

# CHEROKEE COUNTY BOARD OF COMMISSIONERS

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## Pre-meeting Work Session

**MARCH 15, 2011  
3:00 p.m.  
Cherokee Hall**

### **MINUTES**

Chairman Ahrens began the Work Session at 3:03 p.m. by asking Steve Swindell to come down and begin his presentation. Only 4 members of the board were present as Commissioner Harry Johnston is on vacation.

**1. "Meet Your Assessors' Office" – Steve Swindell**

Chairman Ahrens thanked Steve for keeping them informed about both the current legislative session and the assessors' office activities. Then Steve began his PowerPoint saying that the Tax Assessors are established under Georgia law and gave the code section where this could be found. He said that the assessors are charged with appraising all taxable and exempt property within the county uniformly for tax purposes. Steve then showed a photo of the Board of Assessors who are property owners appointed by the Board of Commissioners and their terms are 6 years; the board members must be certified and maintain that certification through the Department of Revenue's education program.

After this he showed a photo of the Chief Appraiser, John Adams, explaining that John is charged with hiring and training the 30 member staff in the Assessors' office as well as monitoring all day-to-day operations. Steve continued saying that John has to keep track of the tax code along with the rules and regulations that are passed down from the Department of Revenue.

Steve explained the property tax process and then gave the assessment basics. After this, he showed photos and introduced the office staff as well as the other appraisers in the assessors' offices. Currently there are 25 appraisers on staff, at various levels of certification, who are charged with the many degrees of the property tax valuations.

Steve gave Cherokee parcel statistics that show residential parcels are at 78%, with rural coming in at 17%, commercial/industrial at 4% and finally exempt at 1%. He then went to the next slide which gives an overview of what is new for this year saying that he was sure everyone was familiar with Senate Bill 346 that includes a new statewide Notice of Assessment form; saying that every county has in the past used different forms, the law now calls for a uniform assessment form.

Another change in SB346 is that it allows for a 1 year, only, assessed value cap for the transaction amount from the previous year. SB346 gives new paths of appeal in those not settled by the Board of Assessors including binding arbitration, a hearing officer for non-homestead properties of over \$1 million dollars in value; and there is still the Board of Equalization as a cost effective means of settling an appeal.

At the conclusion of the PowerPoint presentation, Steve asked if there were any questions, Chairman Ahrens said he would like to clarify a number he had heard earlier; he said he thought Steve had said there were 12,000 returns filed. Steve said this was not correct, he could have said there were 12,000 mobile homes, but in actuality, there had only been approximately 300 returns filed up to today. The Chairman commented that a lot of people were not aware they could file their own return.

Then Steve asked if he could make some comments on the current legislative issues and was given the go-ahead. He began by saying that in a recent speech to the Georgia Appraisers Coalition, Senator Chip Rogers was quoted saying "We tried to eliminate the property tax in Georgia, but there doesn't seem to be the political will to accomplish it. So we have decided on a "death by a thousand cuts" strategy." Steve then went on to give examples of various pieces of legislation from 2009 through the current SB346 that had been enacted to accomplish just that strategy. When Steve finished speaking, the Chairman commented that it was his impression that not only did this strategy cause confusion in the front office (property owners) but also blind-sided the back office (staff) when there was no way to implement some of the requirements.

Commissioner Bosch asked how much information the legislature had gotten from the counties on the effect of these changes when these changes happen and the local officials are left scrambling to figure out how to make up the difference. She said that she knew ACCG is very involved and has certainly tried to convey their opinion asking for some relief from the burden that legislation such as this puts on the local officials to come up with other revenue sources.

Steve urged the board members to communicate with the local delegation their concerns of the elimination of the property tax without taking into account the lack of planning in replacing the revenue source. Chairman Ahrens again thanked Steve for the presentation and his lobbying efforts in the legislature.

2. Consider request for modifications to Pawn Shop Ordinance from the Sheriff's Office and to set a future public hearing

The Chairman asked the representative from the Sheriff's Office to come up next to explain their request.

Lt. Thomas Pinyan introduced himself and said that he works in the Criminal Investigation Division of the Sheriff's Office; and they were here to request some changes be made to the Pawn Shop Ordinance as well as possibly create a new Ordinance for the gold dealers in the County. He then asked to give the board members copies of documents he had brought and after doing this; he began by asking them to look at the first document.

He said that what was before them is a copy of the pawn ticket that is currently used in the pawn shops in the County; he stated that this particular one had been done on a printer and was fairly readable, whereas the ones that were still being hand written were difficult if not impossible to read. And this is the same type of ticket that had been in use since the Pawn Shop Ordinance was created. Of note however on this one was the date which is August 4, 2010 and had just been placed in his box this afternoon. Lt. Pinyan said this is an archaic way of conducting business and these tickets are literally months and months behind in getting to them.

This places an undue burden on their unit when they are investigating a crime in trying to track down victim's property that may have gone through a pawn shop. The best they can hope for is that there is a record of some sort. The Sheriff's Office for purposes of the reporting aspect of the Pawn Shop ordinance would like to go to an internet based reporting system.

Lt. Pinyan said the next document is the current Pawn Shop ordinance and he had just gone through and highlighted sections that he would recommend be changed; the red portions are what he would recommend be deleted. The company that they would recommend for the electronic reporting is called Business Watch International or BWI.

He then went through a short PowerPoint showing the advantages of working with BWI. He said BWI had been in business since 1998 and is a private company with an internet based automated reporting system for Pawn shops and Second-hand dealers. There are over 280 Law Enforcement Agencies currently utilizing BWI in the U.S. and several local jurisdictions as well.

BWI delivers real-time point-of-sale information from Pawn Shops to Law Enforcement; this in turn creates not only a County-wide database for Pawns, but allows investigators access to any County or Municipality utilizing the system. This system requires a photograph and a fingerprint of the person pawning the item to the pawn shop as well as a photo of the item that was pawned. (Currently Cherokee County only requires fingerprints.)

Lt. Pinyan said among the advantages to the BWI system, is that outstanding criminal warrants can be entered into the system and alerts can also be sent to members of the Warrant Division to notify them when wanted persons conduct business at a pawn shop. And there is an increase in efficiency in GCIC/NCIC checks for stolen property and wanted persons. (Currently we are at least 120 days behind.)

There is one pawn shop in the County that has been participating in a pilot program with BWI since September, 2010; that is Canton Pawn and the owner has given me very positive feedback about the system.

This system can be expanded in the future to regulate other businesses in the County, such as second-hand jewelry dealers, metal recyclers, or check cashing locations. Another advantage is that currently the Sheriff's Office spends approximately \$1,000 per year purchasing pawn tickets; the pawn shops spend an equal amount. Utilizing this system would negate this cost for both the Sheriff's Office and the Pawn Shops.

And it would alleviate the necessity to store paper copies of pawn tickets as well as reduce the number of hours that a clerical staff spends manually entering pawn tickets into GCIC/NCIC.

Lt. Pinyan stated that to utilize this system the Pawn Shop Ordinance must be changed to make it a requirement for Pawn Shops. There is a small cost associated with the system (0.40 per transaction which can be passed on to the customer.) And Pawn Shops will have to purchase a fingerprint machine at roughly a cost of \$185.00 that will interface with the system. The pawn shops will also be required to purchase a digital camera or web cam, if they do not already have one associated with their computers; Lt Pinyan said he had only found one shop in the County that did not already use a computer in the business.

Both Commissioners Hubbard and Nelms said they really liked the "Alerts" portion of the system. Commissioner Bosch asked if there was a time frame for an effective date for switchover to the system. Lt. Pinyan said obviously they would like to start it as soon as possible. Chairman Ahrens asked how many pawn shops are in the County; Lt. Pinyan answered maybe 10 or 12.

The Chairman also asked about the draft they were given, which seems to address "precious metals and gems", does this create an exclusive situation in any way, or does this still cover it all? Lt. Pinyan stated there are actually 2 separate ordinances. Commissioner Hubbard asked if this covers manhole covers and air-conditioning units, Lt. Pinyan said no, that would be another separate ordinance for metal recyclers.

There was general discussion between the board members and Lt. Pinyan and one of the questions asked was by the Chairman; asking if Lt. Pinyan knew if the cities of Woodstock and Canton had any type of ordinances such as this. Lt. Pinyan said that yes the City of Woodstock does have an ordinance that deals with both pawn shops and gold dealers, but they do not have any pawn shops in the city. One of the ideas with the County ordinance is to present to the cities once the changes have been made and ask if they are interested in going with the BWI system as well.

Lt. Pinyan said on the gold dealer ordinance, he just took the pawn shop ordinance with the changes and adapted it to the other, the major change being that right now State law only requires 7 days to hold jewelry before melting down or selling and he believes that it should be 30 days. The City of Woodstock and Cobb County both require 30 days.

Commissioner Bosch asked Ms. Davis if she had seen these ordinances yet and she answered no, but she thought that a gold dealer ordinance had been discussed at one time in the past. After some further discussion, Commissioner Bosch said that she would be happy to have a call for a public hearing to consider modifications to the ordinance, and would like to see this draft put up on the web site before then. The County Clerk interjected then and said that there are 2 Pawn Shop Ordinances in the Code of Ordinances, so both will need to be addressed. The one adopted in 1994 should have repealed the other. Chairman Ahrens said perhaps all necessary changes could be addressed. Mrs. Davis asked if the Clerk would send her the 2 ordinances; and was given an affirmative answer. Lt. Pinyan thanked the board for their consideration of his request.

The Chairman then asked Janelle Funk to come up and give her report.

### 3. Financial Report

Janelle said they were still working on the 2010 close and until that is done, they do not have the ability to run 2011 reports, however they had gotten a cash report together for the board, which she thought was important.

She said she had a couple of slides to show the board that would explain the cash position more thoroughly and then went through them with very few questions. Janelle said they had done some research into changing the payment terms to net 45 and they would have a PowerPoint put together on that research after the meeting.

After the Chairman asked Janelle about the Workman's Comp issue and she had explained that, she said that would conclude her report.

Chairman Ahrens said he had one general question for both Jerry and Janelle about looking at changing the fiscal year.

Janelle came back up and stated she thought it was better to change the fiscal year, it would be better for planning, etc. and the only issue right now is that auditors are coming in March 28 for 2 months and it would be a challenge for their staff to deal with the auditors and changing the fiscal year reporting at the same time. In answer to the question from Commissioner Bosch as to whether it would be done this year, Mr. Cooper stated they were going to take their best shot.

### 4. Discussion of Regular Agenda items

The Chairman began going through the agenda and asked Geoff Morton if there was any issues with the public hearing for abandonment of a portion of Fate Conn Road; Geoff answered no, it was simply old right-of-way that was no longer needed.

Chairman Ahrens then went on the zoning case saying there was an indication that since it is in Commissioner Johnston's area, it might be postponed until he is back. Commissioner Hubbard said he would propose that during the meeting.

Next the Chairman said he had a very important item under his portion, which is to approve the potential project list (he handed out the final version) to be included in HB 277/TIA Unconstrained List of Projects. After a short discussion that included input from Dr. Jackie McMorris regarding the question of a regional call center and which was according to Dr. McMorris being put forth as a project by the ARC; the Chairman went on to Commissioner Bosch's portion regarding the request to de-annex property from the City of Holly Springs.

Commissioner Bosch said that she and Geoff Morton had went out and taken a look at the property in question and she did not have a problem issuing a Resolution in support of the de-annexation, so long as if the de-annexation was approved by Holly Springs, the requestor knew they would then have to comply with all County rules and regulations regarding the property.

Chairman Ahrens asked Mr. Cooper to go over the Consent Agenda then; which he did with no discussion. Mr. Cooper then reviewed the two items under his portion with the only question coming from Commissioner Bosch regarding the bids received on item 6; and whether the bidders receive notification after they are not chosen, Mr. Cooper answered yes.

The Chairman next asked Commissioner Nelms if he had something he wanted to mention and he thanked Chief Raymond Gunnin and Sheriff Roger Garrison for coming out and supporting the cause, he had become the community facilitator for after the senior at Etowah approached him, on Saturday at the Fishing Tournament and said that Yellow Ribbon of Cherokee County organized to prevent and raise awareness of suicide made over \$12,000 that day. Commissioner Nelms also thanked Mr. Cooper for coming out too.

When the Chairman asked Mrs. Davis about her item, she gave a brief explanation and said she had not heard any objections as yet.

The Chairman said he had one point of interest and he would mention this evening, Dr. McMorris' litter report and gave a few statistics he said he would repeat during the meeting.

When there was nothing further, Commissioner Hubbard made a motion to adjourn to Executive Session at 5:02 p.m. to discuss personnel issues, pending litigation and property acquisition. Commissioner Bosch seconded and the motion was approved 4-0.

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