

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, SEPTEMBER 12, 2016 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 (Absent)
Lynn Laughter Member
Roger Crossen, Member
Barry W. Robbins, Member

Others Present:

Mark Gibson, County Administrator
Citizens
Department Heads
Press

Motion was made by Commissioner Robbins and seconded by Commissioner Laughter to amend the agenda. The motion was approved 3-0.

6 items were added from the potential additional items; (1. Malt Beverage – License Applications a. Taqueria El Rey – 1705 E. Morris St. Dalton, GA, b. Dixie Corner Food Mart #2 – 3000 E. Walnut Ave. Dalton, GA, 3. The Local – 3001-B E. Walnut Ave., Dalton, GA, 2. Engineering Department – a. Civil War Heritage Trails Emanuel County Parking Area, b. Construction Bid – Carbondale Business Park Access Rd (Ratify), c. Detention Pond Modification – TVA Transmission Line (Ratify)

Motion was then made by Commissioner Robbins and seconded by Commissioner Laughter to approve the amended agenda. The motion was approved 3-0, with Commissioners Robbins, Laughter, and Crossen in agreement. Approval of the agenda was unanimous.

Ms. Catrina Dodd was named the Whitfield County Employee of the Month for July 2016. Ms. Dodd works in the Buildings and Grounds department.

APPROVAL OF MINUTES: Motion was made by Commissioner Laughter and seconded by Commissioner Crossen to approve the Regular Business Meeting Minutes of August 8, 2016, Work Session Minutes of August 22, 2016 and the Special Called Meeting Minutes of August 8, 2016 with corrections. Commissioner Laughter made the following corrections to the August 8th, 2016 Regular Business Meeting Minutes; correct Mrs. Julian Husky to Mrs. Joann Husky and Commissioner Robbins also noted a correction on page 4 item 12, which has previously been corrected. The motion was approved 3-0, with Commissioners Crossen, Laughter and Robbins in agreement.

BOARD APPOINTMENTS

1. Notification from Superior Court; Appointment of Carol Byers to the Whitfield County Board of Elections and Registration. Ms. Byers term is effective beginning September 15, 2016 through September 15, 2020.
2. **Appointment to the Region One Planning Board of Behavioral Health and Developmental Disabilities:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to appoint Samantha Hope Cannon to a three-year term on the Region One Planning Board of Behavioral Health and Developmental Disabilities to expire on September 12, 2019. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement.
3. **Re-Appointments to the Dalton-Whitfield Library Board of Trustees:** Motion was made by Commissioner Laughter and seconded by Commissioner Crossen to re-appoint Judge Cindy Morris and Kathryn Sellers to the Dalton-Whitfield Library Board of Trustees to a three-year term to expire June 30, 2019. The motion was approved 3-0, with Commissioners Crossen, Laughter and Robbins in agreement.

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PUBLIC HEARINGS:

Chairman Babb called a public hearing to allow for public comment regarding the Malt Beverage License applications for Taqueria El Rey located at 1705 E. Morris Street, Dalton, GA; Dixie Corner Food Mart #2 located at 3000 E. Walnut Ave., Dalton, GA, and The Local located at 3001-B E. Walnut Ave., Dalton, GA.

There being no comments expressed, Chairman Babb declared the public hearing closed.

Chairman Babb then called a public hearing to allow for public comment regarding the Comprehensive Recreation Ordinance.

Ms. Hope Lewellan came forward to speak against the proposed recreation ordinance. Ms. Lewellan spoke in particular about banning of all dogs at the parks. Chairman Babb noted that the ordinance is not banning all dogs and does allow them to be in parks if they are on a leash that is up to six (6) feet in length. Ms. Lewellan further stated that responsible dog owners should not be punished for the actions of irresponsible ones.

Mrs. Rita Burrows suggested a dog licensing system in case the County ever decides to have a dog park. Mrs. Burrows noted that having a dog licensing system in place will help with rabies control and making sure that the dogs are up to date with their vaccinations. Mrs. Burrows also noted that this would help reduce dogs ending up in the animal shelter. Mrs. Burrows thanked the Board for listening to the citizens' concerns on this topic.

Mr. Ricky Burrows came forward to speak on the topic. Mr. Burrows noted that in section 11-15 (b) of the proposed ordinance referencing dog barking, he noted that the section is vague and not clearly defined as dogs can bark for many reasons.

There being no other comments or questions, Chairman Babb declared the public hearing closed.

Chairman Babb then called a Public Hearing to allow for public comment regarding the closing and abandoning of Frye Rd.

City of Dalton Administrator Ty Ross came before the Board to speak on behalf of the City of Dalton who is requesting the closing and abandoning of Frye Rd. Ross noted that the City of Dalton acquired numerous parcels that adjoin Frye Rd which is close to the Dalton Municipal Airport. Ross further noted that the Dalton Airport Authority Board suggested that Frye Rd be closed and abandoned for maintenance purposes.

There being no other comments or questions, Chairman Babb declared the public hearing closed.

FOR CONSIDERATION

1. **Close and Abandon Frye Road:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to execute the Decision/Certification documents in order to close and abandon Frye Rd. The City of Dalton's petition to close and abandon Frye Rd. was accepted by the Board at the August 8, 2016, Board of Commissioners regular business meeting. The motion was approved 3-0, with Commissioners Laughter, Crossen and Robbins in agreement. **(SEE EXHIBIT "A")**
2. **Petition to Close and Abandon a Portion of Seaton Loop:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to accept the petition to close a portion of Seaton Loop located in Land Lot 57 of the 11th district and 3rd section of Whitfield County, Georgia. The acceptance of the petition sets in motion the process required by Georgia Law, that requires the County to notify adjacent property owners and to hold a public hearing after which a decision can be made to close and abandon a portion of Seaton Loop. The public hearing for this petition will be held at the next regular Board of Commissioners meeting on October 10, 2016, at which time a decision can be made to close and abandon a portion of Seaton Loop. The motion was approved 3-0, with Commissioners Laughter, Crossen and Robbins in agreement. **(SEE EXHIBIT "B")**

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3. **Quitclaim Deed City View Terrace:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to approve the quitclaim deed as presented for City View Terrace. The quit claim deed says that the County has no interest in claiming an unopened right of way that was platted several years ago and never developed. This is an old subdivision in the Southern part of Whitfield County. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement. **(SEE EXHIBIT "C")**
4. **Resolution to Request a Portion of Property Back from GDOT – Wagner Drive:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to approve the resolution to formally request the Georgia Department of Transportation (GDOT) to re-convey certain real property previously conveyed by the County. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement. **(SEE EXHIBIT "D")**
5. **Convey 513 Jones Street to the Dalton-Whitfield Land Bank Authority:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to convey real property located at 513 Jones St. Dalton, Georgia to the Dalton-Whitfield Land Bank Authority and authorize Chairman Babb to sign the deed. The Land Bank Authority will then convey the real property to Habitat for Humanity. Whitfield County acquired this property during the Neighborhood Stabilization Program. During the discussion Commissioner Laughter made the suggestion to amend the motion to state that the conveyance is contingent upon Habitat for Humanity accepting the property. Commissioner Crossen then amended his motion, and was seconded by Commissioner Laughter. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement. **(SEE EXHIBIT "E")**
6. **SPLOST Project 5.3 Exchange of Property Reed Road:** Motion was made by Commissioner Laughter and seconded by Commissioner Crossen to approve an exchange of property deed with Spring Bank LLC for a portion of Reed Rd in Whitfield County. SPLOST project 5.3 involved improvements and relocation of a portion of Reed Rd. The project is now complete and the Reed Road right of way has been relocated to the area designated. The motion was approved 3-0, with Commissioners, Robbins, Laughter and Crossen in agreement. **(SEE EXHIBIT "F")**
7. **Parks and Recreation Ordinance Change:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to table the Parks and Recreation Comprehensive Ordinance. The Board will consider the ordinance once section 11-15 (b) is revised. The motion was approved 3-0, with Commissioners Laughter, Robbins and Crossen in agreement.
8. **Fire Department – Miscellaneous Surplus Items:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to approve the miscellaneous surplus items from the Fire Department and to list the items on GovDeals.com. There were a total of 13 items for surplus a copy of the list is included in these minutes. The motion was approved, 3-0, with Commissioners Laughter, Robbins and Crossen in agreement. **(SEE EXHIBIT "G")**
9. **Rezoning Recommendation:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the request of Kevin Whitely to rezone 7.37 acres from Rural Residential (R-5) to General Agriculture (GA); the subject property lies along the north R/W of Keown Lane and is parcel number 27-241-04-000. The Planning Commission has recommended that the Board approve the rezoning. The motion was approved 3-0, with Commissioners Laughter, Robbins, and Crossen in agreement.
10. **July 2016 Financial Statements:** Motion was made by Commissioner Laughter and seconded by Commissioner Crossen to approve the July 2016 Financial Statements as presented by Finance Director, Alicia Vaughn. In discussion, Mrs. Vaughn reported that Local Option Sales Tax for July 2016 is \$800,036, the LOST percentage for 2016 is 63.752%. Local Option Sales Tax for July 2016 show a decrease of 6.1% compared to Local Option Sales Tax Collections for July 2015; Local Option Sales Tax collections for July 2016 show 5.9% increase from June 2016. Year to date 2016 Local Option Sales Tax collections of \$5,764,919 are down 4.2% compared to year to date 2015 collections. Year to date actual

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revenues of \$13,797,892 for July 2016 are slightly over year to date projected revenue \$13,720,279 by less than 1%. Year to date actual expenditures of \$22,975,082 July 2016 are under year to date projected expenditures of \$23,804,203 by 3%. TAVT collections for July 2016 were \$115,109, budgeted revenues were \$170,000, based on the year 2012 Collections on the old system the collections for TAVT through July 2016 are 3% higher under the new system. The motion was approved 3-0, with Commissioners Crossen, Laughter and Robbins in agreement. **(SEE EXHIBIT "H")**

11. **Sheriff's Office – CorrectMed Contract:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to ratify the County Jail health services contract with CorrectMed. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement. **(SEE EXHIBIT "I")**
12. **Alcohol Beverage License Application – Taqueria El Rey:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the Alcohol Beverage Application for a Malt Beverage License for Taqueria El Rey located at 1705 E. Morris Street, Dalton, GA. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement.
13. **Alcohol Beverage License Application – Dixie Corner Food Mart #2:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to approve the Alcohol Beverage Application for a Malt Beverage License for Dixie Corner Food Mart #2 located at 3000 E. Walnut Ave, Dalton, GA. The motion was approved 3-0, with Commissioners Robbins, Crossen and Laughter in agreement.
14. **Alcohol Beverage License Application – The Local:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the Alcohol Beverage Application for a Malt Beverage License for The Local located at 3001-B E. Walnut Ave, Dalton, GA. The motion was approved 3-1, with Commissioners Robbins, Crossen, and Chairman Babb in agreement. Commissioner Laughter was in dissention.
15. **Georgia Civil War Heritage Trails Emanuel County Parking Area:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to approve the quote from Emanuel County to construct the parking area for the Civil War Heritage Trails project for \$59,709.50. As part of the Georgia Civil War Heritage Trails project, three sites are to have small parking areas constructed. One of these areas is in Emanuel County. The total cost is \$59,709.50. This project is a 100 percent pass-through of GDOT LMIG funds. No money will come from Whitfield County's general fund, GDOT has approved the quote from Emanuel County to construct the parking area, Emanuel County will pay for the work, and Whitfield will reimburse Emanuel with the LMIG funds. The motion was approved 3-0, with Commissioners Laughter, Robbins and Crossen in agreement.
16. **Engineering Department – Construction Bid Award Carbondale Business Park:** Motion was made by Commissioner Crossen and seconded by Commissioner Laughter to ratify the contract with Talley Construction Co. for \$2,667,852.35 and authorize the chairman to sign the contract. On July 15, 2016, the Engineer Department opened bids for the construction of the Carbondale Business Park Access Road. There are two federal ARC grants funding up to \$1.3 million of this project. One grant is for road construction, and is worth a maximum of \$1 million. This money flows through GDOT, which is why GDOT is so heavily involved in a County road project. The other grant is for water and sewer infrastructure, is worth \$300,000, and is administered by TVA. Both grants require a dollar-for-dollar match from Whitfield County. In other words, for us to get the full \$1 million in road grant money, the total road cost would have to be \$2 million. Likewise, for water and sewer, the total cost would have to be \$600,000 to get the full amount of the grant. We received 3 responsive bids. They are listed below by total bid, road construction bid, and water/sewer bid: Talley Construction Co., Rossville GA \$2,667,852.35, \$1,969,143.03, \$698,709.32, NW Ga Paving Co., Calhoun, GA \$3,045,947.62, \$2,270,477.07, \$775,470.55 and CW Matthews, Marietta, GA \$2,931,223.77, \$2,033,769.10, \$897,454.67, Talley's bid is the lowest, and it allows us to claim \$984,571.51 in road grant money and the full \$300,000 in water/sewer grant money. We should be able to claim the remaining \$15,000+ in

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road grant money from prior design expenses. Whitfield County's portion of the cost, which is \$ 1,383,280.84, will come from the Capital Projects Fund. The grant funds will come in the form of reimbursement for money spent on the project. GDOT has reviewed the bids and issued a Notice to Award, which means the BOC is clear to award the bid if it so chooses. The motion was approved 3-0, with Commissioners Laughter, Robbins and Crossen in agreement.

17. **Detention Pond Modification – TVA Transmission Line:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to ratify the award bid and authorize the Chairman to sign the contract with EMR Inc. for \$98,500. In 2015, Whitfield County graded a building pad with a stormwater detention pond at the Carbondale Business Park. After the pond was completed, TVA approached the County with plans for two power transmission lines which will intersect at a point which lies in the detention pond. For this reason, the pond must be modified, but at TVA's expense. TVA agreed to pay for the pond modification during negotiations for TVA's purchase of right-of-way from the County for the transmission lines. The agreement states that Whitfield County will modify the pond and TVA will reimburse the County for the expense. Whitfield County took sealed bids on modifying the pond, and received three. The low bid was from EMR Inc. for \$98,500. TVA has reviewed the bids and has agreed to pay \$98,500 for the work. The motion was approved 3-0, with Commissioners Crossen, Laughter and Robbins in agreement.

18. **Proclamation – National Surgical Technologist Week:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to proclaim September 21 – 27, 2016 as National Surgical Technologist Week in Whitfield County, Georgia. The motion was approved 3-0, with Commissioners Crossen, Robbins and Laughter in agreement. **(SEE EXHIBIT “J”)**

PUBLIC COMMENT

Mrs. Mary Thelma Norris who resides at 1907 Courtland Lane came forward to speak about the upcoming 2017 budget. Mrs. Norris noted that the Board needs to come up with a way to balance the budget instead of raising taxes next year.

Mr. Jevin Jensen spoke to the Board about a finance committee for Whitfield County. Mr. Jensen suggested that maybe one or two citizens could sit in on the department head budget meetings along with Commissioners and County staff just to have another set of eyes on the budget.

There were no other public comments.

ADJOURN Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

BLANCA CARDONA, COUNTY CLERK

DATE: / /