

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, APRIL 10, 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 (ABSENT)
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 adding 3 (three) additional items. 1. Proclamation – County Government Month, 2. Annexations a. City of Dalton – 12-179-02-059 b. City of Tunnel Hill – 12-038-03-005, Commissioner Thomas seconded the motion. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Approval of Minutes: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the March 13, 2023 Regular Business Meeting Minutes as presented. The motion was approved 3-0, with Commissioners Jones, Thomas, and Robbins in agreement.

Chairman Jensen recognized Brent Clark as Employee of the Month for February 2023. Mr. Clark works in the Public Works Department. Road Superintendent Steve Bratton accepted the certificate on his behalf.

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 New Dixies Food Mart, LLC d/b/a Dixies Food Mart – 2101 S. Dixie Hwy.

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

Chairman’s Report: Chairman Jensen noted that all 8 (eight) bills regarding homestead exemptions for senior citizens were passed in the Georgia General Assembly, the bills are currently awaiting the Governors signature. The referendums would have to be voted on by the Citizens during the November elections and if approved will become effective January 1st, 2024. Jensen also showed a picture of what the playground at Riverbend Park will look like when completed.

Report from Commissioners:

Commissioner Jones informed the Board and audience members that the Miracle League has begun their spring season for 2023 and encourages everyone to go watch a game. Commissioners Robbins and Thomas did not have any updates to report for this month.

County Administrator Report:

County Administrator Robert Sivick informed the Board of a recent national opioid settlement of which Whitfield County is a part of and will be receiving a portion of the funds from national distributors. Sivick also reminded everyone of Park Day at Rocky Face Ridge that will be held on April 15 and Sivick mentioned the first meeting of the Joint Comprehensive Plan Update would be held on Thursday, April 20, 2023 at the Mack Gaston Community Center at 6:00 pm, the meeting is open to the public.

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February 2023 Financial Statement: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the February Financial Statement as presented by Comptroller James Garvin. Local Option Sales Tax (LOST) collections: February collections of \$1,173,673 were 6% greater than budgeted collections of \$1,106,858. This was 11.50% greater than January collections of \$1,051,302. YTD collections of \$2,224,975 were 5.50% greater than PY collections of \$2,110,676 for the same time frame. TAVT collections: February collections of \$375,006 were 9.25% less than January collections of \$413,611. YTD collections of \$788,616 were 1.50% less than PY collections of \$801,256 for the same time frame. YTD actual revenues of \$6,591,326 were greater than projected revenues of \$6,137,535 by \$453,791 or 7.50%. YTD actual expenditures of \$8,435,505 were less than projected expenditures of \$8,628,594 by \$193,088 or 2.25%. The motion was approved 3-0, with Commissioners Thomas, Jones and Robbins in agreement.

Public Comment:

Gary Oveby who resides at 212 Keith Street presented the Board with a petition signed by several residents on Keith Street opposing the rezoning of parcel number 12-216-04-026 from Low Density Single Family Residential (R-2) to General Commercial (C-2).

Vicky Alt commented on the joint comprehensive plan update and asked if the Board is going to follow the plan once it is completed.

Jorge Ruedas addressed the Board through interpreter County Clerk Blanca Cardona. Mr. Ruedas informed the Board that he was unable to attend the planning commission meetings when his rezoning application was to be considered by the planning commission board and asked the Board of Commissioners to not take action on it tonight and instead send it back to the planning commission for further review.

Alcohol Beverage License Application: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the alcohol beverage application for New Dixies Food Mart, LLC d/b/a Dixies Food Mart located at 2101 S. Dixie Hwy. The motion was approved 3-0, with Commissioners Robbins, Thomas and Jones in agreement.

Finance – Budget Amendment: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the 2022 budget amendments as presented. Summary: Net Revenue increase of \$4.4 million. Net Expense increase of \$1.26 million. Includes additional pension contribution of \$1.9 million. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

2023 Joint Comprehensive Plan Update Committee - Appointment: Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to appoint Yugeily Manriquez to the Committee. Ms. Manriquez is replacing Mr. Carlos Ramirez who stepped down from the committee. The motion was approved 3-0 with Commissioners Jones, Thomas and Robbins in agreement.

Magistrate Court – Private Probation Services Contract: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to enter into contract with Alternative Probation Services, Inc. for general probation services, fine collection services and other probations services for persons convicted of certain misdemeanors in Magistrate Court. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

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EMA – Weather Radio Purchase: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the purchase of 600 Weather Radios. This purchase will be paid out of the GEMA Hazard Mitigation Grant 4579-001 that was awarded to Whitfield County. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Parks & Recreation – Riverbend Park Soccer Bleachers: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the bid from Outdoor Aluminum of \$266,784 for soccer bleachers at Westside Park. The motion also approved panels for the soccer bleachers at Riverbend Park for \$16,350.00. The funding for this purchase is from the voter approved 2020 SPLOST. The motion was approved 3-0, with Commissioners Robbins, Thomas and Jones in agreement.

Petition to Close and Abandon a Portion of Old Mitchell Bridge Rd: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to accept the petition of Megan Witherow Quarles, Kenneth Collan Quarles, and Steve Witherow to close a portion of Old Mitchell Bridge Rd located in Land Lots 111 and 112 of the 9th district and 3rd section of Whitfield County, Georgia. The acceptance of the petition sets in motion the process required by Georgia Law, that requires the County to notify adjacent property owners and to hold a public hearing after which a decision can be made to close and abandon a portion of Timmy Lane. The public hearing for this petition will be held at the next regular Board of Commissioners meeting on May 8, 2023, at which time a decision can be made to close and abandon a portion of Old Mitchell Bridge Rd. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Rezoning Recommendation: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to deny the rezoning request of Jorge Ruedas to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 0.9-acres located along Old Grade Rd, Georgia. Parcel (12-244-03-053) Planning Commission's recommendation for a **denial by default** according to the Planning Commission's bylaws due to the absence of the petitioner for two consecutive meetings. The motion was approved 3-0, with Commissioners Thomas, Jones and Robbins in agreement.

Rezoning Recommendation: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to deny the rezoning request of Joshua and Jessica Atchley to rezone from Rural Residential (R-5) to Light Manufacturing (M-1) a tract of land totaling 1-acre located at 530 Buckley Way, Resaca, GA. Parcels (13-206-35-000). The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Rezoning Recommendation: Motion was made by Commissioner Thomas and seconded by Commissioner Jones to approve the recommendation of the planning commission approving the **The request of Mitchel Kyle to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) two tracts of land totaling 2-acres located at 785 Peek Rd, Dalton, Georgia. Parcels (12-354-14-000 and 12-354-15-000).** The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Rezoning Recommendation: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to deny the rezoning request of Jordi Lara to rezone from Low Density Single Family Residential (R-2) to General Commercial (C-2) a tract of land totaling 0.7 acres located at 314 Keith St, Dalton, Georgia. Parcel (12-216-04-026). The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

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Rezoning Recommendation: Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to approve the request of L&C Estates, LLC to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 1.03 acres located at 3170 Chattanooga Rd, Rocky Face, Georgia. Parcel (12-077-01-036). The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Engineering Dept. – McGaughey-Chapel Road Change Order: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to ratify the change order to the Bartow Paving Co. contract in the amount of \$21,610.80. Upon completion of grading on this project, we found that there was an area on private property that did not drain well. The only solution to the problem was to add a pipe under the new roadway section as that is the way the water has to go. Prior permission from the BOC to install the pipe and ratify at a BOC meeting. The additional cost of the pipe, and the amount of the change order, is \$21,610.80. The original contract price is \$298,095 and the new amount with the change order is \$319,705. This is a 2020 SPLOST-funded project. The contractor is Bartow Paving Co. The motion was approved 3-0, with Commissioners Thomas, Robbins and Jones in agreement.

Engineering Dept. – Tax Commissioner Parking Change Order: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to ratify the change order for \$5,295 to Bartow Paving Co. \$225,898. A change order for an additional handrail was approved by the County Administrator under his authority. The total cost of the change order after field conditions evaluated was \$15,295.00, which exceeds the approval limit of the Administrator. We are seeking ratification of the additional \$5,295 for the additional handrail. The motion was approved 3-0, with Commissioners Robbins, Thomas and Jones in agreement.

Public Works – Vehicle Replacement Purchase: Motion was made by Commissioner Thomas and seconded by Commissioner Robbins to purchase a 2021 Ford Explorer from Ford of Dalton. The purchase price is \$39,000 this vehicle is in stock at Ford of Dalton. This vehicle will replace a Ford Expedition, SPLOST 2020 funds will be used for this purchase. The motion was approved 3-0, with Commissioners Thomas, Robbins and Jones in agreement.

Sheriff's Department – Upfitting Twenty Five (25) Vehicles: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the bid from West Chatham Warning Devices, Savannah GA for \$251,682.70. The equipment is needed for the (25) previously approved Dodge Durangos. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

PROCLAMATION

April 2023 – National County Government Month: Motion was approved by Commissioner Jones and seconded by Commissioner Robbins to proclaim April 2023 as National County Month in Whitfield County. The motion was approved 3-0, with Commissioners Jones, Thomas and Robbins in agreement.

Whitfield County Administration Office Lease: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to extend the lease agreement with Triple E. Properties, LLC, to rent out the 3rd, 4th, and 5th floors of the Wells Fargo Bank building located at 201 S. Hamilton Street until December 31, 2023. The current lease will expire on June 30, 2023 and the monthly lease amount is \$15,630. The motion was approved 3-0, with Commissioners Thomas, Robbins and Jones in agreement.

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City of Dalton Annexation: Motion was made by Commissioner Jones and seconded by Commissioner Thomas for no land use classification objection to tax parcel number 12-179-02-059. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

City of Tunnel Hill Annexation: Motion was made by Commissioner Thomas and seconded by Commissioner Jones for no land use classification objection to tax parcel number 12-038-03-005. The motion was approved 3-0, with Commissioners Jones, Robbins and Thomas in agreement.

PUBLIC COMMENT:

Vicky Alt asked the Board if they were familiar with the Limestone Valley Resource Conservation and Development Councils financial assistance program for residents and landowners who have septic tanks. The Board noted they are aware about the assistance the Council provides.

Stacy Doran asked the Board to consider paper ballots for future elections.

Kenneth Quarles addressed the Board about this petition to close a portion of Old Mitchell Bridge Road. Mr. Quarles let the Board know that is they had any questions they can get in contact with him.

Joshua Atchley asked the Board if they have any ideas for what he should do with his slaughtering business. The Board suggested the possibility of leasing or renting land that would accommodate his business and is zoned for that type of business.

ADJOURN Unanimous



JEVIN JENSEN, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS



BLANCA CARDONA, COUNTY CLERK

DATE: 5/8/2023