

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, OCTOBER 11, 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. A Presentation of ACCG Retirement Plans was made by Steve Vaughn of GebCorp
3. Line Item Budget Presentations: POSTPONED
 - a. Presentation given by Chief Carl Collins for the Fire Department
 - b. Presentation given by George Page for the Parks & Recreation Department
 - c. Presentation given by Kevin Herrit for the Planning Department
4. Adjourn

REGULAR BUSINESS MEETING

The Chairman called the meeting to order.

Pledge of allegiance to the Flag – Led by the Whitfield County 4-H; Followed by the 4-H Pledge
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.

Approval of Minutes:

1. Motion to approve the Special Called Meeting minutes of August 16, 2010 was made by Commissioner Cowan and seconded by Commissioner Brooker. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

Proclamation:

1. **National 4-H Week:** Motion was made by Commissioner Waskul and seconded by Commissioner Brooker approve a Proclamation in support of Whitfield County 4-H Week. The Proclamation declares the week of October 3-10, 2010 to be Whitfield County 4-H Week and proclaims the Board's support for Whitfield County 4-H'ers. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "A")**
2. **Domestic Violence Awareness Month – October 2010:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to proclaim the month of October 2010 to be Domestic Violence Awareness Month in Whitfield County. The Proclamation was made in conjunction with National Domestic Violence Awareness Month. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**

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PUBLIC HEARING:

1. **Consideration of Closing a Portion of Cronan Drive:** The Chairman opened the meeting up for a public hearing. In discussion, Robert Smalley discussed the background on the situation. On September 13, 2010 the Board of Commissioners' motioned to initiate a road closing procedure for the drive beyond the County-maintained portion of Cronan Drive. Cronan Drive is a single-lane asphalt road in the northern part of Whitfield County, just east of the intersection of Barnard Road and Cleveland Highway. The road has historically been maintained by the County to a point marked by a sign which reads "End of County Road." A drive continues beyond this point which serves several houses. Cronan Drive is paved beyond the County's sign because the Public Works Department placed extra asphalt on it at the end of the paving job. Because the road is only 8-10 feet wide, the extra asphalt extended over 100 feet beyond the sign. There have been questions by citizens on Cronan Drive concerning whether the County owns the portion of the drive beyond the County's sign. Based on the fact that no County road maintenance is performed past the sign and that no right-of-way deeds exist for the road, the Whitfield County staff contended to the Commissioners that the County does not own the portion of the road past the County's sign. In order to clear the matter of ownership, staff recommended that the Commissioners initiate a procedure to close as a public road the drive beyond the point to which the County maintains on Cronan Drive. For the abandonment procedure required, the Board opened a public hearing. During the public hearing, Mr. Luther Green expressed his wishes for the road to remain open and County property so that a water line could be brought down the road. However, many other residents (the Cronan family) of Cronan Road expressed their wishes for the road to be closed. Chairman Babb closed the public hearing on the consideration of closing a portion of Cronan Drive.
2. **Malt beverage License – Old Grade Road Quick Mart (El Gordo's):** Chairman Babb opened the meeting up for a public hearing on the possibility of awarding a Malt Beverage License to the Old Grade Road Quick Mart, also known as El Gordo's. Prior to the opening of the public hearing, it was discussed that a request was made by Ms. Faye Colston for a Malt Beverage License for Old Grade Road Quick Mart, Inc. DBA El Gordo's, located at 2680 Old Grade Road, Dalton, Georgia. The criminal background investigation on the applicant, Faye Colston revealed no criminal history. There were not any public comments and the public hearing was closed.

AGENDA #1:

1. **Consideration of Closing a Portion of Cronan Drive:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan close Cronan Drive. Commissioner Cowan said that he understood that this motion only removed the County from liability to maintain the road, but did not inhibit the citizens already living on the road. The motion was approved 3-2, with Commissioners Babb, Cowan, and Waskul in agreement. Commissioners Brooker and Jones were in opposition. **(SEE EXHIBIT "C")**
2. **Approval and Acceptance of a 2010 CDBG Award for Sewer Extension:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to approve the designation of \$222,078 as matching monies, from the Fund Balance, for the Sherwood Forest Sewer and Home Repair Project as required by the Community Development Block Grant Program, and a second motion to authorize the Chairman to sign the Statement of General Conditions and the Statement of Special Conditions, Attachments 2&3 was made by Commissioner Waskul and

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seconded by Commissioner Jones. In discussion, County Administrator, Robert McLeod updated the Board on the agenda item. Mr. McLeod's comments can be found on the attached Exhibit "D". The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "B")**

3. **2010 Millage Rate Setting:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to set the 2010 Millage with no change which is at 5.061 Net M&O rate. The County advertised the 2010 Tax Digest and 5 Year history of Levy as required by law to set the 2010 millage rate with no increase, as requested by the Board. Due to the drop in the digest, no rollback calculations for digest growth were needed or required. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "C")**
4. **Malt Beverage License – Old Grade Road Quick Mart (El Gordo's):** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to approve the Malt Beverage License for Old Grade Road Quick Mart, Inc. DBA El Gordo's as presented. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones, and Waskul in agreement.
5. **Second Extension of Option to Purchase Blue Mountain Property and Acceptance of the Deed:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to authorize the Chairman to sign the Second Extension of Option to Purchase Blue Mountain Property and the accept the Deed to the property. Approving this option gave the Whitfield County Historical Society time to raise money to purchase the parcel themselves. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "D")**
6. **Ratification of the Cancellation of One Inmate Labor Crew:** Motion was made by Commissioner Brooker and seconded by Commissioner Jones to cancel Detail Whitfield #5. Cancelling this crew brought the total up to four inmate labor crews working in Whitfield County. Chairman Babb mentioned that keeping a fifth crew would have required the County to purchase a new van. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "E")**

AGENDA #2:

1. **August 2010 Financial Statements:** Motion was made by Commissioner Waskul and seconded by Commissioner Jones to accept the July Financial Statements as presented. Ron Hale, Financial Director, said that sales tax rates were continuing to maintain a stable line with little fluctuation. He mentioned that it had gone up a little this year, but not as much as last year. Mr. Hales mentioned that the County was on-track to be just a little under-budget in sales tax for the year. Additionally, Mr. Hale mentioned that since the County is tracking ahead of budget, the department heads are spending less than authorized. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "F")**
2. **Rezoning Case #9-27-2010-001-Mark Dean:** Motion was made by Commissioner Jones and seconded by Commissioner Cowan to approve a rezoning request from Mr. Mark Dean to rezone a tract of land from County C-2 to R-2. The Commissioners approved the rezoning with the condition that Mr. Dean will not impact surrounding properties by requiring a 30 foot property

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around his neighbor's properties. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement.

3. **Rezoning Case #9-27-2010-002 – Robert Hefner:** Motion was made by Commissioner Waskul to approve an application to rezone a parcel of land owned by Mr. Robert Hefner from R-3 to MHP. The motion died for lack of a second. Motion was then made by Commissioner Brooker to deny the rezoning. The motion denied for a lack of a second. There was no action taken by the Board.
4. **Indication of Roundabout Support for Three Intersections:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to sign an agreement with the Georgia Department of Transportation for three intersections in Whitfield County with roundabouts. The GDOT has made recommendations to use roundabouts a first choice in the State of Georgia until that can be proven ineffective. With the Commissioners' approval of a roundabout at the three intersections of State Route 401 (I-75) at State Route 52 Southbound Ramp/College Street, State Route 401 (I-75) at State Route 201 Southbound and Northbound Ramps, and State Route 201 at State Route 2. The State has agreed to cover some of the costs of the roundabouts. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "G")**
5. **Additional Funding for the Northwest Georgia Trade and Convention Center:** Motion was made by Commissioner Waskul and seconded by Commissioner Cowan to authorize additional funding to the Northwest Georgia Trade Center in the amount of \$117,119 out of contingency. It was established that the Trade Center has had better event and revenue numbers than in 2009, but not quite as much as budgeted. The Trade Center had requested a higher level of funding for 2010, but were awarded only the same as 2009 since the Board held to flat budgets. The Trade Center events pull a lot of economic impact to the Dalton/Whitfield hotels & restaurants. The City of Dalton also approved the requested budget increase to the Trade Center. The estimated impact for events at the Trade Center through September was over \$1.1 M. The motion was approved 3-1, with Commissioners Brooker, Cowan and Waskul in agreement. Mr. Jones opposed the increase in funding.
6. **Virgil Drive – Quit Claim Deed:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to authorize the Chairman to sign a Quit Claim Deed on Virgil Drive concerning a property owned by Gateway Bank and Trust. The County was asked to sign the Quit Claim Deed in order to claim a small portion of land and give the Bank ownership of the portion of their building that seems to be on the County's current property. It is unclear if the County road first encroached upon the Bank's property or if the bank encroached upon the County property. It was determined by the County Engineer, Kent Benson that executing the Quit Claim Deed would not have an effect. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "H")**
7. **Airport Road Contract:** Motion was made by Commissioner Cowan and seconded by Commissioner Brooker to approve a contract with the Georgia Department of Transportation concerning Airport Road. CR-604 – Airport Road (SPLOST Project 3.1) is a grading, drainage, base and plant mix surfacing project funded in part by the State's Local Maintenance and Improvement Grant (LMIG). The LMIG is based on paved and unpaved centerline miles and population; this grant program replaces the State Aid program. The contract authorizes the

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County to use \$400,021.75 of its annual allocation of approximately \$535,000.00 for the Airport Road Project. The funds will be issued by the Georgia Department of Transportation in the form of reimbursements for work completed and inspected. The State requires signature approval by a duly authorized Board Member for this contract. The County Engineer, Kent Benson, reviewed and found the contract acceptable and requested the Board to sign the contract. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "I")**

8. **SPLOST Project 7.1F – Patching, Milling, Leveling and Resurfacing Roads in Dalton and Whitfield County Contract Modification #1**: Motion was made by Commissioner Brooker and seconded by Commissioner Cowan to approve Contract Extension Agreement Number 1 with Northwest Georgia Paving, Inc. Whitfield County contracted Northwest Georgia Paving, Inc. (contractor) and Advanced Strategies (surety) on 9/17/2010 to mill, level, resurface and stripe various streets throughout Dalton as part of the City's SPLOST paving entitlement. Bids for designated SPLOST projects came in lower than expected and additional work proposed can be done using offset. It was established that no extension of the time would be required. The cost to complete the work will increase the Original Contract Value by \$76,323.50, for a new contract total of \$528,028.70. The motion was approved 4-0, with Commissioners Brooker, Cowan, Jones and Waskul in agreement. **(SEE EXHIBIT "J")**

PUBLIC COMMENT: There was no public comment.

EXECUTIVE SESSION: Motion was made by Commissioner Waskul and seconded by Commissioner Jones to enter into an Executive Session to discuss land acquisition.

ADJOURN: Unanimous

MIKE BABB, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS

SAMANTHA BEARDEN, COUNTY CLERK

DATE: / /