

MINUTES FOR THE WORK SESSION AND REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, MAY 10, 2010, AT 5:30 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. Carbondale Business Park Covenants
3. Engineering Services for Road Improvements – Carbondale Business Park
4. Discussion Concerning SPLOST Project 2.6 – College Drive
5. Varnell Sewer Line Discussion
6. Adjourn

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 with four amendments was made by Commissioner Brooker and seconded by Commissioner Cowan. The first amendment was to postpone the presentation of the Employee of the Month for March to the next meeting. The second amendment was to add a Proclamation in support of National Nursing Home week. The third amendment was to add item a fifth item to Consent Agenda #1 titled “Final Decision on Carbondale Business Park Covenants.” The last amendment to the agenda was to add a fifth item to Consent Agenda #2 titled “Varnell Sewer Service Agreement with Dalton Utilities.” Approval of the amended agenda was unanimous.

APPROVAL OF MINUTES:

1. Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve the minutes for the Regular Business Meeting of April 12, 2010. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

PUBLIC ANNOUNCEMENT:

1. **FY2010 Edward Byrne Memorial Justice Assistance Grant – Drug Court Program:**
Chairman Babb declared a public announcement from the Whitfield County Board of Commissioners, then read the following announcement:

Whitfield County will be applying for the FY2010 Edward Byrne Memorial Justice Assistance Grant for the Drug Court Program. If approved, Whitfield County will receive \$30,885.00. This grant will be available for review for 30 days in the Superior Court Administration Office located in the Whitfield County Courthouse, 205 N. Selvidge Street, Dalton, Georgia. If no objections, the grant application will be processed after the 30 day review.

PROCLAMATION:

1. **Ratification of the Joint National Train Day Proclamation with the City of Dalton:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to ratify the National Train Day Proclamation. The Proclamation is in support of the railroad in Whitfield County. May 8, 2010 was proclaimed to be National Train Day in both Whitfield County and the City of Dalton. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "A")**
2. **National Nursing Home Week Proclamation:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve the National Nursing Home Week Proclamation. The Proclamation recognizes the week of May 9-15, 2010 as National Nursing Home Week and urges citizens of Whitfield County to use the week in observance of the same. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**

CONSENT AGENDA #1:

1. **Replacement Vehicle for the Magistrate Court:** Motion was made by Commissioner Cowan and seconded by Commissioner Jones to award the bid for a Ford Fusion to Brooker Ford for the amount of \$15,243.00. The vehicle is serving as a replacement vehicle for a Magistrate Court Constable vehicle. The vehicle being replaced has over 278,000 miles on it and is in need of repairs that well exceed the Kelly Blue Book value of the car. The County received three bids for this vehicle. Brooker Ford was within 4% of the low bid (2.9% higher than the lowest) and exercised their local vendor preference and agreed to match the low bid placed by Wade Ford. The Magistrate Court wants to use alternate bid #2 to replace the rear seat with vinyl instead of cloth for safer prisoner transport. The revised bid is for \$15,243.00. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
2. **Purchase of Ammunition for the Sheriff's Department:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to authorize the Sheriff's Department to purchase \$15,938.10 worth of ammunition under State Contract from Gulf State Distributors, Inc. The Sheriff's Department has had difficulty in getting the ammunition they need and at reasonable prices. To make sure they have enough on hand, they have requested permission to purchase a 6 months' supply. The Department will be able to buy on the State Contract (which does not require quotes or bidding), but the Department did get some additional quotes to ensure that they were getting the best price. After reviewing the additional quotes, it was determined that the State Contract was still the best price. The total price for a 6 months' supply from Gulf State Distributors, Inc. through the State Contract was \$15,938.10. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
3. **March 2010 Financial Statements:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to accept the March 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. While he did mention that the County is doing well in sales tax revenue and year to date, we are up 24 percent, he also wanted to note that we are operating on a \$6.5 billion dollar deficit. Our financial statements are simply calculating how closely we are staying to that deficit budget. Mr. Hale also wanted to emphasize that the State of Georgia released a press release today stating that they were down 10.7% year-to-date for sales tax receipts, so Whitfield County is up significantly compared to the overall State totals. For the entire budget, Whitfield County is up \$750,000.00. Commissioner Brooker then questioned why the Probate Court fines are down year-to-date. Mr. Hale said that he would

check into this issue. Chairman Babb noted that overall all departments are keeping their expenditures down. The topic of furloughs was approached as well as the buying back of vacation time from employees. It was decided that in the future decisions will be made on revenues and expenditures because the current rate is unsustainable. Commissioner Brooker suggested that the buying back of employee vacation days be eliminated from County policy and Chairman Babb commented that so far Whitfield County is one of the few counties that has not implemented furloughs or impacted their employees negatively. Commissioner Waskul noted that in the very near future some tough decisions would have to be made. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "C")**

4. **Purchase of Two Sedans for the Sheriff's Office:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to award the bid for two Sedans to be used by the Sheriff's Department to Brooker Ford in the amount of \$42,990.00. These two vehicles will be used as marked patrol cars and will replace two vehicles with excessive mileage. An Edward Byrne Justice Assistance Grant that was awarded to the agency in the amount of \$56,640.00 and will cover the entire cost of the vehicles and the equipment needed for the vehicles. The Edward Byrne Justice Assistance Grant is funded by the American Recovery and Reinvestment Act of 2009. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

5. **Final Decision on Carbondale Business Park Covenants:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve the Carbondale Business Park Covenants in their final form. The Covenants will apply to the new industrial park being built on the South end of Whitfield County. The purpose of the Covenants is the control of the development of the industrial park. During the Work Session, Whitfield County's Administrator, Mr. Robert McLeod, explained some of the adjustments that had been made to the Covenants since they were last presented to the Board on May 3, 2010. One of the main changes made concerns the Association that will govern the Carbondale Business Park. The Association will now be made up of two Joint Development Authority Board Members, two Whitfield County Board Members, and three land owners in the Park. The Association will remain in power until the Board members choose to relinquish the powers of the Association to the general membership of the Carbondale Business Park. A second change was that the Joint Development Authority staff members will review each plan submitted for architectural compliance and it will not be necessary to convene the Architect Review Committee unless there is a change that would affect the Covenants. This adjustment will speed up the review process for potential land owners in the Carbondale Business Park. A third change discussed was that the requirement for signs placed on I-75 interstate frontage would be 300 square feet. Lastly, this final revision of the Covenants removes the language that previously gave owners votes in the Association based on the acreage that they owned. The new language gives each parcel owner one equal vote, regardless of the size of their property. Mr. McLeod also informed the Board that the Joint Development Authority had already voted to endorse this set of Covenants and that Attorney Lee Daniel is currently working on getting a clean copy of the Covenants together for the Board's signature. However, the Covenants will not be changing anymore, so the Board of Commissioners was free to endorse the Covenants in their current form. Commissioner Waskul commented that everything that the Commissioners had requested be changed had been and that he saw no reason for the Commissioners not to approve the Covenants. The motion to authorize the Chairman to sign the Carbondale Business Park Covenants was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "D")**

CONSENT AGENDA #2:

1. **Supplemental Engineering Cost Proposal for SPLOST Project 2.6 – College Drive:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to accept the design proposal from American Consulting Professionals, LLC for \$120,639.40 and authorize the Chairman to sign the contract for SPLOST Project #2.6 located at College Drive. Project #2.6 is the roundabout intersection of College Drive and Dug Gap Mountain Road. The Georgia Department of Transportation (GDOT) has programmed a construction project for this intersection. GDOT would like to pay the entire construction cost with lump sum safety money; however the County is responsible for the design and right of way costs. The original design contract with American Consulting Professionals, LLC was to design a roundabout for the intersection of College Drive, Dug Gap Mountain Road, and West Bridge Road. Now that GDOT has agreed that the roundabout should include the I-75 ramps, and have also agreed to pay for construction, the design must be altered to meet Federal guidelines. The cost of this type of design is higher due to more environmental requirements and numerous reviews by GDOT. American Consulting Professionals, LLC submitted a supplemental design cost proposal for \$120,639.40, which includes all design costs to bring the project to the construction phase. After reviewing American Consulting Professional's proposal, Whitfield County Engineer Kent Benson and Ronnie Nix believed that it was a fair and comprehensive proposal. The new design contract total would be \$262,148.28. The project has a SPLOST budget of \$500,000.00. During the Work Session, Allen Peterfreund, from American Consulting Professionals, spoke about the design for the roundabout. Mr. Peterfreund included that in order to go with the State's recommendations and get their help, a National Environmental Protection Association (NEPA) document would need to be submitted and approved. Mr. Peterfreund speculated that the process involved in preparing and approving a NEPA document could take up to eight months. However, it was discussed that the goal of beginning this project in Fiscal Year 2011 is still in place. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "E")**
2. **Bid Award for Construction of SPLOST Project 5.8B:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to award the construction bid for SPLOST Project 5.8B to C.W. Matthews Contracting Company for \$435,157.00 and authorize the Chairman to sign the contract. SPLOST Project 5.8B is the construction of a full median access break on the South Dalton Bypass to allow a new County road from the Bypass to Cavender Road. The portion of the project in this bid is the improvement to the Bypass itself in the form of turning and acceleration lanes. Construction by the contractor will end at the State right-of-way boundary. The new connecting road will be built by County forces at additional cost. Three responsive bids were received from C.W. Matthews Contracting Company, Mecco Builders, Inc., and Northwest Georgia Paving Company. The lowest responsive bidder was C.W. Matthews Contracting, Company. Their bid was for \$435,157.00. The company is pre-qualified for GDOT to perform this type of work, which is required to work on State rights-of-way. The construction projects were advertised for 30 days in the *Dalton Daily Citizen*, on the Whitfield County website (www.whitfieldcountyga.com), and through the Dodge Report. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "F")**
3. **Engineering Services for Road Improvements – Carbondale Business Park:** Motion was made by Commissioner Jones and seconded by Commissioner Brooker to award Phase I of the road improvements at Carbondale Business Park to Clark Patterson Lee Design Professionals for the sum of \$67,400.00 and authorize the Chairman to sign the contract. The motion also asked that Phase II of the project be rebid in order to obtain other price quotes. During the Work Session, Whitfield County's Engineer, Kent Benson, discussed that the new Carbondale Business Park will require improvements to State Route 3 (U.S. Highway 41) in the form of turning, acceleration, and deceleration lanes. Mr. Benson explained that the Georgia

Department of Transportation requires that the design work be performed by a firm that is pre-qualified with them to do this type of work. The Park will also feature an internal road to serve its parcels. The first 1,000 feet of this road will be designed in Phase I, along with the improvements to State Route 3. Phase II of the road design will be comprised of the next 3,000 feet of the park road. Mr. Benson further explained that proposals for this project had been received by American Consulting Professionals, LLC and Clark Patterson Lee Design Professionals. Both of these firms have designed SPLOST projects for Whitfield County in the past. Clark Patterson Lee Design Professionals had the lower price for both phases of the design. Their price for Phase I was \$67,400.00 and their price for Phase II was \$63,800.00 for a total of \$131,200.00. Commissioner Jones then suggested that the County only accept the proposal from Clark Patterson Lee at the current time. He pointed out that while Phase I of the project has to be completed by a company that has been prequalified by the Georgia Department of Transportation to do this type of work, Phase II does not have to be. Therefore, Mr. Jones suggested that the County check to make sure that Clark Patterson Lee's estimate for Phase II is the lowest possible bid for the County, while also maintaining a quality job. Commissioner Waskul stated that his perspective was to plan a very sturdy, well-laid-out road that would meet all of the GDOT standards and that the road be designed to the highest quality standards. Phase II of the project will be decided upon at a future meeting, since Mr. Benson established that there is more time to rebid that project. Mr. McLeod established that the costs for these projects will be covered in the bonds for Carbondale Business Park. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "G")**

4. **Reappointment to Highland Rivers Community Service Board – Bill Weaver:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to reappoint Mr. Bill Weaver to the Highland Rivers Community Service Board. Mr. Weaver's new term will be for three years, ending on June 30, 2013. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
5. **Varnell Sewer Service Agreement with Dalton Utilities:** Motion was made by Commissioner Brooker and seconded by Commissioner Waskul to approve the extension of Whitfield County's sewer line down Cleveland Highway. The half-mile sewer line will extend from the intersection of Highway 2 and Cleveland Highway to Upper Varnell Road. The project is currently projected to cost between \$130,000.00 - \$150,000.00. During the Work Discussion, Commissioner Harold Brooker confirmed that this project will be entirely funded by the County and that Dalton Utilities will not be contributing to the project. Commissioner Waskul commented that this decision would open up Varnell City property and unincorporated Whitfield County property to expansion. Commissioner Waskul also commented that it is important to note that unlike the Tunnel Hill sewer service agreement where we have a repayment schedule based on people tying into it, in this instance because the Whitfield County School System has facilitated the tying in of business, they will receive the return and there is not likely to be a return of any significance to Whitfield County for this investment. Commissioner Waskul further commented that this was the right thing for our community for economic development. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

PUBLIC COMMENT:

Once Chairman Babb opened the meeting for public comment, Whitfield County Administrator, Robert McLeod, asked that two more topics be mentioned. He first brought up that Armed Forces Day will be celebrated on Saturday, May 15th this year and encouraged everyone to celebrate that day. The second topic brought up was that the Whitfield County Firefighters had picked up the gauntlet on the campaign to "Give Burns the Boot." This

fundraising campaign is being led in order to help children who have had serious burns attend summer camp. Mr. McLeod wanted the public to know that the Whitfield County Firefighters will be out at numerous intersections around Whitfield County taking donations to this campaign on Saturday, May 15th.

There were no other comments.

ADJOURN: Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /