

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, 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 and seconded by Commissioner Staten to amend the agenda to include the potential additional items, (1). County Administration Office – Parking Deck Repairs, (2) ACCG – Defined Benefit Contribution Payment 2023, (3) Tax Assessor Imagery Contract, (4) March 2024 BOC Regular Meeting Date Change. The amended agenda was approved 4-0, with Commissioners Jones, Thomas, Staten and Robbins in agreement.

Approval of Minutes: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the December 11, 2023 Regular Business and December 21, 2023 Special Called Meeting Minutes as presented. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas, and Robbins in agreement.

Chairman Jensen recognized Steven Vazquez as Employee of the Month for November 2023. Mr. Vazquez works in the Sheriff's Office.

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 Dhairyra 2014, LLC, d/b/a Quickway located at 2958 Cleveland Hwy.

There were no comments or concerns voiced regarding this application.

Chairman Jensen then closed the public hearing.

Chairman's Report: Chairman Jensen went over the County's accomplishments in 2023.

Report from Commissioners:

Commissioners Robbins, Staten and Thomas did not have any updates to report for this month. Commissioner Jones noted that he has received several calls regarding firework noise. Jones noted the Sheriff's Office can enforce the noise ordinance.

County Administrator Report:

County Administrator Robert Sivick informed the Board that the Senior Center has been awarded a grant to provide meals at the Senior Center.

November 2023 Financial Statement: Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the November Financial Statement as presented by Chief Finance Officer Debbie Godfrey, Local Option Sales Tax (LOST) collections: November collections of \$1,358,981 were 22.78% greater than budgeted collections of \$1,106,858. This was 4.81% more than

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

October collections of \$1,296,604. YTD collections of \$14,082,094 were 6.60% greater than PY collections of \$13,210,788 for the same time frame. TAVT collections: November collections of \$379,297 were (5.82%) less than October collections of \$402,728. YTD collections of \$4,952,841 were 5.83% greater than PY collections of \$4,679,941 for the same time frame. YTD actual revenues of \$41,966,233 were greater than projected revenues of \$37,336,991 by \$4,629,242 or 12.40%. YTD actual expenditures of \$49,868,227 were greater than projected expenditures of \$49,199,973 by \$668,254 or 1.36%. Actual November ending fund balance = \$24,922,936. The motion was approved 4-0, with Commissioners Thomas, Jones, Staten and Robbins in agreement.

Public Comment:

Beverly Grimme who resides at 514 Ridge Point in Cohutta, addressed the Board regarding the possibility of industrial commercial chicken houses being built close to the elementary school in Varnell. The Board noted that location is within Varnell City limits and to get in contact with the Mayor and Council of Varnell.

Board of Commissioners Vice-Chairman Election: Commissioner Staten nominated Commissioner Robbins for Vice-Chairman of the Whitfield County Board of Commissioners for 2024, Commissioner Jones seconded the nomination. There were no other nominations. A vote was taken and Commissioner Robbins was elected 4-0 to be Vice-Chairman of the Board for 2024.

Chairman Jensen - Appointment of Commissioners to Commissions, Authorities and Boards:

Chairman Jensen appointed the Commissioners to the following:

Commissioner Staten – Dalton-Whitfield Trade Center

Commissioner Jones – Dalton-Whitfield Solid Waste Authority and the Convention and Visitors Bureau

Commissioner Robbins – Dalton-Whitfield Library Liaison

Commissioner Thomas - Dalton-Whitfield Community Development Corporation, Whitfield County Board of Health, North GA Community Action Group and Dalton-Whitfield Land Bank Authority

Chairman Jensen – Dalton-Whitfield Solid Waste Authority, Greater Dalton MPO, Northwest Georgia Regional Commission, and the Council of Chief Elected Officials, and the Convention and Visitors Bureau.

Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve Chairman Jensens Commissioner appointments. The motion was approved 4-0, with Commissioners Staten, Jones, Thomas and Robbins in agreement.

Re-Appointments to the Dalton-Whitfield Joint Development Authority: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to re-appoint David Renz and Frank Robertson to the Dalton-Whitfield JDA. The motion was approved 4-0, with Commissioners Robbins, Jones, Thomas and Staten in agreement.

Alcohol Beverage License Application: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the alcohol beverage application for Dhairya 2014, LLC d/b/a Quickway located at 2958 Cleveland Hwy. The motion was approved 4-0, with Commissioners Robbins, Thomas, Staten and Jones in agreement.

Courthouse Lawn Donation: Motion was made by Commissioner Robbins and seconded by Commissioner Staten to approve the donation for a 25 ft Douglas Fir to be planted on the south lawn of the Courthouse. This tree will be decorated during the Christmas season. The motion was approved 4-0, with Commissioners Thomas, Staten, Robbins and Jones in agreement.

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

Resolution – Solid Waste Authority Transfer: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the Resolution authorizing a transfer of \$2.5M to the General Fund from the Dalton/Whitfield Regional Solid Waste Management Authority. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement

Resolution Setting Qualifying Fees – 2024 Election: Motion was made by Commissioner Jones and seconded by Commissioner Staten to adopt a Resolution of the Whitfield County Board of Commissioners Fixing Qualifying Fees for Public Offices for the 2024 general primary, non-partisan, and general elections. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones agreement.

Intergovernmental Agreement – SPLOST 2024: Motion was made by Commissioner Staten and seconded by Commissioner Robbins to approve an Intergovernmental Agreement for the Special Purpose Local Option Sales Tax (SPLOST) between Whitfield County and the Cities of Dalton, Tunnel Hill, Varnell and the Town of Cohutta for the purpose of generating funds to be used and expended on a capital outlay project or projects to be owned or operated or both either by the county, one or more municipalities, or any combination thereof, and O.C.G.A. § 48-8-115(b) authorized the distribution of proceeds from the Special Sales Tax to the county governing authority and any qualified municipalities in accordance with an intergovernmental agreement entered into for such purpose. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement.

Resolution Placing a SPLOST Referendum on the May 21, 2024 General Primary Election Ballot: Motion was made by Commissioner Staten and seconded by Commissioner Robbins authorizing the Resolution to place a Four-Year Special Purpose Local Option Sales Tax (SPLOST) Referendum on the May 21, 2024 General Primary Election Ballot for voters. If passed by the voters, it is expected that the SPLOST would collect about \$80 million over the next four years. Please see Exhibit "A" for a project list. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement.

Connect Humanity Grant Approval: Motion was made by Commissioner Staten and seconded by Commissioner Robbins to accept the digital equity grant from Connect Humanity. County Administration is seeking approval to accept a digital equity grant from Connect Humanity to complete a community connectivity plan. The purpose of the connectivity plan is to create a blueprint for providing high-speed and affordable internet for County citizens. As the County partners with providers who apply for broadband grants, having this connectivity plan will ensure our community's best interests are at the forefront. This is a \$30,000 federal grant passed through the Appalachian Regional Commission to Connect Humanity. The County would be considered a subawardee. The grant requires a \$20,000 in-kind match. Dalton Utilities has offered their help on this grant and thus their staff time, along with County staff time, will cover the match requirement. The motion was approved 4-0, with Commissioners Staten, Jones, Robbins and Thomas in agreement.

Resolution to Authorize Application – Federal (RAISE): Motion was made by Commissioner Thomas and seconded by Commissioner Staten to approve the Resolution to apply for the 2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. We will be applying for a planning grant for various sidewalk and pedestrian safety projects around County schools. For purposes of this grant, Whitfield County is considered a rural area and thus no match is required. The application deadline is February 28, 2024. At least one community information meeting will be held in the near future. The attached resolution authorizes the filing of the application and further authorizes the Chairman and designated County staff to act in connection with the application. The motion was approved 4-0, with Commissioners Jones, Staten, Robbins and Thomas in agreement.

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

ARPA Non-Profit Grant Extension- Boy Scouts of America: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve the grant performance period extension for the Boy Scouts of America. The purpose of this grant is to help fund payroll and related expenses for a staff position that promotes scouting in Whitfield County. Since the BSA was not able to fill the position until May 2023, they will not be able to draw down all their grant funds by December 31. The performance period end date in the current sub-recipient agreement is December 31, 2023. An extension is requested through March 31, 2024. The motion was approved 4-0, with Commissioners Jones, Staten, Thomas and Robbins in agreement.

Approve Whitfield County Transit Safety Plan: Motion was made by Commissioner Robbins and seconded by Commissioner Jones to approve the safety plan as presented by the Transit Department. A Safety Plan is a core business function of all public transportation providers and should be systematically applied to every aspect of service delivery. At Whitfield County Transit (WCT), all management, administration, and operations levels are responsible for the safety of their customers and themselves. To improve public transportation safety to the highest practicable level in the state and comply with Federal Transportation requirements, GDOT originally developed this PTASP in collaboration with WCT. The motion was approved 4-0, with Commissioners Jones, Staten, Thomas and Robbins in agreement.

Rocky Face Ridge Park Trails Bid: Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the low bid from Barry Smith Trails to construct the trails at Rocky Face Ridge Park for \$120,000.00. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement.

Riverbend Park Fence Padding Bid: Motion was made by Commissioner Robbins and seconded by Commissioner Thomas to approve the bid from Covermaster for \$52,022.86 for fence padding at Riverbend Park. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement.

Fire Department Emergency Fire Engine Repair: Motion was made by Commissioner Staten and seconded by Commissioner Jones to approve emergency repairs to a fire engine in the amount of \$34,081.66. WCFD had a reserve Engine break down and towed to a local repair shop for an estimate. The initial diagnosis was damage to the Head. The motor was dismantled and overhauled with new parts. As the unit was being reassembled several other problems arose, it had a bad wiring harness, IDM and clogged exhaust system. The motion was approved 4-0, with Commissioners Thomas, Jones, 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 Eileen M. Kelly and Jean M. Finney to rezone from Low Density Single Family Residential (R-2) and Rural Residential (R-5) to General Agricultural (GA) a tract of land totaling 77.55 acres located at 3529 Hurricane Road, Rocky Face, Georgia. Parcel (12-345-06-000). The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Shazman Ali to rezone from Low Density Single Family Residential (R-2) to Medium Density Single-Family Residential (R-3) a tract of land totaling 10.67 acres located at Antioch Road, Dalton, Georgia. Parcel (12-316-01-004). The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins in agreement.

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

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 Jerry and Barbara Hawkins to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 10.0 acres located at 173 Boone Way, Dalton, Georgia. Parcel (13-101-01-005). Condition: needs a buffer along the northern boundary of the subject property along Old Field Rd. The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Jamie White to rezone from General Commercial (C-2) to Rural Residential (R-5) a tract of land totaling 0.41 acres located at Brylow Drive, Dalton, Georgia. Parcel (11-277-01-049). The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Gabriel Paniagua Villafuerte to rezone from Low-Density Single Family Residential (R-2) to General Agricultural (GA) a tract of land totaling 6.59 acres located at 256 Lakewood Drive, NE, Dalton, Georgia. Parcel (12-025-01-000). The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Megan Elliott to rezone from Low Density Single Family Residential (R-2) to General Agricultural (GA) a tract of land totaling 50.84 acres located at 2011 Old Whaley Road, Dalton, Georgia. Parcel (09-037-13-000). Condition: Prohibit concentrated animal feeding operations to protect the values of the many adjacent residential properties that would be affected. The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Vernon Gordon to rezone from Suburban Agricultural (SA) to Rural Residential (R-5) a tract of land totaling 17.34 acres located at 1271 Dawnville Road, Dalton, Georgia. Parcel (09-073-08-000). Condition: No manufactured homes or duplexes be permitted on the subject property. The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins 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 Chris Tallent Jr. to rezone from High-Density Single Family Residential (R-7) to General Commercial (C-2) a tract of land totaling 1.18 acres located at 2215 Cleveland Hwy., Dalton, Georgia. Parcel (12-103-11-000). Condition: include a variance to omit the buffer requirement along the northeast corner of the subject property. The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins in agreement.

Rezoning Recommendation: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the recommendation of the planning commission to deny the request of Jose Enriquez Gomez to rezone from Rural Residential (R-5) to General Commercial (C-2) a tract of land totaling 0.33 acres located at 2071 Freeport Road, Dalton, Georgia. Parcel (12-086-08-000). The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins in agreement.

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

Special Use Permit Recommendation: Motion was made by Commissioner Jones and seconded by Commissioner Thomas to approve the recommendation of the planning commission to deny the special use permit request of **Brigido Meza Flores for a special use request in a General Agricultural (GA) district a tract of land totaling 22.31 acres located at 148 Livingston Way, Dalton, Georgia. Parcel (12-127-03-000).** The motion was approved 4-0, with Commissioners Thomas, Staten, Jones and Robbins in agreement.

Whitfield County Unified Zoning Ordinance Text Amendment: Motion was made by Commissioner Robbins and seconded by Commissioner Staten to amend the Unified Zoning Ordinance text to address commercial poultry and swine operations. The *Unified Zoning Ordinance*, otherwise known as Appendix A of the Code of Ordinances of Whitfield County, Georgia, be amended by adding new definitions for "Poultry Farming, Commercial" and "Swine Farming, Commercial"; by amending Section 4-6-2 to delete Commercial Poultry Farming from the additional requirements for Animal Husbandry; by adding a new Section 4-6-35 for additional requirements for Commercial Poultry Farming; by adding a new Section 4-6-36 for additional requirements for Commercial Swine Farming; to amend the Permitted Use Table to correct the allowed zoning districts for "Livestock Raising-Personal Pleasure"; to amend the Permitted Use Table to add a new line items for "Poultry Farming, Commercial" and "Swine Farming, Commercial"; and for other purposes. The motion was approved 3-1, with Commissioners Robbins, Staten and Jones in agreement. Commissioner Thomas dissented.

Whitfield County Unified Zoning Ordinance Text Amendment: Motion was made by Commissioner Staten and seconded by Commissioner Thomas to amend the Unified Zoning Ordinance text to create a new Urban Planned Unit Development (UPUD) zoning district. The *Unified Zoning Ordinance*, otherwise known as Appendix A of the Code of Ordinances of Whitfield County, Georgia, be amended by adding a new Section 4-1-19 titled "Urban Planned Unit Development (U-PUD)", by adding a new Article V titled "Urban Planned Unit Development District (U-PUD) along with new Sections 5-1 through 5-5-12 describing the district requirements; by adding Appendix 5A titled "Urban PUD Design Standards, by adding Exhibit F as a map of the U-PUD District boundary, by renumbering original Articles V through XI and their respective Sections to be numbered as Articles VI through XII, by amending the Permitted Use Table to add the U-PUD zoning district and its allowable uses; and for other purposes. The motion was approved 4-0, with Commissioners Staten, Thomas, Jones and Robbins in agreement.

County Administration Offices – Parking Deck Repair: Motion was made by Commissioner Staten and seconded by Commissioner Robbins to approve a 40% down payment of \$103,880.67 per the Lease agreement approved on December 11, 2023. Per agreement with Triple E Properties, LLC, the County will pay their portion of the repairs at 40% to the Parking Deck at the Wells Fargo Building. The motion was approved 4-0, with Commissioners Robbins, Staten, Jones and Thomas in agreement.

ACCG – Defined Benefit Contribution Payment 2023: Motion was made by Commissioner Jones and seconded by Commissioner Robbins to approve the payment to ACCG (Association of County Commissioners of Georgia) for the recommended contribution for our Defined Benefit plan for 2023 in the amount of \$2,357,168.00. The motion was approved 4-0, with Commissioners Robbins, Staten, Thomas and Jones in agreement.

Tax Assessor Imagery Contract: Motion was made by Commissioner Staten and seconded by Commissioner Thomas to approve the contract with EagleView for aerial imagery for six (6) years at \$46,453.65 with the option to allow staff to confirm early termination at year 3 with proper notice. The Board of Assessors has requested Eagleview cloud-based software to improve property valuations and reduce appeal times using aerial imagery. Detect property changes with historical archives and measure dimensions without dispatching an appraiser. The motion was approved 4-0, with Commissioners Thomas, Staten, Robbins and Jones in agreement.

MINUTES FOR THE REGULAR BUSINESS MEETING OF THE WHITFIELD COUNTY BOARD OF COMMISSIONERS HELD MONDAY, JANUARY 8, 2024, AT 6:00 P.M. AT THE COURTHOUSE BOC MEETING ROOM LOCATED AT 205 N. SELVIDGE STREET

Change of March 2024 Regular Meeting Date: Motion was made by Commissioner Jones and seconded by Commissioner Staten to approve the meeting date change for the March Regular Business Meeting from March 11 to March 4. The motion was approved 4-0, with Commissioners Thomas, Robbins, Staten and Jones in agreement.

PUBLIC COMMENT:

None

ADJOURN Unanimous



JEVIN JENSEN, CHAIRMAN
WHITFIELD COUNTY BOARD OF COMMISSIONERS



BLANCA CARDONA, COUNTY CLERK

DATE: 2/2/2024