

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FOR REGULAR MEETING HELD

MONDAY, JUNE 1, 2009

The White County Board of Commissioners met in a Regular Meeting on Monday, June 1, 2009 at 4:30 p.m. in the Grand Jury Room of the White County Courthouse Cleveland, GA. Present were Chairman Travis C. Turner, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, County Manager Alton Brown, Chief Financial Officer Vickie Neikirk, County Clerk Shanda Smallwood.

Chairman Turner called the meeting to order and following the pledge to the flag, Dean Dyer brought the invocation.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell the minutes for the regular meeting held May 4, 2009 were unanimously approved.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the consent agenda was unanimously approved, containing the following items:

- Authorizing the adoption of the eight percent (8%) excise tax on rooms, lodging, and accommodations effective July 1, 2009 (Ordinance Number 2009-14);
- Authorizing the renewal of the Right of Way Mowing Contract with Alton Leard for FY 09/10, not to exceed \$71,530.00;
- Approving the Park and Recreation Scholarship Policy effective July 1, 2009;
- Approving Chairman Travis Turner as the Regional Development Center Appointment;
- Approving the following FY 09/10 ACCG Policy Committee Appointments: General County Government: Alton Brown, Natural Resources and Environment: Chris Ernst, Revenue and Finance: Vickie Neikirk, Health and Human Services: Krystal Davidson, Public Safety and Courts: David Murphy, Economic Development and Transportation: Tom O'Bryant.

Chairman Turner asked County Manager, Alton Brown to provide a summary for the second and final reading of the ordinance regarding commercial driveways which connect to County Roads.

Alton Brown advised the public that copies of the proposed ordinance were available. Following a brief summary of the ordinance purposes and sections Commissioner Campbell asked if this ordinance would effect residential driveway construction. Mr. Brown indicated this would only apply to commercial establishment driveway construction.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell the second and final reading of Ordinance Number 2009-13 - 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 - was unanimously approved and the ordinance was adopted as follows:

WHITE COUNTY ORDINANCE NO. 2009-13

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

Sec. 54-195 Purposes of Design Standards

(a) The purpose of this document is to:

- 1) ensure that vehicles leave or join the roadway traffic at a proper angle and in conformity with the rules of the road; and
- 2) reduce hazard to vehicles by reducing areas of conflict and points of conflict between vehicles; and

- 3) increase the capacity of roads and intersections by reducing areas of conflict between vehicles; and
- 4) provide sufficient space for the installation of traffic control devices, utilities and crosswalks; and
- 5) reduce hazards to pedestrians by reducing areas of possible conflict between pedestrians and vehicles, and to define such areas; and
- 6) provide reasonable assurance against the hazardous and indiscriminate use of roadway right-of way through encroachment; and
- 7) provide a maximum practical sight distance, especially at intersections; and
- 8) provide uniform and impartial consideration in all cases where access is required by abutting property owners; and
- 9) reduce the possibility of conflicts between commercial/industrial traffic generators and residential areas.
- 10) provide continuity between political jurisdictions in the same area.

Sec. 54-196 Definitions

(a) The following definitions apply to the standards set forth in these regulations and figures included as examples of driveway types:

- 1) "**Buffer area**" means the border area along the frontage between the traveled way and the right-of-way line and within the frontage boundary lines.
- 2) "**Buffer Island**" means the area between the frontage right-of-way line and a line parallel to and a minimum of four-foot distance from the right-of-way line extended away from the right-of-way line.
- 3) "**Commercial Driveway**" any private entrance, exit, ramp, tunnel, bridge, side road or other vehicular passageway to any property used for commercial purposes, except for farms or dwelling houses not exceeding four-family capacity and leading to or from any County roadway.
- 4) "**Corner clearance (C)**" means at an intersecting street or roadway, the dimension measured along the edge of the traveled way between the frontage boundary line opposite the intersection of the two right-of-way lines and the tangent projection of the nearest edge of driveway. See Fig. 3 & 4
- 5) "**Department**" means the Public Works Department.
- 6) "**Director**" means the White County Director of Public Works.
- 7) "**Distance between double driveways (D)**" means the distance measured along the right-of-way line between the tangent projection of the inside edges of two adjacent driveways to the same frontage. See Fig. 2
- 8) "**Driveway angle (Y)**" means the angle of ninety degrees or less between the driveway centerline and the edge of the traveled way. See Fig. 1, 2 & 3
- 9) "**Driveway width (W)**" means the narrowest width of driveway measured parallel with the edge of traveled way. See Fig. 1, 2, 3 & 4
- 10) "**Edge clearance (E)**" means the distance measured along the edge of the traveled way, between the frontage boundary line and tangent projection of the nearest edge of driveway. See Fig. 1, 2 & 4

11) "**Frontage**" means the length along the roadway right-of-way line of a single property tract of roadside development area between the edges of the property. See Fig. 1 & 2

12) "**Frontage boundary line (abbreviated as FB line)**" means a line perpendicular to the roadway centerline, at each end of the frontage lines, extending from the right-of-way to the edge of through-traffic lane. See Fig. 1, 2 & 4

13) "**Inside radius (U)**" means the inside or smaller curve radius on edge of driveway, used when Y is substantially less than ninety degrees. See Fig. 2 & 3

14) "**Non-Commercial Driveway**" means a driveway serving a school, government building, church, hospital or other non-commercial organization inviting public use. Provisions relating to commercial driveways will also generally be applicable to driveways serving these purposes.

15) "**Outside radius (R)**" means the outside or larger curve radius on edge of driveway. See Fig. 1, 2, 3 & 4

16) "**Private Shared Roadway**" means the primary means of access to a public street, shared by and connecting one but not more than nine parcels, tracts, lots, building sites or structures.

17) "**Utility Driveway**" driveway for access to utility sites such as water tanks, water meters, sewer lift stations, telephone service cabinets, power substations, or gas regulator sites.

(b) For simplicity, the definitions are in terms of single radius curves of edge of driveways or intersecting roadways. An equivalent single radius curve is acceptable as a control guide where compound curves or tapers are used.

Sec. 54-197 Application for permit to construct or alter a driveway

(a) The Director shall issue a permit to construct or alter a driveway or curb cut occurring on or abutting a county road right-of-way when:

1) such driveway(s) or curb cut(s) are incidental to the development of a new structure or the development of previously undeveloped property, the driveway permit shall constitute a part of the building permit.

2) such driveway or curb cut construction constitutes a separate action apart from any other construction on the same site and a permit is required.

3) property abutting a County road right-of-way changes from one use to another and driveways and/or curb cuts extend across a County road right-of-way or when the type or volume of use of the existing driveway is substantially changed, an application for review shall be submitted and a driveway permit secured from the Director. Building Inspections shall withhold the occupancy permit until such driveway improvements are satisfactorily completed.

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, who shall hear testimony from the applicant. The Plan Review Committee 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.

Sec. 54-199 Location, design and construction of the driveway

(a) The location, design and construction of the driveway shall be in accordance with the following standards.

1) The Director shall authorize all modification to these standards in writing:

a. A driveway shall be located and restricted as to width as necessary so that the entire driveway and its appurtenances are contained within the frontage along the roadway of the property served. At public roadway intersections a driveway shall not provide direct ingress or egress to or from the public roadway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for roadway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the roadway. (See Fig. 6)

b. The number of driveways permitted serving a single property frontage shall be a maximum of two unless the Director deems more necessary by for reasonable service to the property without undue impairment of safety, convenience and utility of roadway.

c. If the property has frontage on more than one street, the Director may request a recommendation from the Director of Planning as to the potential adverse affects, which may result. If it is determined that the construction of such a driveway would cause a nuisance to the surrounding area, a traffic hazard or unduly congested traffic, the Director shall deny the permit.

d. Subdivision of arterial street frontage where a tract of land is subdivided on an arterial street after the adoption of this provision such that a lot with less than 60 feet of frontage is created, access to such lot shall be from either:

1. a driveway serving the remainder of the tract from which the lot was cut; or
2. a joint driveway; or
3. a frontage road; or
4. an adjacent non-arterial street if a corner of double-frontage lot.

e. The island area on the right-of-way between successive driveways or adjoining a driveway and between the roadway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in subsection H of this section.

f. The surface of the driveway connecting with rural type roadway sections shall slope down and away from the roadway shoulder a sufficient amount and distance, to preclude ordinary surface water drainage from the driveway area flooding onto the roadway roadbed. In cases where terrain will not allow adequate surface water drainage, the Director will determine the best possible typical section to ensure the least amount of surface water flooding the roadbed.

g. The driveway shall not obstruct or impair drainage in side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the roadway and in no case be less than equivalent of fifteen-inch diameter corrugated metal pipe. The Director shall determine culvert diameter during the driveway permitting process. The distance between culverts under successive driveways shall be not less than ten feet except as provided for in subsection h of this section.

h. When driveway construction requires the removal of curb and gutter, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, competent manner acceptable to the Director. The driveway surface shall connect with the roadway pavement and the sidewalk, if any, in a neat, competent

b. Commercial	16'0" Min. 24'0" Min.	20'0" Max. (One-way) 40'0" Max. (Two-way)
c. Industrial	24'0" Min.	40'0" Max.

(2) Driveway angles of entry and exit shall be as follows:

- a.** Apartments, seventy-five to ninety degrees for two-way driveways or forty-five to ninety degrees for one-way streets; and
- b.** Commercial, seventy-five to ninety degrees, for two driveways or forty-five to ninety degrees for one-way on divided roadway or sixty to ninety degrees for one-way ramp on non-divided roadway; and
- c.** Industrial, ninety degrees, or as close as practicable for two-way or forty-five degrees, one-way access on one-way street; and
- d.** Rural, land access only, sixty to ninety degrees.

(3) Return radius of curb shall be as follows:

a. Apartment	5' 0" Min.	20.0' Max.
b. Commercial-Urban	10'0" Min.	20.0' Max.
Rural	15' 0" Min.	35.0' Max
Suburban	15' 0" Min.	25.0' Max
c. Industrial-Urban	15' 0" Min.	25.0' Max.
Rural	25' 0" Min.	40.0' Max.

(4) Maximum percent of frontage for driveway use:

- a.** Single driveways shall have a maximum width of thirty percent of the property frontage. Two or more driveways shall have no more than sixty percent of property frontage shall be used as driveways.
- b.** Where it is apparent that the intent is not to provide access but to provide parking only, The Director shall not issue an approval. A driveway approach must provide access to something definite on private property such as a parking area considerably greater in extent than the width of the driveway, or provide access to a driveway, or to a door at least nine feet wide intended for the entrance of vehicles, etc. (Not applicable for residential driveways.)

(5) Distance to side property lines:

The development of a driveway is permissible on public right-of-way (E) within five feet of the frontage boundary line.

- a.** A minimum of one and one-half feet of pavement edge or curb, shall be left undisturbed adjacent to each frontage boundary line to serve as an island area. This measurement is the distance between the frontage boundary line and the point of tangency of the driveway radius and edge of pavement, measured along the edge of pavement.
- b.** Subsection “a” or “b” of this section shall apply, whichever is more restrictive.
- c.** The Director may waive these requirements when a single driveway serves two adjacent lots.

(6) Island Areas

a. Minimum Island Dimensions:

1. The distance between double driveways (D) shall be twenty feet minimum at the narrowest point at the street side; and
2. The minimum island depth shall be four feet where parking abuts street right-of-way line.

b. Treatment of Island or Buffer Area. In the development of private property and the construction of driveways thereto, it may be necessary to re-grade the buffer area by cutting or filling. Such work shall insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The grading, use of curbs, rails, guideposts, low walls, low shrubs, etc. in a manner, which will not impair clear sight across the area shall prohibit vehicles in the buffer area.

c. Visibility Clearance. No landscaping, fences, terraces or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians.

d. Also prohibited at vehicular entrances and exits are off-street parking, landscaping or other material impediment to visibility between the height of three (3') feet and ten (10') feet measured from the roadway level within the triangular areas defined by lines connecting points described as:

1. **Nonresidential Use.** Beginning at a point where the midline of the entrance or exit intersects the public right-of-way thence to a point of 25 feet along the right-of-way in the direction of approaching traffic, thence to a point of twenty-five feet toward the interior of the lot along the midline of the entrance or exit, and thence to a point of beginning. See Fig. 5 A.
2. **Multifamily Residential Use.** Beginning at point where the midline of the entrance or exit intersects the public right-of-way, thence to a point of ten feet along the right-of-way in the direction approaching traffic, thence to a point of ten feet toward the interior of the lot along the midline of the entrance or exit, and thence to point of beginning. See Fig. 5 B.

(7) Intersection Clearance. The length, width and shape of corner island areas will vary for different locations. The angle of intersection, angle of driveways, width of the right-of-way on both approaches, channelization radii, and other conditions will influence the location of driveways at intersections. The location and angle of an approach in relation to the roadway intersection shall be such that a vehicle:

- a.** leaving the service facility may be merged in the lane of traffic moving in the desired direction before crossing the intersection; and
- b.** entering the facility from the intersection may do so in an orderly and safe manner with a minimum of interference to through traffic.

(7.1) The following conditions may be applicable in most instances:

- a.** No driveway shall encroach upon pavement edge radii.
- b.** The following minimum distances from the intersection right-of-way line (C) shall apply where there is no conflict with the foregoing conditions:
 1. Average Daily Traffic of one thousand five hundred or less, twenty feet; and
 2. Average Daily Traffic over one thousand five hundred but less than ten thousand, thirty-five feet; and
 3. Average Daily Traffic over ten thousand but less than fifteen thousand, fifty feet;

and

4. Average Daily Traffic over fifteen thousand, sixty-five feet. The Director shall have the authority to increase these distances if in his opinion such action is necessary for the protection of traffic. The Director may also modify these requirements if justifiable based on site conditions; and

5. The Planning Department may provide projected traffic volumes in determining minimum distances rather than current traffic volumes.

(8) Parking and storage areas

a. Each roadside business establishment, when providing off-street parking or storage space, shall provide such parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the travel way. The need is for businesses where a number of vehicles will be leaving and entering at the same time.

b. The Director shall pay particular attention to drive-in facilities such as banks, minute car washes, drive-in restaurants, drive-in bill paying facilities and other service facilities that serve motorist while in their vehicles, to insure that queues of vehicles will not extend out onto the public streets.

(9) Driveway grade

a. Apartments, Commercial and Industrial Driveways. The maximum grade permitted is eight percent.

b. Existing shoulder slope, utilities or existing and future sidewalk elevations in the right-of-way shall determine the grade.

c. The underside clearance and/or break over angle of driveways for special use vehicles shall dictate the maximum driveway grade.

(10) Paving

a. When driveways access paved County roads, the pavement shall continue to the right-of-way line, prescriptive easement line or be paved 20 feet in length, whichever option is greater.

b. The paving of acceleration and deceleration lanes is required. Pavement structure shall at least match that of the adjoining existing pavement and shall not be less than specified in writing or drawings by the County Director. Materials and construction methods shall meet County standards.

(11) Left-turn restrictions

a. On arterial streets and if in the judgment of the Director necessary on collector and local streets, left turns into or out of driveways shall be denied by the construction of channelizing structures under the following conditions:

- 1.** Inadequate corner clearance; or
- 2.** Inadequate sight distance; or
- 3.** Inadequate driveway spacing; or
- 4.** Site has a signalized driveway on the same arterial at which left turns can be made; or
- 5.** Other capacity, delay or safety conditions make specific left turns dangerous.

(12) Acceleration, deceleration lanes:

a. Required. If driveways provide access to a non-residential use facility utilizing a common driveway entrance on an arterial street, the property owner shall construct acceleration and deceleration lanes. An acceleration lane shall not generally be required, but the driveway radius shall turn out as if construction of a lane and taper were to be constructed. An acceleration lane shall be required where the required taper will merge with the taper of an existing deceleration lane or is within twenty feet (20') of merging.

b. Length. Each such lane shall be one hundred fifty feet (150') in length, with an additional tapered transition section fifty feet (50') in length. Lane pavement width shall be twelve (12) feet.

c. Property lines. The Director may approve an altered design where a lane or taper would merge with a lane or taper provided for adjoining property or would encroach on the corner radius of a street intersection. If there is adequate, right-of-way in front of the adjoining, property and a lane or taper would extend across a frontage boundary line such lane or taper shall be constructed

d. Right-of-way dedication. The property owner by way of recorded right of way deed shall dedicate any additional right-of-way necessary for construction of a lane and the abutting curb and gutter and the accommodation of utilities to the county.

e. All driveways requiring acceleration or deceleration lanes shall have site plans submitted to and approved by the Director. A performance bond or letter of credit will be required in an amount equal to all work proposed for acceleration or deceleration lanes in the county right of way.

f. Exceptions. The following land uses are excluded from the requirement for acceleration/deceleration lanes:

1. Warehouse use with less than ten thousand (10,000) square feet of building area; and

2. Manufacturing use with less than thirteen thousand (13,000) square feet of building; and

3. Light industrial use with less than seven thousand (7,000) square feet of building area; and

4. Heavy industrial use with less than thirty three thousand (33,000) square feet of building area; and

5. Nursing home with fewer than nineteen (19) beds; and

6. Medical office use with less than one thousand (1,000) square feet of building area; and

7. General office use with less than three thousand (3,000) square feet of building area; and

8. Office park (mixed office uses) with less than two thousand (2,000) square feet of building area.

g. A mixture of the above uses will require a case-by-case determination of traffic generation by the Director. Acceleration/deceleration lanes shall be required when sufficient additional development occurs on property previously excepted from the requirement.

(13) Temporary Driveways: Temporary Condition Permits are typically driveways constructed to perform logging operations or other short duration activity such as construction entrances. Where property owner's desire access to property but will delay

building upon that property for 6 months or longer, a temporary driveway may be used. The Director based on use, needs of the property owner, and considerations towards protecting county right of way and roadways, will consider design standards for any temporary driveway case by case.

(14) The Department shall permit all driveways, regardless of use or type, in collaboration with Planning and Building Inspections.

Sec. 54-201 Common access driveways - General provisions

(a) The following specific design standards apply to common access driveways requiring permits as set forth in these regulations. Even though a common access drive may provide access to parcels or lots, each resultant, tract, parcel or lot shall meet the minimum public street frontage requirements for the county unless otherwise exempted as a lot of record. Sites upon which there is a proposed subdivision of land that will not have separate and individual driveway access to a public street within the limits of the property itself, but is proposed to be served by a common access driveway shall install such a driveway in conformance to the standards.

(1) Permit requirements. Any:

a. building permit or occupancy permit requested for lots of record; or

b. proposed subdivision of land, whereby three but not more than five parcels or lots are to be served by a common access driveway shall at the time of the permit application or proposed subdivision of property, submit all necessary plans as required by the Director indicating the proposed location and construction specifications of the proposed common access driveway.

(2) Construction prior to plat approval. New common access driveways shall be constructed prior to the issuance of an occupancy permit for lots of record or prior to the approval and recording of a final plat for the proposed subdivision of land.

(3) Plats - Required statements. The contractor shall record plats indicating the location of common access driveway easements and the lots served with the clerk of superior court of the county. The plats shall include:

a. A statement to the effect that the driveway easement shown on the plat is not to be dedicated as a public road and not to be maintained by the county, but shall be privately maintained; and

b. A statement signed by the surveyor, a registered engineer or registered landscape architect that the driveway meets the minimum standards of the county.

(4) Previously existing driveways. Any existing easements or common driveways recorded prior to the effective date of this amendment shall continue to serve existing lots recorded prior to the effective date of this resolution. Any new driveways, which would propose access to three or more undeveloped lots of record, shall conform to the standards for a common access driveway in accordance with this amendment.

(5) Minimum standards. Construction of common access driveways shall conform to the following minimum standards:

a. Easement width, thirty feet (30'); and

b. Roadbed width, twenty-six feet (26'); and

c. Shoulder width, two feet (2'); and

d. Base width, twenty feet (20') ; and

e. Pavement width, eighteen feet (18').

(6) Pavement type:

- a. Plant mix, two inches thick over graded compacted aggregate six inches thick; and
- b. Concrete, six inches thick; and
- c. Pavement or concrete is not necessary on common driveways where said driveways access unpaved roads.

(7) If a common access driveway terminates in a dead end, the termination shall be a cul-de-sac with a paved radius of twenty-five feet (25').

(8) Ditch front slope, three to one ratio.

(9) Maximum finished driveway grade, fifteen percent.

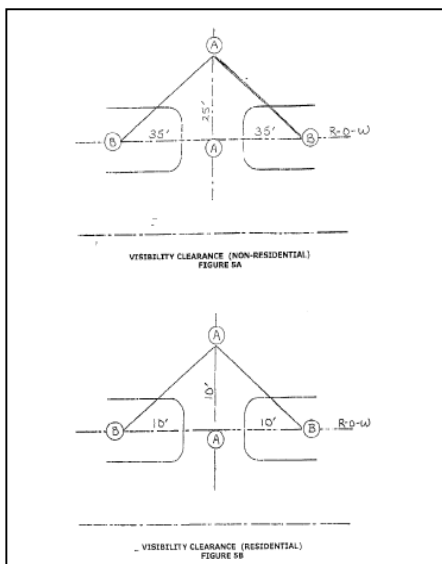
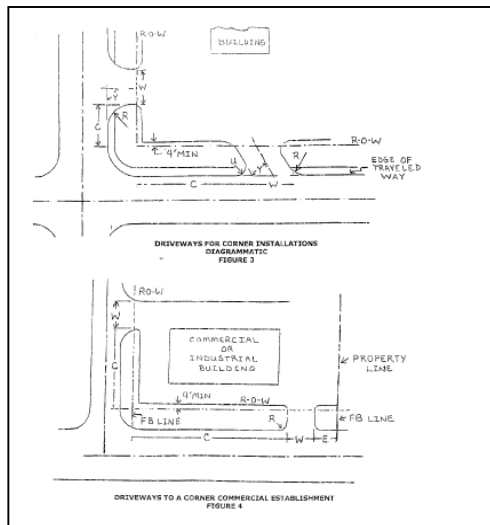
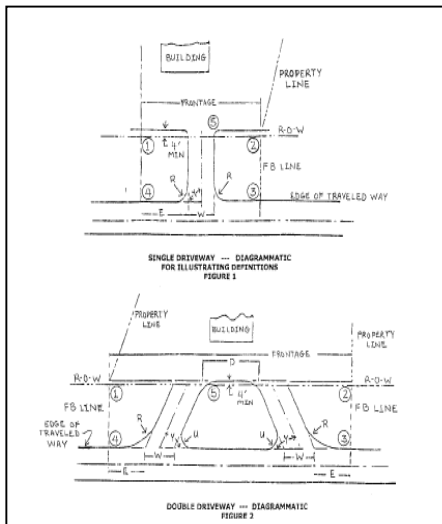
(10) Grass all slopes and shoulders.

(11) Minimum cross drain pipe size, eighteen inches.

(12) The driveway shall intersect the public road at an angle of sixty-five degrees or greater

(13) The driveway shall enter the public road at least sixty-five feet (65') from any intersection of another common access driveway or another public road intersection.

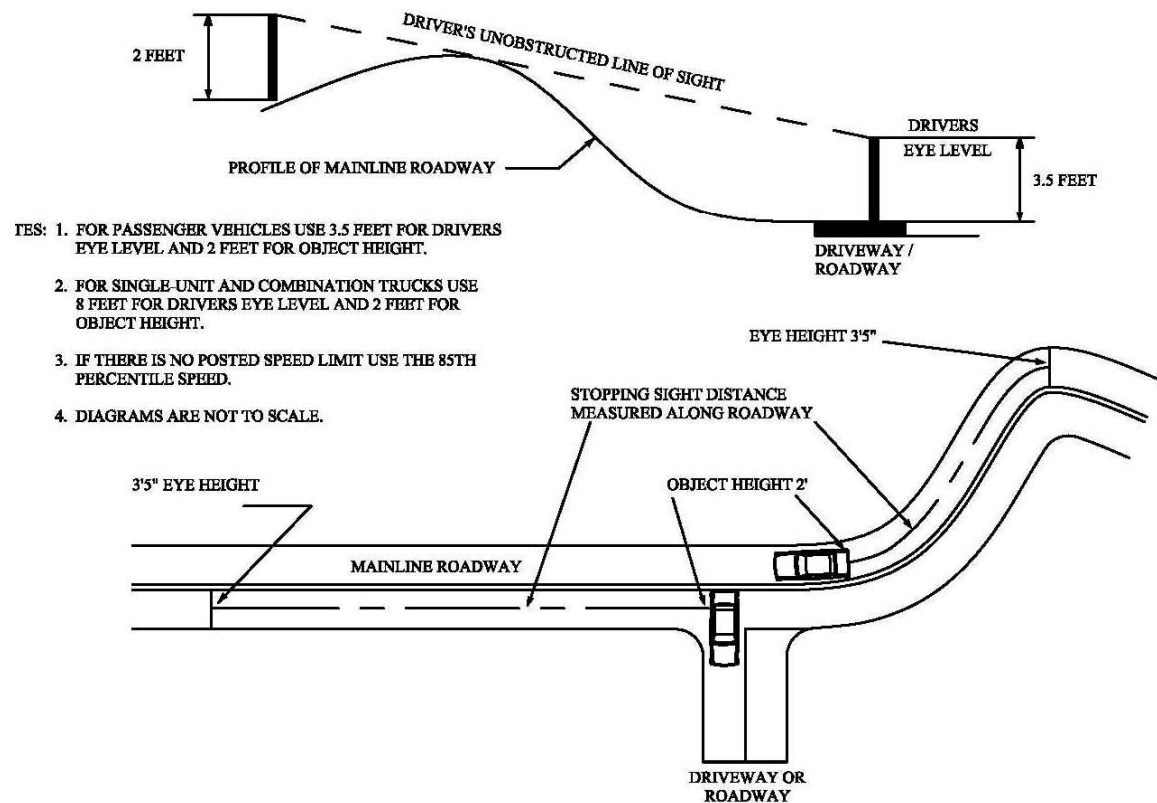
(b) The following design layouts are in conjunction with the standards and definitions set forth in this article as examples of typical driveway types.



WHITE COUNTY TRAFFIC ENGINEERING

STOPPING SIGHT DISTANCE REQUIREMENTS

FOR DRIVEWAYS AND SIDE STREETS



Posted Speed Limit (mph)	Minimum Stopping Sight Distance (feet)
25	155
30	200
35	250
40	305
45	360
50	425
55	495

Sec. 54-202 General conditions of approval.

(a) The following conditions shall apply to all approvals for driveway construction on public right-of-way:

- (1) The applicant shall represent all parties with a property interest in the proposed driveway and shall certify that any driveway or approach constructed by him is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the County right-of-way.
- (2) The applicant shall furnish all materials, do all work and pay all costs in connection with the construction and maintenance of the driveway and its appurtenances on the right-of-way unless the County agrees otherwise. The applicant shall arrange for and bear the entire cost of moving poles, trees, signs, hydrants, catch basins, and other existing installations, which may interfere with the proposed driveway. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be designated and subject to approval of the County Director. The Building Official and/or Director shall approve the timetable for installation. The applicant shall make the installation without jeopardy to or interference with vehicular traffic using the roadway or pedestrian traffic using the adjacent sidewalk. The applicant shall restore street surfaces, shoulders, ditches and vegetation disturbed to equivalent or original condition.
- (3) The Director shall approve all revisions or additions to the driveway or its appurtenances

on the right-of-way.

(4) The County reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the roadway or to provide proper protection to life and property or adjacent to the street. The County shall make all reasonable attempts to comply with all provision of this resolution.

(5) The applicant, his successors or assignees, agree to hold harmless the County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reasons of the exercise of the permit issued pursuant to this chapter.

(6) When making improvements to existing roads by reconstruction or maintenance work, the county shall alter existing entrances to the road to conform to the spirit and intent of the policy and standards set forth in this article.

(7) Whenever the County Director determines that inadequate or indiscriminate access or long stretches of paved or unpaved accesses result in a hazard to the motoring public on the thoroughfare, existing entrances may be required to be altered or reduced in extent to conform with the spirit and intent of this policy and upon approval of the governing authority.

(8) The Director has the authority to allow deviations to this ordinance where terrain negatively affects the ability to meet the specifications herein. The Director will determine a typical section and driveway design that best meets the County's needs to protect the County roadway and still allow driveway access where possible. When authorizing a deviation the Director may consult with the Planning Director and Building Inspector.

Sec. 54-203 Conflict with other laws.

Should any requirement or design standard conflict in any manner with any law, rule or regulation of any local, state or federal government body or administrative agency, the stricter law, rule or regulation shall be apply. The intent of this article is not to interfere with, abrogate or annul any easements, covenants or other agreements between parties. Provided, however, that where this article imposes a greater restriction upon the use of property or premises than required by other resolutions, rules or regulations or easements, covenants or agreements, the provision of this article shall govern.

Sec. 54-204 Violation - Penalty.

(a) **Validity.** Should a court of competent jurisdiction declare any section, clause or provision of this article invalid such action should not affect the validity of the article as a whole or any part hereof declared severable.

(b) **Remedies.** In case a driveway or a **proposed driveway is constructed, reconstructed, altered, converted, maintained or used in violation** of any provision of this article, the building official, county attorney, or other remedies institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, conversion, maintenance, or use to correct or abate such violation. Where a violation of these regulations exists, the county building official shall, in addition to other remedies, notify all public utilities and county service departments of such violation and request service be withheld there from until there is no longer a violation of these regulations.

(c) **Penalties for Violations.** Any firm, person or corporation who shall do anything prohibited by the resolution who shall fail to do anything required by this resolution as it exists or as amended shall be guilty of a misdemeanor, amenable to the process of the superior court of the county or the State Court of the county. Upon conviction, the violator is punishable by a fine not to exceed \$100.00 or by confinement in the county jail or correctional institution not to exceed three months or both, in the discretion of the court. Each day that such violation exists shall be a separate offense.

THIS ORDINANCE IS ADOPTED by the Board of Commissioners of White County, Georgia this the 1st day of June, 2009 and shall be effective this same date.

**BOARD OF COMMISSIONERS
WHITE COUNTY, GEORGIA**

s/ Travis C. Turner
TRAVIS C. TURNER, CHAIRMAN

s/ Joe R. Campbell
JOE R. CAMPBELL, POST 1

s/ Craig Bryant
CRAIG BRYANT, POST 2

COUNTY CLERK (SEAL)
ATTEST: s/ Shanda Smallwood

The consideration of a contract with Jade 360 Technology regarding the review of phone bills and rates was tabled.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the following Board Appointments were unanimously approved:

- **Brenda Helton** was appointed to the **White County Chamber of Commerce Board** for a two (2) year term beginning July 1, 2009 and expiring June 30, 2011. This is appointment will fill the expiring term of **Bonnie Petras**.
- **Junius Miles** was re-appointed to the **White County Department of Family & Children's Services Board** for a five (5) year term beginning July 1, 2009 and expiring June 30, 2014.
- **Josh Turner** and **Russell Keen** were appointed to the **Development Authority of White County**, each to serve a six (6) year term beginning July 1, 2009 and expiring June 30, 2015. These appointments will fill the terms of **Gene White** and **Patricia Weaver** respectively.
- **Desiree Reddick-Head** was re-appointed to the **AVITA Community Partners Board** for a three (3) year term beginning July 1, 2009 and expiring June 30, 2012.
- **Commissioner Joe Campbell** and **White County Community & Economic Development Director Tom O'Bryant** were re-appointed to the **Chestatee-Chattahoochee Resource Conservation & Development Board** for a one (1) year term beginning July 1, 2009 and expiring June 30, 2010.
- **Commissioner Craig Bryant** was re-appointed to the **White County Water & Sewer Authority** for a one (1) year term beginning July 1, 2009 and expiring June 30, 2010.
- **Chairman Travis Turner** was appointed to the **Georgia Mountain Regional Development Center** for a term to run concurrently with his term as Chairman of the White County Board of Commissioners, which expires December 31, 2012.

Alton Brown presented the Board of Commissioners with information regarding revising the current check signing procedure which requires one manual signature of a County Commissioner on all non-payroll related checks issued by White County's Finance Department. Mr. Brown presented the informational reports which would be made available to the Board of Commissioners on a weekly basis and contain detail of all non-payroll related checks processed by White County's Finance Department if the Board approved the utilization of electronic signatures. Mr. Brown explained that hand signing checks as a means of managing expenditures was not an effective procedure since the goods and services were already received by the time checks are signed. He further recommended that a more effective procedure would be to sign the purchase orders prior to the ordering of goods and services – if the Board Members decided to continue manual approvals.

Upon a motion made by Commissioner Campbell, seconded by Chairman Turner the revision of the check signing policy was approved, with a ninety (90) day evaluation period, to no longer require one (1) manual signature of a White County Commissioner on all non-payroll related checks; however to allow for electronic signatures. Commissioner Bryant voted against the motion to authorize this revision of the check signing procedure.

Vickie Neikirk, Chief Financial Officer, presented the April 2009 Finance Status Report (see attached copy of report).

Chairman Turner opened the floor for the public comment portion of the meeting.

Henrietta Sutton stated she was attending the meeting as a representative of the Hood / Campbell Street Community and was concerned about the selling of the Oak Springs School Property by White County. She asked the Board of Commissioners for an update on the status of this property.

Chairman Turner asked Alton Brown to give an update on the status of the Oak Springs School Property. Mr. Brown stated the property is in the midst of being advertised for sale by sealed bid, with a bid opening scheduled for Thursday, June 11, 2009.

Commissioner Campbell explained that this property had been advertised for sale by sealed bid previously and a minimum bid requirement of \$250,000 was erroneously placed in the ad and the advertisement has been redone without the minimum bid requirement.

Alton Brown explained that this property had previously been leased to the White County Board of Education, who in turn, subleased the property to Luv-n-Care Day Care Center for a number of years. This type of agreement was done due to Georgia Statutes which do not allow the Board of Commissioners to directly lease property to the Day Care.

When asked by a citizen (name / address not stated) what the Board of Commissioners would like to see done with the property; Chairman Turner indicated the Board of Commissioners had voted to accept sealed bids on the property in hopes of getting the property off the county books and to prevent the property from falling into further disrepair.

Carol Veal, asked why the Board of Commissioners would not consider giving the property to the community due to the location and the history behind the building with it being the County's first black school. Ms. Veal stated she would like to see the property taken off the market until the community could research what their options may be in acquiring the property. She stated that she would like to see the building converted into a community center and suggested this property be rented to the community for this purpose.

Alton Brown stated that he did agree the highest and best use of the property would be for the community to utilize the property, however the only way the County could lease the property to the community would be through an agreement with the White County Board of Education.

Carol Veal asked if the County would be willing to clear the asbestos from the building so the community would be able to utilize the building for a community center. Ms. Veal further expressed her concerns that the building contained asbestos when a daycare center was operating at the location. Commissioner Campbell explain that the County had received estimates on the abatement of the asbestos and the cost was greater than the value of the building itself.

Chairman Turner asked Henrietta Sutton if the representatives present from the community had researched grant options for the purchase of the property and if so how far along in this process were they. Ms. Sutton stated they are looking for grant options; however they have just began the process. Chairman Turner further stated the Board of Commissioner reserves the right to reject any and all bids in the sealed bid process and asked the community members to keep Alton Brown informed as to their progress in researching and acting upon options available to them. Chairman Turner indicated he would like to see the community utilize the property; however he would like to see the property taken off the county books.

Kenneth Brown, Pastor of Travis Chapel, asked the Board of Commissioners to strongly consider keeping the Oaks Springs School property as a symbol to the community due to the memories the building contained and the sentimental value of the property to those within the community.

Chairman Turner encouraged the community members to do all they can, as quickly as they can

to address the possible options available to them in acquiring the property, as the sealed bid opening was scheduled for June 11, 2009. Commissioner Campbell also stated the Board would like to see the property developed into a community center.

Alton Brown stated the daycare center had vacated the property some two and one half years ago and he had spoken with Annie Sutton on a number of occasions regarding the community's interest in the property, however action was never taken on behalf of the community to move forward with acquiring the property. With the amount of time which had passed and the property being vandalized, disrepair resulting from non-use, no taxes being collected on the property, and the county having to pay for the maintenance and mowing of the property - it was time for the County to move forward since this was not being utilized. He encouraged the community to submit a sealed bid to be considered.

Henrietta Sutton indicated members of the community had spoken with the prior Chairman of the Board of Commissioners, Chris Nonnemaker, regarding their wishes to develop a community center on the Oak Springs School Property, however she thought this information was being relayed to the entire staff and Board when possibly that was not the case and this resulted in the community being surprised by the county attempting to sell the property.

Teresa Stansel asked who would be responsible for attorney's fees if there was litigation resulting from the land application ordinance which had recently been adopted. Specifically she asked if County Attorney David Syfan would be handling the litigation on a pro bona basis or if the taxpayers would be responsible for the costs if a suit was filed and the County lost the suit. Chairman Turner stated that the County would be responsible for costs if Mr. Mote prevailed in a court of law, however if the County prevailed – Mr. Mote would be responsible for the court costs.

Diane West asked if the land application monitoring ordinance would need to be in place prior to the Environmental Protection Division (EPD) Public Hearing on July 9, 2009 and she inquired about the format of the EPD meeting. Alton Brown responded that there will be a question and answer session as well as informational stations set up for people to visit to address individual concerns, however he was not sure about the order of the meeting. Chairman Turner and Commissioner Bryant expressed that it is important for the monitoring ordinance to be in place, however time constraints due to requirements for the budget preparation in the month of June will make it impossible to have the ordinance in place by the July 9, 2009 EPD Public Hearing.

Teresa Stansel asked if the Board or Staff knew the total amount due to Attorney David Syfan for legal matters resulting from the Motes Land Application. The Commissioners indicated they did not know the total amount due and deferred the question to Chief Financial Officer Vickie Neikirk who indicated that the County had received statements for these services; however she would not have an estimate of the total. Chairman Turner asked Ms. Stansel if she wanted Chris Mote to be allowed to operate is land application facility in the Paradise Valley Area. Ms. Stansel replied that she did not want this septage facility within one half a mile up stream from her property, which according to the EPA, would spread bacteria, disease, and pathogens.

Maria Flynn, Cleveland Better Home Town Executive Director, informed the Board of Commissioners that the revitalization project of the Cleveland Cemetery had begun. She wanted to express her appreciation to the Board for allowing Cleveland Better Home Town to utilize the funds remaining from the sesquicentennial celebration – which along with other donations received – made the project possible. The project will include stone pillars and a wrought iron arch way which will read “Cleveland Historic Cemetery, Established 1866”. Ms. Flynn also stated that Cleveland Better Home Town is selling commemorative brick pavers for the downtown area, as will as bricks to honor those who serve or have served in the military – which will be placed around the military monument outside the White County Court House.

Commissioner Bryant asked for a status update on the request for qualifications (RFQ) for architectural services for the White County Detention Center expansion project. Alton Brown stated the RFQ has been published with the amendment requested by the Board of Commissioners and the closing date for the RFQ was July 11, 2009. Commissioner Bryant asked why the RFQ document approved at the April 6, 2009 meeting was not the document used in the RFQ process. Alton Brown stated the document which Commissioner Bryant was referencing did not meet the legal requirements for a request for qualifications. He further stated County

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Attorney David Syfan had been consulted and the document utilized did meet the legal requirements; therefore becoming a standard format for the County to utilize.

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

Minutes of the June 1, 2009 Regular Meeting are hereby approved as stated this the 2nd day of July, 2009.

WHITE COUNTY BOARD OF COMMISSIONERS

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

s/Joe Campbell
Joe R. Campbell, Post 1

s/Craig Bryant
Craig Bryant, Post 2

s/Shanda Smallwood
Shanda Smallwood, County Clerk