

# CHEROKEE COUNTY BOARD OF COMMISSIONERS

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## Work Session December 21, 2010 3:00 p.m. Cherokee Hall MINUTES

Chairman Ahrens called at 3:10 p.m. with all members present. He said that Mrs. Davis was on her way and he would go ahead and begin the reading from John Maxwell's "Right to Lead"; focusing on integrity during this brief selection of sound bites. Afterwards the Chairman said there was a lot to get through today and asked Janelle to go ahead with the Financial Report.

After Janelle sat back down, Chairman Ahrens asked to make a couple of comments while everyone was here and unrelated to the agenda. He said he along with Commissioner Hubbard had attended the graduation of Fire recruits on Friday night at Creekview High auditorium; Chairman Ahrens complemented Chief Robinson, Chief Prather and Chief Gunnin on the spirit and commitment of the graduates and the ceremony.

Next, Chairman Ahrens commented on the Regional Transportation SPLOST or HB 277 which would be up for a vote next year, this past Friday was the first official meeting of the Roundtable, which consist of 10 mayors and 10 county commissioners in the region plus the Mayor of Atlanta. The Roundtable was charged with 2 tasks, one approve the criteria against which proposed projects will be based; and two, choose 5 members of an Executive Committee which has 3 non-voting legislative participants, 2 from the House and one from the Senate. State Representative Sean Jerguson is one of these.

There were 5 elected for the Executive Committee who were Mayor of Norcross, Bucky Johnson; Mayor of Decatur, Bill Floyd; Mayor of Kennesaw, Mark Matthews; Chairwoman of Henry County Commission, B.J. Morris; and Chair of the Douglas County Commission, who is also Chair of the ARC's Transportation Committee. This Executive Committee is charged to come up with a recommended list of projects that is fair and equitable. The 21 member Roundtable still have to vote and approve the list, so there is the possibility of deadlocks and compromises being made. It is noteworthy that neither the City of Atlanta Mayor, CEO of Dekalb County, or Chair of the Clayton County Commission are not happy with the choice of members on the Executive Committee.

1. Discussion regarding ACCG Legislative Coordinator – deleted

2. Discussion and review of results of County Attorney's research of County ordinances, signage, and current State laws dealing with weapons and firearms in response to Thomas Weaver request

Chairman Ahrens then asked Mrs. Davis to go over the findings of the research done and what her recommendations were. Mrs. Davis said a couple of issues had been raised, one being the posting of signs in connection with firearms. The other was that through the Alcoholic Beverage Ordinance, specifically Section 6-106, the County prohibits the possession of firearms in bars or anywhere that alcohol is sold, and research says that in the new State law, this is prohibited. She has prepared a repeal of that section of the Alcoholic Beverage Ordinance and it is her recommendation that a public hearing be advertised and held and this portion be repealed.

Mrs. Davis said on the other issue of signage at the front of the Administration Building that states, "WEAPONS and FIREARMS ARE PROHIBITED ON THIS PROPERTY" and during the research of this question, while some of the language provided by Mr. Weaver is accurate regarding what could be stated; there is nothing to suggest that this particular wording is inconsistent with State law or problematic in any way. So the recommendation here is to make no change.

3. Status of appointments - boards, committees, commissions, etc.

Chairman Ahrens began the discussion about the appointments with the board appointment of Jeff Duncan, whose term on the Board of Ethics expires January 1. Commissioner Johnston asked if the Chairman knew if Mr. Duncan was willing to continue serving, the Chairman responded he did not. Commissioner Johnston stated he believed that Mr. Duncan had done a good job on this Board; Chairman Ahrens said they could re-appoint him and then verify his interest, and if he was not interested in re-appointment, then find someone else.

Next the Chairman said that he had a letter from the Board of Health that Russ Flynn wished to be re-appointed and this is a board appointment. Then he talked about the 4 appointments to the Development Authority, 3 of which have been recommended for re-appointment and a firm recommendation to replace Larry Lusk, who does not want to be re-appointed. Chairman Ahrens said he would like to keep this open for another meeting.

On the appointments to the Joint Development Authority expiring January 1, the Chairman said he was not familiar enough with this board makeup and would like to put that one off to gather more information. The other individual appointments, he was ready to make tonight with the exception of the Parks and Rec board appointment. Commissioner Johnston was the appointee and he had expressed a desire not to have any Commissioners on that board. Commissioner Hubbard said it had been discussed to talk about the appointment at the January retreat. The Chairman said he would ask to amend the agenda in order to add those appointments he had ready.

He asked Commissioner Nelms if he was ready with his appointments; Commissioner Nelms answered yes with the exception of the Wrecker Service Advisory Board and he would like to wait on that one until the January 4 meeting.

Next the Chairman asked Commissioner Johnston if he was ready with his appointments. Commissioner Johnston answered that most of his would be re-appointments, but he needed to confirm they were still interested in serving. He would prefer to wait and be prepared for the first meeting in January. Chairman Ahrens then asked Commissioner Hubbard about his appointments; Commissioner Hubbard said that he would also prefer to wait until January 4<sup>th</sup>.

Chairman Ahrens asked for the Animal Control Advisory Board if there had been any thoughts to raising the number of members to that board in order to get better attendance. Response was that hopefully the new appointments would be better able to make the called meetings.

**1. Janelle Funk will present November 2010 Financials**

Janelle said that she did not have an official presentation, that she had sent the package out to all; she gave a short briefing of the cash flow position, saying that because of the \$27 million dollars received from tax collections in one day last week, it had served to help avoid the cash low point that seemed inevitable. When she said that she did not have anything else prepared to cover, Commissioner Bosch said that she would like to highlight EMS because this was the best this agency's figures had looked in a long time.

Janelle said EMS had been undergoing a Medicare audit the last few months and this had delayed payments coming in; however once the audit was complete and the backlog of payments had been processed, EMS was cash positive for the first time in a long time. She said the agency had a lot to do with these results, they had been holding the line on expenses. Commissioner Bosch said in the past, it had been discussed to take off any negative balance and asked if this was still on the EMS report and how did they start out this year?

Janelle said that because of current accounting practices, there was still some of this "bad debt" on the books and pointed to Page 34 in the report that showed outstanding amounts from 2005, 2006 etc. Janelle then said that once the audit was completed by the auditors, a good look would be taken at those figures and try to determine how much of those amounts shown are likely to be collected and decide what should be done.

Following a lengthy discussion between board members and Janelle about the methods, payments expected from Medicare and uncollectible funds, Commissioner Bosch stated that at one time, it was thought to be impossible for EMS to ever have a positive cash flow, but with the current leadership in place, a concerted effort had been made and the positive results were worth noting.

**5. Discussion of Regular Agenda items**

The Chairman mentioned the Announcements; then on the zoning case, Commissioner Hubbard said he was just going to follow the Planning Commission recommendations on that.

Under Unfinished Business, Vicki Taylor Lee came up saying that she had asked to have a preamble added to the information she had already given. Vicki said that she had consulted with Chief Marshal Ray Waters and they had developed some locally driven criteria. That being the designer/architect would be required to certify that it meets or exceeds the diagrams set forth in the Range Design Criteria. They had also come up with three conditions, the first being that the owner/operator must pass a criminal background check, then the certification and also to specify hours of operation. The hours of operation she would leave up to the board's discretion.

When discussion began for the hours of operation, Commissioner Nelms said that the DNR had 4 outdoor ranges in North Georgia and they had a strict policy on hours of operation. This might be a good example to take a look at. He stated staff could contact the North West DNR office in Calhoun and they would be able to tell them where to find the guidelines.

On the next item, Margaret Stallings came up and when the Chairman said that he had not done his homework on this item, Margaret said that she had asked that it be put on the agenda as a reminder that it was still in the works. When Commissioner Johnston asked a question regarding manufacturing, she referred him to the memo that she had sent to them and said that there were 4 areas he had shown concern about. She had talked about those and made some suggestions in the memo.

Commissioner Bosch asked are we going to take a leap of faith and pass this without knowing what the next chapter is; Margaret answered that after the first 4 pages of the memo, she had tried to give them a preview of the next chapter or the Community Design chapter that they are working on right now. Margaret said that what she thought Commissioner Bosch was interested in is the Site Design section. After some discussion regarding a question from Commissioner Nelms and AG zoning, as well as the benefit or risks of going from LI to HI and vice versa.

Commissioner Johnston said he had had a farmer tell him that there is a common law known as "right to process" and asked if the staff was familiar with that term. In other words, if you produce grain, you have the right to process the grain or mill it on your property. The staff was not familiar with the terminology but said there is a right to produce what you can grow. Farther along in the discussion, Commissioner Bosch asked about having a computer manufacturer in not only the LI district but in the new CP (Corporate Park) district. Jeff Watkins came up then and said that the new CP district is a work in progress and will be re-worked in the future to accommodate different uses that fit the category as the need arises.

Commissioner Johnston brought up a question regarding wholesalers in industrial or commercial zoning but then couldn't come up with an example.

Finally the Chairman asked to move on to the next item. Jeff Watkins came up for this one, and Commissioner Bosch, whose district this property is in, said that it is basically the height that is an issue and she would ask that the boats, all parts of the boats, not be any higher than an RV or motor home. She also said she does not want any repair of the boats stored on the property, she believes the screening is covered in the requirements already stated.

After considerable discussion regarding the type of screening and growth timeline using a vegetative buffer only or in combination with fencing, Commissioner Bosch said surely a compromise could be worked out before the meeting.

On the Chairman's portion, he said that he was ready to go ahead with an appointment to the Airport Authority to fill the unexpired term. After a brief discussion, it was determined the other board members were in concurrence with the choice of Mike Nixon.

The Chairman went to the revised Parks and Rec Advisory Board topic and handed out the most recent revisions to the board members for discussion. Again a brief discussion determined that the other members were ready to proceed on this tonight.

Next he asked Commissioner Johnston about his topics; Commissioner Johnston said he believed that some of the board members had seen some information on the first topic that he had not seen yet. However, he would prepare a motion before the meeting stating that while the board agrees to approve the concept of a Family Festival development at the East Park, while further negotiations are being conducted.

When the Chairman asked about Commissioner Johnston's appointment to the Cemetery Preservation Board, Commissioner Johnston said that he knew who he wanted to appoint and would be ready. Commissioner Hubbard said he was also ready with his appointment to that board.

After confirming that Commissioner Nelms was ready to go forward with his appointments as discussed earlier, the Chairman initiated a short discussion of Commissioner Nelms attendance at the Newly Elected Commissioners conference. Commissioner Nelms said he was excited to be a part of the conference and it had meant a lot to him to hear, while he was there, that Cherokee County has a great reputation around the State.

Chairman Ahrens asked Mr. Cooper to go ahead with the Consent Agenda next. Mr. Cooper briefly explained the items on the Consent Agenda answering any questions that came up. Then Mr. Cooper went on to his portion and went through them quickly, stopping for further explanation when questioned.

Mrs. Davis then very briefly went over the item on her portion. The Chairman reminded Mrs. Davis that there would be an amendment to her portion to add the call for public hearing for the repeal of Section 6-106 for the second meeting in January.

After this, with nothing further, Commissioner Hubbard made the motion to adjourn to Executive Session at 5:04 p.m. to discuss personnel issues, pending litigation and property acquisition. Commissioner Johnston seconded and the motion was unanimously approved.

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These minutes were approved at the regular meeting on January 4, 2011.