

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM REGULAR MEETING HELD

SEPTEMBER 8, 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, County Manager Alton Brown, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order. After the pledge to the flag, Michael Leahey brought the invocation. A moment of silence was called by Chairman Nonnemaker in memory of Charles Black, a renowned White County builder and citizen, who passed away on September 3, 2008.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the minutes from the Regular Meeting held August 4, 2008 were unanimously adopted.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, September 2008 was unanimously declared as "National Preparedness Month" in White County.

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

- 1. Authorized the execution of Addendum to original contract with Dr. Marc Chetta for services as the Medical Director for 9-1-1.
- 2. Adopted the following Resolution declaring surplus the Old Ambulance Body off a 1992 Ford F 350:

"WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-27

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.

-3-

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 8th day of September, 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"
-Exhibit A-**

- 1) Ambulance Body off a 1992 Ford F 350.

- 3. Authorized the purchase of two 550 chassis for Fire Department Rescue Units (budgeted items) from Jacky Jones Ford for the sum of \$32,168 each, which is below the State Contract price.

- 4. Authorized Judge Turk to implement the grant received for Family Drug Court to serve White and Lumpkin Counties, with the local match from White County to be paid by Judge Turk from the Juvenile Indigent Defense Budget up to the maximum amount of \$6,500.00.

Due to the absence of Chief Financial Officer, Vickie Neikirk, the Monthly Financial Report was omitted and the adoption of the resolution amending the budget for the fiscal year 2007-2008 for year-end adjustments was tabled.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the authorization of the execution of the renewal of the Joint Use Agreement between the Board of Commissioners and the Board of Education for fiscal year 2009 was unanimously agreed upon under the same terms and conditions as the previous Agreement.

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the following Resolution declaring surplus Lot 7, Block Q, of Skylake Recreational Community was unanimously adopted:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008- 28

TO DECLARE CERTAIN REAL PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY SEALED BIDS; TO PROVIDE FOR ADVERTISING OF SAID DISPOSITION OF SAID PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE THE DEED ON THE PROPERTY.

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

WHEREAS, the Board of Commissioners of White County desires to dispose of said property through sealed bids 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 real property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by sealed bids to the highest responsible bidder for each item.

-2-

The Clerk of the Board of Commissioners is directed to cause notice to be published once a week for two weeks in the official legal organ of the county not less than 15 days nor more than 60 days preceding the date of the bid due date. The legal notice shall include a description of the property to be sold and shall contain the conditions of the proposed sale and shall state the date, time, and place of the proposed sale.

-3-

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

-4-

The Commission Chairman is hereby authorized to execute the deeds and any closing documents on the property.

ADOPTED, this 8th day of September 2008.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Chris R. Nonnemaker _____
Chris R. Nonnemaker, Chairman

s/Joe Campbell _____
Joe Campbell, Post 1

s/Craig Bryant _____
Craig Bryant, Post 2

ATTEST:

s/Jean Welborn
Jean Welborn
County Clerk

Description of Property
-Exhibit A-

All that tract or parcel of land lying and being in the 3rd Land District, White County, Georgia, and being all of Lot 7, Block Q, of Skylake Recreational Community, as shown on a plat prepared by Farley-Collins & Associates, Registered Surveyors, dated July, 1977, recorded in Plat Book 11, page 106, White County, Georgia Public Records, the description as shown by said plat being incorporated herein by reference, and being the same property described and conveyed in a Sheriff's Tax Deed dated November 5, 1996, executed by J. H. Tow, Jr., Ex-Officio Sheriff, to White County, and recorded in Deed Book 511, pages 328-329, Office of Clerk, Superior Court, White County, Georgia, and being the same property described and conveyed in Warranty Deed dated June 24, 1980, executed by Carter Properties, Inc. to Bart Brooks and Ruth S. Brooks, and recorded in Deed Book 5N, page 341, said Clerk's Office.

Subject to restrictive covenants for said property on record.”

Upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, the following Resolutions were unanimously adopted:

“WHITE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-29

A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 14, ARTICLE III, DIVISION 4, TRAVEL TRAILER/RECREATIONAL VEHICLE PARKS, SECTION 14-133(b) LAND AREA AND FRONTAGE REQUIREMENTS AND SECTION 14-133(g) SETBACKS

WHEREAS, the White County Board of Commissioners wishes to revise the Travel Trailer/Recreational Vehicle Parks Regulations as hereinafter set out;

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County, and it is hereby resolved by authority of the same, that the Travel Trailer/Recreational Vehicle Parks regulations be revised as follows:

- **Chapter 14, Article III, Division 4, Travel Trailer/Recreational Vehicle Parks, Section 14-133(b)** is hereby deleted in its entirety and the following substituted in lieu thereof:

“(b) Land Area and Frontage Requirements. A recreational park trailer/recreational vehicle development shall have a minimum of five contiguous acres and a total property width of at least 200 feet in order to allow for a minimum of two tiers of lots. The property shall be a minimum contiguous width of sixty (60) feet wide where it directly abuts a paved public street or a class I street.

A recreational vehicle park development shall be accessed by a public street, class I street, or a previously approved access of at least a 30-foot easement (a private street). The 30-foot easement must meet minimum subdivision regulations.”

- **Chapter 14, Article III, Division 4, Travel Trailer/Recreational Vehicle Parks, Section 14-133 (g)** is hereby deleted in its entirety and the following substituted in lieu thereof:

“(g) Setbacks. No Recreational Park Trailer/Recreational Vehicle or other building or structure shall be located closer than thirty (30) feet to any perimeter park boundaries, and no closer than five (5) feet from any individual lot boundary line. Building setbacks for parks developed after April 3, 2007 shall be thirty (30) feet to any perimeter park boundary; all other lot setbacks shall be fifteen (15) feet. Setbacks shall apply to the recreational park trailer/recreational vehicle and any slide outs, when fully extended, buildings, structures and fuel supply apparatuses.”

The effective date of this amendment shall be September 8, 2008.

ADOPTED, this 8th day of September, 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 BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-30

A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 14 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE VIII (VARIANCES, INSPECTIONS, ENFORCEMENT, AND MISCELLANEOUS PROVISIONS), SECTION 14-301 (VARIANCES)

WHEREAS, the White County Board of Commissioners wishes to revise the White County Code as hereinafter set out;

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County, and it is hereby resolved by authority of the same, that the White County Code be revised as follows:

- **Chapter 14 (Buildings and Building Regulations), Article VIII (Variances, Inspections, Enforcement, and Miscellaneous Provisions), Section 14-301 (Variances), Subsection (a) Administration** is hereby deleted in its entirety and the following added in lieu thereof:

“(a) Administration by the community and economic development department. The community and economic development department has the responsibility for administration of this Section. The request for variance is reviewable by the planning commission if the director of community and economic development determines that the request for variance meets the criteria. A variance cannot be considered if a violation of the county code has occurred. A

variance shall be sought prior to the approval of plans or issuance of permits as required in the White County Code.”

- **Chapter 14 (Buildings and Building Regulations), Article VIII (Variances, Inspections, Enforcement, and Miscellaneous Provisions), Section 14-301 (Variances), Subsection (e) Submission to the planning commission** is hereby deleted in its entirety and the following added in lieu thereof:

“(e) Submission to the Planning Commission.

- 1. The planning commission shall review the request for variance upon receipt of the following within ten (10) days of the determination of the director of community and economic development:*
 - a. Correspondence clearly stating the basis for the request for planning commission review;*
 - b. Director of community and economic development recommendation;*
 - c. Supporting documentation necessary to give the planning commission a clear understanding of the request for review; and*
 - d. A review fee of \$100.00.”*

The effective date of this amendment shall be September 8, 2008.

RESOLVED, this 8th day of September, 2008.

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 BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-31

A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, CHAPTER 30 (ENVIRONMENT), ARTICLE IX (VARIANCES, INSPECTIONS, ENFORCEMENT, AND MISCELLANEOUS PROVISIONS), SECTION 30-343 (VARIANCES)

WHEREAS, the White County Board of Commissioners wishes to revise the White County Code as hereinafter set out;

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County, and it is hereby resolved by authority of the same, that the White County Code be revised as follows:

- **Chapter 30 (Environment), Article IX (Variances, Inspections, Enforcement, and Miscellaneous Provisions), Section 30-343 (Variances), Subsection (a)** is hereby deleted in its entirety and the following added in lieu thereof:

“(a) Administration by the community and economic development department. The community and economic development department has the responsibility for administration of this Section. The request for variance is reviewable by the planning commission if the director of community and economic development determines that the request for variance meets the criteria. A variance cannot be considered if a violation of the county code has occurred. A variance shall be sought prior to the approval of plans or issuance of permits as required in the White County Code.”

- **Chapter 30 (Environment), Article IX (Variances, Inspections, Enforcement, and Miscellaneous Provisions), Section 30-343 (Variances), Subsection (e) Submission to the Planning Commission** is hereby deleted in its entirety and the following added in lieu thereof:

“(e) Submission to the Planning Commission.

2. *The planning commission shall review the request for variance upon receipt of the following within ten (10) days of the determination of the director of community and economic development:*
 - e. Correspondence clearly stating the basis for the request for planning commission review;*
 - f. Director of community and economic development recommendation;*
 - g. Supporting documentation necessary to give the planning commission a clear understanding of the request for review; and*
 - h. A review fee of \$100.00.”*

The effective date of this amendment shall be September 8, 2008.

RESOLVED, this 8th day of September, 2008.

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 BOARD OF COMMISSIONERS

RESOLUTION NO. 2008-32

A RESOLUTION TO AMEND THE OFFICIAL CODE OF WHITE COUNTY, GEORGIA, APPENDIX A (SUBDIVISIONS), ARTICLE 12 (ADMINISTRATION AND LEGAL STATUS PROVISIONS)

WHEREAS, the White County Board of Commissioners wishes to revise the County Subdivision regulations as hereinafter set out;

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of White County, and it is hereby resolved by authority of the same, that the White County Subdivision Regulations be revised as follows:

- Appendix A (Subdivisions), Article 12 (Administration and Legal Status Provisions), Section 1204 (Variances), Subsection (a) is hereby deleted in its entirety and the following substituted in lieu thereof:

“(a) Administration by the community and economic development department. The community and economic development department has the responsibility for administration of this Section. The request for variance is reviewable by the planning commission if the director of community and economic development determines that the request for variance meets the criteria. A variance cannot be considered if a violation of the county code has occurred. A variance shall be sought prior to the approval of plans or issuance of permits as required in the White County Code.”

- Appendix A (Subdivisions), Article 12 (Administration and Legal Status Provisions), Section 1204 (Variances) Subsection (e) Submission to the Planning Commission is hereby deleted in its entirety and the following added in lieu thereof:

“(e) Submission to the Planning Commission.

3. *The planning commission shall review the request for variance upon receipt of the following within ten (10) days of the determination of the director of community and economic development:*
 - i. Correspondence clearly stating the basis for the request for planning commission review;*
 - j. Director of community and economic development recommendation;*
 - k. Supporting documentation necessary to give the planning commission a clear understanding of the request for review; and*
 - l. A review fee of \$100.00.”*

The effective date of this amendment shall be September 8, 2008.

RESOLVED, this 8th day of September, 2008.

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”

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, it was unanimously voted to grant Robert L. Wilkins, II a tax release for 2008 on his home that burned on January 8, 2008. The land upon which the house was situated will still be taxed.

The Board of Commissioners heard the appeal filed by Robert B. Parcell on the designation of his dog by the Animal Control Officer as a “Dangerous Dog.”

Mr. Parcell was present. County Manager Alton Brown asked Mr. Parcell several questions as to the circumstances surrounding the designation of his dog “Sadie” as a Dangerous Dog. The Board of Commissioners also heard testimony from Jess Farmer who was bitten by “Sadie” while walking on the public road. Mr. Parcell stated that Mr. Farmer was trespassing when he was bitten. Mr. Farmer reiterated that he was not trespassing and was walking on the public road when he was attacked and bitten. Others in the neighborhood testified of being in fear of Mr. Parcell’s dogs when they are allowed to be outside his home. Justin Cochran, 15 years of age, stated that “Sadie” had bitten him a few months ago.

Some of the neighbors stated that they were terrified in their homes because these dogs were allowed outside of Mr. Parcell’s home sometimes and they never knew when the dogs were going to attack.

After hearing further comments from the public, and upon motion made by Commissioner Campbell, seconded by Commissioner Bryant, it was unanimously agreed that Mr. Parcell’s female dog “Sadie” met the definition of a dangerous dog as defined in the County Code and they unanimously sustained the ruling by Patricia Cooper, White County Animal Control Director, that said dog is a dangerous dog. The Board of Commissioners stated that, effective immediately, Mr. Parcel must abide by all requirements for possessing a dangerous dog as defined in the County Code.

Craig McDonald stated that it looked like the By-Pass was scratched by the D.O.T. Mr. McDonald asked the Board of Commissioners to release the moratorium placed on the proposed right-of-way for the by-pass in 1999. Chairman Nonnemaker stated that the Board of Commissioners would need more information from D.O.T. before they released the moratorium.

Chairman Nonnemaker announced the next work session of Monday, September 29, 2008, at 9:00 A.M. and the next regular meeting of Monday, October 6, 2008, at 4:30 P.M.

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

Chris R. Nonnemaker, Chairman

Joe R. Campbell, Post 1

Craig Bryant, Post 2

Jean Welborn, County Clerk