

# MINUTES

## Cherokee County Board of Commissioners

November 20, 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"*

Commissioner Nelms 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 6:08 p.m.; Commissioner Nelms made the motion; Commissioner Hubbard seconded and there was unanimous approval.

### PRESENTATIONS

Sheriff's Office Awards and Recognitions.

Chief West thanked the Board for allowing them the opportunity to recognize the 3<sup>rd</sup> quarter awards for the men and women of the Sheriff's Office. He then turned the presentation over to Chief Hill who read the citations in categories including Sheriff's Commendation, Sheriff's Unit Commendation and Citation for Meritorious Service.

### AMENDMENTS TO AGENDA

None.

## **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 NOVEMBER 6, 2012.**

As distributed by the County Manager.

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

### **APPROVAL OF WORK SESSION MINUTES FROM NOVEMBER 6, 2012.**

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

### **APPROVAL OF REGULAR MEETING MINUTES FROM NOVEMBER 6, 2012.**

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

### **PUBLIC HEARING - County Attorney**

Amendment to Cherokee County Code of Ordinances related to the regulation of dangerous dogs.

The Cherokee County Board of Commissioners will hold a public hearing in order to consider amending Chapter 10 of the Cherokee County Code of Ordinances related to the regulation of dangerous dogs and vicious dogs to conform to the changes in state law at the Board's regular meeting on **November 20, 2012, at 6:00 p.m.** in the Cherokee Hall of the Cherokee County Administration Building, located at 1130 Bluffs Parkway, Canton, Georgia 30114. The purpose of the public hearing shall be for public review and comment concerning proposed amendments to Cherokee County's Animal Ordinance.

No action required at the conclusion of the public hearing.

Commissioner Hubbard made a motion to open the Public Hearing at 6:20 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Angie Davis gave a brief summary of the changes proposed to the Cherokee County Codes of Ordinances to conform to state law related to the regulation of dangerous dogs. The revision contains changes in the definition for a dangerous dog which is now referred to as a vicious dog. It also addresses other issues that will allow the County to take more strenuous measures to protect citizens. An example of that is now having the authority to issue a citation when an animal injures or kills another pet animal.

One person had signed up to speak:

1. Thomas Weaver of Canton signed up in support of the proposed revision to the ordinance. He commented that although allowed by the state law, the bond amount the County was proposing to set at \$1M was an exorbitant amount.

Commissioner Hubbard made a motion to close the Public Hearing at 6:23 p.m.; Commissioner Nelms seconded and there was unanimous approval.

Angie Davis stated that due to the Animal Shelter Director being out of town and a couple of questions remain before finalizing the verbiage related to insurance and bonding information, that Chief Marshal Collett respectfully requested no action be taken tonight and to be brought back before the Board at the next meeting. The Chairman agreed with the recommendation, stating that the matter would be placed on the agenda for the December 4, 2012 meeting.

## **PUBLIC COMMENT**

Two people had signed up to speak:

1. Carolyn Cosby signed up to speak about taxes and spoke of several topics including the forensic audit.
2. John Hiland signed up to speak about a resolution to the state legislature and governor to nullify Obamacare in Georgia.

Commissioner Johnston acknowledged that the newly elected Mayor of Nelson, Mike Haviland, was in attendance.

## **ZONING CASES**

<b>CASE NUMBER</b>	: 12-11-007
<b>APPLICANT</b>	: <b>R &amp; D Mechanical Services, Inc.</b>
<b>ZONING CHANGE</b>	: OI to LI
<b>LOCATION</b>	: 3448 Holly Springs Parkway
<b>MAP &amp; PARCEL NUMBER</b>	: 15N14 - 041
<b>ACRES</b>	: 2.13

**PROPOSED DEVELOPMENT** : Office Warehouse  
**COMMISSION DISTRICT** : 3  
**FUTURE DEVELOPMENT MAP** : Suburban Living

**PLANNING COMMISSION RECOMMENDATION** : **Approval with condition to provide a year round vegetative screen on the Holly Springs Parkway frontage of the warehouse building.**

District Commissioner Karen Bosch said that she had spoken with Vicki Taylor Lee prior to the meeting and had no further questions or any objections to approving as recommended by the Planning Commission.

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

**CASE NUMBER** : 12-11-008  
**APPLICANT** : **Dempsey Funeral Services of Georgia, Inc.**  
**ZONING CHANGE** : R-40, NC and GC to GC  
**LOCATION** : 4355 Highway 92 and intersection of Woodstock Road & Highway 92  
**MAP & PARCEL NUMBER** : 21N12 – 38 and 39  
**ACRES** : 28.016  
**PROPOSED DEVELOPMENT** : Cemetery and Funeral Services  
**COMMISSION DISTRICT** : 3  
**FUTURE DEVELOPMENT MAP** : Community Village Node

**PLANNING COMMISSION RECOMMENDATION** : **Approval**

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

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## **COMMISSION BUSINESS**

### **CHAIRMAN**

### **L. B. AHRENS**

Chairman Ahrens gave an update on the Open Records Requests list, stating that the project was basically 99% complete but they were hoping to get a few more bits of information on some of the entries soon. He said that the list was 17 pages and counting since January 1, 2012 and that the list included the various departments of the County. He said the project would be posted after tonight's meeting to the County's Transparency Page. He said it might be interesting for the citizens to see what all is being requested of the County. He added that at some point he wanted to add a category to list the actual cost to the County to even determine the cost of retrieval etc. He added that the majority of the cost is likely to be the amount of time spent by employees because depending on the complexity of the request, it can be very time-consuming and then when the requestor shows no interest to pick up or pay for produced records, it is a sunk cost.

He reminded everyone of the two vacancies on the Development Authority Board and one vacancy on the Ethics Board. He added that Misti Martin would give a quarterly update at the next meeting.

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

**VICE CHAIR/COMMISSION POST 3**

**KAREN BOSCH**

A. Discuss ACCG endorsed Coast2Coast Discount Prescription Card.

Commissioner Bosch said that a couple of constituents had contacted her about the pharmacy card that a lot of counties are participating in including Cobb. She said the Benefits Committee has reviewed it and passed it. She said that with ACCG onboard with the program she felt it was worthwhile to check in to. She read some details about the program including the fact that 42 Pharmacies can be used, persons using the card can receive a savings of up to 75% on prescriptions and several other benefits are provided as well. She added that there is no cost to the County, and in fact we will receive a royalty of \$1.25 whenever the card is used to purchase a prescription. Mr. Cooper said that an official presentation would be made at the next meeting with Gallagher Bass assisting in the presentation along with a representative from Coast2Coast.

**COMMISSION POST 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Consider approval of execution for quit claim deed for right-of-way in conjunction of Cochran Lane by the City of Canton.
- 1.2 Consider authorization of budget amendment to accept grant funds in the amount of \$2,598.00 for purchase of bullet proof vests for Sheriff's Office personnel from the Bureau of Justice Assistance.

- 1.3 Consider authorization of FY2013 budget amendment in the amount of \$52,899.80 to move personnel costs associated with a Sheriff Office Deputy position from Crime and Investigation Division to Internal Affairs Division as an organizational measure with no net change to the budget.
- 1.4 Consider approval to renew contract for services to Fire One, Inc. to provide ground ladder inspection, testing and repair services. The renewal cost is the same as 2011 at \$13,000.00 initially plus additional funding if required by testing results.
- 1.5 Consider approval to award a Professional Services Agreement to the most responsive, responsible proposer, EMS Technology Solutions, LLC, in the amount of \$11,220.00 for the first year for an Inventory Management System including implementation and 30 licenses for Cherokee Fire/Emergency Services. (Following years in the amount of \$9,720.00 per year.)
- 1.6 Consider acceptance of state grant from Criminal Justice Coordinating Council (CJCC) for the operational funding of the DUI Court in the amount of \$12,395.00 for the remaining 9 months of FY2013. This is a no match grant.

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

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## **COUNTY MANAGER**

- 2.1 Consider approval of a budget amendment and acceptance of a donation in the amount of \$70,000.00 from Clayton Volunteer Fire Department. Requesting approval to contribute an additional \$8,000.00 in SPLOST funds for the acquisition of a 2012 fire truck chassis.

Mr. Cooper thanked Kenneth Payne with the Clayton Volunteer Fire Station who was in attendance tonight with his family for the contributions. He added that the new Clayton Fire Station was named after Kenneth's deceased father, J.H. Payne. Commissioner Johnston also thanked the Clayton Volunteer Fire and added that the Payne family probably had a lot to do with raising the funds for the contribution.

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

2.2 Consider approval to issue a 'Letter of Intent to Terminate' our contract with Advanced Data Processing, Inc. (ADPI) for the Rescue Ambulance Billing, Field Data Systems and Related Professional Service Agreement dated April 22, 2003.

Mr. Cooper stated that the contract did not expire until next year, but the letter was being issued now in order to meet the 120 day notice to terminate as required by the contract. He added that an RFP would be developed to go out to market and that he would encourage ADPI to submit a proposal.

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

2.3 Consider approval of a design services contract with The Barnhardt Group, LLC for the preparation of a Pavement Management and Distress Evaluation for Towne Lake Parkway in the amount of \$29,282.45.

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

2.4 Consideration of a proposal from Martin-Robbins Fence Company, Inc., for the installation of guardrail along portions of Shoal Creek Road in the amount of \$39,850.00. Martin-Robbins holds the annual contract for guardrail repairs with the County.

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

2.5 Consider approval of an Intergovernmental Agreement between Cherokee County and the City of Woodstock Downtown Development Authority for use of the CATS trolley for the month of December 2012.

Mr. Cooper explained that the County is attempting to sell the trolley to offset the costs of public transportation and that the City of Woodstock is testing the trolley.

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

2.6 Consider approval of contract amendment between Cherokee County and Georgia Department of Human Services for an increase in funding in the amount of \$47,690.36 to the CATS demand response service.

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

2.7 Consideration of a contract with low bidder Enterprise Holdings for Operation, Management and Marketing of the Cherokee County CATS Vanpool Program. In addition to \$1,750.00 annual savings over current vendor, will save each vanpool group approximately \$158.00 annually.

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

2.8 Consider approval of a revision to the definition of Local Recreation Provider under Cherokee Recreation and Parks Agency's Athletic Field Use Policy as recommended by the CCPR Advisory Board.

After much discussion in Work Session including input by Bryan Reynolds, CRPA Director, and Chris Hampton, Chairman of the Advisory Board, Commissioner Johnston summarized by stating the proposed revision was to allow an organization with non-profit status with the state to fall under that umbrella as non-profit with the County as long as all other qualifications were met.

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

2.9 Consider approval of lease agreement to use Cherokee Charter Academy gymnasium facility for Cherokee Youth Basketball (CYB) practices and games for the 2012-2013 season. Lease cost is covered within the CYB program budget.

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

2.10 Consideration of agreement with the City of Ball Ground for reimbursement in the amount of \$35,000.00 for the City's acquisition of the school gym for recreational purposes, as well as payment for landscaping and stream bank mitigation in the amount not to exceed \$35,000.00. Both will be funding from the Park Bond.

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

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**COUNTY ATTORNEY**

## **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 7:49 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.