

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, AUGUST 10, 2020, AT 6:00 P.M. AT EDWARDS PARK COMMUNITY CENTER, LOCATED AT 115 EDWARDS PARK, DALTON, GA

**REGULAR BUSINESS MEETING**

Whitfield County is currently under a public health state of emergency as the community responds to the COVID-19 pandemic and in keeping with guidelines on public gatherings by Governor Kemp's Executive Orders 08.15.20.01 and the Centers for Disease Control and Prevention: this meeting will be open to the public with social distancing measures in effect. Attendees will be seated with six (6) feet of spacing between them and seating for the meeting is limited to 50 persons. Due to reduced seating capacity the meeting will also be livestreamed using the following link: <https://livestream.com/accounts/25637515/events/7960637>

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

**Others Present:**

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

**Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the agenda as presented. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement.**

**Chairman Laughter presented Mr. Gary Hutchison's Employee of the Month Certificate to County Engineer Kent Benson. Benson noted that Mr. Hutchison was out looking at a construction site and was unable to attend. Mr. Hutchison works in the Engineering Department and was recognized by the Board as Employee of the Month for June 2020.**

**PROCLAMATION**

**Pastor Allen Clayton Brown Day – August 10, 2020:** Motion was made by Commissioner Robbins and seconded by Commissioner Jones to proclaim August 10, 2020 as Pastor Allen Clayton Brown Day in Whitfield County, Georgia. The motion was approved 4-0, with Commissioners Brooker, Jones, Crossen and Robbins in agreement.

**Approval of Minutes:** Motion was made by Commissioner Crossen and seconded by Commissioner Brooker to approve the minutes of the July 13, 2020 regular business meeting, and the special called meeting minutes of July 27, 2020. The motion also approved the correction of the January 27, 2020 special called meeting minutes. The motion was approved 4-0, with Commissioners Crossen, Jones, Brooker and Robbins in agreement.

**BOARD APPOINTMENT**

**Re- Appointment to the Dalton-Whitfield Planning Commission:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to re-appoint John Thomas to a four year term to expire July 2024. The motion was approved 4-0, with Commissioners Crossen, Jones, Brooker and Robbins in agreement.

**Re- Appointment to the Dalton-Whitfield Planning Commission:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to re-appoint David Pennington IV to a four year term to expire July 2024. The motion was approved 4-0, with Commissioners Crossen, Brooker, Jones and Robbins in agreement.

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**FOR CONSIDERATION**

1. **Animal Shelter Grant Award:** Motion was made by Commissioner Robbins and seconded by Commissioner Brooker to approve the grant award of \$3,000.00 from the GA Department of Agriculture for spay and neuter cost assistance to citizens of Whitfield County. The grant is issued through the Dog and Cat Sterilization Program which is funded by the purchase of Dog and Cat Sterilization Auto Tags. The motion was approved 4-0 with Commissioners Crossen, Jones, Brooker and Robbins in agreement.
2. **CARES Act Funding:** Motion was made by Commissioner Brooker and seconded by Commissioner Robbins to approve the terms and conditions of the CARES Act Funding and authorize Chairman Laughter to sign the agreement. The CARES Act (Coronavirus Aid, Relief and Economic Security Act of 2020) provides funding for eligible expenditures incurred due to the public health emergency with respect to COVID-19. The motion was approved 4-0, with Commissioners Jones, Brooker, Robbins and Crossen in agreement.
3. **Hazard Pay Extension for First Responders:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the extension of hazard pay for emergency first responders related to the COVID-19 pandemic. The extension will be back dated from July 4, 2020 and will be extended until December 31, 2020 or until the public health emergency has ended, whichever comes first. The motion was approved 4-0, with Commissioners Crossen, Brooker, Jones, and Robbins in agreement.
4. **Engineering – Project 3.7 SR 201 Change Order #3:** Motion was made by Commissioner Jones and seconded by Commissioner Crossen to approve change order No. 3 for the cost associated with closing SR 201 and Lee's Chapel Rd for a period of 10 weeks to reconstruct these roadways. The road closure was added to the plans after the contract was awarded; therefore, the cost of all detour signage, traffic control, remobilization of equipment, and weekend labor were not included in the original bid. If the closure had been included in the original plans, most of this change order cost, with the exception of remobilization, would have been in the bid. The change order cost is \$203,466.00, which is within the budget of the project. The motion was approved 4-0 with Commissioners Crossen, Jones, Brooker and Robbins in agreement.
5. **Engineering – South Bypass Redesign for Riverbend Park Drive:** Motion was made by Commissioner Robbins and seconded by Commissioner Brooker to ratify a contract with Atlas Technical Consultants (formerly Moreland Altobelli) to coordinate with GDOT and redesign the intersection of the S. Dalton Bypass and Riverbend Rd to add a fourth leg, which will serve as the entrance road to the new Riverbend Park. The entrance road will also serve several residents as their driveways will have to be connected to it for access. In addition to the intersection design and signal modifications, they will design the first 300 feet of the entrance road, to match the park site design being done by Craig Cook and Associates. The cost of the design is not to exceed \$87,000. The motion was approved 4-0 with Commissioners Crossen, Jones, Brooker and Robbins in agreement.
6. **June 2020 Financial Statement:** Motion was made by Commissioner Jones and seconded by Commissioner Crossen to approve the June 2020 Financial Statement as presented by Finance Director James Garvin. Local Option Sales Tax (LOST) collections: June 2020 collections of \$970,263 were 4.9% greater than budgeted collections of \$925,000. This was 2.1% less than May 2020 collections of \$991,514. YTD June 2020 collections of \$5,459,025 were 0.9% less than same-period 2019 collections of \$5,508,312. TAVT collections for June 2020 were

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\$440,827. This was 31.7% greater than May 2020 collections of \$334,760. YTD June 2020 collections of \$2,146,143 were 64.9% greater than same-period 2019 collections of \$1,301,270. YTD June 2020 actual revenues of \$16,031,455 were less than projected revenues of \$16,455,966 by \$424,511 or 2.6%. YTD June 2020 actual expenditures of \$23,078,649 were less than projected expenditures of \$24,194,793 by \$1,116,144 or 4.6%. The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones, and Robbins in agreement.

7. **Mauldin & Jenkins Audit Engagement Letter:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen to approve and authorize Chairman Laughter to sign the 2019 audit engagement letter for audit services with Mauldin and Jenkins. The motion was approved 4-0, with Commissioners Brooker, Robbins, Jones and Crossen in agreement
8. **2019 Audit Presentation – Mauldin & Jenkins:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to accept the 2019 Audit Presentation from Mauldin and Jenkins. In discussion, James Bense from Mauldin and Jenkins gave a brief summary to the Board regarding the 2019 audit. The motion was approved 4-0, with Commissioners Jones, Brooker, Robbins and Crossen in agreement.
9. **Town of Cohutta Annexation Request – 11-084-01-000:** Motion was made by Commissioner Robbins and seconded by Commissioner Crossen for no land use classification objection to tax parcel number 11-084-01-000. The motion was approved 3-1, with Commissioners Crossen, Jones, and Robbins in agreement. Commissioner Brooker dissented.
10. **Rezoning Recommendation:** Motion was made by Commissioner Robbins to approve the recommendation of the planning commission denying the rezoning request of David Rogers to rezone from General Commercial (C-2) to Light Manufacturing (M-1) a tract of land totaling 1.01 acres located at 4248 South Dixie Highway, Resaca, Georgia, parcel (13-153-04-000), to approve the recommendation of the planning commission approving the request of Edgar Campos to rezone from Low Density Single Family Residential (R-2) to Neighborhood Commercial (C-1) a tract of land totaling 0.32 acres located at 110 Allison Drive, Dalton, Georgia, parcel (12-064-06-000), to approve the recommendation of the planning commission approving the request of Juan Rico and Gabriela Guzman to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 2.27 acres located at 1891 Riverbend Road, Dalton, Georgia, parcel (12-318-11-000), to approve the recommendation of the planning commission approving the request of Carlos Simon to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 0.23 acres located at 1010 Smith Springs Drive, Dalton, Georgia, parcel (12-351-04-011). The motion died for lack of a second. Motion was then made by Commissioner Robbins to approve the recommendation of the planning commission to deny the rezoning request of David Rogers to rezone from General Commercial (C-2) to Light Manufacturing (M-1) a tract of land totaling 1.01 acres located at 4248 South Dixie Highway, Resaca, Georgia, parcel (13-153-04-000), the motion died for a lack of a second. Motion was then made by Commissioner Crossen and seconded by Chairman Laughter to approve the rezoning request of David Rogers to rezone from General Commercial (C-2) to Light Manufacturing (M-1) a tract of land totaling 1.01 acres located at 4248 South Dixie Highway, Resaca, Georgia, parcel (13-153-04-000). The motion was approved 3-1, with Commissioners Brooker, Crossen, and Jones in agreement. Commissioner Robbins in dissented.

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- 11. 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 Edgar Campos to rezone from Low Density Single Family Residential (R-2) to Neighborhood Commercial (C-1) a tract of land totaling 0.32 acres located at 110 Allison Drive, Dalton, Georgia, parcel (12-064-06-000), but not with the added condition to block access to Allison Dr. and ingress/egress only be permitted via the adjacent private road as there will be no way of enforcing this condition due to Allison Drive being a public road. The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement.
- 12. 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 Juan Rico and Gabriela Guzman to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 2.27 acres located at 1891 Riverbend Road, Dalton, Georgia, parcel (12-318-11-000). The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement.
- 13. 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 Carlos Simon to rezone from General Commercial (C-2) to Low Density Single Family Residential (R-2) a tract of land totaling 0.23 acres located at 1010 Smith Springs Drive, Dalton, Georgia, parcel (12-351-04-011). The motion was approved 4-0, with Commissioners Brooker, Crossen, Jones and Robbins in agreement.
- 14. Whitfield County Unified Zoning Ordinance Text Amendment:** Motion was made by Commissioner Crossen and seconded by Commissioner Jones to approve the text amendments of the Unified Zoning Ordinance, otherwise known as Appendix A of the Code of Ordinances of Whitfield County, Georgia, be amended by deleting, within Article II, Definitions, the definition of "Boutique Hotel," "Group day care home," "Child care learning center," "Adult day care/day health," "Group Home," "Health Department," and "Personal Care Home, and by inserting alphabetically therein new definitions of each such term; by inserting alphabetically new definitions of "Community Living Arrangement" and "Child Caring Institution, also known as Group Home;" by amending the Permitted Use Table with respect to several uses; and for other purposes. The motion was approved 4-0, with Commissioners Crossen, Robbins, Jones and Brooker in agreement.
- 15. Property Acquisition:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the purchase of real estate property located at 1013 Riverburch Parkway from Whitfield County Holdings LLC., for \$620,000 and to authorize Chairman Laughter to execute all documents necessary to finalize the transaction. The Tax Commissioners office will be relocating from their current location inside of the Whitfield County Courthouse at 205 N. Selvidge Street to this location. The motion was approved 4-0, with Commissioners Jones, Brooker, Robbins and Crossen in agreement.
- 16. Edwards Park – Athletic Fields Turf bid:** Motion was made by Commissioner Brooker and seconded by Commissioner Crossen to approve the previous bid from Advance Sports Group for construction only for \$506,954.34. This rescinds the previous bid acceptance from Advance Sports Group for turf, install and construction and only accepts the construction portion of the bid, and rejects all offers on turf and installation. The motion was approved 3-2, with Commissioners Brooker, Crossen and Chairman Laughter in agreement. Commissioner Jones and Robbins dissented.

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**PUBLIC COMMENT**

Stuart Hastings addressed the Board regarding a water runoff issue at his property. Mr. Hastings presented photos showing how water puddles up after a rain. Mr. Hastings noted it stays so wet that algae starts to grow. Hastings said the water runs across two roads on their property that existed prior to the retention pond making the north end of their property inaccessible to a motor vehicle.

County Engineer Kent Benson informed the Board the developer followed the requirements and met the specifications for construction.

**ADJOURN** Unanimous

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R. LYNETTE LAUGHTER, CHAIRMAN  
WHITFIELD COUNTY BOARD OF COMMISSIONERS

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BLANCA CARDONA, COUNTY CLERK

DATE: / /