

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, DECEMBER 14, 2010, AT 6:00 P.M. IN THE ADMINISTRATIVE BUILDING #2, 214 W. KING STREET

***This meeting was originally scheduled for December 13, 2010 at 5:30 PM, but was rescheduled to December 14, 2010, due to inclement weather on December 13th. All County offices were closed on December 13th.**

WORK SESSION

1. THE WORK SESSION WAS CALLED TO ORDER BY THE CHAIRMAN
2. G4S Presentation – Don Fulton
3. Pedestrian Signal Heads & Pushbutton for City of Dalton
4. Adjourn

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
Greg Jones, Member
Randy Waskul, Member
Mike Cowan, Member

Others Present:

Citizens
Robert McLeod, County Administrator
Robert Smalley, County Attorney
Dept Heads
Press

A Motion to approve an amended agenda was made by Commissioner Waskul and seconded by Commissioner Cowan. The amendment was to add item #13 “Public Works Service Agreement with the City of Dalton” to Agenda #1. Approval of the agenda was unanimous.

AGENDA #1:

1. **City of Cohutta Annexation – Parcel #11-023-05-000:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones for no land use classification objection to the City of Cohutta concerning the annexation of tax parcel 11-023-05-000. The property is owned by Ayman-Dalton, LLC. The City of Cohutta proposed to retain the commercial zoning of the property in its C-2 zone. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
2. **Ordinance Amendment – Historic Preservation Commission:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve an amendment to the Historic Preservation Commission Ordinance. The amendment included a change in the number of seats on the commission from seven to ten members. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT “A”)**
3. **Five Appointments to the Historic Preservation Commission – Kathryn Sellers, Robert Jenkins, Marvin Sowder, Randy Beckler, and Kenneth Harless:** Motion was made by Commissioner Cowan and seconded by Commissioner Jones to make five appointments to the Historic Preservation Commission. Those appointed include: Kathryn Sellers, Robert Jenkins, Marvin Sowder, Randy Beckler, and Kenneth Harless. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

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4. **SPLOST – Stream Mitigation and Wetlands Credit Purchase:** Motion was made by Commissioner Jones to table a decision on this item until a later date. The motion failed for lack of a second. Motion was then made by Commissioner Waskul and seconded by Commissioner Cowan to approve the purchase of mitigation costs for SPLOST Projects 3.1 and 3.11 in the amount of \$62,732.00. In discussion, County Engineer Kent Benson, detailed the work needed for the stream mitigation of two SPLOST Projects. SPLOST Project 3.1 (Airport Road – From Walnut Avenue to the South Dalton Bypass), entails widening an existing road and adding new curb and gutter features. This improvement will impact 120 linear feet of intermittent stream. SPLOST Project 3.11 (Veteran’s Drive Extension – Fleming Street Construction), is a road improvement project constructing additional lanes and sidewalks to the existing roadway. This project will impact 320 linear feet of intermittent stream and .016 acres of Wetland. Prior to the commencement of any jurisdictional work, and in compliance with the Army Corp of Engineer permit requirements, the County is requesting approval to purchase Stream Mitigation Credits and Wetland Mitigation Credits from Dalton-Whitfield Solid Waste Authority in the total amount of \$62,732.00 to satisfy both project permitting and certification requirements. Prior to the meeting, the County Engineer reviewed the proposed cost and found the mitigation bank’s cost acceptable. The motion was approved 3-1, with Commissioners Brooker, Cowan and Waskul in agreement and Commissioner Jones abstaining from voting.
5. **Rezoning – Ponders Drive:** Motion was made by Commissioner Jones and seconded by Commissioner Brooker to approve a recommendation by the Planning Commission to change the zoning from M-2 to R-3 in Case #11-22-2010-002 – Ponders Drive. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
6. **Rezoning – Weatherby Estates:** Motion was made by Commissioner Waskul and seconded by Commissioner Brooker to approve a recommendation by the Planning Commission to change the zoning of all plated parcels within Weatherby Estates from R-3 to R-2 with the condition that no primary residential structure containing less than 1,500 sq. ft. of heated floor space be placed or built on these parcels. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
7. **Pedestrian Signal Heads & Pushbutton for City of Dalton:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to table any decision concerning the Pedestrian Signal Heads & a Pushbutton for the City of Dalton. There was much discussion of the issue during the Work Session. The Commissioners decided to speak with Dalton City Officials before making any decision on the issue. During the Work Session, it was established that the City of Dalton has requested the installation of Pedestrian Signals & Pushbuttons under the LOST agreement. This would be at two intersections in the City. At the intersection of Thornton Avenue and Waugh Street, there would be (8) Pedestrian Signals and (4) at the intersection of Waugh Street and Jones Street. The approximate cost for the material is \$8,400.00. If approved, three vendors would be contacted to submit quotes for the lowest cost and highest quality material. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
8. **Carbondale Business Park Right-of-Way Acquisition Services:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker approve the authorization to proceed with Right-of-Way Acquisition Services for Carbondale Business Park. It was discussed

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that Whitfield County is currently in the design/construction phase to build a commercial business park. Beginning at US 41/SR3 and proceeding west, the park access road will extend approximately 6,000 feet to Carbondale Road. Right-of-way will have to be purchased along US 41 for construction of the new intersection and turning lanes. Moreland Altobelli Associates, Inc. has submitted Work Order No. WHIT814 to provide, in accordance with Section 3.3 of the Program Services Agreement, Right of Way Acquisition Services for Carbondale Business Park project to include title, appraisal, reports, parcel and driveway/easement negotiations, displacement relocation and closing services. Whitfield County may not utilize all services offered in the proposal and therefore, the estimated amount of \$31,600.00 is a maximum Not-to-Exceed cost to the County. The Cost of these services was included in the budget calculations for this park development. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "A")**

9. **Transfer of the Carbondale Business Park to the Joint Development Authority:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to transfer ownership of the Carbondale Business Park to the Dalton-Whitfield Joint Development Authority by way of Limited Warranty Deed. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**
10. **Magistrate Court Contract with Alternative Probation Services:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to authorize the Chairman to sign and approve a contract with Alternative Probation Services for the Whitfield County Magistrate Court. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "C")**
11. **Beer/Wine License Renewals - 2011:** Motion was made by Commissioner Brooker and seconded by Commissioner Waskul to approve the 2011 Beer/Wine License Renewals contingent upon a clear criminal history and payment of fees. In EXHIBIT "D" there is a list of establishments currently in operation and holding a Beer/Wine License. There have been no reports of any violations regarding these establishments. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "D")**
12. **October 2010 Financial Statements:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan approve the October 2010 Financial Statements as presented. In discussion, Finance Director, Ron Hale made brief comments regarding the overview of the financial situation as can be seen in the graphs on EXHIBIT "E". Mr. Hale stated the County was anticipating a strong sales tax return. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "E")**
13. **Public Works Service Agreement with the City of Dalton:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to authorize County Attorney, Robert Smalley to forward a Public Works Service Agreement to the City of Dalton's Attorney for review and execution. The agreement provides that the County will take over all construction of any City of Dalton road project within the rights-of-way. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "F")**

PUBLIC COMMENT: There was no public comment.

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ADMINISTRATOR'S COMMENTS: County Administrator, Robert McLeod, made farewell comments to the Board, Staff, and Citizens of Whitfield County. Mr. McLeod stated that there had been many accomplishments for Whitfield County over the past 45 months that he has served as Administrator and that he expects many more for the County in the future. He included his plans to continue serving the public with an LLC and concluded by wishing "fair winds and following seas to you all."

EXECUTIVE SESSION: Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to enter into an Executive Session in order to discuss personnel. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

ADJOURN: Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /