

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

**CHEROKEE COUNTY**  
**BOARD OF COMMISSIONERS**

**Work Session**

**November 6, 2012**

**3:00 p.m.**

**Cherokee Hall**

**MINUTES**

The Chairman began at 3:10 p.m. with all members present. The Chairman thanked everyone for joining the session.

**1. Presentation of Summary of Proposed FY2013 Budget by Janelle Funk.**

Ms. Funk presented a County-wide summary of the proposed budget for FY2013. She stated the budget decreased from the original proposed budget, presented on October 16, 2012, of \$193M to \$189.5M, a decrease of 0.2%. The \$3.5M decrease was driven by reductions in SPLOST capital project plans for FY2013. Operation funds did not change from the original proposed budget, but Janelle reiterated that as compared to the 2012 Annualized Budget these funds had decreased by \$1.7M or 1.5%. Almost all operational areas show decreases in their funds. Parks and Recreation increases due to the Aquatic Center, but that will be covered by new revenues generated. The General Fund shows a slight increase mainly due to jail utilities being transferred back from the Jail Fund. Funds making up the Capital budget have increased by \$1.4M or 1.9%. Ms. Funk proceeded to highlight the General Funds budget. She stated that compared to 2012, 2013 will see a small increase by about \$116,000 or .2%. General operations decreased by \$548,000 mostly driven because of a transfer from the General Fund to the RRDA for debt services in anticipation of a new operator taking over the facility and take over 50% of debt service cost. Admin allocated cost covers workers' comp, property insurance, and utilities which are allocated out to the different departments based on headcount or usage. These costs have increased primarily related to the utility cost from the Jail Fund coming back into the General Fund. The Sheriff's Office allowed

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

the County to use the Jail Fund for two years in order to limit/avoid millage rate increases. Ideally, the Jail Fund is to be used for major maintenance requirements.

Ms. Funk addressed a question from the Public Hearing for the budget, "What have you done to decrease your expenses?" As compared to 2008 actual spending, the General Fund FY2013 proposed budget had cut \$4.4M in net expenses. One example of the drivers of the reductions was last year's incentivized early retirement plan to decrease headcount. Janelle Funk explained that while comparing actual 2008 expenses to the 2013 Budget the General Fund had a gross decrease of \$8M, but in fairness - adjustments had to be made to reflect true spending cuts. As an example, Several departments have been transferred out of the General Fund to other funds and since these transfers did not represent true spending cuts - they were excluded from the analysis, thus bringing the true net reduction to \$4.4M. Ms. Funk then showed a slide to remind the audience of the operations covered by the General Fund.

Ms. Funk reported that the budget was balanced for FY2013 and that it is a realistic budget with minimal risk. The General Fund is balanced without having to use reserve funds. However, the County had to use some one-time/temporary items to balance the budget as decided by the BOC during the millage rate setting process in July 2012.

The Chairman asked what the intentions were for the Regular Meeting regarding reviewing the Budget Summary again. Mr. Cooper replied that he will give a brief overview as well as requesting the adoption of the budget of \$189.5M.

## **Public Hearings Review**

- **Five acre minimum requirement for private parochial schools**

Mr. Jeff Watkins recommended language in Article 7.7-15c, Paragraph I, be amended to state, "Such development shall have a minimum of (5) five acres in AG and all residential districts. Lot size in OI, CP, NC, and GC shall meet the minimum area for the district as shown in Table 7.1."

- **Etowah River Tract**

Mr. Watkins began by stating that the problem with PUDs is there is often up to fourteen conditions the department has to control or regulate in the development of a project that spans 1,300 acres. Staff has to plow through and hold on to filed plats that are literally falling apart to review what has happened in each phase. This creates additional problems when staff needs to pull out the files to get setbacks on lots. Therefore, the

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

Zoning Department offers this suggestion: to compile a book we can put in place and be on file. It is intended that it be the guiding document for the development of the Etowah River Project. He then reviewed the history of the project including donations to CCWSA and the CCSD. Mr. Watkins then shared slides of the pages of the aforementioned book. He stated that the meat of the matter is regulating the plan. It lays out the type of zone, individual street types, etc. Commissioner Bosch interjected the PUD had none of that information. Mr. Watkins continued to show various aspects of the plan and stated that the book would be used by staff to regulate development as it comes through. He went on to state that they requested the Public Hearing because it is considered a zoning action and it follows the Zoning Act procedures and they did post notices in order to bring before the Board for review and possible adoption.

The Chairman asked if there were any questions. Commissioner Johnston expressed concern over the difference between the plan shown and the fourteen requirements. He also suggested there were many items that were not consistent with the original plan. For instance, he thought apartments were not called for in the current plan. Mr. Watkins replied that there was a question in the zoning conditions that was applied in the original, under F-19, which states "a minimum of 90 acres, maximum of 150 acres shall be designed and developed as residential use which may be multi-family high density patio homes, zero lot-lined residences." Commissioner Bosch questioned the definition of a PUD as having commercial in it. Commissioner Hubbard added that a PUD is approved by the plans submitted at the time and any change to the plan has to be brought back before the Board. Commissioner Bosch also added she would be surprised if the original did not have commercial in it. Commissioner Hubbard suggested it looked a lot like a TND. Commissioner Bosch stated the TND took the whole transept concept and that may be why it has the look of that. She went on to express curiosity of commercial in an estate-type setting and that she didn't think this plan would allow that.

Commissioner Johnston mentioned inconsistencies in the Tables and Mr. Watkins replied that his staff was already amending the Tables significantly. Commissioner Johnston suggested that the plan be reviewed with a fine-tooth comb to rid of inconsistencies of the original plan and then decide if we want to make those changes and if the changes show the Master Plan revisions to be sufficient or if a complete rezoning would be required. Mr. Watkins referred to a tape of a previous Board meeting. A brief interchange between Commissioners and Mr. Watkins took place to determine the nature of what was discussed in that meeting. They agreed it was a familiar topic of discussion. Commissioner Nelms asked about the setback on the property and recognized the historical value of the pond on the property.

Commissioner Hubbard asked would it not be more appropriate to re-zone this property versus modifying the PUD without coming back to another hearing. Modifying would require another hearing before the BOC. Mr. Watkins replied re-zoning would most likely not be considered.

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

Commissioner Bosch asked which year the tape came from. Commissioner Johnston stated it to be 2006, because that was when they agreed to reduce the lot size for the interior lots.

Chairman Ahrens went over items under the **Chairman's** portion:

- A. The Chairman mentioned an Open Records Request log to be posted on the County's Transparency Page. He stated this will be a work in progress and will show what records have been requested, who requested, whether paid or unpaid, picked up or not picked up, etc. He it should be up on website by next meeting pending contributions by all other departments.
- B. Consideration of candidates for the following Boards/Committees:
  - 1. Cherokee County Development Authority, one opening;
  - 2. Development Authority of Cherokee County, one opening;
  - 3. Resource Recovery Development Authority, minimum of three openings;
  - 4. Board of Ethics, one opening.
- C. Consideration of topics for the BOC Retreat at Barnsley Gardens on Thursday, January 17 and Friday, January 18, 2013. He said the two new Commissioners would be attending and some time would be spent getting them up to speed. The Chairman thought to invite Misti Martin with the Development Authority to spend a little time to discuss aspirations she has and what she sees we have of "raw materials" and how we can focus on those more aggressively.
- D. Consideration of topics for meeting with the State Delegation on Thursday, December 6, 2012 at the Bluffs Conference Room. The Chairman mentioned attending an executive committee meeting and posed a question to the committee regarding Certificate of Needs (CONs). He was told it is anti-competitive, ancient, and market-unfriendly. Commissioner Bosch added that no one was willing to touch it, that it had been tried before with terrible results. The Chairman stated this may end up on our legislative agenda. The Chairman stated another topic of discussion with the State Delegation is to fix the State Code so that no city municipality or county can guarantee a private industry that period.

The Chairman indicated that there have been a lot of complaints regarding the identification process for drivers' licenses and that people seem to think it is

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

overkill. Commissioner Hubbard asked if the complaints were for the process or wait time. The answer was both.

The Chairman brought up a conversation with ACCG about the posts and his own role as being non-partisan. Commissioner Bosch commented that this has been on their platform a couple of times. The Chairman asked a question and included Ms. Davis to offer input: Is Cherokee at a point in its evolution, development and complexity that this role should be considered full-time. Commissioner Johnston interjected that it is clearly a full-time job. Commissioner Hubbard concurred. He stated that it is more than consuming mentally and physically. Commissioner Johnston commented that he could not work the position of Chairman of the Board as well as another job at the same time; considering the Chairman is a representative of the County while serving on other Boards and Committees.

The Chairman offered thanks to the elections superintendent Janet Munda and poll workers for getting people through the lines quickly. He added that they had worked hard and trained here at the Bluffs in preparation. Commissioner Bosch shared her experience as a poll manager during a Presidential election and how challenging it is.

#### **Commission Post 4, Jason Nelms**

A. Discussion of a vacancy on the Cemetery Preservation Committee for the unexpired term of resigning member, Dave Audia.

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

- Consider approval to accept the donation of five (5) 12 lead cardiac monitors from Northside Hospital Cherokee for Fire and Emergency Services. We will have an official presentation at some point. Commissioner Bosch asked the cost of the monitors and Mr. Cooper replied that they were valued at \$75,000. Commissioner Hubbard mentioned he thought we already had monitors on all the med units. Chief West spoke from the audience that they would also be added to additional first responder units. Commissioner Hubbard recalled an instance where an individual had suffered a heart attack and this monitor was used on him and the EKG was transmitted while en route to a hospital and in 84 minutes was in the operating room and had a stint placed to open up the artery. Commissioner Bosch added it was without any vital information lost during the transport and was able to go straight in. Commissioner Hubbard stated the gentleman walked out of the hospital three days later.

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

- Consider approval to surplus and dispose of office furniture in poor condition and outdated electronic equipment from Cherokee Recreation and Parks Agency. Electronic equipment to be recycled at the next electronics recycling day.
- Consider final acceptance of all public right-of-ways, roadways, and appurtenant drainage structures in the Woodmont Subdivision Unit 14A.
- Consider approval to surplus and dispose of outdated electronic equipment from Juvenile Court.
- Consider approval of Partnership Agreement between Cherokee County and the Cherokee County Board of Education regarding Cherokee County Animal Shelter programs and volunteer opportunities.
- Consider acceptance of grant award of \$134,591 for the Blue Ridge Judicial Circuit Drug Accountability Court for the award period of 10/01/2012 to 06/30/2013. No match required and positions created with grant funds will be eliminated if funding becomes unavailable.

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

- Consider adoption of the proposed FY2013 Budget.
- Consider approval of Amendment One to the Professional Services Agreement with SiteMed, Inc., to perform fire fighter physicals. SiteMed has agreed to maintain cost of physicals at \$245 for the first (21) twenty-one physicals and \$245 for remaining physicals.
- Consider agreement for the exchange of real property between the County and Karen C. Cash, to include a 16.179 acre parcel conveyed to the county in exchange for a 14 acre parcel to be conveyed to Ms. Cash. Commissioner Bosch asked if this property is one discussed before.
- Consider approval of the 2013 Annual Action Plan (grant application) in the amount of \$813,777 for submittal to the U.S. Department of Urban Development (HUD) as a prerequisite to receiving Community Development Block Grant (CDBG) funds.

Mr. Cooper indicated the individual recipients and projects. Commissioner Johnston confirmed that we are assured to get this funding. Mr. Cooper replied, yes. Commissioner Bosch interjected to confirm that this amount is what we're asking, but no official approval, yet. Mr. Cooper replied, yes. Mr. Cooper explained that we are one of the few communities that exceed a population of 200,000 that the Department of Urban Development provides direct grant funding

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

to the community rather than the state-wide competitive grant funding. Commissioner Johnston commented that should there be a short-fall, we would have to scale these down to match. The grant would have to be used specifically for these or similar purposes. Mr. Cooper assented and further explained they have to meet low to moderate income criteria and that they must apply. He added that the application is reviewed and if it qualifies, then a Public Hearing is held and then presented to the BOC for the final recommendation.

- Consider approval of GEMA Performance Partnership Agreement (PPA) Grant in the amount of \$64,304 for the agreement period of July 1, 2012 to June 30, 2013. The 50% match required is being met with existing approved EMA budget, no additional funds are being requested.
- Consideration of Towne Lake ROA proposal to erect a new subdivision sign at the intersection of Towne Lake Parkway and Bells Ferry Road. Consideration of sign and landscape easements along the frontage of Hobgood Park. The County Engineer and CRPA Advisory Board worked with Towne Lake ROA to draft the sign and landscape agreements with legal descriptions.

Mr. Cooper stated that this item would be postponed until more details were worked out.

- Consider adoption of the 2012 Cherokee County Capital Improvement Element (CIE) and Short Term Work Program (STWP) Annual Update as approved by the Georgia Department of Community Affairs and the Atlanta Regional Commission.
- Consider approval of a change order to the Construction Services Agreement with New South Construction Company, Inc. in an amount not to exceed \$30,000 for construction of a retaining wall and an increase in lawn area for the Aquatic Center. Also requesting approval of additional compensation for Cooper Carry and Ross Construction Engineers in the total amount of \$1,500 to review the proposed changes.

Commissioner Johnston asked if this will actually increase the space inside the fenced area around the outdoor pool. Mr. Cooper confirmed.

- Consider approval of Indigent Burial Assistance Program Policy.

Mr. Cooper explained that state law requires that counties pay for indigent burials. We've been doing this for many years. We are making sure individuals qualify as indigent. Commissioner Bosch commented on a discussion she had on the topic and that many times individuals actually had the money but heard of indigent burials and thought they would be able to get the funds. Mr. Cooper stated we have a more comprehensive application, so it will be a little tougher yet in

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

accordance with State law, because if any family member has the money, they are responsible according to the law. Commissioner Bosch interjected that it takes a spot in Pine Knots from someone who may really need it and those are going to be limited. Commissioner Johnston added that the assistance isn't limited to Pine Knot Cemetery, but may help out someone who already has a plot in another cemetery. Commissioner Bosch commented that a true indigent would need that spot because a plot is a hefty cost.

- Consider approval to award Motorola, Inc. a Professional Services Agreement in the amount of \$395,130 for the installment of a new IP Based Geo-Diverse Telephone System for the Primary E-911 System.

Mr. Cooper gave a background on problems with the phones at the 9-1-1 Center, stating that it is essential to replace the phones. Commissioner Bosch commented that because the Marshal's Office jumped on the problem, that no one really saw the problem yet, it was more internal.

- Consider an amendment for separation of employment for an individual who would like to come back and work part time.

Mr. Cooper explained that the County would pay employee's portion of insurance and the County's portion, and the employee would pay the family member's portion. He added that this agreement, bringing the employee back part time, would be an overall savings of about \$165,000 over a four-year period.

Ms. Davis went over the **County Attorney's** portion:

- Consider adoption of the tax levy resolution by the Cherokee County School District. Ms. Davis referred to Mr. Roger Murray to present the tax levy resolution requested by the School Board. Mr. Murray recalled the voters in the School District voting for a referendum in 2011. The School Board has decided to move forward with issuing the bonds. Prior to issuing, State law requires that the County on behalf of the School District levy an ad valorem property tax sufficient to repay those bonds as they become due. He stated Ms. Davis reviewed and he drafted the tax levy resolution. Commissioner Johnston commented that he understood there is a quirk in State law that says while they have the right to approve it, it also does not give the right to disapprove it. Mr. Murray mentioned that the law disallows the tax to be included in the millage rate, that it must always be allocated and associated with the School District. Commissioner Johnston clarified that should SPLOST revenues be insufficient and the School Board was to approve a back-up millage rate to support that, they would be required to do so. Mr. Murray went over the difference between levying a tax and collecting a tax. He also confirmed Commissioner Johnston's statement. He then

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

asked for any questions. The Chairman mentioned this item would be moved up the agenda for the Regular Meeting.

---

The Chairman asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 5:04 p.m. Commissioner Nelms seconded and the motion carried unanimously.