

MINUTES

Cherokee County Board of Commissioners

November 6, 2012

Regular Meeting

CHEROKEE HALL 6:00 PM

INVOCATION

Reverend Eynon with Woodstock Christian Church gave the invocation.

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"

Chairman Ahrens led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:12 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/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.

RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify closure of Executive Session at 6:05 p.m.; Commissioner Hubbard made the motion; Commissioner Bosch seconded and there was unanimous approval.

PRESENTATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Under County Manager Portion: Add Consider approval of separation agreement.
2. Add Approval of BOC/RRDA Joint Called Meeting Minutes for November 1, 2012.
3. Add Approval of BOC/RRDA Joint Called Meeting Executive Session minutes for November 1, 2012
4. Move item 3.1 from County Attorney Portion to follow the approval of minutes.

5. Under County Attorney portion, add Consent Order Carson vs. Board of Elections.

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

ANNOUNCEMENTS

1. Road Closing

Harmony Drive will be closed to through traffic at its southerly intersection with SR 20, from November 6, 2012, for a period of 30 days, for intersection reconstruction associated with the SR 20 improvement project. A posted detour utilizing Jay Green Road will be provided. Questions regarding the detour should be directed to the Georgia Department of Transportation at (770) 387-3680.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM OCTOBER 16, 2012

As distributed by the County Manager.

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

APPROVAL OF WORK SESSION MINUTES FROM OCTOBER 16, 2012

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

APPROVAL OF REGULAR MEETING MINUTES FROM OCTOBER 16, 2012.

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

AMENDED: APPROVAL OF BOC/RRDA JOINT CALLED MEETING MINUTES FROM NOVEMBER 1, 2012.

Commissioner Nelms made a motion to approve; Commissioner Johnston seconded and there was 4-0 approval with Commissioner Bosch abstaining due to her absence at that meeting.

AMENDED: APPROVAL OF BOC/RRDA JOINT CALLED MEETING EXECUTIVE SESSION MINUTES FROM NOVEMBER 1, 2012.

Commissioner Hubbard made a motion to approve; Commissioner Nelms seconded and there was 4-0 approval with Commissioner Bosch abstaining due to her absence at that meeting.

AMENDED: County Attorney

3.1 Consider adoption of the tax levy resolution by the Cherokee County School District.

Angie Davis turned the discussion over to the attorney for the School Board, Tom Roach. Mr. Roach explained that the State Constitution requires that the County on behalf of the School District levy an ad valorem property tax sufficient to repay those bonds as they become due in the event of non-sufficient collection of SPLOST funds. He added that the likelihood of that happening is very slim. Commissioner Johnston restated what he mentioned at Work Session, that basically per the State Law, the Board of Commissioners is required to impose this tax upon request of the School Board.

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

PUBLIC HEARINGS

1. The Cherokee County Board of Commissioners will hold a public hearing on November 6, 2012 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administrative Building located at 1130 Bluffs Parkway, Canton, GA 30114 regarding a revision to Article 7, Section 7.7-15c of the Cherokee County Zoning Ordinance. The revision would remove the five (5) acre minimum area for private and parochial schools located in commercial districts. The public is invited to attend. The Board of Commissioners will consider adoption of the revised ordinance after the hearing.

Commissioner Hubbard called for the opening of the Public Hearing at 6:19 p.m.; Commissioner Bosch seconded and there was unanimous approval.

Mr. Jeff Watkins recommended language in Article 7.7-15c, Paragraph I, be amended to state, "Such development shall have a minimum of (5) five acres in AG and all residential districts. Lot size in OI, CP, NC, and GC shall meet the minimum area for the district as shown in Table 7.1." He stated that allowing smaller lot sizes was in an effort to make small schools more viable in the commercial areas.

One person had signed up to speak:

1. Thomas Weaver spoke in support of the amended ordinance.

Commissioner Hubbard called for closure of the Public Hearing at 6:20 p.m.; Commissioner Nelms seconded and there was unanimous approval.

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

2. The Cherokee County Board of Commissioners will hold a public hearing on November 6, 2012 at 6:00 p.m. in Cherokee Hall at the Parkway, Canton, GA 30114 to consider amending the conditions of the zoning case # 90-09-018 Thomas Presley Blue Green Corp. (Also known as Etowah River Tract) to adopt the Etowah Land Development Standards as an addendum.

Commissioner Hubbard called for the opening of the Public Hearing at 6:22 p.m.; Commissioner Bosch seconded and there was unanimous approval.

Mr. Watkins began the overview as presented earlier in Work Session. He said that the set of standards the Board had before them had been prepared for the project known as the Etowah River Tract located on 369 and 372. He said that the plan is an addendum to the zoning case for that particular PUD. He said the history of this project included donations of land to CCWSA and the CCSD and a recreation site to the County.

Mr. Watkins stated that this information was presented at a Work Session in June as an item for public discussion for feedback and guidance from the Board.

Three people had signed up to speak. A fourth person from the audience asked to be added to the list.

1. Linda Flory signed up to speak in opposition of the changes, asking the Board to make no changes to the PUD. She added that the Developer has sold the land back to the land owner for ten cents on the dollar.
2. Gary Hite spoke in opposition to the changes, stating that this plan that was originally approved in 1990 under a single Commissioner would never have been approved by this Board. He asked for no further changes that would compound problems in that area. He views certain buildings to be inappropriate.
3. Angie Hunter spoke in opposition to the changes. She stated the sentimental value of the area.
4. Bill Ray spoke in opposition to the changes. Among his concerns were the protection of the wells in the community and the roads.

Commissioner Bosch asked what the motivation was to revise the plan. Mr. Watkins replied that the book would be used by staff as a tool to regulate development as it comes through. Commissioner Bosch asked Angie Davis about the sunset provision. Ms. Davis responded that it's been done before on old zonings. She said we've always had some concern with it. Under zoning law, if you're constitutionally entitled to the zoning and you provide it then take it away, it's somewhat problematic. It is of concern based on the zoning right of the property owner. However, in this case it is not clear if it can be discussed due to the amount of money spent on the property. Commissioner Bosch

added that they already have their zoning, now the question is how to make it work best. Commissioner Johnston stated that they do not have the power to take away the approval from 1990 and the revisions made in 1994 and 1996, so the question now is what to do. He went over some of the revisions: Street design – he said he had no problem with; design of homes and landscaping etc. He said problem is that it appears to be in conflict with what is currently approved such as lot sizes calling for a reduction now in interior lots. He said this also in his opinion supersedes the number of residential units. Setbacks are much smaller than the setbacks listed in the letter attached to the original zoning. The letter was a part of the resolution and action was taken as a result of it. Commissioner Johnston suggested reviewing the plan with a fine-toothed comb and comparing it to the original resolution on the zoning. He added again that they have their approval already and we can't stop it, we can only try to make the best of it. From Work Session discussion, Commissioner Johnston restated his concern over the difference between the plan shown and the inconsistencies with the original plan. He asked Mr. Watkins to make the plan clear and to fully reconcile it to the existing plan. and then bring it back to Commissioners allowing plenty of time for them to read it to compare for consistency. He added that the plan was already too intense for the area and that they did not need to make it any worse. Commissioner Bosch added that it did need to be fine-tuned over the next couple of weeks to allow staff the tools needed for regulation but without more damage. Commissioner Hubbard expressed concern over the mixed-use lots.

Commissioner Hubbard called for closure of the Public Hearing at 6:39 p.m.; Commissioner Nelms seconded and there was unanimous approval.

Chairman Ahrens stated that no motion was needed at this time. Commissioner Johnston asked that the revised plan be provided to the Commissioners in plenty of time to review and compare them for consistency prior to being presented at a future meeting.

PUBLIC COMMENT

One person had signed up to speak:

1. Carolyn Cosby asked the Board consider an addendum to change the dates previously suggested regarding the forensic audit from January 2006 to present to December 31, 2004 to present to allow the auditors documents during that time period as requested. The Chairman interjected that no documents requested by the auditors would be withheld. She stated that she was happy to see in the budget that there was a delay in capital spending. She asked that the Board request assistance from the Committee for the cuts to come in 2014. She commented on the fire at Ball Ground Recycling. She then offered her name as a candidate for the RRDA Board.

Commissioner Johnston asked if it would be appropriate to discuss the fire. The Chairman replied that it was on his list of topics to discuss. Chief Prather was asked to

the podium to speak about the fire. He said that there was no immediate danger to the citizens. He said that they have been moving equipment as needed out there to protect that. He said they are doing an exceptional job and the EPD is satisfied with the way the firefighting efforts are going. He said that the fire is basically out, but the area is still smoking and the problem exists that a fire could erupt again so it is being monitored carefully. Commissioner Johnston added that the bulk of the material that has burned had no value.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

A. Discussion on Open Records Requests log posted on County's Transparency Page.

Chairman Ahrens commented on the document showing a summary of Open Records requests, who requested records, topics summarized, whether they were paid for or picked up etc. He added that contributions were needed from other departments before the list would be posted to the County's Transparency Page, but that it would be posted hopefully by the next meeting date.

B. Consideration of candidates for the following Boards/Committees:

Chairman Ahrens went over the vacancies or pending vacancies of the CCDA, the DACC and the Board of Ethics, asking for input from the Board and from citizens for interested candidates.

1. Cherokee County Development Authority, one opening;

The Chairman said that this Board, the Constitution Authority, is made up mostly of City appointments but that the County has an opening coming up on December 31, 2012. He added that this Board does not meet regularly, but on an as-needed basis.

2. Development Authority of Cherokee County, one opening;

The Chairman said that this Board would have a vacancy due to someone leaving and then several reappointments coming up. He added that this is a very active Board and they hoped to have new members appointed by the first or second meeting in January.

4. Board of Ethics, one opening;

Chairman Ahrens spoke about the vacancy due to the resignation of Sheila Auffrey.

Commissioner Bosch spoke about concerns with one person serving on multiple Boards and said that perhaps there should be a policy to prevent this in order to allow other citizens an opportunity to serve. She added that most of her appointments had been new to serving and all were quite successful.

3. Resource Recovery Development Authority, minimum of three openings;

He then went over the RRDA, summarizing what was decided at the last meeting which was that the Board would evolve to a majority of non-elected membership, starting with three new members by January 2013 or when a contract was signed, whichever was sooner, then two more non-elected members by July 2013 or sooner. He added that this transition would allow the new members the opportunity to be a part of the discussion of operators, etc. He said he was asking for these to be appointee designees to become effective January 1, 2013 or sooner if we get a contract in place. He named the appointee designees as Tom Ware, Jeff Duncan and Troy Welker.

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

Commissioner Johnston commented that all of these candidates were very well qualified and that although they were on friendly terms with the Board, they have shown that they would be quick to let them know what they think.

C. Consideration of topics for the BOC Retreat on Thursday, January 17 and Friday, January 18, 2013.

The Chairman asked the Commissioners to be thinking about topics for discussion at the Retreat. He added that he would ask the new Commissioners, Raymond Gunnin and Brian Poole, to be thinking of topics as well. He said the basics that they will go over at the retreat include a review of the past year, Cherokee County Strategic Plan, Ethics Ordinance, Lifelong Communities, and Economic Development. In Work Session he mentioned maybe seeking Misti Martin's input from the Development Authority.

D. Consideration of topics for meeting with the State Delegation on Thursday, December 6, 2012.

Chairman Ahrens said that the Delegation would meet at the Bluffs in the BOC Conference Room all day on December 6 and that the Board would get an hour of their time prior to the upcoming session. He asked everyone including the citizens to be thinking of what they'd like their Commissioners to discuss at these meetings. A list of things he had included unfunded mandates, Resource Recovery Development Authority

change of state laws, Certificates of Need, Full Time Chairman BOC, Drivers' License angst and GA 20 work/costing local business a lot of revenue.

Chairman Ahrens then acknowledged the hard work of Elections Superintendent, Janet Munda, and staff in the efficiency in which the election was run. He said that due to the hard work and training of pole workers, the process was well-organized with very little waiting time.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

- A. Discussion of vacancy on Cemetery Preservation Committee for the unexpired term of resigning member Dave Audia.

Commissioner Nelms said that Dave Audia was moving to Virginia and that he would be missed as a citizen and a member of the Cemetery Preservation Committee. He turned the discussion over to Margaret Stallings to give an overview of the Committee responsibilities. Ms. Stallings said the Committee's responsibilities included keeping inventory and status of cemeteries, making sure the property is maintained and reporting information to the BOC on issues. Commissioner Nelms then asked for interested persons to contact him about the vacancy.

CONSENT AGENDA

- 1.1 Consider approval to accept the donation of five (5) 12 lead cardiac monitors from Northside Hospital Cherokee for Fire and Emergency Services.
- 1.2 Consider approval to surplus and dispose of office furniture in poor condition and outdated electronic equipment from Cherokee Recreation and Parks Agency. Electronic equipment to be recycled at the next electronics recycling day.

- 1.3 Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Woodmont Subdivision Unit 14A.
- 1.4 Consider approval to surplus and dispose of outdated electronic equipment from Juvenile Court.
- 1.5 Consider approval of Partnership Agreement between Cherokee County and the Cherokee County Board of Education regarding Cherokee County Animal Shelter programs and volunteer opportunities.

Mr. Cooper asked to strike the provision that identified a \$10 reduction on adoptions. He said that it is conflict with the resolution setting fees that was recently adopted. He said that the shelter routinely holds special events that could meet those needs, but he'd rather than have it in the partnership agreement.

- 1.6 Consider acceptance of grant award of \$134,591.00 for the Blue Ridge Judicial Circuit Drug Accountability Court for the award period of 10/01/2012 to 06/30/2013. No match required and positions created with grant funds will be eliminated if funding becomes unavailable.

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

COUNTY MANAGER

- 2.1 Consider adoption of the proposed FY2013 Budget.

Mr. Cooper gave a brief overview of the proposed budget that was presented during Work Session. He thanked everyone including those who gave their input and suggestions at the Public Hearing. He then requested the adoption of the budget in the amount of \$189.5M.

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

- 2.2 Consider approval of Amendment one to the Professional Services Agreement with SiteMed, Inc., to perform fire fighter physicals. SiteMed has agreed to maintain

cost of physicals at \$245.00 for the first twenty-one (21) physicals and \$255.00 for remaining physicals.

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

2.3 Consider agreement for the exchange of real property between the county and Karen C. Cash, to include a 16.179 acre parcel conveyed to the county in exchange for a 14 acre parcel to be conveyed to Ms. Cash.

Mr. Cooper said that the agreement was reviewed and approved by the County Attorney. He stated that the value of the land being exchanged is the same. He said the property we are receiving is just north of the terminal and will be used to build a maintenance hangar and other hangars. He also stated that the land exchange was recommended by the Airport Authority.

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

2.4 Consider approval of the 2013 Annual Action Plan (grant application) in the amount of \$813,777.00 for submittal to the U.S. Department of Urban Development (HUD) as a prerequisite to receiving Community Development Block Grant (CDBG) funds.

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

2.5 Consider approval of GEMA Performance Partnership Agreement (PPA) Grant in the amount of \$64,304.00 for the agreement period of July 1, 2012 to June 30, 2013. The 50% match required is being met with existing approved EMA budget, no additional funds are being requested.

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

2.6 Consideration of Towne Lake ROA proposal to erect a new subdivision sign at the intersection of Towne Lake Parkway and Bells Ferry Road; Consideration of sign and landscape easements along the frontage of Hobgood Park. The County Engineer and CRPA Advisory Board worked with Towne Lake ROA to draft the sign and landscape agreements with legal descriptions.

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

2.7 Consider adoption of the 2012 Cherokee County Capital Improvement Element (CIE) and Short Term Work Program (STWP) Annual Update as approved by the Georgia Department of Community Affairs and the Atlanta Regional Commission.

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

2.8 Consider approval of a change order to the Construction Services Agreement with New South Construction Company, Inc. in an amount not to exceed \$30,000.00 for construction of a retaining wall and an increase in lawn area for the Aquatic Center. Also requesting approval of additional compensation for Cooper Carry and Ross Construction Engineers in the total amount of \$1,500.00 to review the proposed changes.

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

2.9 Consider approval of Indigent Burial Assistance Program Policy.

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

2.10 Consider approval to award Motorola, Inc. a Professional Services Agreement in the amount of \$395,130.00 for the installment of a new IP Based Geo-Diverse Telephone System for the Primary E-911 System.

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

Commissioner Johnston asked if this was budgeted as SPLOST and the reply was yes.

2.11 **AMENDED:** Consider approval of separation agreement.

Mr. Cooper said that the Sheriff's Office will transfer monies from their budget to cover the insurance premiums until age 65. He added that the individual would pay for any family member's portion as well as the employee portion while they are employed here, which is anticipated at four years. He said that with the costs associated with the medical insurance premiums, the County will still save \$165,000.00 over the next four years. He said the employee will come back to work for the County on a part-time basis.

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

3.1 AMENDED: Moved up in Agenda. Consider adoption of the tax levy resolution by the Cherokee County School District.

3.2 Amended: Carson vs. Board of Elections.

Angie Davis stated that coming out of Executive Session, she was asking for the Board's motion and approval of presenting a Consent Order to the court regarding the case known as of Carson vs. Board of Elections.

Commissioner Hubbard made a motion to approve; Commissioner Johnston 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 7:50 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.