

**CHEROKEE COUNTY**  
**BOARD OF COMMISSIONERS**  
**Pre-meeting Work Session**

**April 5, 2011**

**3:00 p.m.**

**Cherokee Hall**

**MINUTES**

The Chairman began the Work Session at 3:04 p.m. with a reading from the book by Jack Welch, "The Welch Way"; the section was called "Re-writing your agenda". Chairman Ahrens also read from our own Mission Statement developed by the Board in 2007, saying that everything the board does can be captured in this Statement. The Chairman then introduced Jodie Hulet from AGL to begin her presentation.

**1. Atlanta Gas Light Investment in Cherokee**

Ms. Hulet began her presentation, "Georgia Stride", Taking steps towards our energy future; saying back in 2009, they went before the Georgia Public Service Commission to get a project approved called the Georgia Stride project. With Chairman Ahrens assistance, the project was approved and the project is to upgrade their infrastructure all over the metro Atlanta area.

This project will enable AGL to add new customers, and keep up with demand even on the coldest days of the year. Ms. Hulet went through the slides saying that on the first one, PRP (Pipeline Replacement Program) has been in place since 1998 where over 2600 miles of pipeline will be replaced across the State of the aging infrastructure that was installed 50+ years ago. Currently they are in year 12 of the 15 year program to complete that.

The I-CGP (Integrated Customer Growth Program) will allow them to add more growth and strategic corridors that they were unable to do in the past; so they can make some specific investments to see where there are potential communities that are not connected on natural gas; and can build a strategic corridor, each specific to the PSC's approval.

She said the one she was really here to talk about was the I-SRP (Integrated System Reinforcement Program); this was being done to ensure they do not lose any of their customers on the coldest days of the year.

This is upgrading the transmission lines in key areas that need reinforcement so they don't have service interruptions; and this is AGL's most comprehensive investment in new infrastructure.

Georgia STRIDE will help to boost the area economy, bringing in jobs on the pipeline and provide some relief to the construction industry. This project will ensure that there is ready access to environmentally friendly natural gas. They believe that because they have a 150 year supply of natural gas, this is the energy of the future and this project will drive it.

Ms. Hulet went through some of the current projects, showing maps and project status. The next slide showed the Cherokee to Forsyth pipeline, which is approximately 14.5 miles on an existing 50 foot easement, which begins at the Cherokee Liquefied Natural Gas plant. This traverses southeast to Atlanta Highway and Park Place. This pipeline will be a 24-inch transmission pipeline that will parallel an existing 12-inch transmission pipeline.

The surveying began in February 2011 and it is hoped that construction can begin in the fall of 2011, with a completion date sometime in 2012. This was the end of the presentation and Ms. Hulet asked if anyone had any questions.

Commissioner Johnston asked if the whole 50 foot width of the easement would have to be cleared; Ms. Hulet answered yes, with the equipment that would have to get in and they may even need to clear additional depending on the Habitat Conservation Plan since several creeks and streams have been located in the area of the easement. There will be mitigation taken so that any buffers or waterways will remain undisturbed.

Commissioner Johnston then asked about the replacement or restoration of materials that are disturbed such as vegetation, grass, landscape in general. Ms. Hulet answered yes, they would try to restore the area to as close as possible before the work was done. Commissioner Johnston asked about where the pipeline goes through a property and whether trees would be replaced. Ms. Hulet said that no, they would not replace trees on the easement simply because they couldn't take the chance that the tree roots would grow into the pipeline. They cannot allow any formalized structure on the pipeline since they go through and maintain and test each year.

Chairman Ahrens said if he recalled correctly, the total program is about \$400 million and the Cherokee to Forsyth transmission line is about a \$100 million dollar investment. Ms. Hulet said that the cost had not yet been tabulated, however it was a fairly substantial investment. After a few more questions and comments, Ms. Hulet thanked the board for allowing them to be there.

Chairman Ahrens said let's walk through the agenda next and began with the Announcements. He mentioned the appointment of Dana McKinzie as Chief Deputy Tax Commissioner.

## 2. Discussion of Regular Agenda items

Then he asked Jerry or Matt to talk about the "thank you" received from the location director for the film that just finished shooting at the Art Center in downtown Canton.

The film is called "The Odd Life of Timothy Green" and Mr. Cooper said he had been contacted and in very quick order were going to need some approvals. There were approximately 460 people involved in the filming that took place and the challenge came when there was court and jury trials going on at the same time that the parking area behind the Historic Courthouse was being used for their trucks, people and production equipment. Mr. Cooper said he and Matt Williams had met with Scott Wood and Chief Lance from the City and a plan was devised for parking and security while filming was taking place. The Chairman said he thought they had made some improvements at the Art Center, Mr. Cooper said they had returned the Art Center back into a church, just for this filming. Commissioner Hubbard said he had seen where extras for the filming were being told to park down in the old McFarland's parking lot and shuttle busses were picking them up and transporting from there. The Chairman urged everyone to go see the film when it came out.

After this, the Chairman asked Sheila Corbin if she wanted to speak about the next item and she gave a brief description of what is now available on the web site and what is still being done.

Chairman Ahrens asked Commissioner Johnston about the zoning case that had been postponed until he returned. Commissioner Johnston said that he thought they were ready to go on it, that the representatives from Lafarge had indicated they were ok with the condition of limiting the use of this additional HI property to no more than 30 feet beyond the existing power line and easement.

Next the Chairman said he had a couple of small items he wanted to mention. One was about the census results saying Cherokee County had grown by 51.1% from 2000 to 2010, making this the third largest percentage in the State with Forsyth County and Henry County in front.

He said that once the County officially reaches the 200,000 population figure, then that gives a permanent seat on the Metro North Georgia Water Planning District Board; where before it had been rotating participation and several different local officials had sat on it among those who had facilities.

The Chairman mentioned the initiative from the Planning District for Water Conservation and urged everyone to participate in that.

He asked Commissioner Bosch about her topic and she said she just wanted to give the board a heads up about what would be coming back before them in the future. She said on the Bobo property purchase, there had been a lot of stipulations or conditions they would be asking for a variance on some of those.

And they were also re-working their Protective Covenants, especially for that property, to bring back to the board as well, in order to provide a more attractive site for a business to locate on.

Mr. Cooper went over the Consent Agenda items next, with very few questions. Then Mr. Cooper reviewed the items under his portion. On the first item, Commissioner Bosch asked if the cities mentioned participated in any of the funding. Mr. Cooper answered that this is for rural transportation and there is no funding required from the cities on this program. Next Commissioner Bosch asked about some of the things on the list of required provisions and Mr. Cooper answered that these provisions were part of the standard language in any Federal contract that most do not apply to us.

On the second item, after Mr. Cooper reviewed it, Commissioner Johnston asked how many members there would be; Mr. Cooper answered 15. Commissioner Nelms asked if there was a target date for the first meeting; Mr. Cooper answered in two weeks. Commissioner Johnston said he saw the value of the group when there was a need to make some change and it was hoped the communications would be better through the group. Mr. Cooper said with this group, we can avoid the problems of the past.

The last two items generated some discussion, but went fairly quickly.

After Mr. Cooper finished, the Chairman said he wanted to talk about the ordinances that a draft had been sent to them recently and the public hearings would be coming up at the April 19 meeting.

Commissioner Bosch asked if the repealers were in the draft they had received and Mrs. Davis answered yes.

Next the Chairman said that he was more concerned with the Pawn shop ordinance in relation to Mr. Thomas Weaver's letter on the firearms provisions and the possible conflict with State regulations on sales and reporting. Mrs. Davis said that she thought Mr. Weaver was making a couple of good points and he raises the question which the board has had to deal with before where it concerns licensing for alcoholic beverage establishments. She said there is a very broad provision in O.C.G.A. 16-11-173 that says "No county by zoning or by ordinance, etc. shall regulate in any manner gun shows, the possession, ownership, transport, carrying, sale, purchase, licensing or registration of firearms or components of firearms, firearms dealers, or dealers in firearms components." She further said there is a separate section O.C.G.A. 43-16-10.1 that sets out the record-keeping for firearms dealers and those regulations and licensing for those dealers has to be secured from the Department of Public Safety. Mrs. Davis said that as we have dealt with in the past, there is a regulatory scheme under the State law and the State says that the County cannot get involved in that regulation.

Mrs. Davis said the Pawn Shop Ordinance does not specifically discuss firearms and the firearms are coming and going in and out of Pawn Shops; and she is sure that is something that the Sheriff's Office is interested in, especially as it relates to an electronic reporting system. She said it may be that the Ordinance can be left without any modification as it stands except to exempt firearms having the understanding of where the limitations are.

Commissioner Bosch asked what those limitations are; Mrs. Davis answered that first and foremost is that the County cannot require it. But if the pawnshops are already doing the tickets for every other item taken in, it doesn't mean they cannot provide the information voluntarily. Tommy Pinyan from the Sheriff's Office said that currently the pawn shops do report on firearms voluntarily.

Commissioner Bosch then asked if the situation came up, of someone wanting to pawn or sell a firearm and refused to have their fingerprint or photo taken, wouldn't the pawn shop need to know that they could not force the issue. Mrs. Davis said absolutely, it was hoped that they would be informed and tell the customer no problem.

Mrs. Davis asked Lt. Pinyan if he knew whether there was State or Federal regulations regarding what could be asked for. Lt. Pinyan answered that the ATF requires identification but other than that he was not certain. He said he could find out and report back.

Mrs. Davis said that she had not explored the State's regulations thoroughly because of the wish of the Chairman not to run up a legal bill, but if so directed she would explore the regulations further and see if perhaps the State already requires the information be taken, i.e. fingerprint, photo, etc. and possibly use that language in the ordinance something like "or as State provisions require".

Commission Hubbard asked whether the information required would be subject to an "Open Records" request. Lt. Pinyan said that he had spent a considerable amount of time on the question and he had not found a definitive answer. Mrs. Davis first said that she thought the information would be subject to the Open Records Act; however, after Lt Pinyan said that the information given now, such as the social security number and other private information would have to be redacted on the pawn ticket anyhow, she wasn't so sure.

After further discussion, the Chairman asked Mrs. Davis to verify the State regulations for requirements of firearms. And make any changes necessary to the proposed ordinance before the next meeting. Mrs. Davis said she would do this, then asked a question about whether the Board wanted to approve the pawn shop licenses themselves after filing with the Sheriff's Office and their review. She said that in the old Ordinance this was this was the way it had been stated and it was again in the proposed ordinance as well. Before a final was done with the changes talked about today, she had wanted to clarify this information and confirm.

Lt. Pinyan said they only do a criminal background check, when a pawn broker comes into their office for a license, they would send him to Business Licenses at the Development Service Center. At that time, Jeff Watkins came up and said that the ordinance currently references a "pawn broker's permit" however the practice has been to rely on the business license or occupational tax certificate to stand as surrogate for that permit after they have gotten the criminal background check from the Sheriff's Office. Mr. Watkins said that there should be a "permit" issued for the pawn broker and any employee there; Commissioner Bosch said that was her question that if there was the opportunity to interject something now to make sure all these steps actually happen.

Mr. Watkins said it had been discussed to go ahead and put in the process now that was necessary. He said he thought it was a good idea to separate the two into the pawn broker's permit and the business license or occupational tax certificate. Commissioner Bosch said she certainly did not want to see every applicant for a pawn broker's permit or license.

Mrs. Davis said after considerable discussion, just to get this straight, when someone wants to open a new pawn shop, they are going to come to the Development Service Center to apply for the business license and the pawn broker permit; and then they will be directed to the Sheriff's Office for the fingerprinting and background check. Once a clean report is received from the Sheriff's Office, then and only then can they get the permit issued.

Chairman Ahrens broke in and said he would like to talk about the Precious Metals and Gems Ordinance because he has some concerns about how it affects jewelry stores. Lt. Pinyan said he understood and the Sheriff's Office had wished to modify these two Ordinances in order to serve the citizens more efficiently.

Currently, the Sheriff's Office handles a large number of jewelry thefts that happen frequently and predominantly the places where the jewelry is tracked to are the places that just buy gold. He did not feel it was fair to try to regulate only that one segment of the industry. And he did not feel it was fair to exclude them based on a low percentage of how much gold they purchased, in addition to any other businesses they might be in.

By not allowing consignments the Chairman said, it could hurt an awful lot of jewelry stores. Commissioner Johnston said that as he read the draft, it had not mentioned that jewelry stores could not accept consignments. The Chairman said it does not even mention jewelry stores at all, as a matter of fact, the definition for a dealer says "any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems" and that's jewelry.

After much discussion regarding consignments of jewelry and whether the ordinance could be circumvented in some form or fashion, Commissioner Bosch and Commissioner Hubbard said they would be comfortable taking out the part about "Consignments" if it would get some kind of enforceable actions on the books. The Chairman said that would be fine with him; he just thought it sent a mixed message to jewelry stores who routinely take consignment products.

The second issue the Chairman had with the proposed draft was the reporting issue and jewelry stores. Because they also buy gold, etc.

Then the issue came up of whether there should be a separate permit for Precious Metals and Gem Dealers, as there will be for Pawn Brokers. It was agreed there should be 2 separate but again this could be done administratively.

When the discussions finally ended, the Chairman asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 5:07 p.m. to discuss personnel issues, pending litigation and property acquisition. Commissioner Bosch seconded and the vote was for unanimous approval.

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These Minutes were approved at the regular meeting on April 19, 2011.