

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, FEBRUARY 13, 2017, 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:

R. Lynette Laughter, Chairman
Harold Brooker, Vice Chairman
Greg Jones, Member
Roger Crossen, Member
Barry W. Robbins, Member

Others Present:

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

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

1 items were added from the potential additional items; (1. Finance – 2016 Budget Amendment No. 6)

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

APPROVAL OF MINUTES: Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the Regular Business Meeting Minutes of January 9, 2017, and the Work Session Minutes of January 23, 2017. The motion was approved 4-0, with Commissioners Crossen, Jones, Brooker and Robbins in agreement.

PROCLAMATION

1. **Habitat for Humanity:** Motion was made by Commissioner Jones and seconded by Commissioner Robbins to proclaim March 30, 2017 as a day of recognition in Dalton-Whitfield County and urge the citizens of this community to recognize the merits of Habitat for Humanity of Dalton-Whitfield and Murray Counties. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement. **(SEE EXHIBIT “A”)**

BOARD APPOINTMENTS

1. **Re-Appointment to the Limestone Valley Resource Conservation and Development Council:** Motion was made by Commissioner Robbins and seconded by Commissioner Brooker to re-appoint Chris Hester to a two-year term to the Limestone Valley Resource Conservation and Development Council. Mr. Hester is the Stormwater and Erosion Inspector for Whitfield County. The motion was approved 4-0, with Commissioners Jones, Robbins, Crossen and Brooker in agreement.

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2. Re-Appointment to the Limestone Valley Resource Conservation and Development

Council: Motion was made by Commissioner Robbins and seconded by Commissioner Brooker to re-appoint Billy Vinyard to a two-year term to the Limestone Valley Resource Conservation and Development Council. The motion was approved 4-0, with Commissioners Jones, Robbins, Crossen and Brooker in agreement.

3. Appointment to the Dalton-Whitfield Joint Development Authority: Motion was made by Commissioner Robbins and seconded by Commissioner Brooker to appoint Mr. David Jolly to the Dalton-Whitfield Joint Development Authority. Mr. Jolly will fill the unexpired term of Lamar Lyle which will expire January 31, 2018. The motion was approved 4-0, with Commissioners Jones, Robbins, Crossen and Brooker in agreement.

PUBLIC HEARING

Chairman Laughter called the public hearing to order. Chairman Laughter then called Mr. Ethan Calhoun from the Dalton-Whitfield Planning Commission to orient the members and citizens of the guidelines for this rezoning public hearing. Mr. Calhoun explained that this rezoning/special use request is for property on Rauschenberg Rd to provide transitional housing for men recently released from prison. The property will have to be rezoned from R-5(Rural Residential) to R-6 (Transitional Residential), there is a church facility on site. According to Georgia law due to the proposal of counseling for alcohol/drug dependency an additional public hearing will be held after a six (6) month comment period. Chairman Laughter then asked if any members of the audience were for this rezoning/special use permit. Pastor Moore spoke in favor of the Oasis of Love Transitional House's Living Program. Pastor Moore noted this transitional housing will provide affordable housing, to men who have demonstrated their readiness to become positive and productive citizens. Dr. O'Neal spoke in favor of the Oasis of Love Transitional House's Living Program. Dr. O'Neal noted that the program strives to provide a stable living environment for men recently released from prison who have completed at least two (2) years of mandatory Georgia Department of Correction re-entry classes. Chairman Laughter then asked if any members of the audience were opposed to the rezoning/special use permit. Ms. Judy Benjamin who resides at 3296 Rauschenberg Rd. came forward to speak against the rezoning her residence is directly adjacent to the proposed transitional housing has several safety concerns being so close in proximately to her residence. Ms. Virna Kimsey who resides at 1075 Durham St. came forward to speak against the rezoning and also had safety concerns regarding the rezoning. Ms. Patricia Allen who resides at 3012 Alpharetta Dr. came forward to speak against the rezoning and suggested the transitional housing be considered closer to town and employment. Ms. Emily Hullendar who resides at 1033 Abbey Ln came forward to speak against the rezoning. Ms. Hullendar's concerns are regarding the location of the transitional housing and the Varnell Elementary school children who would be waiting outside for the school busses during the school year. Ms. Kristin Nix who resides at 295 Bloomington DR. came forward to speak against the rezoning. Mr. David Lowe who resides at 276 Brylow Dr. came forward to speak against the rezoning suggested to Board of Commissioners that the petitioners Dr. O'Neal and Pastor Moore abandon the idea of a transitional house at this location. Ms. Pat Painter who resides at a residence on Cleveland Hwy, asked several questions to Pastor Moore and Dr. O'Neal such as who will be supervising the residents at the transitional home, and what is the success rate of such programs like this one. Mr. Brian Davis who resides at 403 Welsh Dr. came forward to speak against the rezoning. Mr. Davis had a question in regards to the program guidelines, "if staff determines that a resident's behavior puts others at risk, Dismissal will be immediate", Mr. Davis questioned if a resident is dismissed from the program, where will they be dismissed to? Mr. Jan Porquoi came forward to speak against the rezoning. Mr. Porquoi noted that the majority of the residents that will reside at the transitional home are useless human

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beings with criminal minds. Mr. Porquoi noted that he hires felons to work at his business and most of them are lazy and only last a couple of days. After Mr. Porquois comments Chairman Laughter asked the audience for a show of hands opposing the rezoning, over fifty people raised their hands in opposition. Jeff Rector who resides at 3114 Rauschenberg Rd. came forward to speak against rezoning. Mr. Rector stated to the Commissioners as elected officials voted in by the people to do the right thing and make the right decision in regards to the rezoning/special use permit. Chairman Laughter called for a rebuttal from the petitioners towards the opposition. Dr. O'Neal addressed the opposition by stating that in order for the inmates to be released into this program they would have to have completed at least two years of mandatory Georgia Department of Correction reentry classes. Dr. O'Neal further noted that the transitional house functions as a place to provide the men the opportunity to transition back into the community as a positive contributing citizen, the program is a program of personal responsibility and that the rules, policies, and procedures are in place to ensure their safety, health and overall well-being.

With no other comments heard for or against this hearing Chairman Laughter closed this hearing.

FOR CONSIDERATION

1. **ESPLOST Resolution:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the ESPLOST Resolution. The Whitfield County Board of Commissioners urges the local voters of Whitfield County to exercise their right to vote Yes or No on Tuesday, March 21, 2017, regarding the funding of such capital requirements though continuation of a one-penny local option sales tax. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement. **(SEE EXHIBIT "B")**
2. **Animal Shelter – Policies and Procedures:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the policies and procedures for the Whitfield County Animal Shelter. The motion was approved 4-0, with Commissioner Brooker, Jones, Crossen and Robbins in agreement. **(SEE EXHIBIT "C")**
3. **Public Defender Contract 2017:** Motion was made by Commissioner Crossen and seconded by Commissioner Jones to approve the 2017 Public Defender Contract. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement. **(SEE EXHIBIT "D")**
4. **EMA FY2016 Homeland Security Grant Purchase:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to purchase of a RapidCom (communications) trailer from ComLabs for \$96,022.00. This is a FY 2016 Homeland Security Grant that is designed to help our agency to enhance the capabilities to prevent, protect against, respond to, and recover from terrorist attacks, major disasters and other emergencies in accordance with the goals and objectives of the State Strategic Plan. The Grant is in the amount of \$100,00 which can only be used to purchase the items expressly approved by the State. This money will be used to purchase a Rapid Communications Trailer (Rapid COMM). The unit would be equipped with a deployable radio tower, 700/800 MHz, VHF and UHF repeaters/mobile radios stations, generators, mobile satellite data/phone capabilities and will be able to interface with an existing gateway. This unit includes EMnet technology which is already being used by the State of Georgia and Whitfield County. This unit will respond locally, regional and statewide to events, incidents and disasters. Whitfield County would maintain the unit and deploy whenever needed. This unit will support/enhance an established Special Operations

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Communications Team (Communications Unit) and Mobile Communications/Command Vehicle. This is a grant that requires not match requirements. The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement.

5. **Buildings and Grounds – Surplus Vehicles:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the surplus of two (2) 1995 F150 pickups from Buildings and Grounds inventory and to be placed on GovDeals.com. The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement.
6. **December 2016 Financial Statements:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the December 2016 Financial Statements as presented by Finance Director, Alicia Vaughn. In discussion, Mrs. Vaughn reported that Local Option Sales Tax for December 2016 is \$1,336,443. LOST percentage 2016 = 63.752%, Local Option Sales Tax for December 2016 show an increase of 63.10% compared to Local Option Sales Tax Collections for November 2016; Local Option Sales Tax collections for December 2016 show an increase of 37.39% compared to December 2015 collections. Year to date Local Option Sales Tax collections for 2016 of \$9,848,729 are down 5.7% compared to Year to Date Local Option Sales Tax collections for 2015 of \$10,448,502. Year to date actual revenues of \$42,100,020 for December 2016 are under year to date projected revenues of \$44,762,300 by 6%. Year to date actual expenditures of \$39,509,087 for December 2016 are under year to date projected expenditures of \$41,564,690 by 5%. TAVT collections for December 2016 were \$1,753,000, budgeted revenues were \$2,048,000, based on the year 2012 Collections on the old system the TAVT collections through December 2016 are 4.05 % under. The motion was approved 4-0, with Commissioners Crossen, Jones, Brooker and Robbins in agreement. **(SEE EXHIBIT “E”)**
7. **Finance – 2016 Budget Amendment #6:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the 2016 budget amendment #6 as presented by Finance Director, Alicia Vaughn. This amendment affects the General Fund, the Capital Projects Fund, and the 911 Fund. It addresses the following: General Fund transfer to Fund 35 Capital Projects is increased by \$1,581,094, Vehicle for Recreation Dept., funds remaining in operating budget were used to cover expense, Mobile CAAD hardware for Sheriff's Office: software was purchased through E911, the hardware is the responsibility of the Sheriff's Office. Mobile CADD software and Viper phone system for E911: these projects were approved and the General Fund transfer to the 911 Fund will need to be increased to cover the expense. The motion was approved 4-0, with Commissioners Crossen, Brooker, Jones, and Robbins in agreement. **(SEE EXHIBIT “F”)**
8. **Parks and Recreation Edwards Park Change Order No. 8:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve change order No. 8 for the Edwards Park Community Center. Change Order #8 – Expense \$5,169 to add one (1) beam for basketball goal support. The motion was approved 4-0, with Commissioners Jones, Brooker, Robbins and Crossen in agreement. **(SEE EXHIBIT “G”)**
9. **Fire Department – Pick-up Truck Purchase:** Motion was made by Commissioner Crossen and seconded by Commissioner Jones to approve the purchase of a 2017 Ford F150 XL Crew Cab from Brooker Ford for \$35,385. Whitfield County Fire Department requested bids for a 2017 Ford F150 XL Crew Cab vehicle to be utilized by the Battalion Chief as a response vehicle. The department has evaluated their fleet of vehicles and this will replace a 2006 model Ford

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Explorer with 115K miles. The replaced unit will continue to be utilized as a spare vehicle. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement.

10. **Fire Department – Additional Roof Repairs Station 1:** Motion was made by Commissioner Jones and seconded by Commissioner Brooker to approve the decking replacement at Fire Station 1 in the amount of \$9,600 from TBM Inc. At that October 16, 2016 BOC meeting the roof replacement for Fire Station 1 was approved, it was noted that additional costs may be incurred when the old roof is removed and the metal deck was exposed. Initial bid did reveal damage but full extent was not able to be determine at that time. As the roof was removed it was found to be in extremely poor condition and unsafe to leave as a decking material. The original bid specified a cost of 54.00 a square foot for decking replacement and a total of 2400 square feet had to be replaced. The decking was removed and replacement needed to occur due to the facility being exposed to the elements. The motion was approved, 4-0, with Commissioners Jones, Brooker, Robbins and Crossen in agreement.
11. **Fire Department – Contract with Architect:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve KRH Architects Inc. for professional services of Fire Station 11 & 12. Contract will consist of all construction phases including preparing all bid documents pertaining to construction of Fire Station 11 & 12. The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement. **(SEE EXHIBIT “H”)**
12. **City of Varnell Annexation Request – 11-263-01-091:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins for no land use classification objection to tax parcel number 11-263-01-191. The motion was approved 4-0, with Commissioners Brooker, Jones, Robbins and Crossen in agreement.
13. **City of Varnell Annexation Request – 11-192-05-013:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins for no land use classification objection to tax parcel number 11-192-05-019. The motion was approved 4-0, with Commissioners Brooker, Jones, Robbins and Crossen in agreement.
14. **Quitclaim Deed-Sutton/Crow Road:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the Quitclaim deed from Whitfield County to Harold Sutton, Doyle Sutton, Shannon Sutton and Terri M. Sutton. Whitfield County and in consideration of Civil Action No. 13-CI396-D in the Superior Court of Whitfield County, Georgia, wherein Whitfield County agreed to exchange and convey that portion of Crow Road which was being relocated by virtue of said condemnation to those parties whose properties said old relocated road right of way traversed. The motion was approved 4-0, with Commissioners Brooker, Jones, Robbins and Crossen in agreement. **(SEE EXHIBIT “I”)**
15. **Wagner Road Easement - Dalton Whitfield Joint Development Authority:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to approve the Easement between Whitfield County and the Dalton-Whitfield Joint Development Authority. The motion was approved 4-0, with Commissioners Brooker, Jones, Robbins and Crossen in agreement. **(SEE EXHIBIT “J”)**

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16. **Rezoning Recommendation:** Motion was made by Commissioner Crossen and seconded by Commissioner Jones to approve the rezoning request of Sheena Stanley to rezone a tract of land (parcel 11-256-01-000) containing a total of 13 acres from Rural Residential (R-5) to General Agriculture (GA) located along the west R/W of Colston Lane. The Planning Commission has recommended that the Board approve the rezoning. The motion was approved 4-0, with Commissioners Jones, Crossen, Brooker, and Robbins in agreement.
17. **Rezoning Recommendation:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to deny the rezoning request of John Ridley to rezone a tract of land (parcel 12-325-06-000) containing a total of 27.02 acres from Rural Residential (R-5) to General Agriculture (GA) located along the north R/W of Ridge Road in unincorporated Whitfield County. The Planning Commission has recommended that the Board deny the rezoning. The motion was approved 4-0, with Commissioners Jones, Crossen, Brooker, and Robbins in agreement.

PUBLIC COMMENT

Cecil Headrick came before the Board to speak about an issue he's had with his property located off of Tibbs Bridge Rd. Mr. Headrick has a business at this address prior to the enactment of the Whitfield County Zoning Ordinance in 1993, at that time Mr. Headrick was allowed to run his business at the current location even if the zoning was not commercial. Mr. Headricks property is currently zoned R-5(Rural Residential) however he would like for it to be changed officially to C-2 (General Commercial). County Administrator Mark Gibson informed the Board that himself and Planning and Zoning Director Jean Garland have advised Mr. Headrick that in order to make the change he would have to go through the rezoning process and submit an application with the Zoning department. County Attorney Robert Smalley confirmed that per state law that would be the only way to officially change the zoning. Motion was then made by Commissioner Brooker and seconded by Commissioner Crossen to waive Mr. Headricks rezoning application fee. The motion was approved 4-0 with Commissioners Brooker, Jones, Crossen and Robbins in agreement.

EXECUTIVE SESSION:

Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to enter into an Executive Session in order to discuss Property Acquisition, Potential Litigation and Personnel. Present for the meeting were Chairman R. Lynette Laughter, Commissioners Jones, Robbins, Crossen, Brooker, County Administrator Mark Gibson, County Attorney Robert Smalley, County Engineer Kent Benson and County Clerk Blanca Cardona. The motion was approved 4-0, with Commissioners Robbins, Crossen, Brooker and Jones in agreement.

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

ADJOURN Unanimous

R. LYNETTE LAUGHTER, CHAIRMAN

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WHITFIELD COUNTY BOARD OF COMMISSIONERS

BLANCA CARDONA, COUNTY CLERK

DATE: / /