

**MINUTES FOR THE SPECIAL CALLED MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, FEBRUARY 15, 2010, AT 6:00 P.M. IN THE ADMINISTRATIVE BUILDING #2, 214 W. KING STREET**

THE CHAIRMAN CALLED THE MEETING TO ORDER.  
PLEDGE OF ALLEGIANCE TO 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 the agenda was made by Commissioner Waskul and seconded by Commissioner Brooker. Approval of the agenda was unanimous.**

**PUBLIC HEARING:**

1. **Long Term Financing – Westside Park:** The public hearing began with Mr. Robert Smalley filling in the details of the long term financing for the Westside Park Property and consideration of the proposed agreement for the purchase of real property. The motion was made on December 7, 2009 to approve in principle the purchase of the land known and referred to by the Board as Parcel #27-162-01-000. The property will be purchased on the west side of Whitfield County for the county’s next public park. Development for the new park will cover the next few years. The reason for the public hearing is because purchasing this property from Spring Creek Properties, LLC will incur debt for Whitfield County on a long-term basis. The implications of this purchase will affect future Whitfield County Commissioners. The proposed contract has Whitfield County purchasing the land from Spring Creek Properties, LLC for \$999,600.00, with interest thereon from date at the rate of four and one-quarter percent (4.25%) per year. At the option of the County, the County may extend the maturity date for nine successive calendar year terms by paying to Spring Creek Properties, LLC a principal payment in the amount of \$94,960.00 plus accrued interest on the outstanding principal balance before January 1 of the new term. Out of the purchase price, \$50,000.00 will be due at closing. However, it is understood that the closing amount of \$50,000.00 will be donated back to Whitfield County for the building of Whitfield County “Miracle Field.” From then on a Note has been set to show how the money will be paid back over the years. At any time, the Whitfield County Board of Commissioners can elect to pre-pay the Note. If at any point the county decides not to complete the transaction, they will have to give the property back. After Mr. Smalley finished his comments, the floor was opened for public comment, but no one wished to speak. Chairman Babb closed the public hearing.

**APPROVAL OF MINUTES:**

1. Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve the minutes for the Special Called Meeting of December 7, 2009. The motion was approved 4-0, with Commissioners Waskul, Jones, Brooker, and Cowan in agreement.

**CONSENT AGENDA #1:**

1. **December 2009 Financial Statements:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to approve the December 2009 Financial Statements as presented. In discussion, Financial Director, Ron Hale reviewed changes to the budget, allowing that there could be changes still made as the audit process continues. The 2010 Budget Book is at the library and available in its entirety on the website along with the Budget Books of the past two years. Mr. Hale commented that the year-end budget amount changed because of several items. First, that the Board's decision not to execute furlough days added \$700,000.00 in round numbers to the total expenditures for the year. Second, in December of 2009 the Board elected to pay Longevity out, which cost about \$300,000.00. Other year-end adjustments included accrued payroll (\$639,000.00), \$530.00 in additional health care and \$100,000 for pension costs. Mr. Hale also commented that Whitfield County is currently \$2.5 million under budget in Sales Tax. However, individual departments were \$2.785 million below their combined budget. A comment was made by Mr. Waskul questioning the kind of check and balance system in place on sales tax reporting and actual sales tax receipts. However, Mr. Hale communicated that Whitfield County is not given that information. Instead the County receives one lump sum from the State of Georgia once a month. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "A")**
  
2. **Hazard Mitigation Grant Contract and Planning Contract:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve and authorize the Chairman to sign grant paperwork and the Hazard Mitigation Planning Contract with North Georgia Consulting Group, LLC. The county's Hazard Mitigation Plan was set to expire in June of 2010 and the Federal Emergency Management Agency (FEMA) requires that the plan is updated every five years. The last time the plan was updated was in 2005. The grant will cover seventy-five percent of the projected cost for the project. A contract will be made with North Georgia Consulting Group, LLC to assist in updating and submitting the County's new plan to FEMA. North Georgia Consulting Group, LLC also assisted in 2005. The total grant is for \$30,000.00 which, per federal guidelines the local cost share is \$7,500.00 in cash or in-kind services. The total contract price for North Georgia Consulting Group, LLC is \$21,000.00. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**
  
3. **County Lease Agreement with Prater's Mill Foundation:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to approve a lease agreement with Prater's Mill Foundation, Inc. In discussion, Mr. Smalley informed the Board that this agreement is an annual agreement and will terminate at the end of the year on December 31, 2010. Then, if reapproved, thereafter the Lease will extend automatically on a year-to-year basis unless the Lease is terminated. The agreement allows Prater's Mill Foundation, Inc. to continue to operate as they have in the past. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "C")**
  
4. **Contract and Note for Purchase of Spring Creek Properties:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to approve and authorize the Chairman to sign a contract with Spring Creek Properties, LLC. There was no discussion since the meeting opened with a Public Hearing on the same item. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. Then the Board was reminded that they were also voting on the Note with Spring Creek Properties, LLC. Motion to approve the Note was made by Commissioner Waskul and seconded by Commissioner Jones. This motion was also approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBITS "D" & "E")**

5. **Plateau Excavation Contract Change Order:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve change orders to the Plateau Excavation Contract. The change orders are for the amount of \$19,994.37, bringing the new contract total to \$1,146,775.46. In discussion, Kent Benson established that these new change orders would be additions to the original contract with Plateau Excavation. The extraordinary rainfall experienced by Whitfield County since late September caused extensive damage to the erosion control devices on the site. A stop-work order was issued, but no fines were accrued. As required by law, the site's erosion control plan was amended to provide extra protection from sediment leaving the site. The design engineer, American Consulting Professionals, specified the changes. The change orders reflect charges for labor and materials to install the added erosion control measures. After looking over the new numbers, Commissioner Brooker questioned the laborers' wages and asked if they had been inflated. Additionally, Commissioner Jones questioned the number of hours required to accomplish the changes and the necessity of having a paid superintendant on site if Whitfield County workers are present too. Commissioner Jones suggests having Whitfield County supervision in place of Plateau Excavation's laborers as a way of being more economical. Chairman Babb asks Kent Benson to address the concerns that were voiced and table this topic until the next meeting. The motion failed 3-2, with Chairman Babb, and Commissioners Brooker and Jones opposed. Commissioners Cowan and Waskul approved.

## **RESOLUTION:**

1. **Resolution Calling for Revision of Hotel/Motel Tax Law:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to pass a Resolution Calling for Revision of Hotel/Motel Tax Law. In discussion, Brett Husky, the new Director of the Dalton-Whitfield Convention and Visitor's Bureau (CVB), tells the Board that the CVB aims to increase hotel/motel tax rates by 1%. The 1% increase will make the excise tax rate charged for public lodgings within Whitfield County 7%. The 1% increase will be allocated to the Dalton-Whitfield Convention and Visitors Bureau, Inc. The CVB will use the 1% to increase marketing, selling, and advertising in Whitfield County to improve visitor expenditures in the area. In order to gain approval for the tax increase, the CVB needs both a City of Dalton and Whitfield County Resolution. The CVB already has the pledged support of Representatives Roger Williams and Don Thomas. It was confirmed that the City of Dalton had also already approved a similar Resolution. The proposed extra income from the tax would be \$100,000.00 to the City of Dalton and Whitfield County. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "F")**
2. **Reimbursement Resolution – Bond Issue – Acree/Ownbey Properties:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve a Reimbursement Resolution to express the Board of Commissioners' intent that it should be reimbursed for expenditures in acquiring the referenced properties from 2010 Bond proceeds. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "G")**

**PUBLIC COMMENT:** There was no public comment.

**EXECUTIVE SESSION:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to enter into Executive Session to discuss land acquisition. The motion carried, 4-0. No action was taken in reference to the land acquisition. Motion was made unanimously to go out of Executive Session.

**ADJOURN:** Unanimous

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MIKE BABB, CHAIRMAN  
WHITFIELD COUNTY BOARD OF COMMISSIONERS

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SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /