

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JULY 14, 2014, AT 6:00 P.M. IN THE ADMINISTRATIVE BUILDING #2, 214 W. KING STREET

REGULAR BUSINESS MEETING

The Chairman called the meeting to order.
Pledge of allegiance to the Flag
Roll call to determine quorum

The following members were present:

Mike Babb, Chairman
Harold Brooker, Vice Chairman
Lynn Laughter, Member
Robby Staten, Member
Gordon Morehouse, Member

Others Present:

Mark Gibson, County Administrator
Robert Smalley, County Attorney
Citizens
Department Heads
Press

Motion was made by Commissioner Staten and seconded by Commissioner Morehouse to amend the agenda. The motion was approved 4-0.

5 items were added from the potential additional items; (1. FY 2015 MPO Planning Contract with GDOT, 2. Work Session a. Business License/Occupation Tax b. Transient Food Providers, 3. Citizen Comment – Bobby Faith, 4. Ratify – Contract with Stifel, Nicolaus & Co. for Financial Advisory Services, 5. Executive Session Personnel)

Motion was then made by Commissioner Staten and seconded by Commissioner Morehouse to approve the amended agenda. The motion was approved 4-0, with Commissioners Brooker, Morehouse, Staten and Laughter in agreement. Approval of the agenda was unanimous.

WORK SESSION

1. The work session was called to order by the Chairman.
2. Chairman Babb noted that the Board will put the Business License/Occupation Tax to a vote at the next regular scheduled Board of Commissioners meeting in August.
3. Commissioner Morehouse noted that a Business License/Occupation Tax Ordinance document has been drafted and that the purpose of a County wide Occupational Tax/Business License ordinance is to level the playing field throughout the County in terms of Business License issues and to ensure the businesses in Whitfield County meet the other covenants and have acceptable zoning permissions.
4. Commissioner Morehouse noted that the purpose is not for generating revenue and asks that the cost of the license to be comparable to surrounding Counties, and suggested that Business License/Occupation Tax Ordinance be coordinated and administered by one organization, and noted that the City of Dalton has a Business License/Occupation Tax Ordinances in place.
5. Commissioner Morehouse thinks that a Business License/Occupation Tax Ordinance would be a benefit to Whitfield County.
6. Commissioner Laughter asked Commissioner Morehouse if his main reason for a Business License/Occupation Tax Ordinance is so that business operating in the County let the County know that they are operating a business in the County so that County can make sure they are in the correct zoning.
7. Commissioner Morehouse noted that in the Ordinance, before businesses are issued a Certificate/License the business would need to be compliant with the requirements such as sales tax number and zoning.
8. Commissioner Morehouse noted that there have been instances in the past where an operating business is not compliant with zoning, and having an Ordinance in place will minimize these issues.

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9. Commissioner Laughter noted that the City of Dalton has an Occupational Tax Ordinance in place and it helps them keep up with what business are operating in the City.
10. Chairman Babb noted that people would ask if this Ordinance would be an encroachment of the County Government into businesses, but hopes that this would be helpful to them
11. Chairman Babb gave an example a citizen who acquired a permit for the Georgia Department EPA, for moving tires, however the citizen has since lost his house and has moved out of the County, and the tires are still on the property leaving the County to take care the situation.
12. Chairman Babb noted that this issue might have been prevented if the citizen would have had to apply for a business license and describe the type of business he would be operating, he noted that there have been many instances where business have been operating a business where they shouldn't be but the owner has already invested in the business, the surrounding neighbors have legitimate complaints because they did not go through zoning prior to operating the business.
13. Chairman Babb noted that having an Ordinance in place would prevent those situations, and for sales tax collection compliance.
14. Commissioner Brooker asked if this would just be for retail businesses.
15. County Attorney Robert Smalley noted that it excludes agriculture processes, and farming but it could be tailored and adjusted to what the Commissioners think would be best for the County.
16. Commissioner Laughter asked why agriculture would be excluded.
17. Commissioner Morehouse noted that agriculture would be exempt, they don't won't to regulate people's yards.

The topic was changed to transient food providers.

1. Commissioner Morehouse noted that he serves on the Whitfield County Board of Health, and during one of their meetings the subject of an Ordinance for Transient Food Providers was brought up, the City of Dalton has an Ordinance in effect, and Whitfield County does not.
2. Commissioner Morehouse asked County Attorney Robert Smalley to draft an Ordinance to unify the Ordinances, whereas if you have a location in either the City or County they are subject to the health department's investigations of your activities as a transient food provider.
3. Chairman Babb noted that Ordinance would give the Health Department the tools they need to make sure that the people who live outside the City of Dalton that their food is protected the same as if they lived in the City of Dalton.
4. Commissioner Morehouse brings this Ordinance to the Board, to have consistency in both the City of Dalton and Whitfield County.
5. County Attorney Robert Smalley noted that the Ordinance is modeled after the City of Dalton's Ordinance, he noted that the mobile food trucks are already subjected to the Health Departments rules but they are hard defined, and this ordinance will bring it all into one place with regards to those types of merchants, and make it clear that they would be subject to a food service permits under the Health Department, and it would also keep trucks off public lands, right of ways, and state right of ways, the draft can be adjusted to the what the Commissioners see is best for the County.
6. Chairman Babb asked if the Board had any more questions or suggestions to the two Ordinances and noted that they would vote on them at their next regular business meeting in August.
7. The Work Session was adjourned.

**Ms. Jennifer Richardson was named the Whitfield County Employee of the Month for May 2014.
Ms. Richardson works in Juvenile Court.**

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PROCLAMATION

1. **Whitfield County as a Purple Heart County and Purple Heart Day:** Motion was made by Commissioner Brooker and seconded by Commissioner Laughter to proclaim Whitfield County a Purple Heart County and proclaim August 7, 2014 Purple Heart Day in Whitfield County. Commander Marvin Garner from the Military Order of Purple Heart Chapter 525 was present to receive the Proclamation. The motion was approved 4-0, with Commissioners Brooker, Staten, Laughter and Morehouse in agreement. **(SEE EXHIBIT "A")**

BOARD APPOINTMENTS

1. **Appointment to the Whitfield County Merit System Personnel Board:** Motion was made by Commissioner Morehouse and seconded by Commissioner Brooker to appoint Mr. Tim Holt to the Whitfield County Merit System Personnel Board for a five year term to expire on June 30, 2019. The motion was approved 4-0, with Commissioners Brooker, Staten, Laughter and Morehouse in agreement.

PRESENTATION

1. Britney McMillian and Pam Massingill from the Whitfield County Department of Behavioral Health and Developmental Disabilities Planning Board came before the Board to inform the Board and the Community what the Planning Board does. Ms. McMillian noted that part of their job is to go out into the community and see what types of services are needed for people with mental health or developmental issues such as transportation and housing, and report back to the Region 1 Board, who then forward the information to the state for budgeting purposes. Ms. McMillian noted that the DBHDDPB also hold town hall meetings every so often to gather community input on the needs in Whitfield County. Chairman Babb thanked Ms. McMillian and Ms. Massingill for bringing this information to the Board and the Citizens of Whitfield County.

APPROVAL OF MINUTES: Motion was made by Commissioner Morehouse and seconded by Commissioner Staten to approve the Regular Business Meeting Minutes of June 9, 2014, and Special Called Meeting Minutes of June 16, 2014. The motion was approved 4-0, with Commissioners Brooker, Laughter, Staten and Morehouse in agreement.

FOR CONSIDERATION

1. **May 2014 Financial Statements:** Motion was made by Commissioner Morehouse and seconded by Commissioner Brooker to approve the May 2014 Financial Statements as presented by Finance Director, Alicia Vaughn. In discussion, Mrs. Vaughn reported that Local Option Sales Tax for May 2014 is \$873,161. Local Option Sales Tax for May 2014 show a decrease of 1% compared to Local Option Sales Tax Collections for April 2014; Local Option Sales Tax collections for May 2014 show a 7% decrease from May 2013. Year to date Local Optional Sales Tax collections through May 2014 show a 4% decrease compared to Year to date Local Options Sales Tax collections for 2013; Year to date actual revenues of \$11,159,321 for May 2014 are over year to date projected revenue \$11,063,642 by less than 1%. Year to date actual expenditures of \$15,864,719 for May 2014 are less than year to date projected of \$16,494,521 by less than 4%. TAVT Collections for May 2014 were \$132,939. The motion was approved 4-0, with Commissioners Brooker, Laughter, Staten and Morehouse in agreement. **(SEE EXHIBIT "B")**

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2. **Ratify Contract for Financial Advisory Services:** Motion was made by Commissioner Brooker and seconded by Commissioner Staten to ratify a contract with Stifel, Nicolaus and Company, represented by Tom Woodward, to provide financial advisory services to the County. Fees for Services will be due and negotiated with each individual debt issuance and will be based on structure, size, and complexity of issuance. The motion was approved 4-0, with Commissioners Morehouse, Brooker, Staten and Laughter in agreement. **(SEE EXHIBIT “C”)**
3. **Whitfield County Travel Policy Revision:** Motion was made by Commissioner Staten and seconded by Commissioner Morehouse to approve the revised travel policy for Whitfield County. Changes were made to the following items; meals, business meals, travel-personal vehicle, registration, parking and reimbursement procedures, the changes will help clarify the travel policy. The motion was approved 4-0, with Commissioners Morehouse, Brooker, Staten and Laughter in agreement.
(SEE EXHIBIT “D”)
4. **ROW Property Swap:** Motion was made by Commissioner Morehouse and seconded by Commissioner Brooker to approve a Right of Way property swap between Whitfield County and Benny Roberts and Susan Townsend. The motion was approved 4-0, with Commissioners Brooker, Laughter, Morehouse, and Staten in agreement. **(SEE EXHIBIT “E”)**
5. **City of Varnell Annexation Request - Tax parcel 11-263-01-185:** Motion was made by Commissioner Morehouse and seconded by Commissioner Staten for no land use classification objection to the City of Varnell regarding tax parcel 11-263-01-185. For this parcel the City of Varnell proposed a zoning change from County R-2 to Varnell R-1. Tax parcel 11-263-01-185 is owned by Freddie Hurtado. The motion was approved 3-1, with Commissioners Morehouse, Staten and Laughter in agreement. Commissioner Brooker was in dissention.
6. **Georgia Civil War Heritage Trails Markers – Bid Award:** Motion was made by Commissioner Brooker and seconded by Commissioner Staten to approve the bid for Atlanta Creative Graphic for \$41,600. This bid is for installation of interpretive markers of the Georgia Civil War Heritage Trails Atlanta Campaign and March to the Sea project. One bid was received from Atlanta Creative Graphics for \$520.00 per markers, in total there will be eighty interpretive markers. Funding for this project comes from a GDOT LMIG grant. The motion was approved 4-0, with Commissioners Morehouse, Staten, Laughter, and Brooker in agreement.
7. **Ratify Contract for Construction of Transit Bus Shelter – Bid Award:** Motion was made by Commissioner Brooker and seconded by Commissioner Staten to ratify the contract with HL Construction for \$37,000. GDOT awarded Whitfield County’s Transit Department a grant in the amount of up to \$40,000 for the construction of a shelter for its buses. No matching funds were required. The project is fully paid for by the grant. The County received bids on a 3,600 sq. ft. shelter with eleven bays in which to park the buses, only one bid was received from HL Construction of Cleveland, TN for \$36,475, after the bid opening it was realized that shelter needed a small air compresses room to be added that brought the final total to \$37,000. The motion was approved 4-0, with Commissioners Morehouse, Staten, Laughter, and Brooker in agreement.
8. **SPLOST Project 5.8K Surveying and Design Proposal:** Motion was made by Commissioner Laughter and seconded by Commissioner Staten to award the contract with Southland Engineering for \$31,300 for surveying and design of the culverts. SPLOST Project 5.8K is a project that replaces large corrugated metal pipes at two locations with concrete box culverts. This a

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safety project because the pipes are large enough to carry a GDOT weight rating, and the ratings have fallen below ten tons, meaning school buses should not cross them, the pipes have rusted out in the bottoms and cannot be repaired. The two locations are on East Nance Springs Road and Beaverdale Road. Southland Engineering will provide turn-key services in the form of surveying, plan production, permitting, and bid documents in-house, the cost of the two sites together is \$31,300. The motion was approved 4-0, with Commissioners Brooker, Morehouse, Laughter and Staten in agreement.

9. **FY 2015 MPO Planning Services Contract:** Motion was made by Commissioner Brooker and seconded by Commissioner Morehouse to approve the matching portion in the amount of \$31,418.99 for the Metropolitan Transportation Planning Services Contract and approve the FY2015 Planning Funds Contract PL #0012932. The Metropolitan Transportation Planning Services Contract, also known as Public Law (PL) funds, is used to identify the responsibilities of both the state and the MPO to carry out transportation planning in the Greater Dalton Metropolitan Area. It covers eligible expenditures by the MPO such as staff salaries and support activities undertaken by the MPO for developing long-range metropolitan transportation plans, transportation improvement programs, unified planning work program, and the planning process in general. The Federal share of the grant is 80% or \$125,561.20 and the local match share is 20% or \$31,390.30. The total contract cost is \$156,951.50. The Federal Highway Administration (FHWA), provides the 80% Federal share. The motion was approved 4-0, with Commissioners Brooker, Staten, Morehouse and Laughter in agreement. **(SEE EXHIBIT "F")**

10. **Dalton Utilities Encroachment Agreement:** Motion was made by Commissioner Brooker and seconded by Commissioner Staten to approve the Dalton Utilities Encroachment Agreement for the Booker Road SPLOST Project 3.12 the road travels east to the north bypass at the intersection of Heritage point, just east of the bypass is a power transmission line that belongs to Dalton Utilities there is not conflict with the line, the workers just have to cross the right of way, the power line does not have to be raised, no poles or towers have to be moved either. The encroachment agreement is only to be able to construct the road across the right of way. Dalton Utilities is in agreement to let the County cross and work on the right of way. The motion was approved 4-0, with Commissioners Laughter, Brooker, Staten and Morehouse in agreement. **(SEE EXHIBIT "G")**

11. **Public Appearance – Bobby Faith:**
Mr. Bobby Faith of 131 Sherwood Dr. SE came before the Board of Commissioners to voice his concern about the condition of Sherwood Dr. SE Road, Mr. Faith said that in September 2013 Public Works took out a forty foot strip of road to replace a cross drain pipe, they filled the hole up but have not been back to fix the road. Public Works Director Dewayne Hunt said that within the next couple of weeks they will have the road patched up. Chairman Babb thanked Mr. Faith for bringing his concerns before the Board.

PUBLIC COMMENT:

Daryl Long came forward to ask the Commissioners for a copy of the Business License/Occupation Tax Ordinance draft the Board is considering to implement in Whitfield County. Mr. Long was provided with a copy and made aware that that is only a draft and the final ordinance may be different.

Bo Patton, who lives at 808 Hunt Rd. came before the Board to let them know that when someone is sitting in the back of the meeting room it is hard to clearly see the projection screen, or hear and see which one of the Commissioners is speaking which makes it hard to follow along during the meetings.

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Mr. Patton noted that not being able to see the items on the screen or hearing the Commissioners speak especially when large and important issues are brought before the Board is frustrating. Chairman Babb let Mr. Patton know that they will look into the projection screen issue.

There were no more public comments.

EXECUTIVE SESSION:

Motion was made by Commissioner Morehouse and seconded by Commissioner Staten to enter into an Executive Session in order to discuss personnel. Present for the meeting were Chairman Mike Babb, Commissioners Morehouse, Brooker, Laughter, and Staten, and County Attorney Robert Smalley. The motion was approved 4-0, with Commissioners Morehouse, Brooker, Laughter and Staten in agreement.

Motion was then made by Commissioner Morehouse and seconded by Commission Brooker to come out of Executive Session. The motion was approved 4-0, with Commissioners Morehouse, Brooker, Laughter and Staten in agreement.

ADJOURN Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

BLANCA CARDONA, COUNTY CLERK

DATE: / /