

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

CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Work Session

October 2, 2012

3:00 p.m.

Cherokee Hall

MINUTES

The Chairman began at 3:08 p.m. with all members of the Board present. He stated the Board and Mr. Cooper had come from a photo op on the bridge on Commerce Boulevard at the new Northside Hospital site. He said others in attendance included Mayor Hobgood, GDOT Commissioner Keith Golden, Board Representative Brandon Beech, Billy Hayes, County Engineer Geoff Morton and staff from Ross Engineers.

1. Presentation on Aquatic Center by Bill Echols.

Mr. Echols led off with an overview of the background of the aquatic center, taking a step-by-step look at the timeline leading up to present developments. He also shared various photos showing the progression of the construction. Mr. Echols stated that construction remains on schedule. Water and sewer utilities are installed. He said the county will only pay for metered water coming in and sanitary of outflow. CCWSA said it would save us about \$135,000 in sewer tap fees. Natural gas lines are being installed on Sixes Road at no cost to the County. The electrical service is progressing and will be an item on the evening's agenda. This will approve permanent power through Georgia Power and we will have a discussion about the easement. The interior masonry work is continuing and outdoor pool should have plaster coat sometime early 2013. Once applied, the pool will have to be filled immediately. Power to the site is important because the permanent power will allow New South and their sub-contractors to make final and permanent connections for the systems. In February/March, he expects those systems to go operational for testing.

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March and April they will continue with interior finishes. In April, the project should substantially be completed. January and February, candidates for facility staff will be interviewed and hired. Those positions are currently on the County website. With the new facility manager and maintenance manager coming on board, this is an excellent opportunity for them to begin to work together as we begin to transition for taking over and training can get underway.

There is about \$300,000 worth of furniture to purchase indoors as well as other items for the outdoor pool area. Procurement is working closely with them to get the list out for competitive bidding. They will bring back to the BOC possibly late December or first of January and we can move forward from there. We will have two maintenance agreements for pool and mechanical HVAC to guide us in the first year. Contracts have been prepared by Procurement and will pass them on to contractors for their review then will present them to the Board in December or January. The facility will open in May 2013 for indoor use and late May for the outdoor facility in time for the Memorial Day weekend.

The budget update brings good news. Mr. Echols gave appreciation to Mr. Cooper and the Board for all their work and time going back two years ago. Savings on construction is continuing to move forward. We are approximately \$500,000 under budget. Funds will, of course, remain in the Park Bond and will be reallocated to other projects. At this time, Mr. Echols concluded his presentation and opened the floor for questions.

Commissioner Bosch thanked Mr. Echols on a wonderful job of keeping cost under budget. Commissioner Hubbard commented about his presentation to a fourth grade class. The Chairman asked if they had had any security concerns and Mr. Echols replied that New South had constructed secure gates. He also said that several people from the neighborhoods are out walking daily and New South has made no reports of any breaches of security. There is also another fence near the neighborhood.

The Chairman asked if there was any feedback from Falls of Cherokee residents regarding noise, dust, etc. Mr. Echols responded that he hopes to have Leland Cyprus trees planted at the retention pond wall to create a buffer for the residents. Commissioner Bosch commented that it was discussed early on in the initial phase.

Mr. Echols mentioned the issue of extra soil from excavations and that they were able to dispose of the soil onsite at a much cheaper unit price per cubic yard than what was in the contract and New South generously amended that section of the contract. As a result, we gained about 50 more feet of space that will be covered with sod and would be a place for people to set up tents during events.

The Chairman suggested that they consult with an agency with recent knowledge as this will be the first year learning curve of operations. Mr. Echols stated that they have met

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with the group at the Cumming facility to experience the opening rush and made note of things to consider and address. The Chairman mentioned that the facility naming rights is still on the radar. Commissioner Bosch added that we have the naming of our outdoor facility that we are working on, as well. Commissioner Nelms commended Bryan Reynolds on the great marketing strategy of having children name the outdoor area. Mr. Cooper added that we have been given an affirmative verbal answer that a corporate sponsor will pay \$62,500 per year for two years, offsetting the shortfall that was expected to be \$50,000-\$53,000. The goal is that we will have several banners inside and outside walls and to unveil a corporate sponsor soon.

Commissioner Nelms asked if there was any feedback yet from the kids. Bryan Reynolds stated they had just begun the process of sending out the information to the schools. Commissioner Bosch asked where all the information was sent. Mr. Reynolds answered that all the elementary and middle schools received them and they were all very excited to take part in the process. He also said this would be a great opportunity to market to our target audience. Commissioner Bosch recommended including funny suggestions along with the good ones from the kids once they begin submitting them.

Commissioner Johnston asked if there were any major changes to the operating forecast for revenue and expenses. Mr. Reynolds stated not at this time. They are currently working on RFPs for competitive teams and their use of the facility which will add a good portion of revenue contracted before the doors are opened. He also explained that their operating plan would be similar to that of the Cumming facility. They would have 3-5 teams they would lease space to depending on space requested. The teams would have to understand that any unused space can be used by the facility for other groups. They would have staff there at all times to monitor the correct usage and prevent sub-leasing.

Commissioner Nelms asked if the competitive meets would bid out. Mr. Reynolds responded that we would go through GRPA to bid for State and District meets as well as the USA teams. We can bid for ourselves or private clubs that will want to host their own meets. We will be able to do additional fundraising during those meets. We want to get the Aquatics Manager on board as soon as possible to get the operational plan for all areas such as schools, private meets, recreational times, and instructional times.

2. Discussion of Regular Agenda Items.

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

- Consider final acceptance of all public right-of-ways, roadways, and appurtenant draining structures in the Woodmont Subdivision Units 11A, 11B, and the Grove.

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- Consider final acceptance of all public right-of-ways, appurtenant draining structures in the Centennial Lakes Subdivision-Pod 1.
- Consider authorization to surplus and dispose of old Fire-ES fire ladders and inoperable air cylinders through the aluminum recycling center.

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

- Consider approval to set a public hearing for October 16, 2012 at 6:00p.m. at Cherokee Hall to hear public comments about the FY2013 budget.
- Consider approval of Contribution Agreement for the cost sharing partnership to facilitate the implementation of planned conservation practices between the County and Canton Field Office of the USDA National Resources Conservation Service (NRCS).
- Consider approval and award of bid and contract with the most responsive bidder, Consolidated Telecom of Dallas, TX for telephone service for use by the inmates of the Cherokee County Adult Detention Center.
- Consider approval and award of bid contract with the most responsive bidder, A&S Canteen of Stockbridge, GA for the commissary services and equipment for use by the inmates of the Cherokee County Adult Detention Center.
- Consider approval to renew contract with Trinity Services Group, Inc. of Oldsmar, FL for food services to the inmates of the Cherokee County Adult Detention Center. Trinity has agreed to provide the same level of service for the next 12 months for an increase of only two cents per meal. The increase will not result in the need for an increase in budget.
- Consider approval to renew contract with Correct Health of Stockbridge, GA for medical services to the inmates of the Cherokee County Adult Detention Center in the amount of \$1,756,889.20. This cost includes an increase requested of \$10,000 over last year's contract to help cover the rising medical expenses; however, the increase will not result in the need for an increase in budget.
- Consider proposal and contract from only bidder, Georgia Power, to supply permanent power to the Cherokee County Aquatic Center and authorization for the County Manager to execute power easement required for underground power.

Chairman Ahrens announced the Twilight Run, a 5K and 1 Mile Fun Run/Walk, which will be held at Hobgood Park on the evening of October 27, 2012. Registration information is available at the table outside of Cherokee Hall and online at www.cherokeefor.com.

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The Chairman spoke with the Waleska council on Monday regarding the HOST referendum on the November ballot. He will speak at several other locations and meetings, as well.

Mr. Cooper reviewed the budget schedule for the Chairman which led to a discussion on fleet maintenance vehicles.

Discussion of Letter to GBI :

Chairman Ahrens met with a committee of the Grand Jury and discussed this issue and it is on this evening's agenda. The D.A. suggested the Board discuss in detail with him prior to sending the letter to the GBI. The letter would actually be filed by the Sheriff or Superior Court Judge according to Georgia code, but they can assist to get it accurate and to determine the expectation level of what we might get back. The Chairman suggested they postpone any action on this draft until further discussion takes place.

Commissioner Johnston stated he received feedback that the GBI would not touch the investigation until the County completed a forensic audit and could present the results to them. County attorney, Angie Davis, reminded the Board that this feedback did not come directly from the GBI. She stated that the County's efforts to make the situation open to everyone, including the GBI, is intended in abundance of good faith. She added that the County's intent has been to do as much as quickly as possible and that intent was based on what we thought the public and the Grand Jury wanted us to do.

Commissioner Bosch expressed a need for the Board to have a well thought-out plan and that a lack of one may be part of the frustration to the public and the Grand Jury. Ms. Davis reminded the Board that she discussed publicly that there would be a two-step process. First, to get Ball Ground Recycling and Bobo off the property; and second, to use the bankruptcy proceedings to discover as much information as possible and then pursue our claims. We are now to the second step of the process so we are on course. Commissioner Bosch then suggested that we reiterate that plan and put it in writing just so that people know where we are in the process. Commissioner Johnston recommended that the Board go ahead and move on getting the forensic audit completed. Commissioner Nelms commented that the primary objective is to get the County paid.

Discussion of Forensic Audit:

The Chairman expressed uncertainty of how to go about hiring a forensic auditor. He had spoken to one firm and Mr. Cooper had as well. Mr. Cooper offered to write an RFP for the auditor. Commissioner Bosch asked if our law enforcement used an auditor that they could recommend to us. Ms. Davis stated that their type of auditing would be different than what we are asking for. Ms. Davis also posed the question of how the

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auditor is appointed. She stated that she knew that no one would approve the Bond Council to appoint one and that the Grand Jury may not want to or may not even have the authority to do it. Chairman Ahrens mentioned that part of his discussion with the D.A. was that if the Board wanted to move forward positively to authorize an audit, a conversation with the D.A. to discuss this should take place first. He added that his suggestion was to postpone taking action tonight.

Commissioner Hubbard mentioned that we need to make sure some minimum standard will allow the auditor to testify to the D.A. and in court that "this is what they found." Commissioner Bosch suggested asking the D.A. if they ever needed forensic auditing; and, if so, who do they hire? Ms. Davis recommended they stick to what the Resolution says and ask the GBI to review it and then, at the appropriate time, we're ready to call for a forensic audit.

The Chairman suggested they find someone outside of the County for guidance on this process and who would be an unbiased party. The Board agreed. Mr. Cooper offered that in the process of sending out the RFP, a series of questions be asked including how they would approach this situation and in turn the auditing firm would respond and describe how they approach it. We would give them an overview of the issues. The Board agreed that Mr. Cooper should proceed with preparing the RFP for the forensic auditor. Ms. Davis considered that with RFPs being public with the credentials of the firms, this could be an opportunity for a better financial deal as well. She stated that the action she recommended taking was to send out an RFP and let the results of that decide who we use for the audit.

Commissioner Bosch asked Ms. Davis if they could make a statement at the next Commission meeting of what we've done and what we're working on at this time, rather than giving the impression we're working on all of it at once. Ms. Davis alluded to turning it into as simple as a motion. Commissioner Hubbard suggested obtaining feedback from the D.A., Grand Jury, and the GBI as to the methodology of the forensic input. Mr. Cooper said that would be a multi-prong approach, going in various directions.

Discussions ensued about the procedures of the audit and how to establish a plan to pursue further.

Discussion on Changes to RRDA Board and Timing

Commissioner Johnston recommended the Board go ahead and make the necessary changes to the RRDA Board by replacing three members with outside members and to do it now in order to get the new people on board and up to speed so that there is minimal risk of having new people coming in and assume we are getting paid 100 cents on the dollar and thus, rejecting any deal less than that or any other risks that may be

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associated with that transition. He said that we would be better served with bringing on outside members. Commissioner Johnston offered to be one who steps down. Commissioner Nelms also offered that he would be prepared to step down as well. Commissioner Hubbard expressed concern that since Commissioner Johnston has the background necessary, that if a new member is brought on in his stead, then eight weeks would not be a long enough period for the new member to be brought up to speed on the situation.

The Chairman stated that he prefers that the non-elected members be Board appointments, not individual appointments. He suggested they hold off on new appointments until a new operator is in place at the site. Commissioner Johnston stated that to prevent losing another year due to the annual cycle of that operation, we need to have someone in place by the end of the year.

Mr. Cooper stated that it would take some time to bring someone up to speed with an approximate 25,000 page document. Ultimately, it would be that individual's responsibility to review it and ask questions. Commissioner Bosch expressed concern over changing steps on an operator at this particular time. The Chairman said this would give them time to make reasonable appointments to the RRDA Board.

Ms. Davis suggested making it a public invitation, asking for those interested in serving on the Board to submit a type of "resume" to express their qualifications, knowledge, and credentials. This would enhance the public aspect of the appointments.

The Chairman asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 4:58 p.m. Commissioner Nelms seconded and the motion carried unanimously.

Executive Session to Follow