

**CHEROKEE COUNTY
BOARD OF COMMISSIONERS**

Work Session

August 21, 2012

3:00 p.m.

Cherokee Hall

AGENDA

1. Overview of the 2012-2013 benefit renewal cost projections by Charles Carlson with Gallagher Benefits Solutions.
2. Discussion of HOST referendum.
3. Discussion of Regular Agenda Items.

Executive Session to Follow

AGENDA

Cherokee County Board of Commissioners

August 21, 2012 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

CALL TO ORDER

CHAIRMAN AHRENS

RATIFY CLOSURE OF EXECUTIVE SESSION

PLEDGE OF ALLEGIANCE

"Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007"

PRESENTATIONS

Sheriff's Office presentation of second quarter awards and recognitions.

AMENDMENTS TO AGENDA

ANNOUNCEMENTS

The Georgia Department of Transportation announces that **Harmony Drive** will be closed to through traffic at its southerly intersection with SR 20, from **August 27, 2012, for a period of 30 days**, for intersection reconstruction associated with the SR 20 improvement project.

A posted detour will be provided during the duration of the construction. The detour route utilizes Dodson Circle.

The Georgia Department of Transportation appreciates the public's patience during the detour period and requests that motorists obey the detour for their safety as well as for the safety of all contractors' personnel.

Questions regarding the detour should be directed to the Georgia Department of Transportation at (770) 387-3680.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM AUGUST 7, 2012

As distributed by the County Manager.

APPROVAL OF WORK SESSION MINUTES FROM, AUGUST 7, 2012

APPROVAL OF REGULAR MEETING MINUTES FROM AUGUST 7, 2012.

APPROVAL OF SPECIAL CALLED MEETING MINUTES FROM JULY 26, 2012

APPROVAL OF REGULAR MEETING MINUTES FROM JULY 24, 2012

PUBLIC HEARING

Public Hearing to consider transmitting the 2012 Annual Update of the Capital Improvements Element and Short Term Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review.

Consider approval of the updated Transmittal Resolution.

PUBLIC COMMENT

ZONING CASES

None Scheduled

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

COUNTY MANAGER

- 2.1 Consider authorization of the renewal position of fixed costs and program services to be effective October 1, 2012. Gallagher Benefits Solutions negotiated favorable rates and the total annualized savings are \$78,246.00 over the BCBSGA renewal offer. There was a decrease of \$33,786.00 to the submitted 2012-2013 budget projection and the net increase of fixed costs in \$55,476.00.

- 2.2 Consider approval of Business Associate Agreement between the County and Gallagher Benefits Services, Inc. Covered entities are required under the Health Insurance Portability and Accountability Act (HIPAA) to enter into such an agreement in order to protect, use, and disclose protected health information.

- 2.3 Consider approval of a Change Order to the Professional Services Agreement (PSA) with AMEC for additional compensation in the total amount of \$33,536.27 for full design and engineering services recommended by the master plan for Waleska County Park.

COUNTY ATTORNEY

ADJOURN



Cherokee County Government

Capital Program Management
130 East Main Street, Suite 106
Canton, GA 30114
678-493-6077
Fax 678-493-6088

August 13, 2012

HARMONY DRIVE CLOSING

The Georgia Department of Transportation announces that Harmony Drive will be closed to through traffic at its southerly intersection with SR 20, from August 27, 2012, for a period of 30 days, for intersection reconstruction associated with the SR 20 improvement project.

A posted detour will be provided during the duration of the construction. The detour route utilizes Dodson Circle.

The Georgia Department of Transportation appreciates the public's patience during the detour period and requests that motorists obey the detour for their safety as well as for the safety of all contractors' personnel.

Questions regarding the detour should be directed to the Georgia Department of Transportation at (770) 387-3680.



C. W. MATTHEWS CONTRACTING COMPANY

DRAWER 970

MARIETTA, GEORGIA 30061

TELEPHONE (770) 422-7520

FAX (770) 422-1068

July 20, 2012

Georgia Department of Transportation
Ms. Lisa Wesley, Area Engineer
874 Peoples Valley Road, N.W.
Cartersville, GA 30121

Subject: Traffic Detour
Georgia DOT Project:
STP00-0012-01(107), SR 20

Dear Ms. Lisa Wesley:

CW Matthews respectfully request permission to detour traffic from Harmony Dr. to Dodson Circle. The detour may be needed in order for CWM to complete the scope of work that is listed below. All necessary traffic control devices will be utilized for this Detour. Any conflicting lines and traffic markings will be removed.

1. Scope of Work

- a. Detouring traffic from Harmony Dr to Dodson Circle
- b. Keep traffic on existing roadway while constructing proposed side road to approximately STA 39+50
- c. Use 1:1 slopes between proposed construction and existing roadway with temporary barriers from approximate STA 39+50 to 41+00
- d. May close roadway to traffic and use attached detour plan while constructing proposed roadway from approximately STA 41+-- to 44+-- according to provision 108
- e. Finish proposed scope of work from STA 39+50 to 41+00
- f. Keep Driveway access to parcel 57 during all phases of construction

2. Time Frame of work

- a. C.W. Matthews will give a two week notice prior to the Detour. Traffic will be flagged until all conflicting lines have been removed and all temporary striping and traffic control devices have been installed.

Tapers, signs, and channelization devices will be installed per MUTCD standards, Georgia Dot specifications 150, and Georgia DOT standard 9107. Please approve at your earliest convenience.

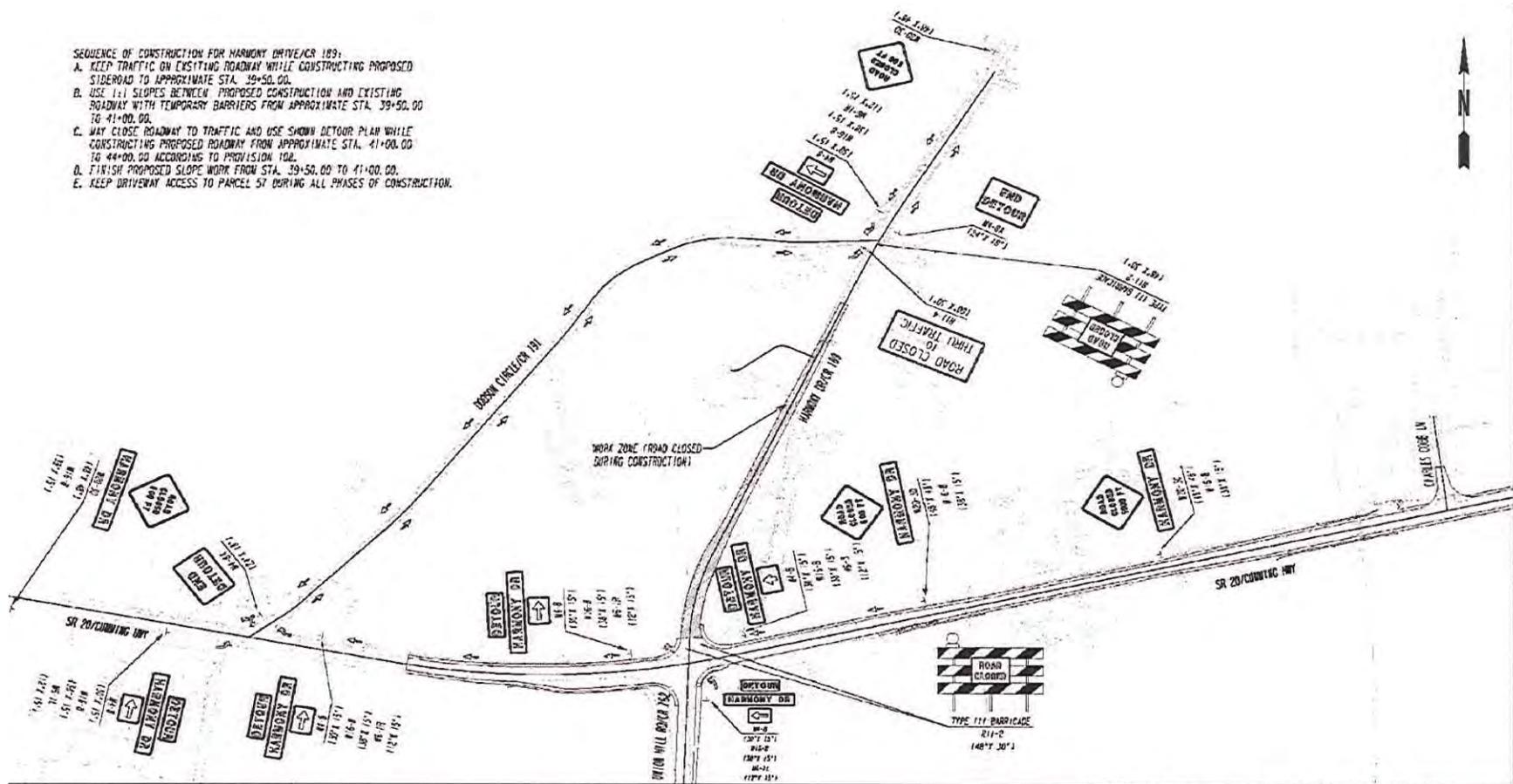
If any further information is needed, please contact me at 770-598-5165.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Wardlaw', is written over a light blue horizontal line.

Tony Wardlaw
Project Engineer

- SEQUENCE OF CONSTRUCTION FOR HARMONY DRIVE/CR 189:
- KEEP TRAFFIC ON EXISTING ROADWAY WHILE CONSTRUCTING PROPOSED SIDEROAD TO APPROXIMATE STA. 39+50.00.
 - USE 1:1 SLOPES BETWEEN PROPOSED CONSTRUCTION AND EXISTING ROADWAY WITH TEMPORARY BARRIERS FROM APPROXIMATE STA. 39+50.00 TO 41+00.00.
 - WAY CLOSE ROADWAY TO TRAFFIC AND USE SHOWN DETOUR PLAN WHILE CONSTRUCTING PROPOSED ROADWAY FROM APPROXIMATE STA. 41+00.00 TO 44+00.00 ACCORDING TO PROVISION 104.
 - FINISH PROPOSED SLOPE WORK FROM STA. 39+50.00 TO 41+00.00.
 - KEEP DRIVEWAY ACCESS TO PARCEL 57 DURING ALL PHASES OF CONSTRUCTION.



Notes:
 ALL TRAFFIC CONTROL DEVICES, SIGNS AND TAPERS ARE APPROXIMATE AND WILL BE ADJUSTED ACCORDINGLY TO FIELD CONDITIONS AND TO CONFORM TO GA DOT STANDARD AND SUPPLEMENTAL SPECIFICATION SECTION 150 AND THE 2003 EDITION OF THE M.U.T.C.D.

GEORGIA DEPARTMENT OF TRANSPORTATION			
Project Name		Project Number	
SR 20 Passing Lanes		STP00-0012-01(107)	
Prime Contractor		CWM JOB #	
CW MATTHEWS CO.		11743	
Phone	Sheet Number	Prepared by	Date
770-422-7520	1	TW	7/16/2012
Subject			Scale
Detour Plan			Not to Scale

By policy, minutes are not official until approved by the Board at a future regular meeting.

CHEROKEE COUNTY
BOARD OF COMMISSIONERS
Work Session
August 7, 2012
3:00 p.m.
Cherokee Hall
MINUTES

The Chairman began at 3:09 p.m. with all members of the Board present.

He asked Janelle Funk to present the **June 2012 Financial Update**. Ms. Funk confirmed that all results were materially on track and she explained the General Fund Cash balance is better than expected primarily due to increased tax collections from motor vehicles, tax penalty collections, and intangible taxes related to refinancing and modifications to mortgages. However, these over-budgeted revenues could not be guaranteed to repeat in future years – so while good news for FY 2012, they were not reliable sources to plan in FY 2013.

Janelle confirmed revenues were on track and were expected to exceed budget. She did point out that while EMS revenues would be higher than budget – these represented higher billings, not collections, and in fact EMS collections were not as expected. EMS Leadership was putting significant pressure on the third party biller, ADPI, to correct their performance issues contributing to the lower collections. If ADPI cannot correct performance, EMS is strongly considering putting this business out for bid for a new supplier. She said SPLOST collections continued to be strong. 2012 YTD SPLOST Revenue was 7.5% better than Budget, and it is the County's highest YTD SPLOST collections since 2007.

Janelle confirmed expenditures were also on target and expected to achieve budget. She explained that when comparing 2012 YTD to 2011 YTD the county's expenditures were higher due to an additional payroll cycle in 2012 v 2011, the classification of the TAN loan, and spending on capital projects. She explained these were timing or

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expense classification issues and did not represent overspending. She did express some concern over the increasing number of workers comp claims. She explained it was not out of control, but the County needed to address the trend before more increases occurred. She gave the example that Uniform Patrol had 15 new claims 2012 YTD v 8 claims in 2011 YTD. Fire Fighting had 34 new claims v 23 2011 YTD. She explained Key Risk, the third party administrator would be visiting the county to discuss training issues to reduce claims.

Chairman Ahrens asked about the percentage of Admin costs for workers compensation v true claim cost. Janelle explained Admin costs were not only the cost of Key Risk to administer the claims, but also included the county's excess workers compensation insurance policy, McCart Consulting, State Board of Workers Comp, and payments required to the Subsequent Injury Trust. Mr. Cooper added that \$170K of the admin cost was for stop/loss insurance. Commissioner Johnston asked in the future if Workers Comp could be broken down into more detail.

Janelle said the Insurance Benefits Fund is forecast to incur \$7.4M in costs vs. the \$7.5M Budget, and we could expect the reserve in this fund to grow to \$1.1M which is closer to the recommended level of \$1.2M - \$1.5M (industry standard for medical insurance plans).

Janelle summarized the County's financial status by saying all items appear on track, but the County continues to avoid a cash low point utilizing one-time funding sources, and if the HOST is not approved by voters in November 2012 the County will need to address some serious cash shortages in FY 2014.

Chairman Ahrens asked Commissioner Nelms to give a preview of tonight's proclamation. Commissioner Nelms announced that there 4 teams this past year that won the Georgia Dizzy Dean State Championship. Also, Twin Creeks Softball fast pitch team won the ASA State Championship and a 13 year old baseball team out of Hobgood Park won the 2012 Grand Slam World Series. He said they were expecting about 150 players, parents, coaches and members of the community to attend the regular meeting for the presentation of the Proclamation for **Youth Sports Champions Day**.

Chairman Ahrens asked Jeff Watkins to come forward and present information regarding the zoning case on the agenda. Mr. Watkins said that the **zoning request** which was postponed from the last meeting has since been revised to include conditions that are in agreement with the County and the attorney for Racetrac, Mr. Parks Huff. Mr. Huff came to the podium to answer any questions. Commissioner Johnston commented that at the last meeting he had been waiting for a response by GDOT related to the left-in and left-out access to Hwy. 20 and has since heard back and that he was prepared to accept the request with the 13 conditions as presented but with an additional condition that he

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would discuss during the regular meeting. Comments were made regarding meeting the Canton Street Scapes requirements.

Chairman Ahrens announced the amendment to his portion which was to consider the re-appointment of Marion Wilson to the **Board of Tax Assessors**.

1. Discussion of Regular Agenda Items.

Mr. Cooper went over the **Consent Agenda**:

- Consider acceptance of insurance recovery monies received and budget amendment to increase Fire Fund 270 in the amount of \$3,336.30.
- Consider approval to purchase a replacement John Deere skid-steer loader for the Roads and Bridges Department from Flint Equipment Company in the amount of \$35,670.70. This quote came in under the state contract price from Borders Equipment's quote for a Case Loader; the County has several existing pieces of John Deere equipment serviced by Flint Equipment Company.

Commissioner Johnston asked if the County should take bids if we were using the state contract price for a piece of Case equipment but purchasing a John Deere from another vendor, even if at a lower cost. He also asked if John Deere was necessarily a better brand than Case, etc. Geoff Morton commented that the County has a history with John Deere equipment and is familiar with the service provided by the Flint Company on existing equipment. Commissioner Johnston added that he wasn't necessarily objecting the purchase but had a concern about the substitution of equipment being perceived as inadvertently by-passing the bidding process. Angie Davis commented that although it made good practical sense to go with the lower cost for a brand we are familiar with and a seemingly good end-result, that she would take a look into the matter of interchangeability to see if it is allowed. Mr. Cooper suggested that the item be removed from the consent agenda for further discussion.

Mr. Cooper then went over the items under the **County Manager's** portion:

- Consider approval to award annual contracts for 2012 stone/aggregate purchases to LaFarge Aggregates and Vulcan Materials on an as-needed bases by Roads and Bridges Department.
- Consider approval of request to submit list of eight (8) roadways in need of resurfacing to GDOT for funding under the 2013 LMIG (Local Maintenance and Improvement Grant).

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- Consider acceptance of new state awarded no match DUI grant and budget amendment to increase FY2012 Grant Fund Revenue and Expenditures in the amount of \$4,895.00 for the quarter (July – September 2012).
- Consider approval of the Community Development Block Grant (CDBG) Activities for the additional HUD funding of \$280,574.00 that was approved by the BOC on May 1, 2012 as follows: MUST Ministries, \$150,000.00; Cherokee Senior Center, \$95,574.00; Cherokee County Administrative, \$35,000.00.)

Commissioner Johnston asked if the funding included SPLOST funds for Capital Projects and Mr. Cooper said that they were. Mr. Cooper added that the MUST Ministries portion was going toward the relocation of their offices near the R.J. Jones Library in Canton and said Mr. Don Hausfeld was in attendance tonight if anyone had any questions.

Chairman Ahrens then mentioned the amendment to the County Manager's portion adding the consideration to adopt the revised local EMA ordinance. Mr. Cooper explained that the only changes to the ordinance since the last Board approval were in the formatting of the document and the dates.

Angie Davis then went over the items under the **County Attorney's** portion:

- Hear the appeal of a denial by the Zoning Board of Appeals, Case Number 12.06.0015V, regarding the variance request of Michael Jorge.

Vicki Taylor Lee came forward to present this item. She said Mr. Jorge appeared before the Zoning Board of Appeals at their June 7, 2012 meeting. At that time he requested a reduction in both front and rear building setbacks with the intent to split the lot into two lots for two new residential structures. There was significant opposition from the neighbors, not to the variances, but to the splitting of the lot. The ZBA denied the petition. Mr. Jorge and his attorney worked with the neighbors to revise his request to having only a five foot rear setback variance.

- Notice of annexation from the City of Holly Springs on four (4) properties along Hiram Way.

Angie Davis commented that she didn't see any reason for the Board to oppose the annexation request but that if they did oppose, the deadline to notify the City of Holly Springs was tomorrow.

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The Chairman suggested that the approval of the regular meeting minutes be postponed until the August 21, 2012 meeting. He said he had been out of town and had not had time to thoroughly review the minutes and that although minutes aren't typically verbatim he had some additions he'd like to make for the purpose of memorialization.

Chairman Ahrens then opened the topic of **HOST** for discussion. He handed out a 'working document' of information from his meeting with John Adams and also information he printed out from the web regarding HB 108. Much discussion ensued regarding how the credit to residential property taxes would be handled once the funds were collected. Commissioner Johnston noted that penny tax would have to be collected for a year before a credit could be given and that maybe they should consider a partial rollback the first year and so on. He added that he wanted to have the 'schedule' in place so that the tax payers would have faith that the funds were being dedicated to that purpose. Commissioner Bosch said it would be a good idea to have that memorialized by resolution once a plan was decided on. Chairman Ahrens agreed. He said meanwhile that his goal was to have somewhat of an idea on their approach and how to educate the public by September 1st, and that for September 16th Town Hall meeting they could wing it a little depending on the activity there. Commissioner Johnston added that he would like clarification on whether they have to include Fire or not and Angie Davis said that she would review it. Chairman Ahrens then asked the Board and Janelle Funk to start looking into the matter.

The Chairman asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 4:58 p.m. to discuss personnel issues, pending litigation and property acquisition. Commissioner Nelms seconded and the motion carried unanimously.

Executive Session Followed

MINUTES

Cherokee County Board of Commissioners

August 7, 2012 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Commissioner Johnston gave the invocation.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:04 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/Commissioner Karen Bosch; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman asked for a motion to ratify the closure of Executive Session for August 7, 2012 at 5:55 p.m.

Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

PLEDGE OF ALLEGIANCE

"Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007"

Commissioner Nelms lead the Pledge of Allegiance.

PRESENTATIONS

None scheduled.

The Chairman took a moment to thank the candidates for standing up for what they believed in during the primary election.

AMENDMENTS TO AGENDA

1. Under Chairman's portion – Add re-appointment to Board of Tax Assessors.

2. Under Commissioner Nelms's portion, move proclamation to top of agenda to follow approval of previous minutes.
3. Under County Manager Portion – Add consider adoption of updated EMA ordinance.
4. Under Consent Agenda – Remove item 1.2, purchase of skid-steer loader.

Commissioner Hubbard made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JULY 24, 2012.

Commissioner Bosch made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

APPROVAL OF WORK SESSION MINUTES FROM JULY 24, 2012.

Commissioner Nelms made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM JULY 24, 2012.

Chairman Ahrens made a motion to postpone approval due to being out of town and not having had a chance to thoroughly review the minutes; Commissioner Johnston seconded and there was unanimous approval.

COMMISSION POST 4

JASON NELMS

Amended: Moved to top of agenda:

Consider approval of Proclamation for **Youth Sports Champions Day on August 7, 2012** in Cherokee County in recognition of the hard work and determination of players and coaches of Youth Sports Leagues throughout the County.

Commissioner Nelms began by announcing that there were 4 teams this past year that won the Georgia Dizzy Dean State Championship. Also, Twin Creeks Softball fast pitch team won the ASA State Championship and a 13 year old baseball team out of Hobgood Park won the 2012 Grand Slam World Series. As a tribute to these athletes, he read the **Youth Sports Champions Day Proclamation**. He then asked Jay Worley with Parks and Recreation to announce the individual players' names and the coaches and had them come up front for recognition. Commissioner Nelms concluded by thanking the coaches, parents and the community for their support of these young athletes and future leaders of Cherokee County. He gave the proclamation to CRPA Director Bryan Reynolds to display in his office at the South Annex building.

PUBLIC HEARINGS

None Scheduled.

PUBLIC COMMENT

No signed up to speak.

ZONING CASES

CASE NUMBER	: 12-07-006
APPLICANT	: RaceTrac
ZONING CHANGE	: R-40 and GC to GC
LOCATION	: SR 20 east of I-575
MAP & PARCEL NUMBER	: 14N23A, 24A, 25 and part of 023
ACRES	: 7.332
PROPOSED DEVELOPMENT	: Convenience Store with fuel sales
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Transitional and Suburban Growth

PLANNING COMMISSION RECOMMENDATION : Approval with the seven (7) conditions on the previous rezone which is Resolution #2010-R-035 (Case #09-05-010) and add a condition that County staff shall have flexibility regarding the implementation of conditions 1, 2 and 3 on this resolution. Also the addition of the five (5) stipulations stated on the email dated July 10, 2012 from Mr. Huff to Mr. Cowart. This resolution with the conditions and email are attached.

Conditions: (As submitted for July 10, 2012 meeting)

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 and Old Doss Drive frontages.

2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy 20 and Old Doss Drive frontages, immediately adjacent to the curb described in Condition #1, above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy 20 and Old Doss Drive frontages immediately adjacent to the grass-strip described in Condition #2, above.
4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the sidewalk described in Condition #3, above. The landscape strip described in this condition shall contain at least the following:
 - a. Maple trees with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy 20 frontage.
 - b. Not less than 2 understory trees from the list attached as Exhibit "A" for each tree required in (a.), above.
 - c. Not less than 10% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road – Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before

such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 8, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.

8. County Staff shall have flexibility regarding the implementation of Condition Numbers 1, 2 and 3 on Resolution #2010-R-035/Case #09-05-010.
9. The back future driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Additionally, applicant will manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road.
13. Applicant is not to disturb Old Doss Road turnaround.

Commissioner Johnston made a motion to approve with the thirteen (13) revised conditions as presented tonight by Jeff Watkins and inserted below as part of the minutes, with an additional condition #14 including document "Draft 8/2/2012", also included as part of these minutes:

Conditions: (Presented July 24, 2012)

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 frontage.
2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the curb described in Condition #1, above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy 20 frontage immediately adjacent to the grass-strip described in Condition #2, above.
4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the sidewalk described in Condition #3, above. The landscape strip described in this condition shall contain at least the following:

- a. Maple trees with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy 20 frontage.
- b. Not less than 2 understory trees from the list attached as Exhibit "A" for each tree required in (a.), above.
- c. Not less than 10% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road – Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 7, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.
8. County Staff shall have flexibility regarding the implementation of Conditions 1, 2, 3 and 4 where County Staff concludes that compliance with said conditions would conflict with the proposed GDOT improvements. County staff is further authorized to approve an acceptable alternative meeting the intent of such conditions and where utility location may affect their strict implementation.

9. The back driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed, until such time as the intersection of Old Doss Road and SR 20 is improved.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Applicant must manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road until such time as the driveway is graded and curbed, at which time, the property shall comply with all County stormwater requirements
13. Applicant is not to disturb Old Doss Road turnaround.
14. Any left-in or left-out site access to GA Hwy 20 prior to reconstruction of that stretch of roadway to substantially conform to revised site plan stamped "Draft 8/2/12".

Commissioner Hubbard seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Re-appointment of Marion Wilson to the Board of Tax Assessors for another six-year term, expiring June 30, 2018.

Chairman Ahrens made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

Amended: Presented at beginning of agenda. Consider approval of Proclamation for **Youth Sports Champions Day on August 7, 2012** in Cherokee County in recognition of the hard work and determination of players and coaches of Youth Sports Leagues throughout the County.

CONSENT AGENDA

1.1 Consider acceptance of insurance recovery monies received and budget amendment to increase Fire Fund 270 in the amount of **\$3,336.30**.

1.2 **AMENDED: Removed item 1.2 from Consent Agenda**

~~Consider approval to purchase a replacement John Deere skid-steer loader for the Roads and Bridges Department from Flint Equipment Company in the amount of **\$35,670.70**. This quote came in under the state contract price from Borders Equipment's quote for a Case Loader; the County has several existing pieces of John Deere equipment serviced by Flint Equipment Company.~~

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

COUNTY MANAGER

2.1 Consider approval to award annual contracts for 2012 stone/aggregate purchases to LaFarge Aggregates and Vulcan Materials on an as-needed bases by Roads and Bridges Department.

Commissioner Hubbard made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

2.2 Consider approval of request to submit list of eight (8) roadways in need of resurfacing to GDOT for funding under the 2013 LMIG (Local Maintenance and Improvement Grant).

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

2.3 Consider acceptance of new state awarded no match DUI grant and budget amendment to increase FY2012 Grant Fund Revenue and Expenditures in the amount of **\$4,895.00** for the quarter (July – September 2012).

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

2.4 Consider approval of the Community Development Block Grant (CDBG) Activities for the additional HUD funding of **\$280,574.00** that was approved by the BOC on May 1, 2012 as follows: MUST Ministries, \$150,000.00; Cherokee Senior Center, \$95,574.00; Cherokee County Administrative, \$35,000.00.)

Commissioner Hubbard made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

Commissioner Johnston clarified that these were grant funds that must be used for qualifying capital projects related to low to middle income citizens.

2.5 Amended: Consider approval of the updated 2012 Local Ordinance Related to Emergency Management as required every four (4) years by the state.

Mr. Cooper explained that the only changes to the ordinance since the last Board approval were in the formatting of the document and the dates.

Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COUNTY ATTORNEY

3.1 Hear the appeal of a denial by the Zoning Board of Appeals, Case Number 12.06.0015V, regarding the variance request of Michael Jorge.

Jeff Watkins summarized the revised zoning request which had been denied previously by the Zoning Board of Appeals because the request was initially to split the lot in two for two residential structures. Attorney Parks Huff explained that they were asking approval tonight of the modified request for a variance. Angie Davis stated that in reviewing the modified request that it was suitable for the County to make a motion to accept the request as presented tonight.

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

3.2 Notice of annexation from the City of Holly Springs on four (4) properties along Hiram Way.

Angie Davis commented that she didn't see a problem with accepting the annexation which included property located in a commercial area in parts of unincorporated and incorporated Cherokee County and some on an existing island. She added that if the Board was going to oppose the annexation, the deadline for notifying the City of Holly Springs was tomorrow so a decision would have to be made tonight.

Commissioner Bosch made a motion to accept the annexation request; Commissioner Nelms seconded and there was unanimous approval.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 6:55 p.m.; Commissioner Johnston seconded and the motion received unanimous approval.

Cherokee County Board of Commissioners

SPECIAL CALLED MEETING

July 26, 2012 Cherokee Hall 6:00 p.m.

MINUTES

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the meeting to order at 6:02 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/Commissioner Karen Bosch; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; and County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

Chairman Ahrens began by stating that two Public Hearings were held, one on July 10 and one on July 24, not required by state regulations, but held at the Board's discretion. The Public Hearings allowed plenty of opportunity for public input without time or number limitations and that an excellent background presentation/outlook was provided by Mr. Cooper and Ms. Funk. He said that the Board received some valuable input and genuine thoughts to incorporate as we move forward.

(1) Consider adoption of all 2012 Millage Rates.

Chairman Ahrens stated that the Board had received the letter of notice from the school district indicating that the school millage rate for 2012 remains unchanged at 19.85 mills. He then asked if Mr. Cooper or Ms. Funk had anything to add for public record. Mr. Cooper thanked Ms. Funk for preparing and updating the presentation based on questions and comments received by citizens over the past couple of weeks. He said he would like to thank Mr. McCall in particular for his professionalism as he posed suggestions and questions to the Board at the last meeting. He said that he had addressed some of the issues and has challenged staff to take a look into some of the questions posed.

Mr. Cooper told the Board that they have before them an ordinance for adoption of the millage rate as presented by Ms. Funk at 29.849.

Commissioner Johnston made a motion to approve the Cherokee County Property tax millage rates for 2012 as follows:

General Government M&O	05.825
Fire District M&O	03.394
Park Bond	00.780
TOTAL GENERAL GOVERNMENT, FIRE DISTRICT M&O, and PARK BOND MILLAGE	09.999
Further adopt school rates	
School Board M&O	19.450
School Board Bond	00.400
TOTAL SCHOOL BOARD M&O and BOND MILLAGE	19.850
TOTAL COMBINED CHEROKEE COUNTY LOCAL	29.849

GOVERNMENT MILLAGE RATE

Commissioner Nelms seconded; Chairman Ahrens commented that if so voted, the rate represents a combined millage rate increase of the prior year of 2.98%. Commissioner Johnston added that they had the school board in part to thank for the average taxpayer not seeing an increase in the amount of taxes paid due to not having changed the school district's rate. He added that the rate directly set the by the Board was not a tax amount increase to the average tax payer but rather a tax rate increase and that the Board had held the tax amount for the past 12 years.

Commissioner Nelms thanked the citizens for their input and particularly noted Mr. McCall as a model for professionalism and constructive suggestions.

The Chairman then called for a vote having heard a motion and a second; the resulting vote was 4-1 approval with Commissioner Hubbard voting nay.

The Chairman asked the Board to start looking at different scenarios for HOST possibilities for the November election. He added that they were invited to speak on the topic at the Woodstock Town Hall meeting in September. (Note: the Town Hall meeting was September 16, 2012.)

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 6:13 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.

MINUTES

Cherokee County Board of Commissioners

July 24, 2012 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Commissioner Hubbard gave the invocation.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:04 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/Commissioner Karen Bosch; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman asked for a motion to ratify the closure of Executive Session for July 24, 2012 at 5:45 p.m.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

PLEDGE OF ALLEGIANCE

"Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007"

Commissioner Hubbard asked the Boys Scouts in attendance tonight to come up front with him to lead the Pledge of Allegiance together.

PRESENTATIONS

PROCLAMATION

AMENDMENTS TO AGENDA

1. Under County Attorney portion: 3.2 – Add bankruptcy motion filing.
2. Move the honoring of Eagle Scouts 100th Anniversary under Post 2/Commissioner Hubbard's portion to follow approval of previous minutes.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

ANNOUNCEMENTS

A table is setup outside Cherokee Hall with materials on the Northwest Corridor Project.

Voting Dates:

July 23 – July 27

8:30 a.m. – 7:00 p.m. (M-F)

Open to ALL Cherokee County registered voters!

(Five locations—Cherokee County Elections Office, Ball Ground, Hickory Flat, Rose Creek and the Woodstock Libraries)

July 30– Monday NO VOTING

July 31- ELECTION DAY

7:00 a.m. – 7:00 p.m.(Tuesday)

All county precincts are open ELECTION DAY

You must vote at your assigned precinct.

Call the Elections office at 770-479-0407 or visit <http://voter.cherokeega.com> for additional information.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JULY 10, 2012.

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

APPROVAL OF WORK SESSION MINUTES FROM JULY 10, 2012.

Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM JULY 10, 2012.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

COMMISSION POST 2

JIM HUBBARD

Amended: Moved to follow approval of minutes: 100th Anniversary of the Eagle Scout Award.

Commissioner Hubbard read from an email that he received from the National Association of Eagle Scouts encouraging all Eagle Scouts to proudly wear their lapel or hat pins on August 1, 2012 in honor of the 100th Anniversary of first Eagle Scout award to Arthur Eldred. He also read excerpts from the *Eagle Scouts Rule of Honor* including the statement Eagle Scout in the highest honor awarded in scouting. Commissioner Bosch commented that her late son, Kevin Mahurin, was a third generation Eagle Scout, so from a mom's perspective she knows how much hard work and support from the moms goes into helping these scouts along the way to earning this honor. Commissioner Hubbard then read a letter he had written several years ago to his scout leader with the theme of 'Because I was an Eagle Scout'. He added that this paper has since been published in scouting materials and church bulletins.

Chairman Ahrens reminded everyone that a copy of the Public Hearing and Public Comment policies were located on the table out front with the sign-up sheets and went over a few of the basic rules: Individuals wishing to speak must sign up in advance and those speaking should come to the podium and state their name and address; Members of the public are expected to adhere to the rules of decorum outlined in the Civility Code which includes no vocal or boisterous actions which would disrupt the orderly flow of the meeting; he added that normally the Board allows thirty (30) minutes for public hearings but for millage rate and budget hearings they don't strictly adhere to that, but he asked that comments be kept to approximately three (3) minutes.

He then responded to some of the false comments made during previous meetings during public comment/public hearing, noting that these replies were factual based, not subjective views:

- False comment related to the challenge of collecting \$120,000.00 in outstanding taxes for Bobo; The factual amount is \$27,000.00.
- False comment related to collection of past due taxes from Bobo; The fact is that the tax matter was handled in the routine manner as all past due tax collections at

the discretion of the Tax Commissioner. Typically in July is when a lien (fifa) is placed against the property.

- False comment related to all of the Parks Bond \$90M spent; Fact is that the draw down is at approximately \$70M with \$30M not drawn, leaving an approximate balance of \$20M which totals the \$90M bond value.
- False comment related to the \$18M bond service value will now cost upwards of \$50M; Fact – A quick look at debt service schedule shows that the amount is \$35.7M; That's in the early \$20's or \$30's; if one applies the net present value to the \$35.7, the number would be in the \$20's.
- False comment related property tax digest is down 40% in 2007; Fact, in 2007, down 20% at \$8.2B, to a net digest \$6.6B.
- False comment that the County allowed Bobo to sell County equipment at the auction or otherwise; Fact – no County equipment was sold.
- False comment that \$18M was spent on Ball Ground Recycling and it should have been \$5M; Fact is, as explained numerous times, if you consider that the fixed amounts of \$3.6M of the \$18M was mostly capitalized interest and required reserves, plus equipment at \$5M, it's at \$9.6M. He added that if you took the land and site value at 50% of stated value in the documents you've seen, it's at about \$13M.

PUBLIC HEARINGS

1. Public Review and Comment concerning proposed 2012 millage.

The Cherokee County Board of Commissioners shall conduct two Public Hearings for public review and comment concerning proposed **2012 millage rates** on July 10 and **July 24, 2012, at 6:00 p.m.** in Cherokee Hall, Cherokee County Administration Building, located at 1130 Bluffs Parkway, Canton, Georgia 30114.

Consider adoption of 2012 Millage Rates.

Commissioner Hubbard made a motion to open the Public Hearing at 6:20 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Janelle Funk gave a presentation on the 2013 Outlook and impact of the millage rate. She demonstrated through comparison of several years of tax bills how an increase in the millage rate is revenue neutral. Following is a summary of the presentation.

The following rates are tentative:

General Fund from 5.365 to 5.825 (revenue neutral)

Fire Fund from 3.129 to 3.394 (revenue neutral)

Parks Bond from 0.641 to 0.780 (increased to cover voter approved debt service)

Total Millage Rate from 9.135 to 9.999

The average property owner who doesn't build or improve a structure will pay the same in 2012 as in 2011.

Total tax revenues to the county will be the same in 2012 as in 2011, except for the few new homes and other buildings built during 2011.

The Final 2012 County Millage Rates will reflect revenue neutral rollback/rollup rates.

The BOC will formally adopt all county rates to include the School Board's millage rate on July 26 at 6:00 p.m. at the Bluffs/Cherokee Hall.

After Janelle finished the presentation, Commissioner Nelms brought up a question that was asked during Work Session and also discussed in Executive Session, which was what percentage of the general funding are state unfunded or underfunded mandates. He said if the state mandated services are unfunded and the gap in our budget is \$2.8 million then maybe we should take a look at some of those.

Mr. Cooper said if you look at state agencies, referring to unfunded mandates or underfunded mandates, underfunded means they have a state agency that they do not fund 100 percent of the operations, for example, the DA's office. He said the County allocates about \$1.2 million toward the DA's office and the jail annually. He said that if the County was paid by the state for inmates at 100 percent of the costs to run the jail, it would be over a million dollars each year. However, with the way they conduct business, our payment from the state is about \$181,000. They pay \$20 a day only and they don't start paying from day one. He added that if the state would fully fund state agencies, we could lower property taxes significantly.

Commissioner Nelms said again that when there is a nearly \$3 million dollar gap and we are looking at \$6 million dollars of underfunded or unfunded mandates, that the tax payers should at least know where some of the shortfalls are coming from.

Commissioner Bosch agreed that going forward maybe these mandates should be indicated more clearly in the budget for the tax payers to see where their money is going.

Five people had signed up to speak:

1. Phil McCall read a list of suggestions that he had for the County to save money as an alternative to raising taxes. Commissioner Nelms commented that it had been a pleasure working with him and that he appreciated his professionalism in the manner in which he had addressed the Board. Commissioner Johnston thanked Mr. McCall and commented that his suggestions were very constructive.

2. Jackie Archer had signed up to speak but had left the meeting before being called.
3. Roger Carter commented on the pie chart from the presentation related to the RRDA portion of expenditures.
4. Richard Arnold spoke about suggestions to make up the shortfall including the GebCorp pension fund. Chairman Ahrens stated that he was Chairman of the ACCG Pension Board and offered to meet him at the next meeting to allow him to address his suggestions.
5. Carolyn Cosby offered a couple of suggestions for cutting costs to avoid a raise in the millage rate.

The Chairman asked if anyone else would like to speak. Bill McNiff said he would like to speak. He then said he would not speak 'because it would be a waste of time because the Board didn't listen anyway.'

Commissioner Hubbard made a motion to close the public hearing at 7:59 p.m.; Commissioner Johnston seconded and there was unanimous approval.

2. Public Hearing to consider changes to County's Cemetery Ordinance.

The Cherokee County Board of Commissioners will conduct a Public Hearing to consider revisions to Article 24-Cemetery Preservation of the Zoning Ordinance on **July 24, 2012 at 6:00 p.m.** in Cherokee Hall, Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia 30114.

Consider adoption of changes to the Cemetery Ordinance.

Commissioner Hubbard made a motion to open the Public Hearing at 8:00 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Margaret Stallings gave a presentation including an overview of the changes being considered to the Cemetery Preservation Ordinance that the Cemetery Preservation Committee and the Planning and Land Use Department have developed. Seven things will be changed including the name, removal of divisions and integrated sections, added and revised definitions, more definition to the roles of the different groups involved in Cemetery Creation and Preservation, sections were added to clarify how cemeteries should be operated and maintained, added cemetery creation requirements, and changed cemetery preservation process. She said after discussion with the County Attorney that they were striking a part of Section 24.10, Chapter 5 on the proposed ordinance.

Commissioner Bosch commented that she had brought this issue up for years, particularly the need for preserving heritage. She said she was grateful for Margaret's and the Cemetery Preservation Committees' hard work.

No one had signed up to speak.

Commissioner Bosch made a motion to close the Public Hearing at 8:05 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Commissioner Bosch made a motion to approve with the modification; Commissioner Nelms seconded and there was unanimous approval.

PUBLIC COMMENT

1. Bill Bosch said that he had intended to speak on another topic but after witnessing the earlier Public Hearing, he wanted to commend the very respectful manner in which the speakers addressed the Board tonight. He said that past meetings he had witnessed 'bad politics' and name calling and he said that no one deserves that. He said that he would like to see those few stop throwing rocks and put their names on the ballot to see what the Board does for the County.

ZONING CASES

CASE NUMBER	: 12-07-006
APPLICANT	: RaceTrac
ZONING CHANGE	: R-40 and GC to GC
LOCATION	: SR 20 east of I-575
MAP & PARCEL NUMBER	: 14N23A, 24A, 25 and part of 023
ACRES	: 7.332
PROPOSED DEVELOPMENT	: Convenience Store with fuel sales
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Transitional and Suburban Growth

PLANNING COMMISSION RECOMMENDATION : Approval with the seven (7) conditions on the previous rezone which is Resolution #2010-R-035 (Case #09-05-010) and add a condition that County staff shall have flexibility regarding the implementation of conditions 1, 2 and 3 on this resolution. Also the addition of the five (5) stipulations stated on the email dated July 10, 2012 from Mr. Huff to Mr. Cowart. This resolution with the conditions and email are attached.

Conditions:

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 and Old Doss Drive frontages.
2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy 20 and Old Doss Drive frontages, immediately adjacent to the curb described in Condition #1, above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy

20 and Old Doss Drive frontages immediately adjacent to the grass-strip described in Condition #2, above.

4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the sidewalk described in Condition #3, above. The landscape strip described in this condition shall contain at least the following:
 - a. Maple trees with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy 20 frontage.
 - b. Not less than 2 understory trees from the list attached as Exhibit "A" for each tree required in (a.), above.
 - c. Not less than 10% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road – Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of

the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 8, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.

8. County Staff shall have flexibility regarding the implementation of Condition Numbers 1, 2 and 3 on Resolution #2010-R-035/Case #09-05-010.
9. The back future driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Additionally, applicant will manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road.
13. Applicant is not to disturb Old Doss Road turnaround.

Post Commissioner Johnston made a motion to **postpone the case until the August 7, 2012 meeting**. He is waiting to hear back from the Georgia Department of Transportation regarding access from Hwy. 20 in order to be able to make a more informed decision. Commissioner Hubbard seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Re-appointment of Jeff Moon to the Cherokee County Board of Family and Children Services for another five-year term.

Commissioner Nelms made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

- A. Amended: Moved to follow approval of minutes: 100th Anniversary of the Eagle Scout Award

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider acceptance of insurance recovery funds and budget transfer in the total amount of **\$7,471.50** (\$6,656.00 to Uniform Patrol and \$815.50 to Special Detail). Traveler's insurance paid \$7471.50 to the County for a totaled vehicle's value and towing charges.
- 1.2 Consider budget amendment to increase Grant Fund in the amount of **\$5,000.00** in acceptance of a donation by Northside Hospital-Cherokee for use in the County's Wellness Program.
- 1.3 Consider request to set a public hearing for August 21, 2012 to consider transmittal of the 2012 Cherokee County Capital Improvement Element (CIE) and Short Term Work Program (STWP) Annual Update to the Georgia Department of Community Affairs and the Atlanta Regional Commissioner for review and approval on August 21, 2012.

Commissioner Nelms made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COUNTY MANAGER

- 2.1 Consider acceptance of VOCA (Victims of Crime Act) Grant renewal application in the amount of **\$87,397.00** to continue assistance in the funding of three (3) positions for the Victim Witness Assistance Program for the District Attorney's Office; Grant has been received by County since 1992.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and there was unanimous approval.

2.2 Consider acceptance of Professional Services agreement with Siemens Industry, Inc. for the Fire Alarm, Life Safety and Security System technical services to the Adult Detention Center, Justice Center and Fire Stations #4, #12, #21, #22, and #23 in the total amount of **\$54,828.00**. (Adult Detention Center - \$18,216.00; Justice Center - \$11,768.00; Fire Stations - \$5,144.00; Justice Center Security System - \$19,700.00).

Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

2.3 Consider approval to award construction contract for Blankets Creek Improvements to lowest responsible bidder, W.E. Contracting Co., Inc., Acworth, in the base bid amount of **\$789,989.00**. (Contingency controlled by County requested in the amount of \$40,000.00 for a total requested amount of \$829,989.00). A second bid in the amount of \$810,481.29 was received from Johnson Landscapes, Inc.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

Commissioner Bosch asked when the project was going to be started and if the trail would be closed any during the work. Bill Echols answered that it was scheduled to start in September and that efforts were made so that the trails would be closed only about 15 days of the expected 250 days of work, and then during Monday through Friday only, not on weekends. Commissioner Nelms commented that he understood that Blanket Creek Bike Trails were one of the top 10 in the world and a great Unique Selling Point for Cherokee County.

COUNTY ATTORNEY

3.1 Consider amendment to resolution designating County's Open Records Officer.

The County Attorney presented an amendment to the Resolution designating a county records custodian as provided for in the Georgia Open Records Act. To increase efficiency and limit the time associated with fulfilling requests for the citizens, the amendment would provide for the designation of identified department and agency directors as records custodians for those records that are under their respective custody and control. All open records requests will be made to those designated records officers depending on the subject matter of the request, and the press and website will provide these notifications as required by law.

Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

3.2 Amended: Additional bankruptcy filing.

The County Attorney provided an update to the bankruptcy litigation involving the Resource Recovery and Development Authority, the County, and Ball Ground Recycling. Specifically, the RRDA and County filed a Motion for discovery according to Rule 2004 under the Bankruptcy Code for purposes of having Jimmy Bobo provided sworn testimony under oath on topics of inquiry identified in the Motion's Exhibit "A" and also for purposes of requiring the production of numerous records as identified in the Motion's Exhibit "B". The County Attorney explained that this was the intended strategy after first having Ball Ground Recycling removed from the property, such that now the focus will turn to gathering information about the ability of Ball Ground Recycling to pay the debt owed and to pursue recovery of funds.

No action was taken by the Board.

The Chairman said that he'd like to offer a couple of comments along the same topic: He said that the statement issued by the Board of Commissioners with regard to the withdrawal of the mandamus stands and that he wanted to add a couple of comments to that. The mandamus per se did not produce any additional tax collections. The Tax Commissioner is charged with collections and files liens in the month of July. He said that this is the normal process and if you look over history you will see these filings were made, which hopefully results in payment or sales on the courthouse steps. This is standard operating procedure and nothing was brought on by the mandamus that wasn't already being done. He said that a mandamus must be person-specific and cannot be against a body such as the Board of Commissioners, it also must be against a specific mandated duty, not a discretionary action. He said the petition was severely flawed on both counts and he's glad that the petitioner, Mr. Dewrell, decided to withdraw. He added that he thought Mr. Dewrell knew he would lose and would have incurred even further legal fees if the judge awarded legal fees.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 8:30 p.m.; Commissioner Johnston seconded and the motion received unanimous approval.

By policy, minutes are not official until approved by the Board at a future regular meeting.

Cherokee County, Georgia
Agenda Request

SUBJECT: CIE/STWP Public Hearing MEETING DATE: August 21, 2012

SUBMITTED BY: Margaret Stallings, Principal Planner

COMMISSION ACTION REQUESTED:

Hold a public hearing to consider transmitting the 2012 Annual Update of the Capital Improvements Element and Short Term Work Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for their reviews.

FACTS AND ISSUES:

The prepared update and transmittal resolution are attached.

BUDGET:

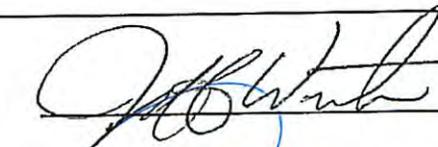
Budgeted Amount:	\$	Account Name:
Amount Encumbered:	\$	Account #:
Amount Spent to Date:	\$	
Amount Requested:	\$	
Remaining Budget:	\$	

Budget Adjustment Necessary:

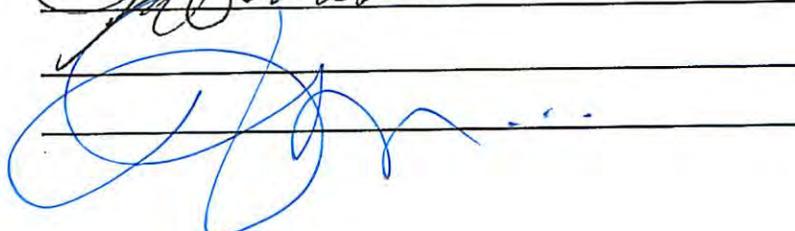
ADMINISTRATIVE RECOMMENDATION:

Approve the transmittal of the update.

REVIEWED BY:

DEPARTMENT HEAD: 

COUNTY ATTORNEY: _____

COUNTY MANAGER: 

Transmittal Resolution

Cherokee County, Georgia

WHEREAS, the Cherokee County Board of Commissioners has prepared an annual update to the Capital Improvement Element and Short Term Work Program; and

WHEREAS, the 2012 annual update of the Capital Improvement Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held in Cherokee Hall of the Cherokee County Administration Building on August 21, 2012 at 6:00p.m.

BE IT THEREFORE RESOLVED, that the Cherokee County Board of Commissioners does hereby submit the 2012 annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period 2012-2016 to the Atlanta Regional Commission for Regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 21th day of August, 2012

BY: _____
L.B. Ahrens, Chairman

ATTEST: _____
Christy Black, County Clerk

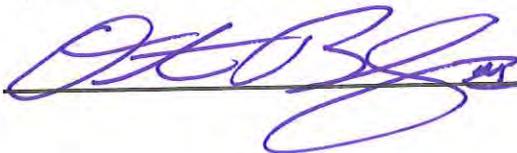
CHEROKEE TRIBUNE

521 East Main Street · Canton, Georgia 30114

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA – County of Cherokee

Before me, the undersigned; a Notary Public, this day personally came **Otis Brumby III**, who, being duly sworn, according to law, says that he is the **General Manager** of *Times Journal, Inc.*, publishers of the *Cherokee Tribune*, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper on the 10th day(s) of August 20 12, and on the _____ day(s) of _____ 20____, as provided by law.

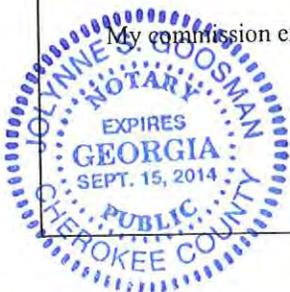


Subscribed and sworn to before me this

10th day of August, 20 12

Jelynn S. Goorman
Notary Public

My commission expires Sept. 15, 20 14



M-1364

Notice of Public Hearing

Please take notice that the Cherokee County Board of Commissioners at its regularly scheduled meeting on August 21, 2012 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia will hold a public hearing to consider a resolution transmitting the 2012 annual update of the Capital Improvements Element and Short Term Work Plan to the Atlanta Regional Commission for regional review and to the Georgia Department of Community Affairs for state review pursuant to the Georgia Planning Act of 1989. A copy of the document is available in the Planning and Land Use Department during regular business hours 8am to 5pm, Monday through Friday at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia.

8:10

**Cherokee County, Georgia
Agenda Request**

SUBJECT: CIE/STWP Public Hearing MEETING DATE: August 21, 2012

SUBMITTED BY: Margaret Stallings, Principal Planner

COMMISSION ACTION REQUESTED:

Hold a public hearing to consider transmitting the 2012 Annual Update of the Capital Improvements Element and Short Term Work Plan to the Atlanta Regional Commission and the Georgia Department of Community Affairs for their reviews.

FACTS AND ISSUES:

The prepared update and transmittal resolution are attached.

BUDGET:

Budgeted Amount:	\$	Account Name:
Amount Encumbered:	\$	Account #:
Amount Spent to Date:	\$	
Amount Requested:	\$	
Remaining Budget:	\$	

Budget Adjustment Necessary:

ADMINISTRATIVE RECOMMENDATION:

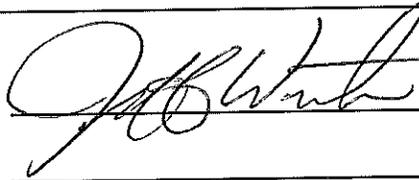
Approve the transmittal of the update.

REVIEWED BY:

DEPARTMENT HEAD:

COUNTY ATTORNEY:

COUNTY MANAGER:



Transmittal Resolution

Cherokee County, Georgia

WHEREAS, the Cherokee County Board of Commissioners has prepared an annual update to the Capital Improvement Element and Short Term Work Program; and

WHEREAS, the 2012 annual update of the Capital Improvement Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held in Cherokee Hall of the Cherokee County Administration Building on August 21, 2012 at 6:00p.m.

BE IT THEREFORE RESOLVED, that the Cherokee County Board of Commissioners does hereby submit the 2012 annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period 2012-2016 to the Atlanta Regional Commission for Regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 21th day of August, 2012

BY: _____
L.B. Ahrens, Chairman

ATTEST: _____
Christy Black, County Clerk

Cherokee County

August 21, 2012



**Annual Impact Fee Financial Report
& Short Term Work Plan Update
2012**

CHEROKEE COUNTY	Annual Impact Fee Financial Report - 2012*						
Public Facility	Libraries	Fire Protection	Sheriff's Patrol	Public Safety Facility	Parks/Recreation	Transportation	TOTAL
Impact Fee Fund Balance Jan 1, 2011	\$447,723	\$22,419	\$22,442	\$1,209,284	\$669,597	\$1,109,583	\$3,481,048
Impact Fees Collected (January 2011 through December 2011)	\$15,318	\$34,671	\$644	\$16,282	\$40,733	\$54,133	\$161,781
Accrued Interest	\$461	\$0	\$0	\$1,374	\$544	\$680	\$3,059
Administrative/Other Costs	\$566	\$70	\$28	\$1,499	\$869	\$1,423	\$4,455
(Administrative/Other Costs)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(Impact Fee Refunds)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
(Project Expenditures)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Impact Fee Fund Balance Jan 1, 2011	\$464,068	\$57,160	\$23,114	\$1,228,439	\$711,743	\$1,165,819	\$3,650,343
Impact Fees Encumbered	\$2,848,134	\$7,775,008	\$464,602	\$4,620,335	\$4,218,090	\$5,612,868	\$25,539,036

*This annual report covers the last completed fiscal year - January to December, 2011

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility: Libraries								
Service Area: County-wide								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered*	Status/Remarks
New Woodstock Library Facility	2003	2005	\$4,400,000	29%	General Fund, State of Georgia	\$0	\$1,500,000	Complete
R.T. Jones Library Facility Addition	2009	2011	\$1,402,007	30%	General Fund, State of Georgia	\$134,672	\$420,000	Complete
Northeast Library Facility	2013	2014	\$5,616,857	64%	General Fund, State of Georgia	\$0	\$0	
Library Collection Materials	2003	2003	\$272,344	56%	General Fund	\$0	\$152,513	Complete
Library Collection Materials	2003	2003	\$194,741	55%	General Fund	\$0	\$107,108	Complete
Library Collection Materials	2003	2003	\$367,845	74%	General Fund	\$0	\$397,986	Complete
Library Collection Materials	2004	2004	\$98,973	55%	General Fund	\$0	\$54,435	Complete
Library Collection Materials	2005	2005	\$65,314	53%	General Fund	\$0	\$34,616	Complete
Library Collection Materials	2006	2006	\$217,873	52%	General Fund	\$0	\$113,294	In Process
Library Collection Materials	2007	2007	\$223,690	52%	General Fund	\$0	\$68,182	In Process
Library Collection Materials	2008	2008	\$353,088	92%	General Fund	\$0	\$0	
Total of Costs, Expenditures & Impact Fees Encumbered			\$13,212,732			\$134,672	\$2,848,134	

*"Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility: Fire Protection								
Service Area: County-wide except Canton and Woodstock								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered*	Status/Remarks
Station 2 Renovation/Expansion	2003	2004	\$65,000	96%	Fire District ⁺	\$0	\$62,400	Complete
Fire Engine 9	2003	2003	\$275,000	89%	Fire District ⁺	\$0	\$244,750	Complete
Fire Engine 20	2003	2003	\$306,000	87%	Fire District ⁺	\$0	\$266,220	Complete
Training Van	2003	2003	\$50,000	88%	Fire District ⁺	\$0	\$44,000	Complete
Holly Springs Fire Station 8	2003	2004	\$1,200,000	100%	None	\$0	\$677,683	Complete
Rescue Unit (Mass Response)	2003	2004	\$216,000	100%	Fire District ⁺	\$0	\$216,000	Complete
Air Truck	2003	2004	\$355,000	100%	Fire District ⁺	\$0	\$355,000	Complete
Fire Engine	2003	2004	\$400,000	87%	Fire District ⁺	\$0	\$348,000	Complete
Station 1 Expansion	2003	2005	\$150,000	88%	Fire District ⁺	\$0	\$132,000	Complete
Station 19 Replacement	2004	2006	\$1,500,000	81%	Fire District ⁺	\$0	\$558,505	Complete
Ambulance Purchase	2004	2009	\$2,050,000	100%	None	\$0	\$2,392,426	Complete
Supply Warehouse	2005	2008	\$2,325,000	90%	Fire District ⁺	\$0	\$850,000	Complete
Station 13 Replacement	2010	2011	\$1,200,000	81%	Fire District ⁺	\$0	\$0	
Fire Engine	2007	2007	\$350,000	100%	None	\$0	\$370,086	Complete
Fire Engine x 3	2008	2008	\$1,125,000	100%	None	\$0	\$1,076,637	Complete
Station 15 Relocation & Replacement	2010	2011	\$1,500,000	81%	Fire District ⁺	\$0	\$0	
Heavy Vehicles x 3	2009	2009	\$971,000	90%	Fire District ⁺	\$0	\$0	
Airport Crash Truck	2010	2010	\$800,000	90%	Fire District ⁺	\$0	\$0	
Fire-Emergency Services Training Facility	2010	2012	\$3,141,850	100%	Fire District ⁺	\$0	\$181,301	In Process
Total of Costs, Expenditures & Impact Fees Encumbered			\$17,979,850			\$0	\$7,775,008	

**Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

* A combination of the Fire District, SPLOST and the Insurance Premium Tax Funds

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility:		Public Safety Facility						
Service Area:		County-wide (except fire administration)						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered	Status/Remarks
Public Safety Facility	2000	2002	\$33,599,204	58%	General Fund	\$0	\$4,494,824	In Process
Special Purpose Vehicle Garage	2006	2007	\$125,512	100%	None	\$0	\$125,511	Complete
Total of Costs, Expenditures & Impact Fees Encumbered			\$33,599,204			\$0	\$4,620,335	

**Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility:		Parks and Recreation						
Service Area:		County-wide						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered	Status/Remarks
Clayton Area / Weatherby Park	2004	2007	\$2,000,000	20%	General Fund	\$0	\$406,890	Complete
Fields Landing Park Expansion (was Sutallee Area Community Park)	2003	2009	\$700,000	35%	General Fund	\$0	\$245,000	Complete
Biello Park (Little River/Mill Creek County-wide Park Phase I)	2003	2010	\$4,000,000	83%	General Fund	\$0	\$2,429,720	Under Construction
Waleska City Park (Cline Park)	2004	2005	\$375,000	93%	General Fund	\$0	\$399,553	Complete
Creighton Road Park (Ray)	2009	2009	\$375,000	83%	General Fund	\$0	\$311,250	Complete
Hobgood Park	2006	2007	\$425,000	100%	General Fund	\$0	\$425,676	Complete
Total of Costs, Expenditures & Impact Fees Encumbered			\$7,875,000			\$0	\$4,218,090	

**Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility:		Transportation						
Service Area:		County-wide						
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered	Status/Remarks
Towne Lake Parkway (road improvement)	2000	2001	\$4,577,900	42%	GADOT, General Fund	\$0	\$3,039,334	Construction Complete - Reimbursement Phase
Business 5 (road widening and relocation)	2000	2001	\$5,430,756	22%	GADOT, General Fund	\$0	\$1,194,766	Construction Complete - Reimbursement Phase
Riverstone Boulevard (new road construction)	2000	2001	\$1,145,349	22%	GADOT, General Fund	\$0	\$251,977	Construction Complete - Reimbursement Phase
Bell Ferry Road (design and safety planning)	2000	2003	\$784,956	46%	General Fund	\$0	\$361,080	Construction Complete - Reimbursement Phase
Rope Mill Road (new road construction)	2000	2001	\$5,252,228	15%	GADOT, General Fund	\$0	\$765,711	Construction Complete - Reimbursement Phase
Reinhardt College Road (new road construction)	2000	2001	\$718,580	21%	GADOT, General Fund	\$0	\$0	Construction Complete - Reimbursement Phase
Eagle Drive (road widening)	2004	2006	\$5,504,074	35%	GADOT, General Fund	\$0	\$0	Construction Complete - Reimbursement Phase
East Cherokee Drive (road widening)	2005	2007	\$4,800,000	23%	GADOT, General Fund	\$0	\$0	Construction Complete - Reimbursement Phase
Total of Costs, Expenditures & Impact Fees Encumbered			\$28,213,843			\$0	\$5,612,868	

*"Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

CHEROKEE COUNTY		Capital Improvements Project Update 2010-2014*						
Public Facility: Sheriff's Patrol								
Service Area: Unincorporated county								
Project Description	Project Start Date	Project End Date	Estimated Cost of Project	Percentage of Funding From Impact Fees	Other Funding Sources	Impact Fee Expenditures for 2011	Impact Fees Encumbered	Status/Remarks
Uniform Patrol Div Office # 19	2005	2006	\$1,295,000	58%	General Fund	\$0	\$464,602	Complete
Total of Costs, Expenditures & Impact Fees Encumbered			\$1,295,000			\$0	\$464,602	

*"Impact Fees Encumbered" reflects impact fee collection for May 2000 through December 2011.

Short Term Work Plan

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Natural and Historic Resources								
Develop the Etowah River Greenway	X	X	X	X	X	\$2,000,000	County Greenspace Program	BOC, Parks & Rec.
Develop Environmental Awareness Program	X	X	X	X	X	\$10,000	US EPA, Ga DNR	Engineering, Recycling
Develop and adopt a countywide Historic Preservation Ordinance	X	X	X			Unknown	County, GA DNR	BOC, Planning & Land Use, Historical Society
Pursue qualification as a "Certified Local Government" under the Historic Preservation Division of Georgia DNR	X	X				Unknown	County, GA DNR	Planning & Land Use, Historical Society
Develop Historic Property Resource Kit	X	X				Unknown	County	Planning & Land Use, Historical Society
Develop Historic Resources Map	X					Staff Time	County	GIS, Planning & Land Use, Historical Society
Continue to update the Cemetary Location Map as needed	X	X	X	X	X	Staff Time	County	GIS, Planning & Land Use, Historical Society
Investigate developing a National Register nomination for the Reinhardt Campus area in Waleska as a historic district	X	X				\$6,500	Historical Society	Historical Society, City of Waleska
Continue to participate in the Etowah River Habitat Conservation Plan (HCP). Consider adoption of Low Impact Development Guidelines to support the HCP.	X	X				Staff Time	County	BOC, Engineering
Develop a countywide greenspace/land conservation plan.	X	X				\$50,000 + Staff Time	County	BOC, Planning & Land Use, GIS, Parks & Rec.
Develop program to acquire or set aside property identified in countwide greenspace plan.	X	X	X	X	X	Unknown	County Greenspace Program	BOC, Planning & Land Use, Parks & Rec.
Economic Development								
Facilitate stakeholder meetings concerning agribusiness and agritourism in the county.	X	X				Staff Time	Farm Bureau, Chamber of Commerce	Farm Bureau, Chamber of Commerce
Prepare Tax Increment/Finance District Guidelines	X	X				Unknown	County	BOC, Finance, Planning & Land Use
Develop Airport Area Master Plan	X					Staff Time	County	Planning & Land Use, Airport Authority, Development Authority
Develop and promote business and manufacturing sites within Cherokee County, especially Bluffs Business Park.	X	X	X	X	X	Staff Time	Development Authority	Development Authority, Chamber of Commerce

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Continue the focused marketing campaign targeting industries identified in the Cherokee County Economic Strategic Plan	X	X	X	X	X	Staff Time	Development Authority	Development Authority, Chamber of Commerce
Enhance the entrepreneurship and small business support programs with a comprehensive range of financial assistance, training, networking, professional advice and educational opportunities.	X	X	X	X	X	Staff Time	Development Authority	Development Authority, Chamber of Commerce
Continue the Business Expansion & Retention Program and advocacy for existing industry.	X	X	X	X	X	Staff Time	Development Authority	Development Authority
Implement the Georgia Department of Economic Development's Business InSight program for analysis of existing industry.	X	X	X	X	X	Staff Time	Development Authority	Development Authority
Focus resources on supporting and expanding existing partnerships between local busines and educational institutions, such as the CCSD Advisory Committees, Career Pathways, Partners in Education and Cherokee Focus.	X	X	X	X	X	Staff Time	CCSD, Chamber of Commerce	Cherokee County School District, Chamber of Commerce
Coordinating and streamline permitting processes and development regulations across all communities in Cherokee County.	X	X				Staff Time	County	Planning & Land Use, Engineering, Building Inspection, Fire Marshal
Encourage the redevelopment of underutilized shopping centers along major transportation corridors to broaden the retail and personal service offerings in Cherokee County.	X	X	X			Staff Time	County	BOC, Planning & Land Use
Housing								
Upgrade Dilapidated Housing	X	X	X	X	X	Unknown	private	Private Developers
Contiue to use federal funds (CDBG & HOME) for the Cherokee County Home Repair Program targeted for low-income seniors and affordable home ownership programs.	X	X	X	X	X	\$1,750,000	County, CDBG	Community Services, GUCC
Construct housing for the elderly and handicapped.	X	X	X	X	X	Unknown	state and federal programs, private	Private Developers
Develop Senior Housing regulations.	X	X				Staff Time	County	BOC, Planning & Land Use
Identify areas with adequate infrastructure to provide affordable housing opportunities.	X	X	X	X	X	Staff Time	County	GIS, Planning & Land Use, Engineering
Facilitate County-wide meetings to encourage cooperation on affordable housing financing from federal and state sources.	X	X	X			Staff Time	County	Planning & Land Use
Review development ordinances to identify constraints and barriers to providing affordable housing.	X	X	X	X	X	Staff Time	County	Planning & Land Use

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Community Facilities								
Review periodically Service Delivery strategies, level of services, and develop a plan to provide services to accommodate new growth.	X	X	X	X	X	Unknown	County	BOC, Public Safety, Engineering
Continue to identify, fund and implement Bells Ferry LCI projects	X	X	X	X	X	\$17,000,000	GDOT, ARC, County, Private	BOC, Planning & Land Use, Engineering, Private Developers
Parks and Recreation								
Aquatic Center	X	X				\$18,108,000	Parks Bond	Recreation & Parks, BOC
Barnett Park Renovations	X					\$464,000	Parks Bond	Recreation & Parks, BOC
Biello Park East (Riverside)	X					\$300,000	Impact Fees & Parks Bond	Recreation & Parks, BOC
Biello Park West	X					\$450,750	Impact Fees	Recreation & Parks, BOC
Blankets Creek	X					\$1,075,000	Parks Bond	Recreation & Parks, BOC
Buffington Park Renovations	X					\$75,000	Parks Bond	Recreation & Parks, BOC
Cherokee Mills Lake Allatoona	X	X				\$500,000	SPLOST & Parks Bond	Recreation & Parks, BOC
Dwight Terry Renovations	X					\$461,275	Parks Bond	Recreation & Parks, BOC
East Park			X	X		\$9,875,000	Parks Bond	Recreation & Parks, BOC
Hobgood Park Phase II		X				\$1,000,000	SPLOST & Parks Bond	Recreation & Parks, BOC
Hobgood Park Renovations	X					\$2,000,000	Parks Bond	Recreation & Parks, BOC
Kenny Askew Park Renovations	X					\$200,000	Parks Bond	Recreation & Parks, BOC
Lighting Improvements at Sequoyah	X					\$375,000	Parks Bond	Recreation & Parks, BOC
Patriots Park			X	X		\$7,173,350	Parks Bond	Recreation & Parks, BOC
Recreation Center Renovations	X					\$300,000	Parks Bond	Recreation & Parks, BOC
Sequoyah Park Renovations	X					\$800,000	Parks Bond	Recreation & Parks, BOC
Soccer Complex	X					\$5,150,000	Parks Bond	Recreation & Parks, BOC
Veterans (Thacker) Park		X				\$500,000	Parks Bond	Recreation & Parks, BOC
Waleska (NW) County Park	X					\$1,200,000	Parks Bond	Recreation & Parks, BOC
Weatherby Park Renovations	X					\$50,000	Parks Bond	Recreation & Parks, BOC

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Transportation								
Roadway Improvements	X	X	X	X	X	\$60,000,000	GDOT, General Fund	BOC
Develop a Context-Sensitive Design Process such as the one recommended by the Georgia Department of Transportation.	X	X				Unknown	County, DCA, ARC	Engineering, Planning & Land Use
Expand Ride/Share Program	X	X				\$15,000	County, ARC, GRTA	Community Services
Install Park/Ride Lots	X	X	X	X	X	\$25,000 per lot	County, ARC, GRTA	Engineering, BOC
Develop Alternative Transportation Education Program	X	X	X	X	X	\$30,000	County, ARC	Engineering, ARC
Bells Ferry Road widening (2 phases)			X	X	X	\$40,288,000	Impact Fees, SPLOST, Ins. Prem. Tax Fund	Engineering
Add Interchange at I-575/Rope Mill Road	X					\$12,000,000	GDOT, General Fund, SPLOST	BOC, City of Woodstock
Public Safety								
Communications System	X	X				\$13,809,772	Impact Fees, General Fund, E-911, SPLOST	E-911, BOC
Sheriff's Patrol Precinct Space	X	X				\$546,096	Impact Fees, General Fund	Sheriff's Department, BOC
Sheriff's Patrol Precinct Space		X	X			\$546,096	Impact Fees, General Fund	Sheriff's Department, BOC
Expansion of Adult Detention Center			X	X	X	\$27,151,762	Impact Fee, General Fund, SPLOST	Sheriff's Department, BOC
Fire Station 1 Expansion	X					\$150,000	Impact Fees, Fire District Fund	Fire Department, BOC
Fire Station 2 Replacement (Ball Ground)		X	X			Unknown	Impact Fees, General Fund	Fire Department, BOC
Fire Station 3 Replacement	X					\$1,500,000	Fire District, SPLOST	Fire Department, BOC
Fire Station 5 Replacement	X					\$1,800,000	Fire District, SPLOST	Fire Department, BOC
Fire Station 6 Replacement (Clayton Area)	X					\$1,700,000	Fire District, SPLOST	Fire Department, BOC
Fire Station 13 Replacement Station		X	X			\$1,200,000	Impact Fees, General Fund	Fire Department, BOC
Fire Station 15 Relocation & Replacement Station		X	X			\$1,500,000	Impact Fees, General Fund	Fire Department, BOC
Fire Station 32 Renovation						\$100,000	Fire District, SPLOST	Fire Department, BOC

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Future Fire Station (new)			X			\$1,085,000	Impact Fees, General Fund	Fire Department, BOC
Fire - Emergency Services Training Facility	X	X				\$3,141,850	Impact Fees, SPLOST	Fire Department, BOC
Purchase property for Future Fire Facilities	X	X	X	X	X	\$750,000	County	Fire Department, BOC
Airport Crash Truck			X			\$800,000	Impact Fees, Fire District	Fire Department, BOC
Ladder Truck					X	\$1,000,000	Impact Fees	Fire Department, BOC
Fire Apparatus Replacement Program	X	X	X	X	X	\$800,000	SPLOST, Impact Fees	Fire Department, BOC
EMS Squad Replacement Program	X	X	X	X	X	\$700,000	County	Fire Department, BOC
Small Fleet Replacement Program	X	X	X	X	X	\$180,000	County	Fire Department, BOC
Library Services								
Library Collection Materials	X	X	X	X	X	\$835,512	Impact Fees, General Fund, SPLOST	Library System, BOC
Northeast Library Facility		X	X			\$5,616,857	Impact Fees, General Fund, State of Georgia, SPLOST	Library System, BOC
Southwest Library Facility				X	X	\$5,742,857	Impact Fees, General Fund, State of Georgia	Library System, BOC
Waleska Library Facility				X	X	\$4,307,147	Impact Fees, General Fund, State of Georgia	Library System, BOC
Rose Creek Library Facility Expansion				X	X	\$4,000,000	Impact Fees, General Fund, State of Georgia	Library System, BOC
Water and Sewage								
Expand Sewer Service Area	X	X	X	X	X	\$60,000,000	CCWSA	County Water & Sewer Authority
Consolidate Water/Sewer Operations with one (1) Agency	X	X	X	X	X	Staff Time	CCWSA	County Water & Sewer Authority
School System								
Construct New Schools	X	X	X	X	X	\$41,000,000	Tax, bonds	Board of Education
Construct Additions to Existing Schools	X	X	X	X	X	\$235,000,000	Tax, bonds	Board of Education

Cherokee County								
Project Description	2012	2013	2014	2015	2016	Estimated Total Cost	Funding Sources	Responsible Party
Land Use & GIS								
Establish an agency to pursue implementing the Bells Ferry LCI Plan.	X	X	X			Unknown	County	BOC, Planning & Land Use
Create small area plans for areas experiencing significant growth pressures or infrastructure issues.	X	X	X	X	X	\$500,000	County	Planning & Land Use
Revise State Route 92 Corridor standards and regulations.	X	X				Staff Time	County	BOC, Planning & Land Use
Develop master plan for downtown Waleska and consider design guidelines for the "college-entertainment" core	X	X				Unknown	City, Reinhart College	Planning & Zoning, City of Waleska, Reinhart College
Continue to update annually the 5-year Capital Improvements Plan and STWP.	X	X	X	X	X	Staff Time	County	Planning & Land Use, Engineering, Public Safety, Parks & Rec.
Conduct annual review of Future Development Map, rezonings and capital projects for plan & map adjustments.	X	X	X	X	X	Staff Time	County	Planning & Land Use
Send a summary of all minor amendments annually to ARC.	X	X	X	X	X	Staff Time	County	Planning & Land Use
Develop Unified Code that combines the zoning ordinance, subdivision regulations and development regulations to consistently implement elements of the Community Agenda.	X					\$75,000 + Staff Time	County	Planning & Zoning, Engineering
Revise rezoning process to provide better information on land use changes and infrastructure impact for each proposal.	X					Staff Time	County	Planning & Zoning
Create design guidelines for each Character Area for residential and non-residential development.	X					Staff Time	County	Planning & Land Use, Engineering
Undertake a Comprehensive Plan update five years after adoption of this Plan.	X	X				Staff Time	County	Planning & Land Use

Cherokee County, Georgia Agenda Request

Agenda No.

2.1

SUBJECT: Employee Benefits

MEETING DATE: 8/21/2012

SUBMITTED BY: Steven B. McClure

COMMISSION ACTION REQUESTED:

Allow Charles Carlson of Gallagher Benefits Services to provide an overview of the 2012-2013 benefit renewal cost projections during the BOC Work Session. Also, authorize the renewal position of fixed costs and program services to be effective October 1, 2012.

FACTS AND ISSUES:

As part of the 2012-2013 renewal process, Gallagher benefits services negotiated favorable rates on behalf of the County. Specifically, total annualized savings were \$78,246 over the BCBSGA renewal offer. There was a decrease of \$33,786 to the submitted 2012-2013 budget projection, and the net increase in fixed costs is \$55,476.

BUDGET:

Budgeted Amount:	\$	Account Name:
Amount Encumbered:	\$	Account #:
Amount Spent to Date:	\$	
Amount Requested:	\$	
Remaining Budget	\$	

Budget Adjustment Necessary:

ADMINISTRATIVE RECOMMENDATION:

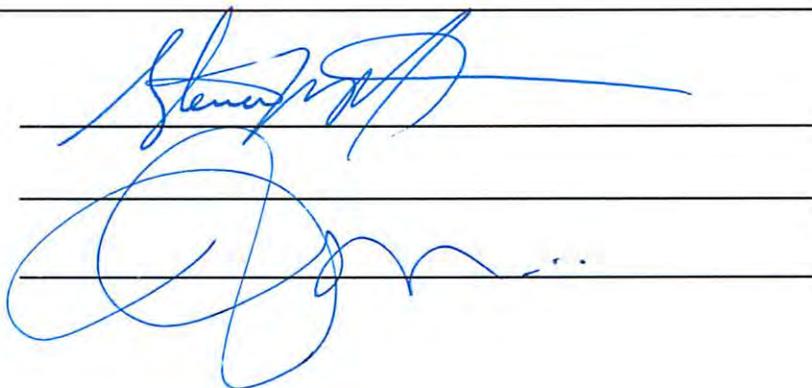
Approve renewal confirmation of fixed costs and program services.

REVIEWED BY:

DEPARTMENT HEAD: _____

COUNTY ATTORNEY: _____

COUNTY MANAGER: _____



Jerry Cooper

From: Charles W. Carlson <Charles_Carlson@ajg.com>
Sent: Monday, July 09, 2012 8:36 AM
To: Jerry Cooper; Steven B. McClure; Tracy Chambers
Cc: Scott Parker - ATL; Charles W. Carlson
Attachments: Cherokee 2012.2013 Renewal Analysis.07.06.12.xlsx

Good morning.

We have completed our renewal negotiations with BCBSGA as it relates to the fixed cost components of your health benefit plan. The good news here is that these negotiations resulted in a savings to Cherokee County that is almost \$34,000 more than we budgeted for your 2012/2013 Cost Projections. Attached is an analysis that shows your current fixed costs, Gallagher's initial projection that was also approved in the 2012/2013 budget, the BCBSGA initial renewal offer and the final terms that Gallagher was able to negotiate on your behalf.

One significant item that we were able to obtain was a decrease in your specific stop loss fee from a 17.0% increase to a 12.0% increase. What we are seeing in this industry are annual increases in the 15%-18% range so our ability to obtain a renewal under that equated to almost \$30,000 in annualized savings. The second significant item was a concession by BCBSGA whereby Cherokee County will begin receiving 65% of the prescription drug rebates earned, as opposed to the current 50% level. Based on the latest annualized rebates of approximately \$150,000, this concession will generate almost \$22,500 in additional annualized rebates for Cherokee County. Because this change will be effective October 1, 2012, the additional rebate savings credit should begin during Q2 of 2013.

Regarding the medical and dental administrative fees, our goal was to obtain a 2.0% increase to those fees. Knowing that you are paying one of the lowest per member per month fees in the BCBSGA Local Plan Book of Business, we knew that a "no change" in fees would be very difficult to achieve. BCBSGA required a 3.5% increase to your medical administration fee and a 3.0% increase to the dental. This represents an annualized increase of \$12,084 over your current fees but only a \$5,130 annualized increase over our 2.0% fee increase that was used in your budget. Since BCBSGA was firm in their initial offer on the ASO fees, we used the change in prescription drug rebate percentage to more than offset this \$5,130.

So, in summary there are three main areas of focus:

- (1) Gallagher negotiated a total annualized savings of \$78,246 over what BCBSGA presented.**
- (2) This negotiation resulted in a decrease of \$33,786 to what we had submitted in our 2012/2013 Budget Projection.**
- (3) The NET increase in fixed costs for the renewal period is \$55,476.**

BCBSGA will be putting together a formal renewal acceptance letter for your signature in the next few business days. In the interim, please let me know if you have questions, or need anything additional.

Regards,

Charles

Charles Carlson, Senior Account Executive

Gallagher Benefit Services, Inc. | ThinkingAhead
1040 Crown Pointe Parkway, Suite 700, Atlanta, GA 30338

Cherokee County Board of Commissioners
 October 1, 2012 Renewal Analysis
 7-Jul-12

	<u>Current</u>	<u>Annualized</u>	<u>Gallagher Projected</u>	<u>Annualized</u>	<u>BCBSGA Initial Offer</u>	<u>Annualized</u>	<u>Gallagher Negotiated</u>	<u>Annualized</u>
Medical Administration	\$27.29 PEPM	\$311,106	\$27.84 PEPM (+2.0%)	\$317,376	\$28.25 PEPM (+3.5%)	\$322,050	\$28.25 PEPM (+3.5%)	\$322,050
Dental Administration	\$3.21 PEPM	\$36,594	\$3.27 PEPM (+2.0%)	\$37,278	\$3.31 PEPM (+3.0%)	\$37,734	\$3.31 PEPM (+3.0%)	\$37,734
Specific Stop Loss	\$48.14 PEPM	\$548,910	\$55.37 PEPM (+15.0%)	\$631,218	\$56.32 PEPM (+17.0%)	\$642,048	\$53.93 PEPM (+12.0%)	\$614,802
ACCG Fee	\$2.50 PEPM	\$28,500	\$2.50 PEPM (No Change)	\$28,500	\$2.50 PEPM (NC)	\$28,500	\$2.50 PEPM (NC)	\$28,500
Total Fixed Costs		\$896,610		\$985,872		\$1,030,332		\$974,586
RX Rebate Share (\$150,000 annualized)	50%/50%		50%/50%		50%/50%		65%/35%	
Credit to CCBOC		(\$75,000)		(\$75,000)		(\$75,000)		(\$97,500)
Total Fixed Costs Less RX Rebates		\$821,610		\$910,872		\$955,332		\$877,086
Percent Increase				10.90%		16.28%		6.75%

Bottom Line

BCBSGA proposed increases that would have cost the county \$955,332 on an annualized basis. This would have been an increased expenditure of \$133,722 for plan year 2011/2012 versus 2012/2013. Gallagher negotiated a reduction from that proposal that brings the annualized cost to \$877,086, with an increased expenditure of \$55,476. The savings to Cherokee County as a result of this successful negotiation is \$78,246. Further, Gallagher projected a renewal equating to a \$910,872 annualized amount and this was used in our cost projections that were approved. Our negotiation results in a decrease of \$33,786 to those budget projections.

Caveat:

- (1) Annualized totals assume an enrollment of 950 employees per month
- (2) Prescription drug rebate calculation is based on an assumption of \$150,000 in total annualized rebates accrued



Christopher J. Loeffler
 Account Management Consultant
 Special Accounts
 3350 Peachtree Road, NE
 Atlanta, GA 30326
 Phone – (404) 842-8182

July 9, 2012

Mr. Charles Carlson
 Senior Account Executive
 Gallagher Benefit Services, Inc.
 1117 Perimeter Center West, Suite 201
 Atlanta, GA 30328

RE: Cherokee County BOC Renewal Confirmation

Dear Charles:

The purpose of this letter is to summarize and confirm, by signature, the renewal position of fixed costs and program services to be effective October 1, 2012 for Cherokee County BOC.

Administrative Service Fee

The following table will outline the administrative fees for the services provided through Blue Cross Blue Shield of Georgia, Inc. (BCBSGa):

Service	2012/2013 Fee	2013/2014 Fee	2014/2015 Fee
Administrative Service Fee*	\$28.25 PCPM	\$29.24 PCPM	\$30.26 PCPM
ACCG Fee	\$2.50 PCPM	\$2.50 PCPM	\$2.50 PCPM
Dental	\$3.31 PCPM	\$3.41 PCPM	\$3.51 PCPM

(* Fee includes Prescription Drug administration and a rebate sharing of 65%. Administrative Service Fees are composite amounts for the administration of all Cherokee County medical plans. Fee also includes the Future Moms maternity program.

The fees above are guaranteed through September 30, 2015 and contingent on a three year agreement. All fees are subject to the terms and conditions of the Administrative Services Agreement between Cherokee County BOC and Blue Cross Blue Shield of Georgia, Inc. Please also refer to the Financial Assumptions in the renewal proposal.

Stop Loss

The 2012/2013 Specific stop loss renewal rate and design are as follows:

Specific Stop Loss Deductible	\$125,000 per member
Policy Period	Paid (October 1, 2012 – September 30, 2013)
Composite Rate	\$53.93 PCPM

All rates are subject to the terms and conditions of the Stop Loss Agreement between Cherokee County BOC and Blue Cross Blue Shield of Georgia, Inc. Please also refer to the Financial Assumptions in the renewal proposal.

Blue Cross Blue Shield of Georgia, Inc. is an Independent Licensee of the Blue Cross Blue Shield Association. The Blue Cross Blue Shield names and symbols are registered marks of the Blue Cross Blue Shield Association.



Christopher J. Loeffler
Account Management Consultant
Special Accounts
3350 Peachtree Road, NE
Atlanta, GA 30326
Phone – (404) 842-8182

Voluntary Vision Plan

Effective October 1, 2012 through September 30, 2013, the monthly premium rates for the voluntary vision plan will remain unchanged. The rates are:

Employee	\$6.23
Employee + Spouse	\$12.40
Employee + Child(ren)	\$11.71
Family	\$17.94

2013 Plan Status with the Patient Protection and Affordable Care Act

In accordance with the criteria defined in the Patient Protection and Affordable Care Act (PPACA), the Cherokee County BOC Plans will be considered **Non Grandfathered** in status. Please note that as a Non-Grandfathered plan, there are additional PPACA compliance requirements, including Internal Claims and Appeals, and External Review Procedures (External Review charges apply) as well as preventive care coverage. PPACA precludes non-grandfathered group health plans from imposing any cost-sharing requirements (e.g., co-pay, co-insurance, or deductible) on certain in-network preventive health services that fall into the following categories:

- o Services that have in effect a rating of A or B as recommended by the U.S. Preventive Services Task Force
- o Immunizations for children, adolescents and adults as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention
- o Evidence-informed preventive care and screenings for infants, children, adolescents and women supported by the Health Resources and Services Administration
- o On August 1, 2011, HHS released [new guidelines](#) outlining required preventive care services for women. The new guidelines require non-grandfathered health plans to cover these services without cost sharing for policies beginning on or after August 1, 2012. For Cherokee County, these additional preventive services will be implemented effective **October 1, 2013**.

A list of the preventive services currently falling within one of these categories is available at <http://www.healthcare.gov/law/about/provisions/services/lists.html>

We encourage Cherokee County to work with appropriate legal counsel for full compliance under PPACA as a Non Grandfathered plan.



Christopher J. Loeffler
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 Atlanta, GA 30326
 Phone – (404) 842-8182

2013 Plan Design Changes

At this time, final plan design changes have not been finalized. Once a decision has been made regarding plan design changes, if any, please communicate all such changes in writing. All changes should be communicated 60 days prior to the effective date.

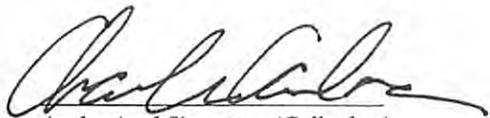
I trust this summary is helpful to you. If you should have any questions, please feel free to contact me directly at (404) 842-8182, otherwise, please sign this correspondence and return it to my attention.

Best regards,

Christopher J. Loeffler
 Account Management Consultant

Cc: Scott Parker, Gallagher Benefit Services, Inc.

_____/ /2012
 Authorized Signature (Cherokee County)

 7/19/2012
 Authorized Signature (Gallagher)

_____/ /2012
 Authorized Signature (BCBSGa)

HOMESTEAD OPTION SALES TAX (HOST)

CHEROKEE COUNTY

NOV 06, 2012

REFERENDUM



14 August 2012, rev 1

WHAT IS A 'HOST' ?

- 1% additional sales tax charged on same purchases & services as State sales tax.
(exception: grocery is exempt from State tax)
- Primary purpose: Property tax relief on homesteaded, primary residence property
- Secondary purpose: up to 20% of revenue can be used for Capital expenditures
- Termination only by referendum

WHY A 'HOST' ?

- Will reduce/remove property tax burden on residents by more broadly spreading the cost to all who use County services, including visitors.
- Cherokee is one of only 3 counties in Georgia that does not use sales tax for property tax relief.
- “Consumption tax” to replace/reduce property tax.
- All residential homesteaded properties – City and County. If not already, must apply by 31 March 2013

KEY FACTORS

- Exemption on County M & O line item for homesteaded, primary residence properties
- Maximum five acres contiguous with residence
- Law allows up to 20% for capital. BOC plans to waive this option indefinitely, and use 100% for property tax relief
- If balance available after H/S exemption, will apply to non-homesteaded and commercial properties
- No sunset – can only terminate by referendum

CHEROKEE By The NUMBERS

2012 TAX DIGEST

	Parcels	Assessed value	millage	General Fund Revenue
Homestead Res	48,600	\$ 3.0 b	5.825	\$ 17.6 million
Non –HS Res	14,400	\$ 0.650 b	5.825	\$ 3.7 million*
sub-total	63,000	\$ 3.650 b	5.825	(\$ 21.3 million)
Other	tbd	\$ 2,650 b	5.825	\$ 15.3 million*
TOTAL per millage adoption		\$ 6.300 b (gross)	= >	<u>\$ 36.6 million</u>

CHEROKEE By The NUMBERS -2

HOST penny generates => approx \$ 30.0 m / yr
= 100% Homestead exemption (\$ 17.6 m)
= leaves Balance for other property \$ 12.4 m
= Remaining Real Property Balance, 'Non HS and other ' is \$ **19.0***, per previous summary.

If so, could exempt approx 65 % of all remaining

This would likely decrease if more residential is added. Offset is incremental sales tax collections – example new outlet center opens in mid-2013.

CHEROKEE COUNTY / HOST - Other

- Not a 'guarantee' to eliminate County M & O, but a promise to apply 100% of sales tax revenue.
- County can collect up to one full year of revenue before applying exemption. This can build back much needed cash reserves. Options to apply sooner being reviewed
- Average value of H/S property: \$ 175 k uninc and \$ 150 k cities. At \$175k, **County M & O is approx \$ 350.00** (example follows)
- How much does one penny cost a County resident ? **About \$ 250.00 - \$300.00 per yr.** Consider that visitors who make purchases pay a percentage of the penny collected ... is it 10 % or 25 % ? Take your pick
- Huge benefit to Seniors who already have school – only parks and fire remain as property tax obligation.

EXAMPLE

2011 Property Tax Statement

Sonya Little
Cherokee County Tax Commissioner
2780 Markette Hwy

Canton, GA 30114

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

██████████
██████████
CANTON, GA 30114

Bill No.	Due Date	*Total Due*
2011 ████████	12/20/2011	(\$0.00)

Map: ██████████
Location: ████████ BRIDGEMILL AV

Payment Good through:
08/13/2012

Print Date :
08/13/2012

*If you have sold this property, forward bill to new owner and fax a copy of the settlement statement to 578-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. 1% interest will be added to this bill on December 21st and the 21st of every month thereafter if not paid. A 10% penalty will be added on March 21st. *pay online at www.cherokeega.com* * Please note: There is a 3% Merchant Fee Charged (This fee is not collected by Cherokee County.)



Tax Payer: ██████████
Map Code: ██████████ REAL
Description: ██████████
Location: ████████ BRIDGEMILL AV
Bill No: ██████████
District: CHEROKEE COUNTY AT LARGE 001

Phone: (678)-493-6400 Fax: (678)-493-6423

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date		Payment Good through	Exemptions
134,400.00	44,000	0.3600	178,400	12/20/2011			08/13/2012	S1
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
STATE TAX	178,400.00	71,360.00	2,000.00	69,360.00	0.280	17.34	0.00	\$17.34
COUNTY M&O	178,400.00	71,360.00	5,000.00	65,360.00	5.365	356.02	0.00	\$356.02
SCHOOL M&O	178,400.00	71,360.00	2,000.00	69,360.00	15.450	1,049.05	0.00	\$1,049.05
SCHOOL BOND	178,400.00	71,360.00	0.00	71,360.00	0.400	28.54	0.00	\$28.54
PARKS BOND	178,400.00	71,360.00	0.00	71,360.00	0.641	45.74	0.00	\$45.74
COUNTY WIDE FIRE DIST	178,400.00	71,360.00	0.00	71,360.00	3.129	223.29	0.00	\$223.29
T O T A L S					26.235	2019.98	\$0.00	\$2,019.98

Call the Tax Assessors office at 678-493-6120 for the following: if you are a new resident, person 62 or older and/or disabled to find out about qualifications for exemptions; if you need to change your mailing address; if you have questions on the fair market value of the property. Property Owners may file tax returns any time between January 1 and April 1. If you feel your property value is over assessed, 1% will be added on December 21st and the 21st thereafter if not paid, a 10% penalty will be added on March 21st.

Current Due	\$2,019.98
Penalty	0.00
Interest	0.00
Other Fees	0.00
Previous Payments	2019.98
Back Taxes	0.00
Total Due	(\$0.00)
Paid Date	11/30/2011

Cherokee County / HOST – NEXT STEPS

- = Validate 2012 tax digest data, pending appeals, etc.
- = Determine the real property 'exemptions' value from the \$36.6 million gross amount... might be up to 10 %, but more likely 6-7 %
- = 'Guestimate' how many non-homesteaded primary residences would qualify
- = Develop various collection/application scenarios vis a vis the legislation
- = Establish a 'citizens-based support committee'
- = Minimum of two 'education-based' forums, sponsored by Cherokee Bank and the Cherokee Tribune... dates being considered Tues 25 Sept morning and Thurs 04 Oct at 6 pm

Cherokee County, Georgia Agenda Request

Agenda No.
2.2

SUBJECT: Employee Benefits

MEETING DATE: 8/21/2012

SUBMITTED BY: Steven B. McClure

COMMISSION ACTION REQUESTED:

Approve the recommended Business Associate Agreement between the County and Gallagher Benefits Services, Inc.

FACTS AND ISSUES:

Under the Health Insurance Portability and Accountability Act (HIPAA) covered entities are required to enter into Business Associate Agreements in order to protect, use, and disclose protected health information.

BUDGET:

Budgeted Amount:	\$	Account Name:
Amount Encumbered:	\$	Account #:
Amount Spent to Date:	\$	
Amount Requested:	\$	
Remaining Budget	\$	

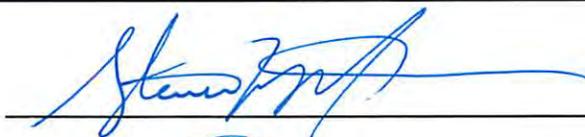
Budget Adjustment Necessary:

ADMINISTRATIVE RECOMMENDATION:

Authorize the County Manager to approve the recommended Business Associate Agreement.

REVIEWED BY:

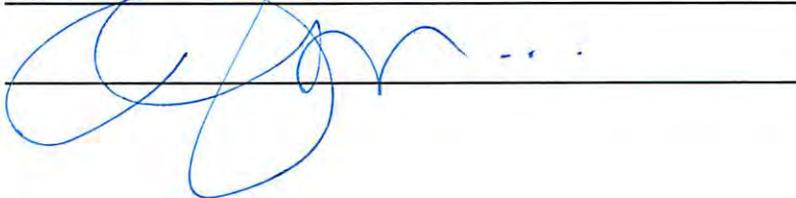
DEPARTMENT HEAD:



COUNTY ATTORNEY:



COUNTY MANAGER:



BUSINESS ASSOCIATE AGREEMENT

This Business Associate Agreement ("**Agreement**") is entered into on this 1st day of June, 2012 (the "**Effective Date**"), by and between Cherokee County Board of Commissioners on behalf of the Cherokee County Board of Commissioners Group Health Plan ("**Covered Entity**") and Gallagher Benefit Services, Inc. ("**Business Associate**").

RECITALS:

WHEREAS, Covered Entity and Business Associate mutually desire to outline their individual responsibilities with respect to the use and/or disclosure of Protected Health Information ("**PHI**") as mandated by the Privacy Rule promulgated under the Administrative Simplifications subtitle of the Health Insurance Portability and Accountability Act of 1996 ("**HIPAA**") including all pertinent regulations issued by the U.S. Department of Health and Human Services as outlined in 45 C.F.R. Parts 160, 162 and 164; ("**HIPAA Privacy Rules and/or Security Standards**") and

WHEREAS, Covered Entity and Business Associate understand and agree that the HIPAA Privacy Rules and Security Standards requires the Covered Entity and Business Associate enter into a Business Associate Agreement which shall govern the use and/or disclosure of PHI and the security of PHI and ePHI.

NOW, THEREFORE, the parties hereto agree as follows:

1. **Definitions.** When used in this Agreement and capitalized, the following terms have the following meanings:

(a) "**Breach**" shall mean the unauthorized acquisition, access, use, or disclosure of PHI which compromises the security or privacy of such information. However, the term 'breach' shall not include (1) any unintentional acquisition, access, or use of PHI by an employee or individual acting under the authority of a covered entity or business associate if such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and such information is not further acquired, accessed, used, or disclosed by any person; or (2) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and (3) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by any person.

(b) "**Electronic Protected Health Information**" or "**ePHI**" shall mean Protected Health Information transmitted by electronic media or maintained in electronic media.

(c) "**Individual**" shall have the same meaning as the term "Individual" in 45 C.F.R. §160.103 and shall include a person who qualifies as a personal representative in accordance with 45 C.F.R. §164.502(g).

(d) "**Privacy Rule**" shall mean the Standards for Privacy of Individual Identifiable Health Information as set forth at 45 C.F.R. Parts 160 and 164 Subparts A and E.

(e) "**Protected Health Information**" or "**PHI**" shall have the same meaning as the term "protected health information" in 45 C.F.R. § 160.103, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

(f) "**Required by Law**" shall have the same meaning as the term "required by law" in 45 C.F.R. § 164.103.

(g) "**Secretary**" shall mean the Secretary of the Department of Health and Human Services or his or her designee.

(h) "**Security Incident**" shall mean any attempted or successful unauthorized access, use, disclosure, modification or destruction of information or systems operations in an electronic information system.

(i) "**Security Rule**" shall mean the Standards for Security of PHI, including ePHI, as set forth at 45 C.F.R. Parts 160 and 164 Subparts A and C.

(j) "**Unsecured Protected Health Information**" shall mean protected health information that is not rendered unusable, unreadable, or indecipherable to unauthorized individuals through the use of a technology or methodology specified by the Secretary.

Terms used but not defined in this Agreement shall have the same meaning as those terms in the HIPAA regulations.

2. Obligations and Activities of Business Associate Regarding PHI.

(a) Business Associate agrees to not use or further disclose PHI other than as permitted or required by this Agreement or as Required by Law.

(b) Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the PHI other than as provided for by this Agreement.

(c) Business Associate agrees to ensure that any agents, including sub-contractors (excluding entities that are merely conduits), to whom it provides PHI agree to the same restrictions and conditions that apply to Business Associate with respect to such information.

(d) Business Associate agrees to provide access, at the request of Covered Entity, and in a reasonable time and manner designated by Covered Entity, to PHI in a Designated Record Set that is not also in Covered Entity's possession, to Covered Entity in order for Covered Entity to meet the requirements under 45 C.F.R. § 164.524.

(e) Business Associate agrees to make any amendment to PHI in a Designated Record Set that the Covered Entity directs or agrees to pursuant to 45 C.F.R. § 164.526 in a reasonable time and manner designated by Covered Entity.

(f) Business Associate agrees to make internal practices books and records relating to the use and disclosure of PHI available to the Secretary, in a reasonable time and manner as designated by the Covered Entity or Secretary, for purposes of the Secretary determining Covered Entity's compliance with the Privacy Rule. Business Associate shall immediately notify Covered Entity upon receipt or notice of any request by the Secretary to conduct an investigation with respect to PHI received from the Covered Entity.

(g) Business Associate agrees to document any disclosures of PHI that are not excepted under 45 C.F.R. § 164.528(a)(1) as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(h) Business Associate agrees to provide to Covered Entity or an Individual, in a time and manner designated by Covered Entity, information collected in accordance with paragraph (g) above, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

(i) Business Associate agrees to use or disclose PHI pursuant to the request of Covered Entity; provided, however, that Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by Covered Entity.

3. Permitted Uses and Disclosures of PHI by Business Associate.

(a) Business Associate may use or disclose PHI to perform functions, activities or services for, or on behalf of, Covered Entity provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity.

(b) Business Associate may use PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate.

(c) Business Associate may disclose PHI for the proper management and administration of Business Associate and to carry out the legal responsibilities of Business Associate if:

(i) such disclosure is Required by Law, or

(ii) Business Associate obtains reasonable assurances from the person to whom the information is disclosed that such information will remain confidential and used or further disclosed only as Required by Law or for the purposes for which it was disclosed to the person, and the person agrees to notify Business Associate of any instances of which it is aware that the confidentiality of the information has been breached.

(d) Business Associate shall limit the PHI to the extent practicable, to the limited data set or if needed by the Business Associate, to the minimum necessary to accomplish the intended purpose of such use, disclosure or request subject to exceptions set forth in the Privacy Rule.

(e) Business Associate may use PHI to provide Data Aggregation services to Covered Entity as permitted by 42 C.F.R. § 164.504(e)(2)(i)(B).

4. Obligations of Covered Entity Regarding PHI.

(a) Covered Entity shall provide Business Associate with the notice of privacy practices that Covered Entity produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice.

(b) Covered Entity shall provide Business Associate with any changes in, or revocation of, authorization by an Individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.

(c) Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI that Covered Entity has agreed to in accordance with 45 C.F.R. § 164.522, if such restrictions affect Business Associate's permitted or required uses and disclosures.

(d) Covered Entity shall require all of its employees, agents and representatives to be appropriately informed of its legal obligations pursuant to this Agreement and the Privacy Rule and Security Standards required by HIPAA and will reasonably cooperate with Business Associate in the performance of the mutual obligations under this Agreement.

5. Security of Protected Health Information.

(a) Business Associate has implemented policies and procedures to ensure that its receipt, maintenance, or transmission of all PHI, either electronic or otherwise, on behalf of Covered Entity complies with the applicable administrative, physical, and technical safeguards required protecting the confidentiality, availability and integrity of PHI as required by the HIPAA Privacy Rules and Security Standards.

(b) Business Associate agrees that it will ensure that agents or subcontractors agree to implement the applicable administrative, physical, and technical safeguards required to protect the confidentiality, availability and integrity of PHI as required by HIPAA Privacy Rules and Security Standards.

(c) Business Associate agrees to report to Covered Entity any Security Incident (as defined 45 C.F.R. Part 164.304) of which it becomes aware. Business Associate agrees to report the Security Incident to the Covered Entity as soon as reasonably practicable, but not later than 10 business days from the date the Business Associate becomes aware of the incident.

(d) Business Associate agrees to establish procedures to mitigate, to the extent possible, any harmful effect that is known to Business Associate of a use or disclosure of PHI by Business Associate in violation of this Agreement.

(e) Business Associate agrees to immediately notify Covered Entity upon discovery of any Breach of Unsecured Protected Health Information (as defined in 45 C.F.R. §§ 164.402 and 164.410) and provide to Covered Entity, to the extent available to Business Associate, all information required to permit Covered Entity to comply with the requirements of 45 C.F.R. Part 164 Subpart D.

(f) Covered Entity agrees and understands that the Covered Entity is independently responsible for the security of all PHI in its possession (electronic or otherwise), including all PHI that it receives from outside sources including the Business Associate.

6. Term and Termination.

(a) *Term.* This Agreement shall be effective as of the Effective Date and shall remain in effect until the Business Associate relationship with the Covered Entity is terminated and all PHI is returned, destroyed or is otherwise protected as set forth in Section 6(d).

(b) ***Termination for Cause by Covered Entity.*** Upon Covered Entity's knowledge of a material breach by Business Associate, Covered Entity shall provide an opportunity for Business Associate to cure the breach. If Business Associate does not cure the breach within 30 days from the date that Covered Entity provides notice of such breach to Business Associate, Covered Entity shall have the right to immediately terminate this Agreement and the underlying services agreement between Covered Entity and Business Associate.

(c) ***Termination by Business Associate.*** This Agreement may be terminated by Business Associate upon 30 days prior written notice to Covered Entity in the event that Business Associate, acting in good faith, believes that the requirements of any law, legislation, consent decree, judicial action, governmental regulation or agency opinion, enacted, issued, or otherwise effective after the date of this Agreement and applicable to PHI or to this Agreement, cannot be met by Business Associate in a commercially reasonable manner and without significant additional expense.

(d) ***Effect of Termination.*** Upon termination of this Agreement for any reason, at the request of Covered Entity, Business Associate shall return or destroy all PHI received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. Business Associate shall not retain any copies of the PHI unless necessary for proper document retention/archival purposes only or if such PHI is stored as a result of backup email systems that store emails for emergency backup purposes. If the return or destruction of PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further uses and disclosures of such PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI.

7. Amendment.

The parties may agree to amend this Agreement from time to time in any other respect that they deem appropriate. This Agreement shall not be amended except by written instrument executed by the parties.

8. Indemnification.

Business Associate shall indemnify and hold harmless Covered Entity from and against any and all costs, expenses, claims, demands, causes of action, damages, attorneys' fees and judgments that arise out of or that may be imposed upon, incurred by, or brought against Covered Entity to the extent directly resulting from a breach of this Agreement or any violation of the Privacy Rule or other applicable HIPAA regulations by Business Associate. The indemnification obligations provided for in this Section will commence on the effective date of this Agreement and will survive its termination.

Covered Entity shall indemnify and hold harmless Business Associate from and against any and all costs, expenses, claims, demands, causes of action, damages, attorneys' fees and judgments that arise out of or are imposed upon, incurred by, or brought against Business Associate to the extent directly resulting from a breach of this Agreement or any violation of the Privacy Rule or other applicable HIPAA regulations by Covered Entity. The indemnification obligations provided for in this Section will commence on the effective date of this Agreement and will survive its termination.

9. Severability.

The parties intend this Agreement to be enforced as written. However, (i) if any portion or provision of this Agreement is to any extent declared illegal or unenforceable by a duly authorized court having jurisdiction, then the remainder of this Agreement, or the application of such portion or provision in circumstances other than those as to which it is so declared illegal or unenforceable, will not be affected thereby, and each portion and provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (ii) if any provision, or part thereof, is held to be unenforceable because of the duration of such provision, the Covered Entity and the Business Associate agree that the court making such determination will have the power to modify such provision, and such modified provision will then be enforceable to the fullest extent permitted by law.

10. Notices.

All notices, requests, consents and other communications hereunder will be in writing, will be addressed to the receiving party's address set forth below or to such other address as a party may designate by notice hereunder, and will be either (i) delivered by hand, (ii) made facsimile transmission, (iii) sent by overnight courier, or (iv) sent by registered mail or certified mail, return receipt requested, postage prepaid.

If to the Covered Entity:

Cherokee County Board of
Commissioners
1130 Bluffs Parkway
Canton, GA 30114
Attention: Jerry Cooper

If to the Business Associate:

Gallagher Benefit Services, Inc.
1040 Crown Pointe Parkway
Suite 700
Atlanta, GA 30338
Tel: 678-393-5200 Fax: 678-393-
5257
Attention: Scott Parker

11. Regulatory References.

A reference in this Agreement to a section in the Privacy Rule means the referenced section or its successor, and for which compliance is required.

12. Headings and Captions.

The headings and captions of the various subdivisions of the Agreement are for convenience of reference only and will in no way modify or affect the meaning or construction of any of the terms or provisions hereof.

13. Entire Agreement.

This Agreement sets forth the entire understanding of the parties with respect to the subject matter set forth herein and supersedes all prior agreements, arrangements and communications, whether oral or written, pertaining to the subject matter hereof.

14. Binding Effect. The provisions of this Agreement shall be binding upon and shall inure to the benefit of both Parties and their respective successors and assigns.

15. No Waiver of Rights, Powers and Remedies.

No failure or delay by a party hereto in exercising any right, power or remedy under this Agreement, and no course of dealing between the parties hereto, will operate as a waiver of any such right, power or remedy of the party. No single or partial exercise of any right, power or remedy under this Agreement by a party hereto, nor any abandonment or discontinuance of steps to enforce any such right, power or remedy, will preclude such party from any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The election of any remedy by a party hereto will not constitute a waiver of the right of such party to pursue other available remedies. No notice to or demand on a party not expressly required under this Agreement will entitle the party receiving such notice or demand to any other or further notice or demand in similar or other circumstances or constitute a waiver of the right of the party giving such notice or demand to any other or further action in any circumstances without such notice or demand. The terms and provisions of this Agreement may be waived, or consent for the departure therefrom granted, only by written document executed by the party entitled to the benefits of such terms or provisions. No such waiver or consent will be deemed to be or will constitute a waiver or consent with respect to any other terms or provisions of this Agreement, whether or not similar. Each such waiver or consent will be effective only in the specific instance and for the purpose for which it was given, and will not constitute a continuing waiver or consent.

16. Governing Law.

This Agreement will be governed by and construed in accordance with the laws of the State of Georgia.

17. Interpretation.

It is the Parties' intent to comply strictly with all applicable laws, including without limitation, HIPAA, state statutes, or regulations (collectively, the "Regulatory Laws"), in connection with this Agreement. In the event there shall be a change in the Regulatory Laws, or in the reasoned interpretation of any of the Regulatory Laws or the adoption of new federal or state legislation, any of which are reasonably likely to materially and adversely affect the manner in which either Party may perform or be compensated under this Agreement or which shall make this Agreement unlawful, the Parties shall immediately enter into good faith negotiations regarding a new arrangement or basis for compensation pursuant to this Agreement that complies with the law, regulation or policy and that approximates as closely as possible the economic position of the Parties prior to the change. In addition, the Parties hereto have negotiated and prepared the terms of this Agreement in good faith with the intent that each and every one of the terms, covenants and conditions herein be binding upon and inure to the benefit of the respective Parties. To the extent this Agreement is in violation of applicable law, then the Parties agree to negotiate in good faith to amend this Agreement, to the extent possible consistent with its purposes, to conform to law.

IN WITNESS WHEREOF, the parties have executed this Business Associate Agreement as of the Effective Date.

BUSINESS ASSOCIATE:

GALLAGHER BENEFIT SERVICES, INC.

By: 
Name: Scott Parker
Title: Area Senior Vice President

COVERED ENTITY:

By: _____
Name: Jerry Cooper
Title: _____

**Cherokee County, Georgia
Agenda Request**

SUBJECT: Three Cities Project: Waleska County Park

MEETING DATE: August 21, 2012

SUBMITTED BY: Bill Echols, AIA, Director of Capital Projects

COMMISSION ACTION REQUESTED: Approval of a Change Order to the Professional Services Agreement (PSA) with AMEC for additional compensation in the total amount of \$33,536.27, for full design and engineering services recommended by the master plan for Waleska County Park.

FACTS AND ISSUES: On July 19, 2011, the BOC approved the award of the Professional Services Agreement (PSA) with AMEC for master planning and design/engineering services for park improvements for the cities of Nelson, Ball Ground and Waleska, and for the Waleska County Park. In accordance with the RFP and PSA, the fees were based on the total project budgets allocated by Cherokee County under the Park Bond Program. AMEC's design fee is 3.61% of the project budget.

Recently, assignment of SPLOST V and Impact Fees allowed an increase in the allocation of Park Bond funds for the Waleska County Park total budget by \$605,000.00; from the RFP budget of \$595,000.00 to a revised total project budget of \$1,200,000.00. As set forth the by the RFP and the PSA, a fee increase is due AMEC in the amount of \$21,816.61.

Unlike the other city park projects that are planned to be constructed at several sites (for example at the Ball Ground parks, improvements are planned for Calvin Farmer Park, City Park, Lion's Fields, etc.) the Waleska County Park is a single site, with many interconnected elements. Therefore, it is the request of CRPA and Capital Projects that AMEC be approved to proceed now with the full design of all elements of the Waleska County Park, at an estimated total budget of \$1,850,000.00; but bids for construction would only be requested up to the currently allocated budget for construction under the budget of \$1,200,000.00.

As set forth the by the RFP and the PSA, an additional fee increase is due AMEC. Because this additional design work will not be constructed at this time, due to the budget limitation, AMEC has agreed to a fifty percent (50%) reduction of their base design fee of 3.61%, in the amount of \$11,719.66, for the increase of \$650,000.00 above the \$1,200,000.00 funding limitation. Attached is a copy of AMEC's agreement to this proposed fee increase.

The total **proposed fee increase would be \$33,536.27:** the increase of \$21,816.61 to the established budget, and \$11,719.66 for the full design. All design work prepared by AMEC for the future, final construction of Waleska County Park would be the property of Cherokee County for our later use. This proposed additional design & engineering fee has been included in the revised total project budget and would be funded from the Waleska County Park project (PR120) under the Park Bond Program.

Attached is a color copy of the proposed Waleska County Park Mater Plan, prepared by AMEC.

BUDGET:

Budgeted Amount:	\$1,200,000.00	Account Name: Waleska County Park
Amount Encumbered:	\$	Account #: PR120
Amount Spent to Date:	\$ 10,860.00	
Amount Requested:	\$ 33,536.27	
Remaining Budget:	\$1,189,140.00	
Budget Adjustment Necessary:	NONE	

ADMINISTRATIVE RECOMMENDATION: It is requested that the Board approve a Change Order to the Professional Services Agreement (PSA) with AMEC for additional compensation in the **total amount of \$33,536.27**, for full design/engineering services recommended by the master plan for Waleska County Park.

REVIEWED BY:

DEPARTMENT HEAD: _____

COUNTY ATTORNEY: _____

COUNTY MANAGER: _____

Handwritten signatures in blue ink are present over the signature lines. The top signature is a cursive name, likely 'Chris Fellman'. The middle signature is a large, circular scribble. The bottom signature is a cursive name, likely 'John...'. The signatures are written in blue ink.



July 31, 2012

Mr. Bill Echols
Cherokee County
Director of Capital Projects
1130 Bluffs Parkway
Canton, GA 30114

RE: CHEROKEE COUNTY THREE CITIES PROJECT
Waleska County Park Project: Proposed AMEC Increased Design Fee

Dear Bill,

On behalf of AMEC, we appreciate your assistance with providing the attached design fee proposal for the Waleska County Park Project. We have reviewed the proposed scope and fee adjustments, and have attached a signed copy for your approval. Please let us know if you require any further information to assist with final approval of this proposed contract revision.

Regards,

A handwritten signature in blue ink, appearing to read "Liz Cole".

Liz Cole
Project Principle



Cherokee County
Office of the Board of Commissioners
Capital Projects
1130 Bluffs Parkway
Canton, GA 30114
(770) 721-7818
Fax (678) 493-6088

July 19, 2012

Ms Liz Cole
AMEC Environment & Infrastructure, Inc.
3200 Town Point Drive, NW, Suite 100
Kennesaw, GA 30144

RE: CHEROKEE COUNTY THREE CITIES PROJECT
Waleska County Park Project: Proposed AMEC Increased Design Fee

Dear Liz:

Based on discussions at our last 3Cities Project Meeting of July 10, 2012, regarding the full design of the Waleska County Park Project, preliminary calculations have been made for a proposed increase in the AMEC Environment & Infrastructure, Inc. (AMEC) project fee for the Waleska County Park Project, as proposed below:

PROJECT APPROACH:

Initially, the total project budget for the Waleska County Park Project was set at \$595,000.00, (\$600,000.00 per the RFP.)

In early June 2012, Cherokee County was able to increase the total project budget to \$1,200,000.00, based on revised, currently available funding.

On May 30, 2012, AMEC forwarded to Cherokee County project construction (only) estimates for the full build-out of the proposed, preliminary master plan, for the Waleska County Park Project, in the approximate total amount of \$1,700,000.00.

Allowing for other "non-construction" costs for design fees, contingencies, survey services, etc., the proposed new, total project budget for the Waleska County Park Project has been revised to \$1,850,000.00 by the Cherokee County Capital Projects Office.

Per instructions of the RFP, ". . . respondents shall use the budgets noted in each Project Information Sheet, and the total therein to determine their Lump Sum Fee Amount B."

Accordingly, the following calculations have been prepared with regards to a proposed increase in professional services for AMEC for the Waleska County Park Project, based upon the above noted description of the RFP:

WALESKA COUNTY PARK PROJECT:

- \$24,095.00: INITIAL TOTAL AMEC FEE: ALL SERVICES**
- \$ 2,639.00: Master Planning Services. (Fixed Amount.)
- \$21,456.00: Base Contract Sum for Design, Bid/Award and Construction Administration Services. (Subject to adjustment based on project budget.)

- 3.61% Design Fee percentage; based upon the calculation of the initial total project budget of \$595,000.00, as set by the RFP, divided by the Design, Bid/Award and Construction Administration Services (ONLY) fee of \$21,456.00, submitted by AMEC, and confirmed in the executed Professional Services Agreement.

- \$605,000.00: Increase/difference in total project budget from the initial total project budget of \$595,000.00 to the revised, currently available funding of \$1,200,000.00.

- \$ 21,816.61: Proposed Fee increase, based on the full fee of 3.61% times the \$605,000.00 above noted total project budget increase.

- \$650,000.00: Increase/difference in total project budget from the revised, currently available funding of \$1,200,000.00 to the new, estimated total project cost budget of \$1,850,000.00; based on the construction (ONLY) cost estimate of approximately \$1,700,000.00 provided by AMEC on May 30, 2012, to Cherokee County.

- \$ 11,719.66: Proposed Fee increase, based on a **fifty percent (50%) reduction in the full fee of 3.61%** times the above noted \$650,000.00 increase/difference in total project budget from the revised, currently available funding of \$1,200,000.00 to the new, estimated total project cost budget of \$1,850,000.00. This reduction is based upon the approach that increased AMEC design services will NOT include Bid/Award and Construction Administration services for this increase in project budget, due to lack of currently available funding to this estimated maximum build-out cost estimate.

COST SUMMARY: PROPOSED FEE INCREASE:

- \$21,456.00: Base Contract Sum for Design, Bid/Award and Construction Administration Services. (Subject to adjustment based on project budget.)**

PROPOSED FEE INCREASE:

- \$21,816.61: Proposed Fee increase, based on full fee of 3.61% times the \$605,000.00 total project budget increase.**
- \$11,719.66: Proposed Fee increase, based on a **fifty percent (50%) reduction in the full fee of 3.61%** times the \$650,000.00 total project budget increase.**
- \$33,536.27: \$33,536.27: PROPOSED FEE INCREASE**

\$33,536.27: \$33,536.27: PROPOSED FEE INCREASE

\$54,992.27: Revised Fee Total for Design, Bid/Award and Construction Administration Services.

\$ 2,639.00: Master Planning Services. (Fixed Amount.)

\$57,631.27: REVISED TOTAL AMEC FEE: ALL SERVICES

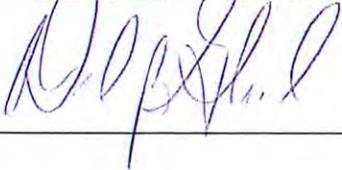
APPROVAL:

Based upon the above described project approach, Cherokee County Capital Projects Office is prepared to **recommend a fee adjustment for AMEC in the total sum of \$33,536.27** as outlined above. Upon approval by the County Manager and the Cherokee County Board of Commissioners, at a regular meeting, a Consultant Change Order will be issued confirming acceptance and approval by all parties.

If this approach is acceptable to AMEC, please sign below acknowledging your acceptance.

Accepted by AMEC Environment & Infrastructure, Inc.:

\$33,536.27: PROPOSED FEE INCREASE



Date

11/1/12

DAVID B. GOETZ
By (Printed Name)

VICE PRESIDENT
Its

If we can be of additional assistance, please call.

Sincerely

CHEROKEE COUNTY



C. William Echols, Jr., AIA
Director of Capital Projects

CC: Greg Dodgen, Procurement Director
Michael Brantley, CRPA
Three Cities Project File: Waleska County Park Project



prepared for:
Cherokee County Board of Commissioners
Cherokee Recreation & Parks Authority

Waleska County Park

preliminary master plan