

**MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, MARCH 11, 2019, 6:00 P.M. IN THE ADMINISTRATION 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  
Barry W. Robbins, Member  
Roger Crossen, Member  
Greg Jones, Member (ABSENT)

**Others Present:**

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

**Motion was then made by Commissioner Brooker and seconded by Commissioner Crossen to approve the agenda. The motion was approved 3-0, with Commissioners Brooker, Crossen and Robbins in agreement.**

**Chairman Laughter recognized Mr. Kevin Tankersley as Employee of the Month for January 2019. Mr. Tankersley works at the Animal Shelter**

Debbie Long with the Convention and Visitor's Bureau introduced Margaret Thigpen as the new Executive Director of the CVB and Trade Center.

**Approval of Minutes:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the February 11, 2019 regular business meeting and the February 25, 2019 work session minutes. The motion was approved 3-0, with Commissioners Crossen, Brooker, and Robbins in agreement.

**FOR CONSIDERATION:**

1. **Resolution – Opposing HB 302 & SB 172:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to adopt the resolution to oppose HB 302 & SB 172. The current bills would prohibit local governments from regulating building design elements. Both bills did not pass crossover day during the 2019 general assembly session, however the resolution is being approved and will be sent to the County's local delegation in case the bills are introduced at next year's session. The motion was approved 3-0, with Commissioners Robbins, Brooker and Crossen in agreement.
2. **Town of Cohutta Annexation Requests – 11-062-01-052, 11-062-01-072 & 11-062-01-059:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins for no land use classification objection to tax parcel numbers 11-062-01-052, 11-062-01-072 & 11-062-01-059. The motion was approved 3-0, with Commissioners Brooker, Robbins and Crossen in agreement.
3. **Certified Local Government Application GA DNR:** Motion was made by Commissioner Brooker and seconded by Commissioner Robbins to submit an application to the Dept. of Natural

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Resources Historic Preservation Division for Whitfield County to become a Certified Local Government. If the application were approved Whitfield County will be eligible to apply for and receive federal funds to assist in historic preservation projects throughout the County. The motion was approved 3-0, with Commissioners Brooker, Robbins and Crossen in agreement.

4. **Petition to Close Road:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to accept the petition to close a portion of Maddox Chapel Road that is located southwesterly at the right of way of the North Dalton By-Pass (State Route 3) and serves no substantial public purpose. Upon the relocation of access to the southwesterly right of way of the North By-Pass from property, abutting the southwest side of said By-Pass at a point southeasterly from the present intersection of Maddox Chapel Road with said By-Pass such that said portion of Maddox Chapel Road shall be used for the purpose of terminating access. This action does not affect the intersection of Maddox Chapel Rd with the northeasterly right of way of the North Dalton By-Pass. The acceptance of the petition sets in motion the process required by Georgia Law, requiring 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 Maddox Chapel Rd. The public hearing will be held at the April 8, regular business meeting. The motion was approved 3-0, with Commissioners Brooker, Crossen and Robbins.
5. **Acceptance of Gift of Property – KEB Group, LLC:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to accept a gift of property in the name of Whitfield County. This property is approximately 64 acres and located adjacent to Prater's mill and west of Coahulla Creek High School. The motion was approved 3-0, with Commissioners Brooker, Robbins and Crossen in agreement.
6. **Fire Department – Station #11 Change Order #3:** Motion was made by Commissioner Brooker and seconded by Commissioner Robbins to approve change order #3 of the contract with Felker Construction for construction of Station 11. This is a reduction in cost of \$43,260.78. The motion was approved 3-0, with Commissioners Brooker, Crossen, and Robbins in agreement.
7. **Buildings & Grounds – Hydraulic Elevator oil line repair:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to ratify the emergency repair service from Thyssenkrupp Elevator Corporation (TEC) & Felker construction. One elevator at the courthouse has a leaking oil line and had to be repaired; however, the oil line is buried in concrete. In order for TEC to replace the line, an open trench needed to be cut through the concrete. Felker construction will cut the trench for \$4,290 and TEC will repair the line for \$16,323. The motion was approved 3-0, with Commissioners Brooker, Robbins and Crossen in agreement.
8. **Sheriff's Office – Jail Boiler purchase:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to ratify the purchase of two boiler systems along with labor and materials for the detention facility from Battlefield Plumbing in the amount of \$18,233. The motion was approved 3-0, with Commissioners Robbins, Brooker, and Crossen in agreement.
9. **Sheriff's Office – Vehicle Purchase:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the bid from Mountain View for \$73,054.50 for (3) three full size sedans. The Humboldt dealership in Humboldt, TN had the lowest bid but was

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over 297 miles from the Sheriff's Office and the Mountain View dealership in located in Ringgold. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.

10. **Sheriff's Department – Equipment and Upfitting Four (4) 2019 Ford interceptor SUV's:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the bid from West Chatham Warning Devices Savannah GA for \$24,014.53. Dana Public Safety Supply had the lowest bid but the Sheriff's Office recommended West Chatham due to the quality of work they have received from West Chatham Warning Devices in the past. The motion was approved 3-0, with Commissioners Brooker, Crossen and Robbins in agreement.
11. **Sheriff's Office Vehicle Purchase:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve the purchase of three (3) Ford Crew Cab 4x4 pick-up trucks from Ford of Dalton for the low bid of \$93,000 at \$31,000 each. Ford of Dalton is a local vendor and had the lowest bid. The motion was approved 3-0, with Commissioners Brooker, Crossen and Robbins in agreement.
12. **Whitfield County Animal Ordinance Amendment:** Motion was made by Commissioner Crossen and seconded by Commissioner Robbins to approve an amendment to Chapter 4 of the Whitfield County Code of Ordinances. The amendment affects the section entitled "Animals" by amending section 4-9, entitled "Owner Reclaims," to provide in subsection (a) that the owner reclaim fee for an intact animal shall be \$150.00 and shall double for each successive pickup of the same animal and providing that the owner reclaim fee for a sterilized animal shall be \$25.00 and shall double for each successive pickup of the same animal. The amendment also rennumbers 4-10 to new section 4-11, 4-11 to new section 4-12 and 4-12 to new section 4-13 by creating a new section 4-10 entitled "Spay/Neuter Requirement" to provide that owners of all dogs and cats within the County shall be required to have such animal spayed or neutered by the time the animal is six (6) months of age unless either the owner is a registered GA animal breeder or the owner provides documentation by a GA licensed veterinarian that the animal is not presently medically able to be spayed or neutered. The motion was approved 3-1, with Chairman Laughter and Commissioners Robbins and Crossen in agreement. Commissioner Brooker dissented.
13. **Public Works – Purchases:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to accept the recent bids for the following;
  - a. One (1) ½ ton 4wd pickup in the amount of \$26,859 from Ford of Dalton. The low bid was from Gerald Jones Ford in Augusta; however, Ford of Dalton will use the Local Vendor Privilege to match the bid. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - b. Column lifts and jack stands for \$39,364 from Heavy Duty Lift & Equipment. Heavy Duty Lift & Equipment was the only vendor to meet all of the specifications. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - c. Track Skid Steer for \$50,441 from Bobcat of Chattanooga. Bobcat of Chattanooga had had the lowest bid that met all specifications. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - d. Spreader/Sprayer for \$7,500 from B&B Tractor. B&B Tractor had the lowest bid. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.

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- e. Debris Blower for \$9,700 from B&B Tractor. B&B Tractor bid \$10,500 but is within 4% to use the vendor local privilege. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - f. Two (2) Crew Cab landscape trucks for \$ 110,508 from Rush Truck Center. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - g. Rac-O-Vac for \$30,998.34 from Jerry Pate Turf & Irrigation. Jerry Pate Turf & Irrigation was the only vendor to bid. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - h. Tar distributing truck for \$183,625 from Tractor & Equipment. Tractor & Equipment did not meet all the specs but was chosen due to public works having past history with the brand and the close location of the vendor. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - i. Tandem Dump Truck for \$119,991 from Premier Truck Group. Premier Truck Group had the lowest bid that met all specifications. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
  - j. Front Mount Broom for \$61,350 from Tractor & Equipment. Tractor & Equipment had the lowest bid. The motion was approved 3-0, with Commissioners Brooker, Robbins, and Crossen in agreement.
14. **Rezoning Recommendation:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the recommendation of the planning commission to approve the rezoning request of Charles Warren to rezone a tract of land (parcel 10-253-12-000) containing a total 5.0 acres located at 2363 Bryant Circle, from Suburban Agriculture (SA) to Rural Residential (R-5). The motion was approved 3-0, with Commissioners Brooker, Crossen, and Robbins in agreement.
15. **Rezoning Recommendation:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the recommendation of the planning commission to approve the request of Daniel and Louise Wise to rezone a tract of land (parcel 11-211-01-000) containing a total of 24.15 acres from General Agriculture (GA) to Low-Density Single Family Residential (R-2) located along the north R/W of Highway 2. Commissioner Robbins recused himself from the vote. The motion was approved 3-0, with Chairman Laughter and Commissioners Brooker and Crossen in agreement.
16. **Whitfield County Unified Zoning Ordinance Text Amendments:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the text amendments of the Whitfield County Unified Zoning Ordinance, otherwise known as Appendix A of the Code of Ordinances of Whitfield County, Georgia. The purpose of this amendment is to update the definition for Urban Dwelling in order to better implement the development pattern designed for the Downtown character area within the Joint Comprehensive Plan. The motion was approved 3-0, with Commissioners Crossen, Robbins, and Brooker in agreement.
17. **January 2019 Financial Statement:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the January 2019 Financial Statement as presented by Assistant Finance Director Carol Roberts. In discussion, Mrs. Roberts reported that Local Option Sales Tax for January 2019 is \$882,237, which is 6.8% over budget – LOST percentage 2019 = 61.556%(was 62.653% in 2017/2018). January 2019 collections show a decrease of 15.2% compared to December 2018 collections of \$1,039,850. January 2019

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collections show an increase of 13.8% compared to January 2018 collections of \$775,555. TAVT collections for January 2019 were \$182,173, which is 6.4% over budget. Year to date actual revenues of \$3,101,038 through January 2019 exceed the projected revenues of \$3,055,933 by \$45,105 or 1.5%. Year to date actual expenditures of \$3,377,103 through January 2019 are under projected expenditures of \$3,552,709 by 4.9%. The motion was approved 3-0, with Commissioners Crossen, Brooker, and Robbins in agreement.

18. **Finance – 2018 Budget Amendment #5:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the 2018 budget amendment #5 as presented by Assistant Finance Director, Carol Roberts. This amendment is to realign budget allocations for the General Fund as well as E911, Fire and Transit to meet projected expenditures and revenues for the year ending December 31, 2018. As a result of this amendment, the general funds budget will increase the projected revenues by \$1,095,300 and decrease expenditures by \$852,503. The motion was approved 3-0, with Commissioners Crossen, Brooker, and Robbins in agreement.
19. **Resolution – Designate Finance Officer to request information for GA DOR:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the resolution appointing Assistant Finance Director Carol Roberts to receive information from the Georgia Dept. of Revenue to validate which political subdivision a taxpayer with a business located within the County has remitted sales and use taxes for a designated period. The motion was approved 3-0, with Commissioners Brooker, Robbins and Crossen in agreement.

**PUBLIC COMMENT**

Velda Walden who resides at 228 Bluedun Way addressed the Board about the spay/neuter ordinance. Ms. Walden asked the Board to be enforce the animals at large ordinance so responsible pet owners would not have to spay/neuter their animals. Chairman Laughter replied Animal Control is function of the Sheriff's Office and the spay/neuter ordinance will only be enforced when the owner has to reclaim their animal from the animal shelter.

**Executive Session – Personnel:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to go into executive session to discuss Personnel. The motion was approved 3-0, with Commissioners Crossen, Brooker, and Robbins in agreement. Present for the meeting were Chairman Lynn Laughter, Commissioners Robbins, Brooker, and Crossen, County Attorney Robert Smalley, County Administrator Mark Gibson, Human Resources Director Jackie Carlo, and County Clerk Blanca Cardona.

Motion was then made by Commissioner Robbins and seconded by Commission Crossen to come out of Executive Session. The motion was approved 3-0, with Commissioners Brooker, Crossen and Robbins in agreement.

**ADJOURN** Unanimous

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BLANCA CARDONA, COUNTY CLERK

DATE: / /