

**MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, MARCH 13, 2023, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE 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 Robbins to amend the agenda by removing the Alcohol Beverage Application for New Dixies Food Mart, Commissioner Jones seconded the motion. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.**

**Approval of Minutes:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve the February 13, 2023 Regular Business Meeting Minutes as presented. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas, and Robbins in agreement.

**Chairman Jensen recognized Terry Sosebee as Employee of the Month for January 2023. Mr. Sosebee is the Drug Court Coordinator for the Conasauga Circuit.**

**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 OM & VED, LLC d/b/a Neighborhood Grocery located at 3064 Cleveland Hwy.

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

**Chairman's Report:** Chairman Jensen thanked all the individuals who submitted their names to serve on the upcoming Joint Comprehensive Plan for Whitfield County.

**Report from Commissioners:**

Commissioners Jones, Staten, and Thomas did not have any updates to report for this month. Commissioner Robbins noted that the Library has selected an architect for their building renovations.

**County Administrator Report:**

County Administrator Robert Sivick informed the Board of the recent building updates to the senior center. Sivick noted the floors have been redone and new appliances for the kitchen will be put out for bid. Sivick also informed the Board of the upcoming Park Day at Rocky Face Ridge that will be held on April 15.

**January 2023 Financial Statement:** Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the January Financial Statement as presented by Comptroller James Garvin. Local Option Sales Tax (LOST) collections: January collections of \$1,051,302 were 5% less than budgeted collections of \$1,106,858. This was 18.75% less than December collections of \$1,293,237. YTD collections of \$1,051,302 were .75% less than PY collections of \$1,059,588 for the same time frame. TAVT collections: January collections of \$413,611 were 17.75% greater than

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December collections of \$351,141. YTD collections of \$413,611 were 10% less than PY collections of \$459,806 for the same time frame. YTD actual revenues of \$3,884,928 were greater than projected revenues of \$3,844,770 by \$40,158 or 1%. YTD actual expenditures of \$4,331,368 were less than projected expenditures of \$4,434,276 by \$102,907 or 2.25%. The motion was approved 4-0, with Commissioners Thomas, Jones, Staten and Robbins in agreement.

**Public Comment:**

Vicky Alt commented on the Williams rezoning request and asks that the Board take into account the amount of noise the residents will experience due to the type of business being proposed at this location.

**Alcohol Beverage License Application:** Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the alcohol beverage application for OM & VED, LLC d/b/a Neighborhood Grocery located at 3064 Cleveland Hwy. The motion was approved 4-0, with Commissioners Staten, Robbins, Thomas and Jones in agreement.

**Finance – CHIP Grant Bank Account:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve opening a bank account for the CHIP (Community Home Improvement Plan) grant award. This grant was accepted by Whitfield County in June of 2022 in the amount of \$4000,000. The motion was approved 4-0, with Commissioners Jones, Robbins, Thomas and Staten in agreement.

**Resolution – National Opioid Litigation:** Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the nomination of Commissioner Thomas, Whitfield County's currently designated appointee to the Whitfield County Board of Health, to the Regional Advisory Council that will include Whitfield. At last month's meeting, the Board approved a Resolution authorizing the County's participation in the National Opioid Settlement. As part of that Settlement, Regional Advisory Councils will be established to help formulate multi-jurisdictional collaboration in efforts to remediate the Opioid crisis for the local governments in that Region. One of the members of the Council for what will be our Region has to be a member of one of the local Boards of Health. The motion was approved 4-0, with Commissioners Staten, Robbins, Thomas and Jones in agreement.

**DA's Office – VOCA Grant:** Motion as made by Commissioner Staten and seconded by Commissioner Jones to approve the State of Georgia Prosecuting Attorney's Council of Georgia Agreement for Funding Prosecution based on Victims of Crimes Act Program subgrant award. The motion was approved 4-0, with Commissioners Staten, Robbins, Thomas and Jones in agreement.

**Ratify – IT Cybersecurity Grant Application:** Motion was made by Commissioner Robbins and seconded by Commissioner Jones to ratify the grant application submitted in November 2022 for reimbursement to the Information Technology Dept. for up to 90% of the backup upgrade project cost. Through the Infrastructure Investment and Jobs Act (IIJA) of 2021, Congress established the State and Local Cybersecurity Improvement Act, which established the State and Local Cybersecurity Grant Program, appropriating \$1 billion to be awarded over four years. Georgia expects to receive almost \$5 million for FY 2022 administered by the Georgia Technology Authority (GTA). At least 80% of grant funds must benefit local governments in each state. The grant requires matching funds, set at 10% for FY 2022. Whitfield County submitted a grant application in November 2022 for a project which would replace Backup hardware for data protection against ransomware and other cyber threats. The total project cost was estimated to be \$64,117.32. If awarded, the matching funds would be \$6,411.73. Due to the significant threat of cybersecurity vulnerability, Whitfield County IT moved forward with the project despite the uncertainty of the grant funding. If Whitfield County is selected as a SLCGP recipient, the County would be reimbursed for 90% of the total project cost. No specific date has been given as to

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the announcement of the grant recipients. The motion was approved 4-0, with Commissioners Jones, Staten, Robbins and Thomas in agreement.

**2023 Joint Comprehensive Plan Update Committee:** Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to appoint the County members of the 2023 Joint Comprehensive Plan Update. The Plan is updated every 5 years. The motion was approved 4-0 with Commissioners Jones, Thomas, Robbins and Staten in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the recommendation of the planning commission approving the request of Jeffrey Williams to rezone from Suburban Agriculture (SA) to General Commercial (C-2) a tract of land totaling 2.92 acres located on Carbondale Road, Dalton, Georgia. Parcel (13-173-31-000). The motion was approved 3-0, with Commissioners Staten, Jones and Robbins in agreement. Commissioner Thomas recuse himself from voting.

**Rezoning Recommendation:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the recommendation of the planning commission approving the request of Billy Spence to rezone from Low Density Single Family Residential (R-2) and Medium Density Single Family Residential (R-3) to Rural Residential (R-5) a tract of land totaling 2.418 acres located on MLK and Dycus Road, Dalton, Georgia. Parcels (12-205-01-032 and 12-205-01-033). The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Staten and seconded by Commissioner Jones to approve the recommendation of the planning commission approving the request of Jose Reyes Garcilazo to rezone from Heaving Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 1.52 acres located at 308 Shady Drive, Dalton, Georgia. Parcel (12-351-03-004). The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the recommendation of the planning commission approving the request of Steve Cardin to rezone from Low-Density Single-Family Residential (R-2) to Rural Residential (R-5) a tract of land totaling 0.45-acres located at 1025 Reed Rd. Dalton, Georgia. Parcel (12-085-26-000). The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the recommendation of the planning commission approving the request of Leonard Cochran Jr. from Rural Residential (R-5) to Neighborhood Commercial (C-1) a tract of land totaling 0.49-acres located at 1117 Beaverdale Rd. NE Dalton, Georgia. Parcel (11-307-32-000). The motion was approved with the condition that no other commercial buildings are built on the property. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Staten and seconded by Commissioner Jones to approve the recommendation of the planning commission approving the

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request of Mary Dunn to rezone from Rural Residential (R-5) to General Agriculture (GA) two tracts of land totaling 5-acres located at 1688 LaFayette Rd Rocky Face, Georgia. Parcels (27-264-13-000 and 27-264-04-000). The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**Rezoning Recommendation:** Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the recommendation of the planning commission approving the **Hardnett+Peck, LLC to rezone from Estate Residential (R-1) to General Agriculture (GA) with a Special Use permit for an event center a tract of land totaling 38.2-acres located along Dug Gap Mountain Rd, Dalton, Georgia. Parcel (12-244-03-000).** The motion was approved 3-0, with Commissioners Staten, Jones and Robbins in agreement. Commissioner Thomas recuse himself from voting.

**Rezoning Recommendation:** Motion was made by Commissioner Staten and seconded by Commissioner Robbins to postpone the rezoning request of **Bryan Spence to rezone from Rural Residential (R-5) and High Density Residential (R-7) to Zero Lot Line Residential (R-4) a tract of land totaling 2.849 acres located on Sheridan Avenue, Dalton, Georgia. Parcels (12-254-45-000 and 12-254-06-001) (County+City).** The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

**City of Varnell Annexations:** Motion was made by Commissioner Staten and seconded by Commissioner Thomas for no land use classification objection to tax parcel numbers 11-155-03-013 and 11-263-01-177. The motion was approved 4-0, with Commissioners Staten, Jones, Robbins and Thomas in agreement.

**Engineering Department – County Master Building Plan:** Motion was made by Commissioner Robbins and seconded by Commissioner Staten to award the contract to Axias, Inc. for an amount not to exceed \$150,000. Whitfield County sought professional services to perform building condition surveys of various County buildings for the purpose of identifying and prioritizing capital projects such as roof and HVAC replacements over the next 10-15 years. We also sought services for an analysis of space needs for County staff, the public and normal operations. An RFP was advertised for 60 days with two pre-bid meetings being held during this period. Potential proposers were given tours of various County Buildings to give them a clearer picture of the scope of the project before pricing. Ultimately, we received one proposal from Axias, Inc. of Atlanta. After interviewing some of their personnel, we recommend awarding the contract to Axias. The building condition surveys will be performed for the sum of \$111,750. An option to remove the fire stations from the survey list would save \$35,000. The space analysis would be done on an hourly basis such that the total cost of the project does not exceed \$150,000.00. The motion was approved 4-0, with Commissioners Robbins, Jones, Thomas and Staten in agreement.

**Fire Department – Kitchen Remodels Stations 1-6:** Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the low bid from Graphite Construction for new kitchen cabinets and counter tops in the amount of \$88,402.94. (RPF #FD23-001). Two vendors attended the mandatory pre-bid meeting and submitted official bids to Finance Graphite Construction: \$88,402.94 and Crown service Contractors: \$99,877.00. We recommend the low Bidder Graphite Construction. The Fire Dept. will be responsible for plumbing and any electrical associated with the project. Additional costs will be for faucets and drain materials and will be debited from the SPLOST account. The motion was approved 4-0, with Commissioners Robbins, Jones, Thomas and Staten in agreement.

**Public Works – Equipment Repair Purchase:** Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve the purchase of replacement tracks and drive rollers for

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the paver machine for in the amount of \$44,000. The funding will come from the 2020 SPLOST. The motion was approved 4-0, with Commissioners Jones, Staten, Thomas and Robbins in agreement.

**PUBLIC COMMENT:**

Mr. Johnny Dyer addressed the Board about train cars stopping in front of this road for hours. Dyer noted when trains stop in front of this road there is no way for emergency vehicles or residents to get in or out. The Board noted they have called and written letters to their local legislation but that the Board does not have any authority over the Railroad Companies.

Mr. William Eppes asked the Board whom he should contact to get a question added to voting ballots. The Board informed Mr. Eppes to get in contact with the Chairman of his local political party.

Mr. Don Poteet informed the Board about an issue he is having with the noise from his neighbors' roosters. The Board let Mr. Poteet that code enforcement would be the department to handle this situation. County Administrator Bob Sivick will contact Mr. Poteet later to gather more details about the location of the property.

**ADJOURN** Unanimous



BLANCA CARDONA, COUNTY CLERK



JEVIN JENSEN, CHAIRMAN  
WHITFIELD COUNTY BOARD OF COMMISSIONERS

DATE: 4/11/2023