

MINUTES FOR SPECIAL CALLED MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, MAY 3, 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 amend and approve the agenda was made by Commissioner Brooker and seconded by Commissioner Cowan. The amendment was to remove Item #3 from Consent Agenda #1 from the Agenda. The item had been a reappointment to the Dalton-Whitfield Board of Zoning Appeals; however the appointment was deemed a City of Dalton appointment instead and was removed from the agenda. Approval of the agenda was unanimous. (NOTE: Item #4 on Consent Agenda #1 will replace the previous item #3 for the purpose of recording the minutes).

A motion to present a tribute in remembrance of Mr. Jimmy “Lou” Chastain was made by Commissioner Brooker and seconded by Commissioner Waskul. Mr. Chastain was an employee of Morton Altobelli Associates, Inc. and worked closely with many members of the Whitfield County staff. He passed away suddenly on April 20, 2010. Chairman Babb read a tribute to Mr. Lou Chastain and the motion was approved 4-0, with Commissioners Brooker, Cowan, Jones, and Waskul in agreement.

Whitfield County Financial Director, Ron Hale, was presented with the Government Financial Officers Award for the 2008 Fiscal Year. Mr. Hale received a plaque and certificate from the Government Financial Officers Association. Ms. Melva Smith was honored as well for her great contributions in the financial department. This was the sixth consecutive year that Whitfield County received the award.

APPROVAL OF MINUTES:

1. Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to approve the minutes for the Special Called Meetings of March 15, 2010, March 22, 2010, March 25, 2010, and April 5, 2010. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones, and Waskul in agreement.

CONSENT AGENDA #1:

NOTE: During the meeting, it was requested that Item #6 be addressed first. The request was honored.

1. **Consideration of Soil Erosion and Sedimentation Ordinance:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve the Soil Erosion and Sedimentation Ordinance. In discussion, Chris Hester said that every five years the Georgia Environmental Protection Division (EPD) renews each county’s general permit for land

disturbance. With that renewal, the EPD also includes a model ordinance and each county must pass a local ordinance that meets the minimum requirements of the EPD's model ordinance. Whitfield County fulfills these obligations in order to remain a local issuing authority with control over the County's erosion control process. It was established in the discussion that Whitfield County's Soil Erosion and Sedimentation Ordinance only meets the minimum requirements set forth by the EPD and does not exceed those requirements in stringency. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "A")**

2. **Resolution Creating the Dalton-Whitfield Board of Zoning Appeals:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to approve a Resolution creating the Dalton-Whitfield Board of Zoning Appeals. The Whitfield County Board of Zoning Appeals is being merged with the Dalton Board of Zoning Appeals in order to promote the goals, objectives, and policies of the *Joint Comprehensive Plan*. This resolution authorizes a change to the *Whitfield County Zoning Ordinance* that creates the Dalton-Whitfield Board of Zoning Appeals. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**
3. **Resolution Creating the Dalton-Whitfield Board of Building Appeals:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to approve the Resolution creating the Dalton-Whitfield Board of Building Appeals. The resolution authorizes an amendment to the *Whitfield County Building Ordinance* and will create the Whitfield County Board of Building Appeals and combine it with the City of Dalton Board of Building Appeals. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "C")**
4. **Appointments to the Dalton-Whitfield Board of Building Appeals:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to approve three appointments to the newly created Dalton-Whitfield Board of Building Appeals. The appointments were: Mr. Steve McKenzie for a one-year term, Mr. Todd Gavin for a two-year term, and Mr. Alan Felker for a three-year term. Mr. Mckenzie's term will end on May 3, 2011, Mr. Gavin's term will end on May 3, 2012, and Mr. Felker's term will end on May 3, 2013. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
5. **Resolution Regarding the Bond Financing of Carbondale Business Park:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to approve the Resolution for Bond Financing for Carbondale Business Park. The Resolution requests that the Dalton-Whitfield County Joint Development Authority issue its Series 2010 Revenue Bonds in an aggregate principal amount of approximately \$9,850,000.00 to finance the acquisition of certain property for economic development and the construction of certain improvements. The property will be known as the Carbondale Business Park and specifically for Phase II of the Project. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "D")**
6. **Consideration of the Carbondale Business Park Covenants:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to forward the current draft of the Carbondale Business Covenants to the Joint Development Authority for their vote. In discussion, Attorney Lee Daniel spoke and described the purpose of the Covenants. 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. As per the Covenants, control of the industrial park will be maintained by the creation of an association to govern the park. It was established that as of now the Covenants provide for a group of two

people appointed by the JDA, two people appointed by the Board of Commissioners and three landowners to form an association to help enforce the rules. Although all people who purchase property in the industrial park will be members of the association and have a right to vote, control of the development will rest in the JDA and Board of Directors. The restrictions established in the Covenants will last for twenty years and they automatically renew for another twenty years, unless the decision is made by the Board of Directors to change the current time. Commissioner Waskul then asked if there was a funding mechanism needed. Mr. Daniels replied that the created association will require dues and have a right to place a lien on the property if the association dues are not paid. It was also established that these Covenants are still in draft form and changes may still be made. The Whitfield County Board of Commissioners will take action on the Covenants after the final changes are made. The motion to consent to the JDA taking action on the Carbondale Business Park Covenants was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement

CONSENT AGENDA #2:

1. **Ratification of a Resolution Authorizing the Signing of a Land and Water Conservation Fund Grant Pre-Application:** Motion was made by Commissioner Waskul and seconded by Commissioner Brooker to ratify a resolution authorizing the signing of a Land and Water Conservation Fund Grant Pre-Application. The Land and Water Fund Grant is being funded by the Department of Natural Resources. The grant will go to fund the project for a Miracle League Field at Westside Park. If the grant is received, Whitfield County will finance fifty percent of the project costs and use the grant for the remaining fifty. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT “E”)**
2. **City of Varnell Annexation Request for Tax Parcel 11-229-01-028:** Motion was made by Commissioner Cowan and seconded by Commissioner Jones to approve a letter of no land use classification objection to the City of Varnell for the annexation of tax parcel 11-229-01-028. The property is owned by Albert H. Ellis 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.
3. **Appointment to the Dalton-Whitfield Library Board of Trustees – Honorable Cindy Morris:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to appoint The Honorable Cindy Morris to the Dalton-Whitfield Library Board of Trustees. Ms. Morris’ is being appointed to fill a new position on the Board and her term will be for three years, effective on May 3, 2010 and ending on July 31, 2013. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.
4. **Agreement with Rhonda Gilbert for Grant Administration Services Concerning the Whitfield County Employment Incentive Program (EIP) Grant and the OneGeorgia Equity Assistance Program:** Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to authorize the Chairman to sign two agreements with Rhonda Gilbert for grant administration services.
 - a) The first agreement is for grant administration services concerning the Whitfield County **Employment Incentive Program (EIP) Grant**. Whitfield County was awarded the EIP Grant by the Georgia Department of Community Affairs and it is being funded by the Community Development Block Grant Program for Non-Entitlement Communities. The award will be used to assist with public roadway access for benefit the new location of IVC US, Inc. new headquarters, for a manufacturing and distribution plant. The public infrastructure improvements will allow IVC US, Inc. to invest in a Georgia plant in

Whitfield County that will create at least 56 new full-time permanent jobs within the first year of operation. Out of the 56 jobs created, at least 55% will be held by low and moderate income persons. The Whitfield County Board agreed to pay Ms. Gilbert 5.5% of the total EIP Grant award for her professional services in administering the grant. The total grant received by Whitfield County is for \$500,000.00; therefore Ms. Gilbert will receive \$27,500.00. **(SEE EXHIBIT “F”)**

- b) The second signed agreement with Ms. Gilbert is for her grant writing and grant administration services in support of Whitfield County’s efforts to apply for an **OneGeorgia Equity Grant**. The Equity Grant that Whitfield County will be applying for is funded by Equity Fund of the OneGeorgia Authority. The Equity Grant will be used for road improvements also associated with the IVC US, Inc. site. The purpose of the Equity Fund is to provide a program of financial assistance that includes grants, loans and any other forms of assistance to finance activities that will assist applicants in promoting the health, welfare, safety, and economic security of the citizens of the state through the development and retention of employment opportunities in areas of greater need. The agreement signed with Ms. Gilbert specifies that for tasks associated with the preparation and submittal of an OneGeorgia application for Equity assistance she will be paid \$2,500.00 and if the grant should be awarded to Whitfield County, Ms. Gilbert will receive 5.25% of the total Grant award amount for tasks associated with grant administration services. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT “G”)**

- 5. **Purchase of Troxler Moisture/Density Gauge for SPLOST Projects:** Motion was made by Commissioner Cowan and seconded by Commissioner Waskul to approve the purchase of one Troxler RoadReader Plus Model 3450 CE from Troxler Electronic Laboratories, Inc. at the bid price of \$8,925.00. In discussion, Kent Benson established that Whitfield County is currently contracting its compaction testing for SPLOST construction projects with Moreland Altobelli at an hourly rate of \$56.00 per hour for the technician (including travel time). The County’s SPLOST construction inspector, Gary Hutchison, has been trained and certified to perform this type of testing with a nuclear density gauge. In order for the County to move this work in-house, we need to purchase our own gauge. The type of gauge we need measures compaction on deep materials such as earth fills, as well as thin layers such as asphalt overlays. The gauge would measure compaction of soil, base, and asphalt on all SPLOST projects, including the resurfacing of roads for quality control. The only gauge on the market that does all of these things in one unit is the Troxler RoadReader Plus, Model 3450 CE. One qualified bid was received for this instrument, from Troxler Electronic Laboratories, Inc. The total bid price of the gauge and standard accessories is \$8,925.00. The purchase price of this gauge is equivalent to four 40-hour weeks of testing using Moreland Altobelli’s technician. Mr. Benson said that Whitfield County would use the instrument more than that over the next two years alone. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

PUBLIC COMMENT: There was no public comment.

ADJOURN: Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /