

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE REGULAR MEETING HELD

MONDAY, APRIL 4, 2011 AT 4:30 P.M.

The White County Board of Commissioner held a Regular Meeting on Monday, April 4, 2011 at 4:30 p.m. in Courtroom Two 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, Rev. John Yarbrough of Mount Yonah Baptist Church presented the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Goodger there was a unanimous vote to adopt the minutes if the March 7, 2011 Regular Meeting and the March 28, 2011 called Meeting (portion remaining sealed regarding real estate).

Upon presentation of proclamation the week beginning April 3, 2011 was declared “Special Olympics Come Be Inspired Week” in White County.

Upon presentation of proclamation to the White County Ministerial Alliance, Thursday, May 5, 2011 was proclaimed “A Day of Prayer” in White County in coordination with the National Day of Prayer.

Upon presentation of proclamation to Lifelink, April 2011 was proclaimed “Donate Life Month” in White County.

A proclamation was presented to Mr. Albert Taylor and Ms. Martha Jean Taylor in honor and recognition of contributions to the White County Community.

Upon a motion made by Commissioner Goodger, seconded by Commissioner Nix the following consent agenda was unanimously approved:

- Approval of preliminary road acceptance for Yonah Meadows Subdivision – including Yonah Meadows Drive, Timber Lane, and Mossy Creek Point – with two year maintenance period to begin upon completion of the repairs as determined by the White County Road Department;
- Approval to award the contract for the Off System Safety Improvement Project (sign and striping project) to the low bidder – Parker Traffic Markings – in the amount of \$388,063.75 (+/-5%) with all project costs to be reimbursed with federal stimulus grant funds, with Parker Traffic Markings to invoice the County on a monthly basis for work

completed, invoices to be paid from contingency, and contingency to be reimbursed with grant funds;

- Approval of service fees and policies / procedures for the White County Animal Control Facility;
- Authorization of the purchase of fifty (50) Motorola Minitor V Pagers by the White County Fire Department (Fire Fund) From Mobile Communications at state contract price in an amount not to exceed \$20,500.00 in order to meet the 2012 narrowband FCC requirements;
- Approval of the FY 2012 Local Share Commitment in coordination with the Legacy Link Contribution for the White County Senior Center, with the local share being \$8,450.00 and the Legacy Link Contribution being \$130,591.00; and
- Approval of the 2011-2012 ACCG Insurance Safety Discount Verification Form.

-End of Consent Agenda-

Carol Jackson presented the second reading of the proposed amendments to the White County Alcohol Ordinance.

Following the second reading and upon a motion made by Commissioner Holcomb, seconded by Commissioner Goodger there was a unanimous vote to approve the amendments to the White County Alcohol Ordinance (County Resolution 2011-12) as follows:

FIRST READING: MARCH 7, 2011

SECOND READING: APRIL 4, 2011

PASSED: APRIL 4, 2011

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2011-12

**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- 12.

The effective date of this amendment shall be April 4, 2011.

ADOPTED, this 4th day of April, 2011.

-Execution on Following Page-

**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

Attest:
s/Shanda Smallwood
County Clerk

-End of Resolution As Adopted-

Chairman Turner presented an invoice for the Board of Commissioners consideration. The invoice was from the City of Cleveland, was in the amount of \$9,001.59, and was for the cost associated with the City Engineer's work on the water / sewer upgrades for the jail construction project from May 2010 to February 2011.

Commissioner Goodger made a motion to approve the invoice from the City of Cleveland, Commissioner Bryant seconded the motion for discussion.

During discussion, Commissioner Bryant asked if the Board of Commissioner had received a final estimate for the cost associated with the required water / sewer upgrades on the jail

construction project and if the County had been informed prior to receiving the invoice that the County would be billed for the City Engineer's work. Chairman Turner stated that he had been informed by members of the Cleveland City Council that the County may receive a bill for these services. Commissioner Bryant asked Tom O'Bryant, Director of Community & Economic Development, who had been working with the City of Cleveland on the utility project, if the City had advised the County in advance of the project that the County would be billed for the City Engineer's time spent on the project. Mr. O'Bryant said that City of Cleveland was treating this project just as they would with any developer; thereby billing the County. Commissioner Nix said the invoice submitted by the City of Cleveland was not itemized and did not show the amount of time the City Engineer spent on the project. Chairman Turner summarized the Board of Commissioners options – being to either approve the bill as submitted or to refer invoice back to the City, asking for a more itemized detail of the charges.

Commissioner Goodger withdrew his prior motion and suggested the Board request an itemized statement of the amount being billed to the County.

Chairman Turner asked Ms. Jackson to contact the City of Cleveland, to request an itemized statement of the charges with the hours billed, and to present this to the Board of Commissioners at their next regular meeting.

Carol Jackson presented a bill to the Board of Commissioners in the amount of \$6,050.00 from Gateway Fence Company for the approval. Ms. Jackson stated this cost would be divided equally between the Animal Control Department and the Solid Waste Department. This project provided the repairs to the Transfer Station fencing, as well as the needed fencing for the adjoining property on which the White County Animal Control Facility is located. Ms. Jackson stated the amount would require the approval of the Board of Commissioners due to the total value of the project. Vicki Mays stated there would not be a problem with the project not being bid, since this was being paid from two separate accounts – however the Board's approval was necessary due to the total dollar amount.

Upon a motion made by Commissioner Holcomb, seconded by Commissioner Nix there was a unanimous vote to approve the cost of the fencing project (Gateway Fence Company) in the amount of \$6,050.00 – with \$3,025.00 to be paid from Animal Control and \$3,025.00 to be paid from Solid Waste.

Vicki Mays, Finance Director, presented the Monthly Financial Status Report for the month of February 2011 (see attached report).

Chairman Turner opened the floor for citizen participation.

There were no comments from the floor.

Following announcements, it was decided that the Regular Meeting scheduled for Monday, May 2, 2011 would be rescheduled for Thursday, May 5, 2011 at 8:30 a.m. due to the ACCG Annual Conference.

April 4, 2011 – Regular Meeting Minutes Continued

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

The minutes of the April 4, 2011 Regular Meeting are hereby approved as stated this 5th day of May, 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