

**WHITE COUNTY BOARD OF COMMISSIONERS**

**MINUTES OF THE REGULAR MEETING HELD**

**MONDAY, OCTOBER 4, 2010 AT 4:30 P.M.**

The White County Board of Commissioners held their Regular Meeting on Monday, October 4, 2010 at 4:30 P.M. in Courtroom 2 of the White County Courthouse. Present at the meeting were: Chairman Travis Turner, Commissioner Craig Bryant, Commissioner Joe Campbell, County Manager Carol Jackson, and County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order.

Following the Pledge of Allegiance, Pastor John Yarbrough of Mt. Yonah Baptist Church delivered the invocation.

Chairman Turner stated the Board of Commissioners would be considering entering into Executive Session in order to discuss personnel issues immediately following the completion of the meeting agenda.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to adopt the minutes of the Regular Meeting held September 13, 2010, the Called Meeting held September 27, 2010, the Called Meeting held September 30, 2010 as well as the unsealing of the Executive Session minutes from August 19, 2010 and August 25, 2010 regarding real estate.

In considering the item included on the consent agenda regarding the approval of the Fire Station Number 1 site plan finalization and design development – Commissioner Campbell made a motion to approve this item and Commissioner Bryant seconded that motion for discussion. Commissioner Bryant asked if Chief Howard had contacted Mr. Harry Barton in order to discuss the options for relocating the convenience center to this same location. Chief Howard stated he had met with Mr. Barton and there were some possible issues with fitting the convenience center facility on the same site as the proposed fire station. Mr. Barton stated there were some issues regarding traffic flow and sight distance in establishing the appropriate ingress and egress to the convenience center so as to not cause traffic backup onto Asbestos Road; as well as to not cause those exiting the facility to be require to cross traffic without adequate sight distance when going back toward Hwy 75.

Commissioner Campbell asked if any adjacent property was available for purchase.

Chief Howard stated he could inquire about the possibility of purchasing additional property adjacent to the current site.

Commissioner Campbell asked that Chief Howard and Mr. Barton contact the property owners and determine if another acre could be purchased.

Chairman Turner stated he had some concerns regarding approving this agenda item at this time, while the Board was researching the purchase of additional real estate; due to the possibility that an additional site plan would have to be done after the purchase of additional real estate.

Commissioner Campbell asked that Chief Howard come back before the Board of Commissioners at a later date for approval of the expenditure for the site plan and design development; once it had been determined if additional real estate was available for purchase.

Commissioner Campbell withdrew the motion previously made and Commissioner Bryant withdrew the associated second.

Chairman Turner stated he lived off of Asbestos Road and it was already somewhat of an issue with vehicles making a left hand turn into the Park and Recreation Facility, across oncoming traffic, with vehicles topping the hill; therefore he would be extremely concerned that any entrance or exit closer to Hwy 75 would be dangerous.

Tom O’Bryant presented, for a first reading, an Outdoor Watering Ordinance as required by SB 370 and to be effective by January 1, 2011. Mr. O’Bryant stated this was part of the Water Conservation Act passed during the last legislative session.

**FIRST READING:** 10/04/2010

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

**ADOPTED:** \_\_\_\_\_

**WHITE COUNTY BOARD OF COMMISSIONERS**

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF WHITE COUNTY TO IMPLEMENT STANDARDS FOR OUTDOOR WATERING OF LANDSCAPE**

**WHEREAS**, the WHITE COUNTY BOARD OF COMMISSIONERS recognizes an imminent need to create a culture of water conservation and to plan for water supply enhancement during future extreme drought conditions and other water emergencies; and,

**WHEREAS**, reasonable restrictions on the outdoor watering of landscape are necessary to address this in furtherance of addressing this need; and,

**WHEREAS**, the General Assembly of the State of Georgia has required all counties in Georgia to adopt an ordinance to be in effect no later than January 1, 2011 to allow outdoor watering of landscape to between the hours of 4:00 p.m. and 10:00 a.m. (with certain exceptions); and

**WHEREAS**, pursuant to O.C.G.A. § 12-5-7, the Board of Commissioners have prepared an ordinance to address outdoor watering of landscape.

**NOW, THEREFORE**, the White County Board of Commissioners hereby establishes and adopts the following amendment to the Official Code of White County:

**ARTICLE X**

**STANDARDS FOR OUTDOOR WATER OF LANDSCAPE**

**SECTION 30-347. Restriction on Outdoor Water of Landscape.**

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated area may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (A) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- (B) Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;
- (C) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

- (D) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (E) Watering personal food gardens;
- (F) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (G) Drip irrigation or irrigation using soaker hoses;
- (H) Hand watering with a hose with automatic cutoff or handheld container;
- (I) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (J) Watering horticultural crops held for sale, resale, or installation;
- (K) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (L) Installation, maintenance, or calibration of irrigation systems; or
- (M) Hydroseeding.

**SECTION 30-348. Enforcement.**

- (a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
- (b) The Code Enforcement Department will be the enforcement authority for this ordinance. The county manager may also authorize other departments as may be deemed necessary to support enforcement.
- (c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court or by any other legal means as set forth in this Code.

**SECTION 30-349. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**SECTION 30-350. Severability.**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. Should any section, paragraph, sentence, clause or phrase of this ordinance be rendered invalid by any court of law, the remaining sections, paragraphs, sentences, clauses or phrases shall not be affected but shall continue in effect until amended or repealed by action of the governing authority of White County.

**SECTION 30-351. Effective Date.**

This ordinance shall go into effect on January 1, 2011.

-End of First Reading-

Chairman Turner asked for confirmation that lidar photography would be available in the proposal being presented for color aerial photography and ortho photography. Robert Hamrick, IT Manager, stated this would be included and this would be the first update on this information in eight (8) years.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to approve the expenditure for the color aerial photography and ortho photography

project to be completed by James W. Sewall Company in the amount of \$31,450.00 to be paid from the general fund contingency.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to approve the expenditure for the fiber optic cabling project for connection between the White County Courthouse and the future office of the White County Tax Commissioner to be completed by NCI (Network Cabling Infrastructure, Inc.) in the amount of \$15,701.00 and to be paid from the DOT right of way proceeds.

Chairman Turner asked Robert Hamrick how long this project would take to complete. Mr. Hamrick stated approximately two (2) weeks from the signing of the contract. Mr. Hamrick estimated that the project would be entirely complete within thirty (30) days.

Shanda Smallwood presented the resolution amending the White County Purchasing Policy – which included recommendations issued from Carol Jackson and Vicki May, Finance Director.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was a unanimous vote to adopt County Resolution Number 2010-27 amending the White County Purchasing Policy as follows:

**WHITE COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION NO. 2010-27**  
**REVISING RESOLUTION NO. 2001-13**  
**A RESOLUTION**

WHEREAS, the procurement of materials, supplies and services is an important function of the White County Government;

AND WHEREAS the White County Board of Commissioners wishes to revise standardized purchasing procedures in order to:

1. Obtain the best quality goods and services at the best possible price;
2. Effectuate such contracting and purchasing within the budgetary restraints, using the guidelines as herein set out and within the rules and regulations for contracting and purchasing as established by Georgia State and Federal Law;
3. Encourage the reduction and eventual elimination of small orders and emergency purchases;
4. Encourage advanced planning;
5. Reduce paper work through combined purchases;
6. Encourage cooperative intergovernmental purchasing by departments; and
7. Coordinate purchases through an electronic purchase order system in order to improve efficiency.

NOW, THEREFORE, the White County Board of Commissioners hereby revises the attached procedures for purchasing and contracting as well as those rules and regulations for contracting and purchasing as established by law as may be amended from time to time.

The procedures and policies set out herein shall be effective immediately upon the adoption of this Resolution.

ADOPTED, this 4th day of October, 2010.

WHITE COUNTY BOARD OF COMMISSIONERS

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

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

Attest: s/Shanda Smallwood  
Shanda Smallwood, County Clerk

s/Craig Bryant  
Craig Bryant, Post 2 Commissioner

### **Introduction**

The procurement of materials, supplies and services is an important function of the White County Government. Full cooperation between all departments of the County is essential to ensure smooth and cost-effective operations. In order to obtain the greatest value for every dollar spent; it is necessary to follow a set of established policies and procedures when purchases are made.

The purpose of these policies and procedures is to outline the principles guiding the White County purchasing function and to establish uniform departmental procedures to follow throughout the County Government when making purchases.

### **Objectives:**

- Ensure that the county secures the most appropriate products and services at the lowest reasonable cost.
- Conduct county business in such a manner that potential vendors and the public know that they are being dealt with impartially.
- Encourage competitive purchasing through open, honest and unbiased treatment of all potential vendors.
- Discourage, as far as possible, any procedure other than that of competitive purchasing.
- Purchase the most appropriate quality in supplies, materials and services at the lowest reasonable cost to the County.
- Give due consideration to ethical and quality standards and also to give preference to real value rather than to price alone.
- Establish and maintain good relations with suppliers and departments.
- Develop and maintain an adequate inventory of materials and supplies as required.

### **Purchasing Principles**

The following purchasing principles apply to the procurement of materials, supplies and services purchased by those departments which report directly to the County Manager. These principles are intended to facilitate the process of purchasing and to make it more efficient and cost effective, resulting in sufficient quality goods and services being purchased at the lowest reasonable cost to the County.

- All materials, supplies and services shall be purchased only when monies for their purchase have been appropriated and included in the approved budget of White County. The sole exception, to this principle shall be an emergency purchase when approved by the appropriate authority.
- All other considerations being equal, bids shall be awarded based on price, quality, service and delivery. Bid items shall meet specifications in order to qualify.
- White County has the right to reject all bids, or any part thereof, at its sole discretion.
- Contracts or purchase agreements shall be for a term of not longer than one year except with the express written consent of the Board of Commissioners of White County.
- Exceptions for negotiated purchases or services, which would be in the best interest of the county, may be expressly approved by the Board of Commissioners of White County.

### **Exemptions:**

The following materials and services are expressly exempted from this policy, aside from the exemption listed – all expenditures are subject to the Purchasing Procedures Section:

- Real property, real estate brokerage and appraising fees, abstracts of title for real property, title insurance for real property and other related costs of acquisition of real property.
- Purchases between the County and other governments and/or nonprofit organizations.
- Dues, memberships and board member fees.
- Subscriptions
- Sole provider consulting services which are deemed to be in the best interest of the County by the Board of Commissioners.
- Services provided directly to individual citizens and employees including reimbursements and other miscellaneous payments.
- Utilities including but not limited to electricity, water, fuel, and telephone.
- Printed copyright material including published books, maps, periodicals and technical pamphlets.
- Training, travel, lodging, and meal expenses incurred in the normal course of conducting County business.
- Emergency purchases as addressed in a separate section.

### **Purchasing Procedures**

The following procedures are promulgated in order to provide structure and consistency for the purchase of goods and services for White County. Requests for the purchase of goods and services for the County shall originate in the department requiring the goods and services. Purchase requests shall be made through the electronic purchase order system (when applicable)

and approved according to the value of the purchase. Purchases are not considered "authorized" until signed by the appropriate authorizing individual. Purchase Orders must be completed prior to submission for approval and include all information required by the electronic purchase order system. The Department Head is responsible for ensuring compliance with the approved departmental budget for all purchases made. The electronic purchase order generated will also serve as the payment request form required by the Finance Department in order for invoices to be processed. The purchase order should be signed as approved (per the table below) and attached to the invoice when submitted to Finance for payment.

The following table delineates the requirements *and* approvals needed prior to making purchases:

Dollar Value of Purchase	PO / Payment Request Form Required -	Bids Required / Type	Approved By
\$0 - \$500	No	No	Department Head
\$501 - \$1,000	Yes	No	Department Head
\$1,001 - \$5,000	Yes	Yes – min. 3 bids – written, faxed, verbal, email (unless sole source)	County Manager
\$5,001 - \$15,000	Yes	Yes - Sealed	Board of Commissioners
Over - \$15,000	Yes	Yes - Advertised Sealed Bids	Board of Commissioners

**Purchase Orders**

Purchase orders should be entered and approved at the departmental level.

Purchases under \$500 do not require a purchase order. For purchases under \$500 the invoice must be signed, with the appropriate budget code noted, and submitted to the Finance Department for processing. The electronic PO system is to be utilized for purchases over \$500.

**Approval for Payment**

When goods are delivered or services performed the invoice and approved PO is forwarded to the Finance Department for payment. The PO acts as both a receiving/acceptance of service report and a Request to Pay.

**Ethical Standards**

White County employees involved in the purchasing process shall discharge their duties in an impartial and unbiased manner so as to ensure fair and competitive access to procurement by responsible vendors and contractors. Further, they shall conduct themselves in a manner, which fosters public confidence in the integrity of the White County procurement process. To achieve this purpose, it is essential that White County personnel involved in the procurement process observe certain prescribed ethical conduct standards.

- Gratuities. It shall be considered unethical for any person to offer, give or agree to give any County employee or official or for any County employee or official to solicit, demand, accept or agree to accept a gratuity or benefit in connection with any purchasing or procurement decision.

- Contemporaneous Employment. It shall be considered unethical for any White County employee who is involved in the purchasing process to become or to be, while a County employee, the employee of any person contracting with or doing business with White County.
- Personal Gain. It shall be unethical for any employee involved in the purchasing process to realize, or attempt to realize, personal gain through their involvement in the purchasing process.
- Confidential Information. It shall be a breach of ethical conduct for any employee involved in the purchasing process to knowingly use confidential information for their anticipated or actual gain, or for the actual or anticipated gain of another person.

### **Emergency Purchases**

The County Department Head or the County Manager may make or approve emergency purchases of supplies, materials, goods, and services when there exists a threat to public health, welfare or safety or in the event of an emergency which requires immediate action, provided that such emergency procurement shall be made with as much competition as is possible and practical under the prevailing circumstances. Such emergency purchases shall be thoroughly documented by the department head and shall include a written report explaining the basis for the emergency and for selection of the particular contractor. Such documentation shall be forwarded to the County Manager within three (3) working days after the occurrence. Failure of a department head to plan shall not be considered sufficient grounds for making such emergency purchases.

-End of Adopted Ordinance-

Carol Jackson presented an ordinance to amend the Driveway Construction Design Standards section of the County Code. She explained the only change would be for appeals to be heard of by the Board of Commissioners, as opposed to the Plan Review Committee – which would be consistent with other County ordinances.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to adopt County Ordinance Number 2010-28 as follows:

### **WHITE COUNTY BOARD OF COMMISSIONERS**

#### **WHITE COUNTY ORDINANCE NO. 2010-28**

#### **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR WHITE COUNTY, GEORGIA BY THE ADDITION OF CHAPTER 54, ROADS; ARTICLE VII, DRIVEWAY CONSTRUCTION DESIGN STANDARDS**

WHEREAS, the White County Board of Commissioners wishes to amend Chapter 54 – Roads, Article VII Driveway Construction Design Standards, of the Official Code of White County;

NOW, THEREFORE, the White County Board of Commissioners hereby establishes the following amendments to the Official Code of White County:

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Sec. 54-198 Reviewing an application

(a) Upon reviewing an application for a driveway permit in any of the aforementioned circumstances, the Director shall take one of the following courses of action:

1) Issue the permit if the standards correspond with the requirements as outlined in the regulations; or

2) Deny the permit application; or

(b) If the Director denies the permit, the applicant can appeal the Director's decision to the ~~Plan Review Committee~~ **White County Board of Commissioners**, who shall hear testimony from the applicant. The ~~Plan Review Committee~~ **White County Board of Commissioners** may either approve or deny the application based upon topography, parcel size, sight distance or similar considerations keeping with the stated purposes of this document.

ADOPTED, this 4th day of October 2010.

### **WHITE COUNTY BOARD OF COMMISSIONERS**

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

-End of Adopted Ordinance-

Shanda Smallwood presented an ordinance to amend the current White County code section containing the White County Alcohol Ordinance provisions. Ms. Smallwood stated this amendment was centered around changes discussed at the last work session, in which the Board of Commissioners expressed the desire to clarify the sales required in the sales ratio section of the Retail Package License regulations.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant there was unanimous vote to adopt County Ordinance Number 2010-29 as follows:

**WHITE COUNTY BOARD OF COMMISSIONERS  
WHITE COUNTY ORDINANCE NO. 2010-29**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR WHITE COUNTY,  
GEORGIA BY THE ADDITION OF CHAPTER 6, ALCOHOLIC BEVERAGES;  
ARTICLE II, DEFINITIONS AND ARTICLE IV,  
REGULATIONS SPECIFICALLY AFFECTING  
RETAIL PACKAGE DEALER, RETAIL CONSUMPTION DEALER, AND  
WHOLESALE OF WINE AND MALT BEVERAGES, BUT EXCLUDING FARM  
WINERY LICENSEES AND TASTING ROOMS OF A FARM WINERY**

WHEREAS, the White County Board of Commissioners wishes to amend Chapter 6 – Alcoholic Beverages, Article II, Definitions and 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

NOW, THEREFORE, the White County Board of Commissioners hereby establishes the following amendments to the Official Code of White County:

**ARTICLE II. DEFINITIONS**

Section 6-31. Definitions

**“Retail” means the sale of goods or commodities in small quantities directly to consumers.**

**ARTICLE IV**

**REGULATIONS SPECIFICALLY AFFECTING  
RETAIL PACKAGE DEALER, RETAIL CONSUMPTION DEALER, AND  
WHOLESALE OF WINE AND MALT BEVERAGES, BUT EXCLUDING FARM  
WINERY LICENSEES AND TASTING ROOMS OF A FARM WINERY**

DIVISION 3. RETAIL PACKAGE SALES

Section 6-105. Required Sales Ratio

- a) The gross income from the sale of malt beverages and wine shall not exceed forty percent (40 %) of the gross income from the total **retail** sales.
- b) The licensee shall report to the Alcoholic Beverage Commission monthly total gross sales, gross sales of malt beverages and wine figures and sales ratios before the 20<sup>th</sup> of the month following the month of sales for the initial year and thereafter on an annual basis and submitted as a part of the renewal application. Notwithstanding the foregoing, the

Code Enforcement Officer for White County, at anytime during the licensed year, can request to inspect the records of licensee as to the required sales ratio, and shall be given full and complete access to such records by the licensee.

- c) Two (2) consecutive months of ratios in excess of the limits allowed by subsection "a" of this section shall prompt an investigation as to the legitimacy of the license.
- d) This section shall not apply to farm wineries.

**ADOPTED**, this 4th day of October 2010.

**WHITE COUNTY BOARD OF COMMISSIONERS**

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

-End of Adopted Ordinance-

Carol Jackson presented the Financial Status Report for the first quarter of 2010.  
(See the Attached Report)

Chairman Turner opened the floor for citizen participation.

Dennis Bergin asked if the expenditure approved for the color aerial photography and the ortho photography had been put out for competitive bid.

Robert Hamrick responded that this item was taken out to bid to several companies and James W. Sewall Company was the low bidder.

Mr. Bergin asked if the fiber optic connection between the two County buildings had been bid out as well.

Mr. Hamrick stated this had been bid out.

Mr. Bergin asked if the fiber optic connection could not be included as part of the grant funded regional fiber optic project which White County is a partner in.

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Mr. Hamrick stated the grant funded fiber optic project would not include point to point connections.

Mr. Bergin asked if the bids for the two (2) referenced projects would be available for his review.

Mr. Hamrick stated these were available for public review.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell there was a unanimous vote to enter into Executive Session in order to discuss personnel issues.

-See Attached Closed Meeting Affidavit-

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

The minutes of the October 4, 2010 Regular Meeting are hereby approved as stated this the 1<sup>st</sup> day of November 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

s/Shanda Smallwood

Shanda Smallwood, County Clerk