

MINUTES

Cherokee County Board of Commissioners

June 5, 2012

REGULAR MEETING

CHEROKEE HALL 6:00 P.M.

INVOCATION

Chaplain Michael Westmoreland of Sol Amor Hospice gave the invocation.

Chairman Ahrens called for a motion to ratify the adjournment of Executive Session at 5:56 p.m. Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded there was unanimous approval.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:07 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; 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.

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 led the Pledge of Allegiance.

PRESENTATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Under Announcements: Cherokee County Fire awarded "Lead Agency of the Year"
2. Under Announcements: Early Voting begins July 9, 2012.
3. Under Chairman's Section: Appointment of Commissioner Nelms as Director to RRDA Board.
4. Under Commissioner Bosch's Portion: Appointment to the Ethics Board.

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

ANNOUNCEMENTS

1. Amended: The Chairman spoke about the award that Fire Chief Tim Prather announced earlier in Work Session. Safe Kids of Georgia selected Cherokee County Fire as "Lead Agency of the Year" out of 32 other agencies. The Chairman thanked Captain Chad Arp for his efforts and leadership as had Chief Prather during the earlier presentation.
2. Amended: Early voting begins on July 9, 2012:
For more information, call the Voter's Registration Office at 770-479-0407 or visit the Voter's Registration website.

July 9 – July 20

8:30 a.m. - 5:00 p.m. (M-F)

Cherokee County Elections Office at 400 E. Main Street, Canton

July 21

8:30 a.m. - 4:00 p.m. (Saturday) At all five locations:

Cherokee County Elections Office, Ball Ground Public Library, Hickory Flat Public Library, Rose Creek Public Library and Woodstock Public Library.

July 31- ELECTION DAY

7:00 a.m. – 7:00 p.m. (Tuesday)

Must Vote at assigned precinct.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM MAY 15, 2012

As distributed by the County Manager.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and motion was approved 4-1 with Commissioner Bosch abstaining due to her absence from that meeting.

APPROVAL OF WORK SESSION MINUTES FROM MAY 15, 2012.

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and motion was approved 4-1 with Commissioner Bosch abstaining due to her absence from that meeting.

APPROVAL OF REGULAR MEETING MINUTES FROM MAY 15, 2012.

Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded and motion was approved 4-1 with Commissioner Bosch abstaining due to her absence from that meeting.

PUBLIC HEARING

None scheduled.

PUBLIC COMMENT

1. Carolyn Cosby signed up to speak about the Bobo Recycling and the Resource Recovery Development Authority (RRDA). She had questions regarding the legality of the Executive Session Meeting where the Bobo business and the Notice Letter were discussed, stating that she felt it was actually an RRDA meeting. She also said that she thought that having the Board of Commissioners serving on the RRDA was a conflict of interest and offered the names of five citizens who were interested in serving, including herself.
2. John Hiland had signed up to speak but offered his time to Ms. Cosby because she went over her three minutes.
3. Bill Bosch had signed up to speak on another topic but he said after hearing all the negative things said by the previous speaker, he just wanted to thank the Board of Commissioners for their service to the public and opening themselves up for public attack that effects them professionally and effects them their family personally.
4. Bill McNiff signed up to speak about the Bobo Recycling business. He raised a question regarding the RRDA minutes that were given to Ms. Cosby earlier in the meeting, stating that he thought they were different than the ones he had viewed previously in the clerk's office. He did not have a copy of the minutes in question when Chairman Ahrens asked to see the supposed discrepancies.
5. Troy Welker had signed up to speak but passed on speaking at this time having spoken to Chairman Ahrens prior to the meeting.
6. Tom Ware said that he wanted to speak in support of the Board. He said that the Board had always conducted themselves in a very professional manner with honesty and with the best intentions of the citizens in mind when making some of the difficult decisions. He said it was time for the name calling and bickering and the blame game to stop and to move on to a solution. He said he was very hopeful that a new operator would be found and that if necessary it is time to cut our

losses if an opportunity presents itself and make a deal. He said this had taken a toll on the Board personally and on their families and he thanked them for serving the public.

The Chairman remarked that he had had a lengthy discussion recently with one of the Citizen Committee members about exactly what has been going on. He said that it was totally appropriate, totally practical and totally realistic for the County Manager and himself to have meetings with up to four different possible solutions, that it is not illegal and it will continue.

ZONING CASES

Note: This item was postponed from May 15, 2012 meeting.

CASE NUMBER	: 12-03-003
APPLICANT	: House 81 Eleven, LLC
ZONING CHANGE	: AG to OI
LOCATION	: 8111 Bells Ferry Road
MAP & PARCEL NUMBER	: 15N02, Parcels 27 and 28
ACRES	: 3.28
PROPOSED DEVELOPMENT	: Professional Offices
COMMISSION DISTRICT	: 3
FUTURE DEVELOPMENT MAP	: Transitional Corridor over Suburban Living

PLANNING COMMISSION RECOMMENDATION : Approval with the conditions

The applicant is to work with Cherokee County Engineering Department on a traffic study to determine what will be needed for roadway improvements and with the understanding that the existing driveway and parking would need to comply with the Development Standards.

Commissioner Johnston made a motion to approve the postponement to the June 19 meeting as requested by the homeowner; Commissioner Nelms seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

A. Consider appointment to the Sequoyah Regional Library Board.

The Chairman said that the Library Director had recommended Janice Kane.

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

- B. Consider the re-appointment of Daniel Clifford to the Board of Tax Assessors for six-year term, expiring on June 30, 2018.

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

- C. Consider appointment to the Airport Authority.

There was discussion about candidates for the Airport Authority due to the resignation of Mike Nixon. He said several candidates were submitted for consideration at this time but it was decided to wait until June 19 to make the appointment so no action was necessary this meeting.

- D. Amended: Under Chairman's portion: Appointment of Commissioner Nelms as a Director on the RRDA Board.

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

Note: Strike vote to appoint Commissioner Nelms made during RRDA meeting.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

Amendment: Commissioner Bosch stated that she had a candidate for the replacement of her Ethics Board appointee who recently resigned. She said Kevin Lanier, a Cherokee County Fire Fighter, had sent her a biography and is interested in serving on the board. Discussion among the Commissioners resulted in agreement to the appointment of Mr. Lanier.

Commissioner Bosch made a motion to approve; Commissioners Nelms seconded. Commissioner Johnston asked the question if it may be considered a conflict of interest for a County employee to be appointed. Angie Davis said that she was about to say that she would like to check into that to make sure there was not a conflict and that they could discuss the appointment at future meeting. Commissioner Bosch said that was certainly understandable.

Commissioner Bosch withdrew the motion; Commissioner Johnston seconded and there was unanimous approval to withdraw the motion.

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider request to surplus and transfer server purchased from Metatomix Project that is no longer meeting contractual needs from the Clerk of Courts to Habersham County who still utilizes this program.

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

COUNTY MANAGER

- 2.1 Consider approval of recommendations from the Employee Benefits Committee regarding the Pre-Retirement Death Benefit through GebCorp.

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

- 2.2 Consider approval of recommendations from the Employee Benefits Committee regarding Healthcare Plan, Healthcare Premiums and Tobacco Surcharge.

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

- 2.3 Consider approval of a Memorandum of Agreement between Cherokee County and the Georgia Northeastern Railroad and Pilgrim's for improvements to Univeter Road rail crossings with the cost split between the three (3) entities in the amount of \$19,830.00 each.

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

2.4 Consider approval of Intergovernmental Agreement between Cherokee County and the City of Woodstock for reimbursement of costs associated with improvements to Ragsdale Road. The estimated project cost is \$169,582.00 with City of Woodstock's portion estimated at \$94,199.00 or 56%.

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

2.5 Consider award of bid for construction of the law enforcement training facility to the low bidder, Catamount, in the amount of \$2,819,954.00. Three bids were received ranging from \$2.8 M to \$3.2 M. Approval of construction contract with Catamount is contingent upon approval of reimbursement agreement with the State of Georgia for construction/design in the amount of \$700,000.00, in addition to future reimbursement of pro-rata share of utilities / maintenance costs.

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

COUNTY ATTORNEY

3.1 Ratification of Notice Letter related to Ballground Recycling Facility.

Angie Davis gave a summary of the Executive Session Meeting that occurred on May 15, 2012 that resulted in the termination letter to Mr. Bobo. She said that the Board of Commissioners met on May 15 for a regular meeting and a motion was made and they properly adjourned to Executive Session where a properly exempt matter under the Open Meetings Acts was discussed. She said their rights to discuss those matters is evidenced through the documents that make up the transaction known as the RRDA Bond transaction with Ball Ground Recycling. She said that Ball Ground Recycling had entered into a lease agreement with the RRDA and the context of the agreement obligated the County to make the lease payments if Ball Ground Recycling defaulted. She said that it is important to note that under the agreement, the County is expressly stated as a third party beneficiary. This means that the County has the right to step in to enforce the lease agreement. She said that additionally through Intergovernmental Agreement with the County and the RRDA, the County has the ultimate right to direct any negotiations related to a new party taking over the lease. So, exercising the county's rights, the Board adjourned to executive session to discuss the issue which resulted in the May 18 letter to Mr. Bobo. The May 18 letter had two components. It

was initially considered to be a partial and temporary settlement offer to allow partial payments to be made by Ball Ground Recycling in the short term as a stop gap measure to provide some cash flow to the County and the RRDA, which would in turn mean that the parties would not immediately seek to terminate the lease agreement. She said that since the settlement offer was rejected, the remaining portion of the May 18 letter that indicated the County's intent to seek termination of the lease in the absence of any settlement needed to be ratified publically.

That being said, she made a recommendation to ratify the notice letter related to Ball Ground Recycling Facility.

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

3.2 Consider request for a Public Hearing to be held on June 19, 2012 to hear amendments to the Cherokee County Records Management Program.

Ms. Davis said that this was a housekeeping measure to update the policy to add that the County's policy was in accordance to the state's policy. Commissioner Johnston asked if the June 19 date allowed proper time for the advertisement of the hearing. After discussion, Ms. Davis said that she would like to change the request to state consider approval to hold a public hearing at the first available meeting date which would likely be July 10, 2012.

Commissioner Hubbard made a motion to approve; 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 7:10 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.