

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD WEDNESDAY, FEBRUARY 16, 2022, AT 6:00 P.M. AT THE WINK THEATRE LOCATED AT 115 W. CRAWFORD 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:

Jevin Jensen, Chairman
Barry W. Robbins, Vice-Chair
Robby Staten, Member (ABSENT)
John Thomas, Member
Greg Jones, Member

Others Present:

Robert Smalley, County Attorney
Robert Sivick, County Administrator
Department Heads
Citizens
Press

Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the agenda as presented. The motion was approved 3-0, with Commissioners Jones, Thomas, and Robbins in agreement.

Approval of Minutes: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the January 11, 2022 Regular Business and January 27, 2022 Special Called Meeting Minutes as presented. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Chairman Jensen recognized Brandon Fincher as Employee of the Month for December 2021. Mr. Fincher works at the Sheriff's Office and is a School Resource Officer.

PROCLAMATION

February 2022 Spay & Neuter Awareness: Chairman Jensen presented Animal Shelter Director Diane Franklin with a proclamation for Spay & Neuter Awareness Month in Whitfield County. Franklin noted the animal shelter is offering spay & neuter services for \$20.00 for Whitfield County residents.

RECOGNITION

Chairman Jevin Jensen and Commissioner Barry Robbins presented Engineer Derek Craft of the Whitfield County Fire Department and telecommunicator Raina Hall of Whitfield E-911 with Life Saving Awards. Lt. Justin Hutcherson of the Fire Department also received an award but was not present. They helped to rescue an elderly man trapped in a burning home in January.

Chairman's Report: Chairman Jensen gave updates on Riverbend Park, Animal Shelter and Courthouse renovations. Jensen noted the grand opening of Riverbend Park will take place on April 8.

Report from Commissioners:

Commissioners Jones, Robbins and Thomas did not have any updates to report for this month.

County Administrator Report:

County Administrator Robert Sivick gave an update on Rocky Face Ridge and informed the Board he is pursuing grants for Praters Mill.

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December 2021 Financial Statement: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve the December Financial Statement as presented by Finance Director James Garvin. Local Option Sales Tax (LOST) collections: December collections of \$1,294,424 were 20% greater than budgeted collections of \$1,079,633. This was 18.5% greater than November collections of \$1,092,795. YTD collections of \$12,939,324 were 6.5% greater than PY collections of \$12,153,696 for the same time frame. TAVT collections: December collections of \$442,901 were 9.5% greater than November collections of \$404,070. YTD collections of \$5,257,850 were 18.75% greater than PY collections of \$4,431,315 for the same time frame. YTD actual revenues of \$50,573,183 were greater than projected revenues of \$48,106,320 by \$2,466,863 or 5%. YTD actual expenditures of \$50,933,785 were less than projected expenditures of \$51,116,642 by \$182,858. The motion was approved 3-0, with Commissioners Thomas, Jones, and Robbins in agreement.

PUBLIC COMMENT:

Larry Swanson spoke against the Varnell TAD agreement.

Dean Stamper, Sarah Harrison, Joe Yarbrough, Brian Spense, Mitch Stanford, Smith Barnett and Morgan Lewis spoke in favor of the Varnell TAD agreement.

Karen Roark noted their needs to be more education on the TAD agreement.

Gary Mongeon with KB Advisory Group answered a few questions regarding how TADs work.

PRESENTATION:

Margaret Thigpen, Director of the Convention & Visitors Bureau gave a review of 2021 and gave an update on events for 2022.

First Reading – Animal Tethering Ordinance: Chairman Jensen informed the Board and public of the proposed Animal Tethering Ordinance amendment. Chapter 4 of the Whitfield County Code of Ordinances, entitled “Animals,” be amended by amending Section 4-1, “Definitions,” by amending the existing definitions of “Adequate food and water” and “Trolley system (or running cable line,)” and by adding therein, in alphabetical order, a new definition of “Adequate Shelter” and of “Unsanitary conditions;” by deleting existing section 4-30 in its entirety and by renaming and amending a new section 4-30, to provide for shelter and tethering requirements; and for other purposes. No action was taken on this item.

Appointment – NW GA Regional Commission: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to appoint Mitch Sanford to the NW GA Regional Commission. The motion was approved 3-0, with Commissioners Robbins, Jones and Thomas in agreement.

Appointment to the Dalton/Whitfield Code of Building Appeals : Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to appoint Alan Felker, Frank Hogshead, Charles Campbell and Eddie Hughes to the Building Code of Appeals Board. This Board meets when necessary. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

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Rezoning Recommendations: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the following rezoning requests recommended by the planning commission: request of Brandon Harrison & Co. to rezone from Low Density Single Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 4.25 acres located at Lodge Road, Rocky Face, GA. Parcel (27-336-03-000), Crow Road Holdings, LLC to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 1.12 acres located on Murphy Drive, Tunnel Hill, GA. Parcel (12-076-30-000 and 12-076-38-000), Casey Garst to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 5.58 acres located at 3063 Chattanooga Road, Rocky Face, GA. Parcel (12-114-11-000), Christopher Kinsey to rezone from General Agriculture (GA) to Rural Residential (R-5) a tract of land totaling 4.62 acres located at 1370 Dogwood Valley Road, Tunnel Hill, GA. Parcel (27-122-12-000), Brigido Meza Flores to rezone from Low Density Single Family Residential (R-2) to General Agriculture (GA) a tract of land totaling 22.31 acres located on 148 Livingston Way, Dalton, Georgia. Parcel (12-127-03-000), Tunnel Hill Holdings, LLC to rezone from Neighborhood Commercial (C-1) to General Commercial (C-2) a tract of land totaling 1.51 acres located at 596 Lafayette Road, Rocky Face, GA. Parcel (27-163-01-145), Daniel & Louise Wise to rezone from General Agriculture (GA) to Low Density Single Family Residential (R-2) a tract of land totaling 7.37 acres located on Cohutta Beaverdale Road, Dalton, GA. Parcel (10-106-45-000). The motion was approved 3-0, with Commissioners Thomas, Jones and Robbins in agreement.

Special Use – Dalton Quarry: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve the request from Dalton Quarries LLC for a special use permit for quarry use with the following conditions on the parcels listed except parcel 12-016-02-010. 1) That a 100' evergreen buffer be provided along all boundaries of the subject property including all areas along public road right of way, with the understanding that any existing mature tree cover be undisturbed within this buffer and that any new buffers created contain both low-growing evergreen vegetation as well as high-canopy evergreen trees. 2) That Quarry access be limited to Cherokee Boys Estate RD NE, and that no access permitted to Beaverdale Rd, Manis Road NE, McCamish Rd, or Old Beaverdale Rd. 3) That an additional 200' buffer, be required along the northern line of the parcel 12-021-01-000 only where that parcel abuts the south line of parcels 12-018-11-000, 12-018-02-000 and 12-018-13-000; provided that the additional 200' buffer may be used at any time for Slope and/or Safety purposes in connection with quarrying activities. 4) That an additional 200' buffer, be required along the eastern line of the parcel 12-021-01-000 only where that parcel abuts the west line of parcels 12-020-01-004 and 12-020-01-006 provided that the additional 200' buffer may be used at any time for Slope and/or Safety purposes in connection with quarrying activities. 5) For the purposes of this zoning condition the term "Slope" shall refer to the ability to grade and contour the land either uphill or downhill to accommodate quarrying activities. For the purpose of this zoning condition the term "Safety" shall refer to the ability to use the property for safe practices required in any mining permit or best practice standards of the industry. In the event the additional 200' buffer is used for slope purposes, once the sloping activity is completed a buffer of both low-growing evergreen vegetation as well as high-canopy evergreen trees will be provided within the additional 200' buffer, subject to additional Slope and Safety purposes. 6) That the parcels Rezoned are parcels 12-016-02-010, 12-021-01-000, 12-022-01-000, 12-023-05-000, 12-023-10-000, 12-053-01-004, 12-054-03-000, 12-054-07-000, 12-054-09-000, 12-055-01-000, 12-055-01-001, 12-055-01-002, 12-060-01-000, 12-061-01-000, 12-061-03-000, 12-056-02-001, 12-056-02-002, 12-056-02-003, 12-056-02-004, 12-056-02-005, 12-056-02-006, and 12-056-02-017. Motion was approved 3-0, with Commissioners Thomas, Jones and Robbins in agreement.

City of Dalton Annexation – parcel 12-147-17-010: Motion was made by Commissioner Jones and seconded by Commissioner Thomas for no land use classification objection to tax parcel number 12-147-17-010. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

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Town of Cohutta Annexation – parcel 11-119-01-044: Motion was made by Commissioner Jones and seconded by Commissioner Robbins for no land use classification objection to tax parcel number 11-119-01-044. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

Petition to Close and Abandon Martin Road: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to accept the petition from Frederick H. Howalt, III and Cynthia B. Howalt, to close and abandon Martin Road, lying and being in Land Lot No. 275 in the 27th district and 3rd section of Whitfield County, Georgia. The acceptance of the petition sets in motion the process required by Georgia Law, requiring the County to notify adjacent property owners and to set the date for a public hearing. The public hearing for this petition will be held at the next regular Board of Commissioners meeting on March 16, 2022, at which time a decision can be made to close and abandon Martin Road. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Petition to Close and Abandon a Portion of Kraft Drive: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to accept the petition from the Public Works Department to close and abandon a portion of Kraft Drive, lying and being in Land Lot No. 26 in the 13th district and 3rd section of Whitfield County, Georgia. The acceptance of the petition sets in motion the process required by Georgia Law, requiring the County to notify adjacent property owners and to set the date for a public hearing. The public hearing for this petition will be held at the next regular Board of Commissioners meeting on March 16, 2022, at which time a decision can be made to close and abandon a portion of Kraft Drive. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Juvenile Court – Court Attorney Contracts: Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve the Independent Contractor's Agreement between Whitfield County Juvenile Court and Jerry Moncus, Bryan L. Rayburn, and Joshua J. Smith. Mr. Moncus, Mr. Rayburn and Mr. Smith will provide legal representation in all indigent cases as determined by the Whitfield County Juvenile Court. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

Juvenile Court – Guardian Ad Litem/Attorney: Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve the Independent Contractor's Agreement between Whitfield County Juvenile Court and Matthew Thames. Mr. Thames will provide legal representation in all indigent cases as determined by the Whitfield County Juvenile Court. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

ARPA- Election of Standard Allowance for Revenue Loss: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the election of the ARPA standard allowance for revenue loss. One of the provisions of the American Rescue Plan Act is to help replace public sector revenue loss. Under this provision, a portion of the ARPA funds can be used as a recoupment of revenue loss and spent on general government services. Under the interim final rule, revenue loss was based on a specific annual calculation over a four year period. For the County's first year's calculation, revenue loss was \$706,461. On January 6, 2022, Treasury released the final rule. The final rule includes a second option for revenue loss - a standard allowance of up to \$10,000,000, not to exceed the total grant. Governments are free to choose either option, but once selected, the option cannot be changed. Since the County's first year's loss was less than a million, and the County has been fortunate to not experience a downturn in the main revenue streams of property tax or LOST, it is reasonable to assume the calculation of revenue loss would be much less than the

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\$10,000,000 allowance. Therefore, administration believes it is in the best interest of the County to elect the \$10,000,000 standard allowance. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

ARPA – Fire Stations Air Quality Improvements: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the additional cost of \$98,036 for this project with ARPA funds. In October 2021, the BOC approved an emergency procurement of air quality improvements for fire stations 1-6. At the time only a rough estimate of the cost was available. In December 2021, it became apparent the actual costs per station were running higher than estimated. Therefore, as per emergency purchasing procedure, approval was obtained from the County Administrator to continue with the project. The project is now complete. The original approved estimate was \$188,852 while the actual cost is \$286,888. Administration seeks approval from the BOC for the additional \$98,036. The motion was approved 3-0, with Commissioners Robbins, Thomas and Jones in agreement.

ARPA Funding Eligible Expenditures: Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to approve ARPA funding for referral bonuses. County administration has identified a project which qualifies and is requesting BOC approval to use ARPA funds for this project. The project is the referral bonus related to the New Hire Incentive Program for certain public safety and first responder positions. The referral bonus is considered a retention incentive which is now an eligible use under the final rule. So far for 2022, about \$10,000 in referral bonuses are scheduled to be paid out. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

CDBG-CV Adoption of Language Acces Plan: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the CDBG –CV Language Access Plan for the CDBG-CV grant. The County is required to adopt a Language Access Plan (LAP) which ensures that limited English proficient (LEP) people have meaningful access to our programs and services. Administrative staff developed the attached plan based on the template provided by DCA and it contains the components and assurances required by this grant. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

Cisco Support Renewal: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to renew a 3 year contract with Cisco support with Disys Solutions Inc. through the state contract price of \$29,280 per year. Cisco Support covers the hardware responsible for wired and wireless network communications as well as voice. This equipment is essential for daily operations. The support has four hour replacement coverage for critical network and voice components and next day for less critical equipment. Licensing and technical support is included in this agreement. The IT Department reduced the coverage amount by purchasing network switch gear to cover several components instead of electing support. The motion was approved 3-0, with Commissioners Robbins, Jones and Thomas in agreement.

Public Works – Surplus Equipment & Vehicles: Motion was made by Commissioner Thomas and seconded by Commissioner Jones to surplus the following: Recreation Dept- 2008 Ford F-550 Mileage 146177 — S/N- IFDAW56R68EE56990, Engineer Dept-2002 Dodge 1500 pickup Mileage- 109775, Engineer Dept- 2009 Ford Escape Mileage-141036— S/N1FMCU59389KA12079, Public Works- 2002 Chevrolet S-10 Mileage- 110880 —S/N -1GCCS145428229966, Public Works- 2014 Exmark 72" mower Flours 1542 — S/N-LZS801KA724 - replaced in 2021, capital outlay, Public Works- 2016 Exmark 60" mower Hours 1374— S/N-316603724 - replaced in 2021, capital outlay, Public Works- 2016 Exmark 60" mower Hours 1596 —S/N-316603671- replaced in 2021 capital outlay, Building & Grounds 1996 Knapheide Utility Bed and to be placed on GovDeals.com. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

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Parks & Recreation – Riverbend Park Change Order #3: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to ratify change order #3 for \$71,390.24. The change order is for Camera and Audio Quote by Jacobs Services ADD \$45,717.24. Provide and install 32 hand dryers. ADD \$16,092.00. Delete 32 original ASI hand dryers DEDUCT \$10,120.00. Add appliance allowance for (3) GE Dishwashers (1) GE 4.2 top load washing machine, and (1) GE 7.2 Cubic foot Dryer. ADD \$3,318.00. Installation labor and adhesive for the mezzanine floor ADD \$10,883.00. 10% Contractor fee on above ADD \$5,500.00. The motion was approved 3-0, with Commissioners Robbins, Jones and Thomas in agreement.

Engineering Department – Courthouse Renovation Multipurpose Room: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve change order for the multipurpose meeting room at the Courthouse for \$378,500 for the furniture throughout the office spaces on three floors, for millwork, construction of a raised platform for a dais, audio/visual equipment for meetings and training, framing and electrical for a storage room for tables and chairs, and construction of an ADA ramp. The work would be performed by Multiplex, LLC as a change order to the contract. The expense would leave a balance in the FFE budget of \$271,000. We anticipate a much smaller furniture and equipment order as we finish the project. The motion was approved, 3-0, with Commissioners Robbins, Thomas and Jones in agreement

Human Resources Department: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the E 911 Incentive Pay and Training Certification Program as presented. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

American Rescue Plan Fund Donation for COVID-19 Relief to CLILA: Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to approve the final matching donation of \$25,000 to (CLILA) Coalition of Latino Leaders. The funding will provide education materials, PPE, options for treatment and prevention of COVID-19 in Whitfield County's Hispanic population. The motion was approved 3-0, with Commissioners Robbins, Jones and Thomas in agreement.

TAD Agreement With Varnell: Motion was made by Commissioner Robbins to approve entering into a Tax Allocation District agreement with the City of Varnell. The motion died for lack of a second.

Whitfield County Condemned Housing Fund: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve allocating \$25,000 in capital funds for demolitions of blighted and abandoned structures in Whitfield County. For 2022, funds are needed to execute court orders, County's demolition and tipping fees at landfill as we place lien on properties. These will be repaid long term via liens placed on property owners. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

Whitfield County Department Goals: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve Chairman Jensen's goal objectives for Whitfield County Departments. Department Heads will work with Human Resources to come up with their goals for 2022. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

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PUBLIC COMMENT:

Debbie Barton addressed the Board regarding the tethering ordinance and wants to make sure that it will be enforced when its enacted.

Rita Burrows addressed the Board regarding the tethering ordinance, Chairman Jensen noted the draft ordinance is on the County's website for review.

Marcus Morris presented the Board with a petition opposing the proposed subdivision in Cohutta.

Daniel Alt addressed the Board also opposing the proposed subdivision in Cohutta.

Karen Roark noted she had a concern regarding rezoning in the County. Chairman Jensen advised Ms. Roark to get in contact with the Planning and Zoning department.

ADJOURN Unanimous

JEVIN JENSEN, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

BLANCA CARDONA, COUNTY CLERK

DATE: / /