

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

**WORK SESSION**

1. THE WORK SESSION WAS CALLED TO ORDER BY THE CHAIRMAN
2. Archway Partnership Presentation – Melissa Lu Presented
3. Performance Measures:
  - a. Presentation given by Major Gibson from the Sheriff’s Department
  - b. Presentation given by Mike McCarthy from the Public Defender’s Office
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 (ABSENT)  
Robert Smalley, County Attorney  
Dept Heads  
Press

**A motion to approve the agenda with the addition of an “Animal Control Ordinance Revision” as Item #3 on Consent Agenda #2 was made by Commissioner Brooker and seconded by Commissioner Jones. Approval of the amended agenda was unanimous.**

**APPROVAL OF MINUTES:**

1. Motion was made by Commissioner Cowan and seconded by Commissioner Jones to approve the minutes for the Special Called Meeting of June 1, 2010. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones, and Waskul in agreement.

**PUBLIC HEARING – Malt Beverage License for Bill’s Grocery:**

1. Chairman Babb motioned that the meeting be opened for a public hearing on the application for a Malt Beverage License by Bill’s Grocery. The public hearing was held because a request was made by Ms. Peggy Ann Berry for a Malt Beverage License for Bill’s Grocery, located at 4087 South Dixie Highway, Dalton, Georgia. The criminal background investigation on the designated applicant, Peggy Ann Berry, revealed no criminal history. The criminal background investigation on the store owners, Sharon Wilbanks and Bart Wilbanks, also revealed no criminal history. There are two residences within the 200 foot limit of Bill’s Grocery. Both properties are owned by Sharon and Bart Wilbanks. The Sheriff’s Department attached a letter saying that an onsite inspection of Bill’s Grocery revealed the distance to the nearest Library, Church, public park, school grounds or college is greater than 600 feet. There were not any public comments on the matter. After hearing no comments, Chairman Babb closed the public hearing.

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**CONSENT AGENDA #1:**

1. **City of Varnell Annexation Request:** Motion was made by Commissioner Jones and seconded by Commissioner Waskul to approve a letter of no land use classification objection to the City of Varnell for the annexation of tax parcel 11-192-14-049. The property is owned by William H. Talley, Jr. and Rachel M. Talley and the City of Varnell did not propose a zoning change that would disrupt the current land use classification of the property. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
  
2. **April 2010 Financial Statements:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to accept the April 2010 Financial Statements as presented. In discussion, Whitfield County's Finance Director, Ron Hale spoke about the state of the County's current financial situation. He wanted to emphasize that last year at this time we had barely reached \$700,000.00 in sales tax revenues for the month of April. This year, Whitfield County is still slightly below average but, is at a 57% increase from last year. Last year, Whitfield County only received \$13 million in sales tax revenue, this year the County budgeted for \$15 million. During discussion, Commissioner Waskul questioned if neighboring Counties were seeing the same upwards trend in sales tax revenues. Mr. Hale said that he had not yet tracked the trend in comparison to our neighboring counties, but that overall the State tax revenues had been down. This trending pattern means that Whitfield County's sales tax revenues are going in the opposite direction of those of the State as a whole. Mr. Hale also commented that we are currently at \$750,000.00 above our planned budget year-to-date, which is saying quite a bit. Another concern that was discussed is the County's rising health care costs. Mr. Hale provided that last year Whitfield County had to make almost a \$500,000.00 dollar adjustment to health insurance costs at the end of the year. To offset that impact this year, the County has been making monthly adjustments. At four months into the year, Whitfield County is almost at the total adjustment for all of 2009. Mr. Hale explained that this is because the County has had an elevated number of high medical cost procedures. Although, Mr. Hale did confirm that it is not unusual for the second quarter of each year to be the highest quarter for medical costs. Mr. Hale also mentioned that Whitfield County's Department Heads are working to do their part in their individual areas and we have seen some improvement. At this time, Chairman Babb mentioned that in saying that Whitfield County is on budget is to say that the County is going to get to the end of the year with a planned deficit of \$6.5 million dollars. Concerning the County's health care options, an RFP for medical insurance has been advertised, although there have not been a lot of return bidders. Chairman Babb mentioned that the County has tried to get quotes from everyone, but has had several denials based on our local situation and what the newly passed National Health Care bill might mean. Mr. Hale commented that the process of obtaining new health insurance quotes was on-going and that everyone was trying their best to get the most options for the County. Commissioner Waskul asked if the County had considered partnering with other companies in order to get our group larger and reduce insurance costs. Mr. Hale mentioned that Whitfield County had worked with the City of Dalton in the past; however, as of two years ago the City received a fully funded plan and left our bargaining unit. Commissioner Brooker asked to clarify that Whitfield County is currently self-insured up to about \$70,000.00-\$80,000.00 or a catastrophic event. Being self-insured means that the County pays a company to process our claims, but that once the claims are processed, Whitfield County pays them. Being fully-insured would mean that the County would pay a set amount to the insurance company regardless with the security that the County's claims would be paid out of that amount.

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The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. (SEE EXHIBIT "A")

3. **Resolution – JDA Bond Issuance for Loop Properties, LLC:** Motion was made by Commissioner Brooker and seconded by Commissioner Waskul to authorize the Chairman to sign a Resolution approving the issuance by the Dalton-Whitfield Joint Development Authority of its tax-exempt industrial development revenue bond. On June 2, 2010 at 10:00 AM a public hearing was held at the Dalton-Whitfield Chamber of Commerce concerning this proposed issuance by the Dalton-Whitfield Joint Development Authority of its Tax-Exempt Industrial Development Revenue Bond (Loop Properties, LLC Project), Series 2010 (the tax-exempt bond), and a related taxable bond in a combined aggregate principal amount not to exceed \$4,000,000.00. This hearing was advertised in *The Daily Citizen* at least 14 days before it was held. The proceeds of the sale of the Bonds when issued are to be used to pay or reimburse the costs of a capital project consisting of land in Whitfield County, an existing approximately 50,000 square foot building and an approximately 200,000 square foot expansion to be constructed thereon and related fixtures and equipment. The street address of this project is 1001 Enterprise Drive, Dalton, Georgia 30721. The owner of the Project is to be Loop Properties, LLC and the initial operator is to be Dobbs Mills, LLC which will use it in its carpet manufacturing business. In discussion, it was reiterated that this Resolution is simply providing approval to the Dalton-Whitfield Joint Development Authority to issue \$4 million in tax exempt bonds. Chairman Babb mentioned that the bonds are not paid by taxes, but are paid by the issuer solely and there is not obligation on the County for payment of the tax exempt bonds from thereon. Commissioner Waskul commented how actions such as this one highlight the effectiveness of the Joint Development Authority to work with new industry as well as our current industry to ensure that those businesses are looking here, (to Whitfield County), for expansion. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. (SEE EXHIBIT "B")
4. **Order of Condemnation – Airport Road:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to approve an Order of Condemnation and Declaration of Taking for the Beller Property located on Airport Road. In discussion, it was mentioned that this is the foreseeable third and last condemnation to take place on Airport Road. The two other properties that were condemned on Airport Road are owned by Rick Garrett and Randy F. Kinsey and Regions Bank. The right-of-way condemnations are being made to secure all of the right-of-way needed for improvements to Airport Road as set forth in the attached exhibit. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. (SEE EXHIBIT "C")

**CONSENT AGENDA #2:**

1. **Malt Beverage License – Bill’s Grocery:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve the Malt Beverage License for Bill’s Grocery as presented. Please see “Public Hearing – Malt Beverage License for Bill’s Grocery” above for the information that was presented to the Commissioners concerning this applicant. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones, and Waskul in agreement.
2. **Reappointment to the Merit System Personnel Board – Henry Millsaps, Jr.:** Motion was made by Commissioner Cowan and seconded by Commissioner to reappoint Henry L. Millsaps,

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Jr. to the Whitfield County Merit System Personnel Board. Mr. Millsaps' current term will expire on June 30, 2010. The Board voted to reappoint Mr. Millsaps for a five-year term that will become effective on July 1, 2010 and expire on June 30, 2015. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

3. **Animal Control Ordinance Revision:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to amend the Animal Control Ordinance passed by the Board on June 1, 2010. The amendment includes a change of language in Chapter 4 of the *Whitfield County Code of Ordinances*, entitled "Animals," be amended by re-naming and amending section 4-35, to provide a change in the title thereof from "Sale of Domesticated Animals" to "Sale of Dogs and/or Cats." All of the changes enacted to the Animal Control Ordinance on June 1, 2010 by the Board of Commissioners stand, with only the exception of "Domesticated Animals" being specified to mean "Dogs and/or Cats" only. In discussion, Commissioner Brooker explained that when the new Animal Control Ordinance was first passed on June 7, 2010, the Commissioners had dogs and cats in mind, rather than all domestic animals. It was also mentioned that if it becomes necessary to make the "Dogs and/or Cats" arrangement broader, the Commissioners can specify those changes. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "D")**

**PUBLIC COMMENT:** Once Chairman Babb opened the meeting for comments from the public, there were not any comments. However, Chairman Babb did ask two members of the audience that are running for office to speak. First, Mr. Steve Brannen who is running for Georgia State Senate from the 54<sup>th</sup> District mentioned that he was unprepared to speak, but that he was happy to have attended the meeting and was excited to see local folks all working on similar issues. Second, Mr. Robby Staten who is running for Whitfield County Commission District #3 introduced himself and said he had been happy to attend the meeting as well. Mr. Staten also mentioned that he had been unprepared to speak and was not sure that the meeting was a good place for campaigning.

**ADJOURN:** Unanimous

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MIKE BABB, CHAIRMAN  
WHITFIELD COUNTY BOARD OF COMMISSIONERS

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SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /