

## WHITE COUNTY BOARD OF COMMISSIONERS

### MINUTES FROM REGULAR MEETING HELD

SEPTEMBER 4, 2007, AT 4:30 P.M.

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

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Dean Dyer brought the invocation.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the minutes from the Regular Meeting held August 7, 2007 were unanimously adopted.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the Board of Commissioners recognized the staff and volunteers who work in conjunction with the White County Senior Center and declared the week of September 2 through 8, 2007 as **“Senior Citizen Week in White County.”**

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the Board of Commissioners recognized the accomplishments of the White County Planning and Community Development and the Chamber of Commerce staff in achieving White County’s designation as **“Entrepreneur Friendly.”**

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the Board of Commissioners recognized the **“White County Sesquicentennial” and declared the week of September 22 through 29, 2007, as White County Sesquicentennial Week.”**

The White County Board of Commissioners had set an appeal hearing on the Dangerous Dog designation by Pat Cooper, the Animal Control Officer, of the rottweilers belonging to or in the possession of Mark E. Rich and Deborah Highfill located on Nelms Road. Mr. Rich and Ms. Highfill were not present at the meeting. Upon the evidence of supporting documentation presented by staff, and upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the designation of said rottweilers located on Nelms Road as Dangerous Dogs as the term is defined by the White County Code, and belonging to or in the possession of Mark E. Rich and Deborah Highfill, was unanimously upheld by the Board of Commissioners.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to authorize the payment of up to \$9,947.50 to Express Concrete for the concrete pavement of the right-of-way apron for the Sautee Nacoochee Community Association Heritage Site on the right-of-way of Highway 17 all in accordance with the Department of Transportation guidelines, with the County forces doing the prep work. It was also agreed that the \$9,947.50 would be paid from SPLOST funds.

Alton Brown stated that he thought the representatives from the Smithgall Humane Society would be at the meeting to discuss the contract; however, he stated that he found it interesting that the Humane Society had met on Thursday night; and, as a result, an email had been sent this afternoon from Smithgall Humane Society stating that they would not be taking any more animals from animal control as of this date; that the Humane Society was requesting that all the keys in the possession of the County be returned to the Animal Shelter; that he thought, at this time, it would be a moot point to discuss the contract but that they needed to vote on the payment status under the contract.

Minutes from Regular Meeting Held September 4, 2007, Continued

Ms. Lise Thompson, a Humane Society Board Member, was in attendance. Chairman Nonnemaker asked Ms. Thompson if the Board voted on this on Thursday and asked why the County was not notified until this afternoon. Ms. Thompson stated that she was told that the County would be notified Thursday night by email. Chairman Nonnemaker stated that they had just gotten the email.

Commissioner Campbell stated that his recommendation would be to turn the keys to the Shelter back over to the Humane Society and that the payments under the previous contract from the County cease, effectively immediately. Commissioner Campbell made that his motion. The motion was seconded by Commissioner Bryant. The vote was unanimous. Commissioner Bryant asked what Animal Control was going to do for a place to put the animals. Pat Cooper stated that the Animal Shelter had been closed for two weeks because of parvo; that they could continue doing what they had been doing for that period of time, taking the animals to board at Cleveland Vet, etc. Chairman Nonnemaker stated that the services provided by Animal Control could be cut back; that the services had been enhanced over the last few years; that they could go back to doing it the way they used to. Chairman Nonnemaker stated that the County would provide the Animal Control services to the best of the County's ability; that dangerous dogs and dog bites would be taken care of as an emergency, even after hours; that Ms. Cooper could get her certification for euthanasia; that they could work with surrounding counties.

Concerning the Bean Creek Water Project, Alton Brown stated that Chairman Nonnemaker had wanted the County Attorney to look at the contract between the Water Authority and the Construction Contractor for putting in the lines to Bean Creek; however, Mr. Brown stated that he had not been able to get a copy of the proposed contract. Commissioner Bryant stated that he would get Mr. Brown a copy of the contract.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously voted to grant the variance request of Barry Blalock (LZC, Inc.) on the configuration of lots in Laceola Phase VI in accordance with the recommendation by the Planning Commission. This variance allows Lots 37, 38, 39 and 40 of Mountainside at Laceola, Phase VI to have more regular configurations rather than have "flags" or irregular shapes just to comply with the Mountain and Hillside Protection regulations, which approved lots would provide for an extra 5.092 acres as green space.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the following Resolution was unanimously adopted to make the year-end adjustments to the 2006-2007 budgets:

**WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2007-**

**A RESOLUTION**

**WHEREAS**, there is a need to amend White County's Budget for the Fiscal Year 2006/2007.

**NOW, THEREFORE**, the Budget of White County is hereby amended to allow the changes as set out on the attached Exhibit A.

**RESOLVED**, this 4th day of September, 2007.

Minutes from Regular Meeting Held September 4, 2007, Continued

**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

## Minutes from Regular Meeting Held September 4, 2007, Continued

The Board of Commissioners discussed a proposed plan to enter into a multiyear Contract with ACCG for the lease/purchase financing of a fire station and/or other projects authorized in the SPLOST referendum. Chairman Nonnemaker stated that, at this time, they could authorize the required publications and announce the public hearing on this to be held on September 24, 2007 at 9:00 A.M. Chairman Nonnemaker stated that this would allow the County to get the SPLOST money up front instead of waiting the full five years; that if they got the money today, they could do a lot more at a cheaper price than by waiting; that they could borrow the money at 3.9% interest and get some of the projects out of the way; that they would need to have a public hearing on this. Commissioner Bryant stated that he had a couple of questions for clarification. Commissioner Bryant asked for clarification that they wanted to borrow \$1 million to catch up with the projects that they were doing this year. Vickie Neikirk stated that this was correct. Commissioner Bryant stated that the way he understood it was that they were doing next year's roads this year, basically, and they were a \$1 million short to pay off what they had on the books to do. Vickie Neikirk stated that they were actually \$1.5 million short but they had the \$500,000 SPLOST CD from the old roads and bridges SPLOST. Commissioner Bryant asked what they had in County CD's. Vickie Neikirk stated that it was about \$500,000. Commissioner Bryant asked if it was correct that they had \$500,000 in SPLOST and a \$500,000 CD in SPLOST that they could cash in and asked how much they had for the rest of the other projects put back. Commissioner Bryant stated that he was trying to figure this out; that if you had \$10 million and 40% goes to roads and bridges, with other percentages going for other projects, was there not some of the other funds that they could borrow from to pay for these projects. Vickie Neikirk stated that it was basically a cash flow problem because they had the projects that they had under contract and there was probably two years worth of projects but they did not have the cash; that at this time there was not a lot of money in the total cash account for SPLOST. Commissioner Bryant wanted a clarification that that meant for all departments, period, Park and Rec., everything. Vickie Neikirk stated that that was correct. Commissioner Bryant asked if they approved this proposed lease/purchase with ACCG, did they have to designate those roads to ACCG for collateral. Vickie Neikirk stated that they had proposed using the fire station as collateral. Commissioner Bryant asked if they were going to have to pay a lawyer's fee also. Vickie Neikirk stated that they were. Commissioner Bryant stated that if they were paying 3.9% plus \$30,000 to \$50,000 for attorney's fees, and collateral, it would be about as easy to get a loan. Vickie Neikirk stated that they could not do that. Commissioner Bryant asked if it was because it was SPLOST. Vickie Neikirk stated that it was SPLOST and for roads; that there were only a couple of ways to borrow money for roads; that this was one way and the other way was to issue bonds, which would be very expensive. Commissioner Bryant stated that in essence it was going to cost more than the 3.9%. Vickie Neikirk stated that 3.9% was the interest rate and the attorney's fees had been estimated at approximately \$20,000. Commissioner Bryant stated that they had heard it, but they knew it was not true, about the \$4.5 million fund balance; that he wanted to know what funds they had; that if they were going to spend 6% or 7% to borrow money, if they had the money that they could use and repay it back into it, they would be better off. Vickie Neikirk stated that the cash flow now would pretty much prohibit that.

Chairman Nonnemaker stated that they had talked about this and knew they were doing a lot quickly. Vickie Neikirk stated that it had just been the matter of doing all of these projects all at once and not having the cash on hand to pay for it; that the money was going to be coming down the road. Commissioner Bryant stated that that was why he was asking if they had enough to pull from everywhere to pay for these projects and replace it within the next 12 months without having to borrow money. Vickie Neikirk stated that she had looked at every option possible; that she was very conservative and did not like to borrow money. Commissioner Bryant stated that he knew that but he was interested in seeing what it was going to actually cost the County.

Commissioner Campbell asked why they could not put up as collateral the new fire station to local entities and not have to pay the \$20,000 attorney's fees. Vickie Neikirk stated that because it was SPLOST money, it had to be categorized as a lease/purchase;

Minutes from Regular Meeting Held September 4, 2007, Continued

that she talked to a couple of local bankers and they did not have the capability of setting up this type of transaction. Commissioner Campbell stated that it seemed that ACCG had them over a barrel. Chairman Nonnemaker and Vickie Neikirk stated that it was not ACCG; that it was a state law; that it would have to be a lease/purchase or a bond.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, it was unanimously voted to authorize the required publications and hold a public hearing on a proposed Multi-Year Contract with Association County Commissioners of Georgia to be held on Monday, September 24, 2007, at 9:00 A.M.

The Board of Commissioners discussed the repairs to the Allen Mauney Building. Fire Chief Dickie Howard gave an update. Chief Howard stated that samples of the air had been taken; that it seemed to be a problem of high humidity; that an air scrubber had been placed in the Soil Conservation Office to remove some particulate matter in that area; that results of more tests should be in within the next couple of days; that from all indications, the symptoms experienced by the employees (watery eyes, hoarseness, etc.) went away when the employees were away from the area, which was an indicator of an allergy-based reaction; that based on that, they were working toward lowering the humidity in the building.

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

Jim Johnston asked when they would see the new subdivision regulations. It was stated that they would try to have them ready for the September 24 work session.

Dale Williams, a taxpayer from Lumpkin County, complained to the Board of Commissioners about an incident wherein he was asked to be removed from the Courthouse. Mr. Williams complained that you could not complain to the Board of Commissioners. Mr. Williams complained about the treatment that he received by a person in the Building Permit Department.

Chairman Nonnemaker announced the work session and Public Hearing on Proposed Multi-Year Contract with Association County Commissioners of Georgia to be held on Monday, September 24, 2007, at 9:00 A.M.

Chairman Nonnemaker also announced the next regular meeting to be held on October 2, 2007, at 4:30 P.M.

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

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Chris R. Nonnemaker, Chairman

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Joe Campbell, Post 1

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Craig Bryant, Post 2

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Jean Welborn, County Clerk