided to table this and discuss it on the meeting of November 13.

Teresa Stansel asked if the Board of Commissioners had considered establishing an allocation system for water resources which happens by resolution wherein the needs are prioritized, with the first possibly being residential, second agricultural, and then commercial and industrial; that in that way they would be taking care of local first and prioritizing for agriculture, rather than the top down approach by the state; that this would

Minutes from Regular Meeting Held November 6, 2007, Continued

allow them to take more control locally of the county's water resources. Commissioner Bryant asked if they shouldn't take this to the Water Authority Board. Ms. Stansel stated that she didn't think so. Ms. Stansel stated that she felt that the Board of Commissioners, by resolution, with the first priority being the health, safety and welfare of the citizens, could establish a guideline for prioritizing. Chairman Nonnemaker stated that this was part of the reason that he had recommended a water summit.

Ms. Stansel asked about the status of the catastrophic fire danger in White County and the interface. Commissioner Campbell stated that the purchase of the Quick Attack 4-wheel drive vehicle for fire fighting was part of being prepared for the fire danger; that they had to bite the bullet and stated that the County would take control if the State was not. Ms. Stansel stated that U.S.D.A had to take into consideration local control. The removal of downed trees in the forest area was discussed as a way to prevent forest fires. Commissioner Bryant asked the other commissioners if they would be in favor of writing a letter to the Governor, asking for a lift of the 10% water reduction on counties such as White County and Banks County and other counties in similar situations, stating that they were good stewards of the water; that restricting the local businesses in such areas was not fair; that they were having to pay for the growth further south in the state. Commissioner Bryant stated that the 10% required reduction had stopped growth in North Georgia because water connections could not be made. Chairman Nonnemaker stated that they could send them a letter. Commissioner Campbell stated that this 10% required reduction on commercial establishments in White County would not have much of an effect.

It was stated that all the repairs on the Allen Mauney Building would be placed on the consent agenda for the November 13 meeting. Chairman Nonnemaker stated that they also needed to get approval to replace the carpet upstairs in the Allen Mauney Building where DFACS and the Health Department and the main corridor. It was stated that the estimated amount would be about \$5500.00; that they should go out for bids on this. Alton Brown stated that Nadine at the Health Department had requested that the Health Department be repainted. It was agreed that the painting would be added to the bid process.

Sheriff Walden stated that he needed some painting and refurbishing at the Detention Center. Sheriff Walden expressed his frustration at not being allowed to spend money allocated for public safety under SPLOST. It was explained that the SPLOST money had to be spent for only certain projects as defined by law. It was explained that the money for the repairs at the Allen Mauney Building would be coming from contingency and not SPLOST. Sheriff Walden stated that he had spent approximately $\frac{3}{4}$ of a million dollars since 2005 boarding inmates; that there was a need to start looking at building some jail cells. Vickie Neikirk reassured Sheriff Walden that there were no funds being paid from the SPLOST money that were not supposed to be paid from SPLOST. Chairman Nonnemaker explained to Sheriff Walden that he could build a storage facility with SPLOST; that extra offices that he needed could also be built; however, if he added jail cells, even to add one more, it would not make a lot of difference; that he felt that cubicle cells would be the way to go. Chairman Nonnemaker stated that they had talked to other counties about a work camp; that they could use some SPLOST money to build that. Chairman Nonnemaker suggested to the Sheriff that he get with the Sheriff in Habersham and in Lumpkin; that they needed to have a joint meeting and do this. Commissioner Bryant stated that it might be a problem finding a place to situate a facility of this type. Commissioner Campbell stated that it should be looked at in the light of industry, with more jobs. Sheriff Walden stated that the prisoner board bills were astronomical. Commissioner Campbell stated that it cost the County \$1,050 per month to board one inmate in Rabun, Banks, or Dawson County. Sheriff Walden stated that he also had to provide the transportation and personnel to transport these inmates to court, doctors, etc.

Minutes from Regular Meeting Held November 6, 2007, Continued

Chairman Nonnemaker announced the following meetings:

- Called Meeting and Work Session to be held Monday, November 13, 2007, at 9:00 A.M.;
- Attendance of Commissioners at a demonstration of the Sanders Group Wastewater Facility on Monday, November 19, 2007, at 9:00 A.M.;
- Work session of Monday, November 26, 2007, at 9:00 A. M. (which might be cancelled later due to the Holidays);
- Next regular meeting of Tuesday, December 4, 2007, at 4:30 P.M.

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

Chris R. Nonnemaker, Chairman

Joe Campbell, Post 1

Craig Bryant, Post 2

Jean Welborn, County Clerk