

**MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, APRIL 11, 2022, AT 6:00 P.M. AT THE WINK THEATRE LOCATED AT 115 W. CRAWFORD STREET**

**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:**

Jevin Jensen, Chairman  
Barry W. Robbins, Vice-Chair  
Robby Staten, Member  
John Thomas, Member  
Greg Jones, Member

**Others Present:**

Robert Smalley, County Attorney  
Robert Sivick, County Administrator  
Department Heads  
Citizens  
Press

**Motion was made by Commissioner Staten and seconded by Commissioner Robbins to amend the agenda adding (2) two additional items; (32) Region 1 EMS Advisory Council Re-appointment – Edward O’Brien, (33) Engineer – Hill Road GA Power Utility Relocation. The motion was approved 4-0, with Commissioners Jones, Staten, Thomas, and Robbins in agreement.**

**Approval of Consent Agenda Item:** Approve any budget amendment for 2021 as needed by our financial auditors and in compliance with all state regulations for approved items and passing votes from last month's public Board of Commissioners meeting.

**Approval of Minutes:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve the March 16, 2022 Regular Business Meeting Minutes as presented. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Chairman Jensen recognized Durad Martin as Employee of the Month for February 2022. Mr. Martin works at the Sheriff’s Office.**

**PROCLAMATION**

**National Day of Prayer – May 5, 2022:** Motion was approved by Commissioner Thomas and seconded by Commissioner Jones to proclaim May 5, 2022 as National County Month in Whitfield County. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Public Hearing:**

Chairman Jensen called for a Public Hearing to hear any comments or concerns the public may have regarding an alcohol license application for 1822 Dug Gap Inc. d/b/a Road Runners located at 1822 Dug Gap Road.

There being no comments expressed, Chairman Jensen declared the public hearing closed

**Chairman’s Report:** Chairman Jensen noted the recent grand opening of Riverbend Park was held this past weekend and that Miracle Field opened after two years of being closed due to the COVID19 pandemic. Jensen also noted the Animal Shelter and Courthouse are almost complete.

**Report from Commissioners:**

Commissioner Jones noted he drove around with Public Works and looked at the condition of the roads.

Commissioner Staten gave thanked everyone who was involved with the grand opening of Riverbend Park.

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Commissioner Robbins and Thomas did not have any updates.

**County Administrator Report:**

County Administrator Robert Sivick informed the Board that members of the American Battlefield Trust film crew visited and filmed at Rocky Face Ridge, a career fair was held at GNTC, and that he met with recently hired Dalton Chamber of Commerce CEO Jason Mock.

**February 2022 Financial Statement:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the February Financial Statement as presented by Finance Director James Garvin. Local Option Sales Tax (LOST) collections: February' collections of \$1,051,088 were 5% greater than budgeted collections of \$999,919. This was .75% less than December collections of \$1,059,588. YTD collections of \$2,110,676 were 15.75% greater than PY collections of \$1,822,576 for the same time frame. TAVT collections: February collections of \$406,768 were 3% greater than January collections of \$394,488. YTD collections of \$801,256 were 15.75% greater than PY collections of \$692,159 for the same time frame. YTD actual revenues of \$5,453,415 were less than projected revenues of \$5,537,719 by \$84,304 or 1.5%. The motion was approved 4-0, with Commissioners Staten, Thomas, Jones, and Robbins in agreement.

**Ordinance Amendment – Chapter 5 Buildings, Construction and Related Activities:** Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the amendment to Division 1 of Article IX Chapter 5 of the Whitfield County Code of Ordinances, to be amended by renumbering existing sections 5-129 and 5-130 and by creating new section 5-129, captioned “Temporary Use of a Camper, Recreational Vehicle or Travel Trailer for Living Purposes,” and new section 5-130, captioned “Permitting;” and for other purposes. The Board made also changed the “RV Permit” end date to a period of no longer than twelve (12) months. The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins in agreement.

**First Reading – Chapter 7.5, Noise; Section 7.5-41(b):** Chairman Jensen informed the Board and public of the proposed amendment to Article III of Chapter 7.5 of the Whitfield County Code of Ordinances, entitled “Noise,” be amended by amending section 7.5-41(b) to add a new subsection (11) therein to provide that the use of engine braking systems for diesel engines on tractor trailers and similar vehicles within Whitfield County shall constitute a violation of this section; and for other purposes. No action was taken on this item.

**Alcohol Beverage License Application:** Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the alcohol beverage application for 1822 Dug Gap Inc. d/b/a Road Runners located at 1822 Dug Gap Road. The motion was approved 4-0, with Commissioners Staten, Robbins, Thomas and Jones in agreement.

**Re-Appointment for Whitfield County Board of Health:** Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to re-appoint Thomas Bartley to the Whitfield County Board of Health. The motion was approved 4-0, with Commissioners Staten, Thomas, Jones and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to approve the following rezoning request recommended by the planning commission: request of Karen Roark to **rezone from Low Density Single-Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 8.89 acres located on McGaughey Chapel Road, Dalton, GA. Parcel (11-193-02-022).** The motion was approved 4-0, with Commissioners Thomas, Jones and Robbins in agreement.

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**First Reading – Whitfield County Unified Zoning Ordinance Text Amendment:** Chairman Jensen noted the Planning Commission has recommended, the City of Dalton is requests to amend the Unified Zoning Ordinance text in regard to dwelling unit size within the City of Dalton, and to add multi-family residential as a permitted use within the Mixed-Use zone district. 1. Amend the Unified Zoning Ordinance CHART 3-7 regarding area, floor, setback, yard, and height requirements. The suggested amendment would be to change the minimum floor area in R- 7 zone district for Multi Family Condominiums to read that “70% of the total dwelling units must be 900 SF or larger in the City of Dalton.” Currently all multi-family/condominium units within the City of Dalton must have at least 900SF of floor area. The suggested amendment would create some opportunity for one-bedroom apartment units within the footprint of a larger multi-family development. 2. Amend the Unified Zoning Ordinance permitted use table by allowing Multi-Family Dwellings in the Mixed Use (MU) zone district. Currently this use is not permitted in the MU zone district. Since the district is intended to mix residential and retail uses on the same property, this amendment would create more opportunity for this zone district. No action was taken on this item.

**City of Varnell Annexation – parcel 11-263-01-127:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten for no land use classification objection to tax parcel number 11-263-01-127. The motion was approved 4-0, with Commissioners Staten, Jones, Robbins and Thomas in agreement.

**City of Tunnel Hill Annexations:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas for no land use classification objection to tax parcel numbers 12-076-01-023, 12-076-01-006, 12-076-01-065, and 12-076-01-021. The motion was approved 4-0, with Commissioners Staten, Jones, Robbins and Thomas in agreement.

**Finance – 2021 Budget Amendment:** Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve the final 2021 budget amendment as presented by Finance Director, James Garvin. This amendment closes out general fund and SPLOST related expenditures previously approved but not amended in final budget. The motion was approved 4-0, with Commissioners Thomas, Staten, Robbins and Jones in agreement.

**Budget Amendment Public Works Fuel Costs:** Motion was made by Commissioner Staten and seconded by Commissioner Robbins to approve an increase of \$300,000 to Public Works for gasoline an oil due to rising fuel costs nationwide. The motion was approved 4-0, with Commissioners Thomas, Staten, Robbins and Jones in agreement.

**Truist Bank Signature Card:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the removal of Mark Gibson, former County Administrator, as an authorized signer, and approved Robert Sivick, Current County Administrator and James Garvin, Finance Director, be added as authorized signers. The motion was approved 4-0, with Commissioners Jones, Robbins, Thomas and Staten in agreement.

**Bank of the Ozark Signature Card:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the removal of Mark Gibson, former County Administrator, as an authorized signer, and approved Robert Sivick, Current County Administrator and James Garvin, Finance Director, be added as authorized signers. The motion was approved 4-0, with Commissioners Jones, Robbins, Thomas and Staten in agreement.

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**Sewer Expansion Crider Road to Miracle Field:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas approve sewer expansion from Crider Road to Miracle Field utilizing ARPA funds. The motion also approves a 10% contingency due to material costs. This is a Dalton Utilities and estimates in September 2021 were \$1.4M. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas, and Robbins in agreement.

**Sewer Expansion – Carbondale Road:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas approve sewer expansion at Carbondale Road. This Dalton Utilities project was approved on the SPLOST 2020 referendum and estimated at \$1.06M inn September 2021. The motion also approves a 10% contingency due to material costs. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas, and Robbins in agreement.

**Intergovernmental Agreement – TAD District #4 - Hammond Creek:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve an intergovernmental agreement with the City of Dalton and the Dalton Board of Education for Tax Allocation District (TAD) #4 – North Bypass (Hammond Creek). Dalton City Council and Dalton Board of education unanimously approved redevelopment plan for Hammond Creek new apartment complex. The motion was approved 3-2, with Chairman Jensen and Commissioners Robbins and Staten in agreement. Commissioners Thomas and Jones were in dissented.

**Artwork Loan Agreement with Robert Webb:** Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve a loan agreement with Robert Webb for artwork to display in the renovated courthouse and other public buildings. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas, and Robbins in agreement.

**Conveyance of Road from Whitfield County Schools:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to accept the conveyance of Trailblazer Lane at North Whitfield Middle School from Whitfield County Schools to the County. The motion was approved 4-0, with Commissioners Thomas, Robbins, Staten and Jones in agreement

**Conveyance of Property to Whitfield County Schools:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to convey a small parcel of Whitfield County property on Hill Rd in front of Eastside Elementary School to Whitfield County Schools for future use and planning as it relates to the improvement of ingress and egress from the school onto Hill Rd. The motion was approved 4-0, with Commissioners Jones, Thomas, Staten and Robbins in agreement.

**ARPA Funding Eligible Expenditures:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve ARPA funding of \$3,087,500 to support general fund payroll in 2022. At the February 2022 meeting, the BOC approved the election of the ARPA \$10 million standard revenue loss allowance. Per Treasury rules, the County is not only required to approve the election of the allowance, but must also approve how these funds will be used for general government services. Administration requests \$3,000,000 of these funds be used to support General Fund payroll in 2022, specifically Sheriff and Corrections payroll. If this is approved, the total approved allocated revenue loss funds will be \$3,734,003 leaving \$6,265,997 to be allocated by or before December 2024. Another eligible use is premium pay. As determined by the State, the DA's Office and Public Defender's Office employees will be receiving up to \$3,750 as a type of retroactive pay for April 2021 through March 2020. Administration requests to utilize ARPA funds to cover this pay (and related benefits) under the category of premium pay. The estimated total is \$87,500. The motion was approved 4-0, with Commissioners Jones, Thomas and Robbins in agreement.

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**ARPA Funding Eligible Expenditures:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve retroactive bonus for five (5) firefighters. In October 2021, the BOC approved the County's acceptance of a State ARPA grant that awarded \$1,000 supplements to qualified first responders. One of the requirements included having a certification number by August 31, 2021. When the County submitted the list of qualified first responders, there were 5 firefighters who had completed all of their certification requirements but had not yet been assigned a certification number. Since they did not appear to meet the requirements, their names were not reported to the State, and they did not receive the State supplement. It has come to our attention that those 5 firefighters had completed all requirements by the spring of 2021 and the only reason they did not have a certification number by August 31 was due to an internal error of not having submitted the paperwork to to the State office. Therefore, administration requests the County pay the firefighters a \$ 1 ,000 supplement out of County AREA funds under the eligible use of Negative Economic Impact which is the same eligible use that was claimed by the State. The total cost to the County will be \$5,375 which is the cost of five \$1,000 supplements plus the County's share of FICA. The motion was approved 4-0, with Commissioners Jones, Thomas and Robbins in agreement.

**Grant Application – Kubota Hometown Proud:** Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the application from Kubota Company for a grant of up to \$100,000. No match is required. Whitfield County's grant project is playground equipment for the new Riverbend Park. The motion was approved 4-0, with Commissioners Robbins, Jones and Thomas in agreement.

**EMA Mobile Command Vehicle Repair:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve sole source company of LBV, Inc. to complete the repairs for \$50,000. The motion was approved 4-0, with Commissioners Staten, Jones, Robbins and Thomas in agreement.

**Public Works – Ratify Bridge Rehab Project:** Motion was approved by Commissioner Robbins and seconded by Commissioner Jones to ratify an agreement with E&D Contracting for \$1,886,411.50. This project consists of the rehabilitation of 5 separate bridges: Bridge No. 1, Beaverdale Road over Coahulla Creek, rehabilitation consists of bearing replacements, fiber wrap installation, joint replacement, and spall repairs. Bridge No. 2, Dawnville Road over Coahulla Creek, rehabilitation consists of handrail repair, joint replacement concrete spall repair and erosion repair. Bridge No. 3, Lower Dug Gap Road over Swamp Creek, rehabilitation consists of deck removal and overlay, shear stud installation and joint replacement. Bridge No. 4, Old Tilton road over Swamp Creek, rehabilitation consists of bent cap repairs, joint replacement, pile encasement, bearing replacement and concrete spall repairs. Bridge No. 5, Houston valley over East Chickamauga Creek, rehabilitation consists of fiber wrap installation, joint replacement, pile encasement, and concrete spall repairs. Rehab of 5 Bridges for \$1,886,411.50 of 2020 SPLOST funds.to enter into contract for professional services with Southeastern Engineering, Inc. (SEI) in the amount of \$108,000 for surveying, design, drainage design, utility coordination & engineer's construction, cost estimation, contract management support and construction engineering and nspection for eight (8) existing Corrugated Metal Pipe (CMP) drainage cross pipe replacements. This is a SPLOST 2020 project. The motion was approved 4-0, with Commissioners Thomas, Robbins, Staten and Jones in agreement.

**Parks & Recreation – Ratify Riverbend Site Work Change Order:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to ratify the site work change order at Riverbend park for an Addition of an Access Road to lower fields, \$13,750 and Additional Storm Drainage for restrooms at Pavilion, \$5,250. Total amount of \$19,000.The motion was approved 4-0, with Commissioners Staten, Robbins, Jones and Thomas in agreement.

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Appointment for the Whitfield County seat on the Region 1 EMS Council: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to re-appoint Chief Edward O'Brien to the Northwest Georgia Region 1 seat of the Emergency Medical Services Council. The motion was approved 4-0, with Commissioners Jones, Staten, Thomas and Robbins in agreement.

Engineering Department – Hill Road Utility Relocation Agreement: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the utility relocation expense of no more than \$42,391 payable to Georgia Power. Georgia Power claimed prior rights on most of the Hill Rd reconstruction project, which is funded by leftover 2007-10 SPLOST dollars project, meaning the County had to reimburse them for the work. The actual reimbursable percentage on the original work was 87 percent. The County accepted a utility relocation agreement with Georgia Power to move the utility poles and lines along the project in April 2021. During construction the contractor has identified 4 additional poles that should have been moved. They were missed when GA Power designed their relocation plans, these poles were not part of the original relocation cost. Therefore, we need to move these poles at the cost of \$42,391. The 2007-2010 SPLOST account has the funds to cover this cost. The motion was approved 4-0, with Commissioners Robbins, Jones and Staten in agreement.

PUBLIC COMMENT:

Jason Mock the new CEO of the Dalton Chamber of Commerce introduced himself to the audience and Board.

ADJOURN Unanimous

  
JEVIN JENSEN, CHAIRMAN  
WHITFIELD COUNTY BOARD OF COMMISSIONERS

  
BLANCA CARDONA, COUNTY CLERK

DATE: 5/9/2022