

**WHITE COUNTY BOARD OF COMMISSIONERS**

**MINUTES FROM REGULAR MEETING HELD**

**MAY 5, 2008, AT 4:30 P.M.**

The White County Board of Commissioners met in a regular session at 4:30 P.M. in the Grand Jury Room of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Rev. Richard Hycke brought the invocation.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held April 7, 2008 were unanimously adopted.

The Board of Commissioners issued a Proclamation to Miriam Hammond for her 22 years of service in the White County Library System.

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

1. Authorized the execution of Utility Relocation Agreement with Habersham EMC on Ricky West Road and authorized the payment of the fee thereof in the amount of \$2,950.37;
2. Adopted the following Resolution:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2008- 16**

**TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY TRADING ON OTHER PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE ANY TITLE TRANSFERS AND BILLS OF SALE ON THE PROPERTY.**

**WHEREAS**, the Board of Commissioners of White County have determined that certain County-owned property is surplus in that it does not meet the needs of the County; and

**WHEREAS**, the Board of Commissioners of White County desires to dispose of said property by trading it in for equipment that would meet the County’s needs;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of White County, Georgia, and it is hereby resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County hereby declares that the property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by trading it in on equipment that would meet the needs of the County. All surplus personal property will be traded "as is."

-2-

The County Manager is hereby authorized to execute any title transfers and bills of sale on the personal property.

**ADOPTED**, this 5th day of May, 2008.

**WHITE COUNTY BOARD OF  
COMMISSIONERS**

Attest:

s/Chris R. Nonnemaker

Chris R. Nonnemaker, Chairman

s/Jean Welborn  
Jean Welborn, County Clerk

s/Joe R. Campbell

Joe R. Campbell, Post 1

s/Craig Bryant

Craig Bryant, Post 2

**LIST OF PROPERTY  
AUTHORIZED TO BE TRADED FOR OTHER EQUIPMENT**

1. 2006 Caterpillar Motorgrader 12 H, I.D. # Cat0012HHAMZ01039;
2. 2006 Caterpillar Motorgrader 12 H, I.D. # Cat0012HHAMZ01038;
3. 2006 Caterpillar Motorgrader 12 H, I.D. # Cat0012HHAMZ01036;
4. 2006 Puckett 540 Asphalt Spreader, I.D. # 14190603\*;
5. 2003 Lee Boy Tack Distributor, I.D. # 1B9DS09193D309509\*.

\*To be traded only in the event new replacement equipment is authorized by the Board of Commissioners.”

3. Adopted the following Resolution:

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2008-17**

**TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY ON-LINE AUCTION THROUGH GOVDEALS; TO PROVIDE FOR ADVERTISING OF SAID DISPOSITION OF SAID PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE ANY TITLE TRANSFERS AND BILLS OF SALE ON THE PROPERTY.**

**WHEREAS**, the Board of Commissioners of White County have determined that certain County-owned property is surplus; and

**WHEREAS**, the Board of Commissioners of White County desires to dispose of said property through the government on-line auction and to give public notice of said disposition;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of White County, Georgia, and it is hereby resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County hereby declares that the property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by government on-line auction to the highest responsible bidder for each item. All surplus personal property will be sold "as is" and must be removed from the county property by the successful bidder within ten (10) days from the award of the bid, except as otherwise provided in Exhibit "A."

-2-

The Board of Commissioners of White County reserves the right to refuse any and all bids on said property.

-4-

The County Manager is hereby authorized to execute any title transfers and bills of sale to the successful bidders on the personal property.

**ADOPTED**, this 5th day of May, 2008.

**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  
SURPLUS PROPERTY**

**TO BE SOLD "AS IS/WHERE IS"**

- 1) One 1988 Sutphen Fire Engine, I. D. # 1S9A1BBD0H1003393.**

**-Exhibit A-**

4. Authorized the execution of Grant Application and Intergovernmental and Interagency Agreement concerning the Appalachian Drug Task Force for the fiscal year beginning July 1, 2008.

5. Authorized the renewal of the Mowing Contract on County Road Rights-of-Ways with Alton Leard, with an increase of \$4,050 for fuel costs.

6. Authorized the Sheriff to apply for renewal on the "Heat" Grant which will require a 20% cash match from the County.

Vickie Neikirk, Chief Financial Officer, presented the monthly financial report. See copy attached. Sheriff Neal Walden asked how much of the SPLOST money earmarked for public safety had been spent. Vickie Neikirk responded to the Sheriff that the amount of the current SPLOST money earmarked for public safety that had been spent was \$434,528.00.

Beverly Bollefer, Purchasing Director, stated that the RFP's on the Design-Build on the Courthouse renovation had been opened this morning; that they had received four replies: 1) Browning & Brown Construction; 2) Gale Builders; 3) RCCI (Ron Cantrell Construction); and 4) Charles Black Construction Co. Ms. Bollefer stated that the next step would be to assign a panel to review the submittals. Chairman Nonnemaker asked if the Board of Commissioners could see the responses. Ms. Bollefer gave the Board of Commissioners her tabulation sheet. Chairman Nonnemaker stated that the Board of Commissioners had just received this information and that all the information should be reviewed; however, it appeared that Charles Black Construction was the lowest with no charge for master planning fee, a lump sum of \$18,800 for architectural fee and 9.5% for Contractor Construction. Ms. Bollefer stated that because this was a design-build, there were a lot of other considerations like how much they could get done for the \$300,000, etc; that she felt that it should be tallied on a point system to be fair to all contractors; that they needed someone on the panel from Building Inspections, etc.

Judge Barrett asked if any of them would be able to look at what was to be designed to be built to determine if it would be functional; that he had given Ms. Bollefer a design, assuming there wasn't going to be any change in the Courthouse for years and years.

Commissioner Campbell stated that their intentions were to add one additional court room on the South side and add additional space for Judge Baker on that side; that on the North side, they wanted room for Dena Adams, the Clerk of the Court; that he suggested leaving the other half of the North side vacant until later when the Courthouse Annex would be started in 24 months or whenever; that when the Tax Assessors, Tax Commissioner, Commissioners, Finance Department and any other departments that were not associated with the Court system were moved out of the Courthouse, they could decide how to use the other half of the North side.

Judge Barrett stated that the DA's office needed to be in the Courthouse. Chairman Nonnemaker stated that with the design-build option, the architect would have to get with Judge Barrett and the others to design the improvements to their needs; that he would like to see the DA's Office moved into the Courthouse for security issues; that they could be moved to the North side of the proposed new enclosure. Judge Barrett stated that they had talked about moving the Tax Assessors to the offices now occupied by the DA and Magistrate Court if they had the room.

Minutes from Regular Meeting held May 5, 2008, Continued

Chairman Nonnemaker stated that they had earmarked \$300,000 for this project. Commissioner Campbell stated that he thought that \$300,000 seemed to be a reasonable amount if they did not add additional bathrooms and did not add any frills.

Judge Barrett stated that he wanted to make sure that they didn't build offices and tear them down later to put holding cells, etc.; that the Sheriff could not put juveniles in the regular holding cell with adult prisoners.

Bryan Payne, the Chief Appraiser, stated that their office would be willing to move if the space was there; that it appeared that they would have about 100 square feet more.

Ms. Bollefer stated that they really needed to get a project manager to oversee this project. Judge Barrett stated that he would be glad to do this.

Chairman Nonnemaker asked Ms. Bollefer to email a synopsis of the bids to the Board of Commissioners and then they would set up some appointments during budget work shops.

Ms. Bollefer discussed the proposed fence for Field No. 5 at the Park and Recreation Complex. Ms. Bollefer stated that the price of galvanized steel was skyrocketing and the quotes received thereon would not be good past thirty (30) days; that the Park and Recreation Director Lou Boestfleisch had located funds in his budget under capital expenditures to cover the expense of the fence; that \$30,000 had been spent renovating that field and they had pulled down the old fence; that they could not use that field until the new fence was constructed. Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to authorize the award of the bid for the placement of the fence at Field No. 5 to Custom Fence of Atlanta, the lowest bidder, for a sum not to exceed \$13,590, with the funds to be paid from capital expenses in the Park and Recreation budget.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the contract for the Triple Surface Treatment Base and Paving and Resurfacing Contract was unanimously awarded to Colwell Construction Co. Inc., the lower bidder, for the sum not to exceed \$716,911.50. Commissioner Bryant asked Vickie Neikirk if the funds were available in SPLOST to do this project by the time of completion. Vickie Neikirk stated they should; that she thought they would be okay.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the proposed Purchasing Policy was tabled until the next meeting. Chairman Nonnemaker stated that he had not had a chance to look at it and wanted to review it.

Due to the tremendous increases in fuel, propane and other costs, and in an effort to avoid tax increases, and upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, it was unanimously voted to freeze all non-essential spending in the County's General Fund for the balance of the fiscal year (until June 30, 2008), with the identification of the term "non-essential" to be determined by Elected Officials in each of their departments and to be determined by the County Manager in all other departments. This freeze also includes budgeted items.

A citizen in attendance asked for information on Hardwood Drive, off of Woodlawn Drive. It was explained that Hardwood Drive was not a county maintained road.

Shirley McDonald, on behalf of the Library Board, presented the Board of Commissioners with some information on the needs for the Library System. The Board of Commissioners stated that they had discussed earmarking some of the new SPLOST funds for library improvements.

Peggy Rutter asked the Board of Commissioners about the negotiations with LHR Farms. Chairman Nonnemaker stated that Mr. Brown was not present; however, he stated that the County Attorney had called him Friday to state that they had an opinion and recommendations from Attorney Joan Sasine of Powell and Goldstein; that the Board of Commissioners had not had time to look at them and review them. Ms. Rutter asked when they would be released for public comment. Chairman Nonnemaker stated that as soon as they had reviewed. Ms. Rutter asked if that would be before it was signed. Chairman Nonnemaker assured her that it would be.

Minutes from Regular Meeting held May 5, 2008, Continued

Ms. Rutter asked if the County was paying for air testing. Chairman Nonnemaker stated that he thought that Dr. Essich was. Ms. Rutter stated that he was doing air testing for Gary Hopkins (or Gary Hopkins' lawyer in order to avoid having to turn the results over to the county) and asked if he was doing air testing for the County. Chairman Nonnemaker stated that he did not know. Commissioner Bryant stated that he thought that he was.

Ms. Rutter asked if they knew who owned Chattahoochee Disposal Services in Clermont. Ms. Rutter stated that it was the company that was removing the dumpsters of the sludge at LHR Farms. Ms. Rutter asked Chairman Nonnemaker if he remembered that he told her that Steve Gailey only sold Mr. Hulsey vending equipment. Chairman Nonnemaker stated that that was according to what Steve Gailey had told him. Ms. Rutter stated that she had been told that either Steve Gailey or his brother owned Chattahoochee Disposal Services.

Beverly Bollefer asked the Board of Commissioners to consider authorizing the donation of several obsolete items in the Sheriff's Office for the Relay for Life yard sale. Commissioner Bryant stated that he was remembering that there were some limitations on donations from the Board of Commissioners. Ms. Bollefer stated that some of this equipment had been declared surplus prior to this time and had not received any bids (one typewriter, ribbons, and a computer desk).

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted that items that would not sell through the on-line auction and had been previously deemed unusable could be donated to the Relay for Life yard sale.

Teresa Stansel spoke to the Board of Commissioners concerning an email from David Syfan, the County Attorney, dated January 21, 2008, wherein he stated, "first let me say that I have previously disclosed to the County regarding possible conflicts of interest." Ms. Stansel stated that when a conflict of interest was disclosed, there had to be a waiver; that she had requested a copy of the waiver and there was no waiver; that her question to the Board of Commissioners was where was the waiver or why was there not a waiver regarding that conflict of interest.

Chairman Nonnemaker stated that he understood that in Mr. Syfan's email, he stated that there was no conflict of interest. Ms. Stansel stated that it had mentioned "their concerns," which she felt was a term of art. Chairman Nonnemaker stated that the main reason they got the other attorney was to clarify all this; that Mr. Syfan's recommendation to the Board of Commissioners was to hire an environmental attorney. Ms. Stansel asked if Mr. Syfan was completely out of the picture now. Chairman Nonnemaker stated that at present, Ms. Sasine was going through Mr. Syfan to get information from the Board of Commissioners and communicating from her back to the Board of Commissioners; that Mr. Syfan wanted to have a meeting with them regarding this sometime this week. Ms. Stansel asked if Mr. Syfan had received funds for any of the work that had been done. Chairman Nonnemaker stated that he had. Ms. Stansel asked if it was correct that there was no waiver and funds were received. Chairman Nonnemaker stated no, not at this time.

The Board of Commissioners set the next work session for Monday, May 19, 2008, beginning at 9:30 A.M.

The next regular meeting was set for Monday, June 2, 2008, at 4:30 P.M.

The Board of Commissioners set the following times for budget work shops:

- 1) Monday, May 12, 2008, beginning at 9:30 A.M.;
- 2) Thursday, May 15, 2008, beginning at 9:30 A.M.; and
- 3) After the work session to be held Monday, May 19, 2008.

Minutes from Regular Meeting held May 5, 2008, Continued

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

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Chris R. Nonnemaker, Chairman

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Joe R. Campbell, Post 1

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Craig Bryant, Post 2

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Jean Welborn, County Clerk