

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

CHEROKEE COUNTY
BOARD OF COMMISSIONERS
Work Session

December 18, 2012

3:00 p.m.

Cherokee Hall

MINUTES

Vice-Chair, Commissioner Bosch, began at 3:14 p.m. with Commissioner Johnston, Commissioner Hubbard, and Commissioner Nelms also present. The Chairman was absent.

1. Recognition of employees who reached service milestones of 10, 15, 20 and 25 years by Steve McClure, Human Resources Director.

Mr. McClure stated there were 63 employees who have been notified and received their 5-year certificates. He went on to recognize 41 individuals for their 10, 15, 20, and 25 year milestones. The Vice-Chair, on behalf of the Chairman, thanked everyone for their service and dedication to the County.

The Vice-Chair announced that the Chairman was away visiting family and that she would be presiding over both meetings.

2. Discussion on BridgeMill Snow Removal Agreement.

The Vice-Chair began by stating the HOA President of BridgeMill had not gotten her a signed copy of the Snow Removal Agreement as of right before the Work Session. If he can before the regular meeting, she will bring it back up, then; but if not, perhaps the Board will bring it forward in January. She gave a brief overview of what the agreement entailed. The agreement would clear the way for them to be able to hire someone to

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clear the roads themselves at no cost to the County. Commissioner Johnston clarified BridgeMill would pay for the service. He also clarified that when clearing the roads if part of the road got damaged, BridgeMill would fix the road. The Vice-Chair stated that it is all in the contract. If they damage someone's property, a drain, or curb, they would repair it. Ms. Davis commented that the agreement is consistent with our standard professional services agreement, including an indemnity provision as well as an insurance provision. The Vice-Chair confirmed the contract is for the contractors and sub-contractors. BridgeMill has to be sure their contractors have a liability policy. She reiterated the HOA President was trying to pull his Board together to try and have it available prior to the regular meeting so they can discuss and vote on it if the Board agrees.

3. Discussion of Regular Agenda Items

The Vice-Chair went over the **Chairman's portion**:

The Vice-Chair asked if the amendments were current. She asked if Ms. Davis would go over the Holly Springs Annexation and the Woodstock Annexation Notice. Ms. Davis stated Holly Springs put in writing they were withdrawing their notice and had been removed from the agenda. She added that Holly Springs will likely turn in a revised petition related to the same area, because it would have reflected an illegal annexation because it created an island and that was a problem. She said we wanted them to officially withdraw it so our 30-day period was not ticking under the land dispute resolution statute. The Vice-Chair asked for clarification purposes if they needed to review it in the regular meeting. Ms. Davis said they did not since Holly Springs put it in writing that it was withdrawn. Ms. Davis continued to say that the issue has resolved itself at least until January. Commissioner Johnston added that there appears to be a way they can re-file the annexation in a way that does not create an island. He further added he reached out to the property owner and the developer to see if they would be interested in remaining in unincorporated Cherokee. It is possible they will withdraw completely, but at this point, we would expect the annexation to come back in legal form. The Vice-Chair asked where the annexation is and Commissioners Johnston and Hubbard replied it is the Hickory Flat store. Commissioner Johnston stated that what they're proposing is a convenience store and Dunkin' Donuts in a combined building on the corner, a Gibson property. They have tried to hold Gibson to an ONI use standard on a part of the property that adjoins adjacent residential Hickory Plantation. This development doesn't extend that far. So although it doesn't involve that, it is caught up in it. The Vice-Chair asked if Gibson said why he wanted to annex. Commissioner Johnston replied that he said he said he had had a hard time with his 14 other convenience stores developed in Cherokee County.

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Ms. Davis went over the Woodstock Annexation. She said she agreed with the Chairman who wanted to add this to tonight's agenda although it is not due for response under the Land Dispute Resolution deadlines until January 11, 2013. So, it can be voted on in the next meeting, but he wanted to put it out there in case of questions. The property is located at 12,730 Highway 92 in Woodstock between Trickum Road and South Cherokee Drive. It is owned by Rachel Smith and is a total of 5.77 acres. The current zoning is R80 and is part of the Highway 92 Overlay. The proposed new zoning is not specific and needs clarification. The zoning and parking setback variances are requested to accommodate a 150-unit senior assisted living facility. The future development map shows a suburban neighborhood. The Highway 92 Overlay does not have a Senior Assisted Living listed as a designated use. Commissioner Hubbard gave a word of caution reminding the Board of a previous experience when the Board approved a Senior Living facility and it proved not viable. It was brought back as a request for multi-family apartment buildings. The Board rejected it, but the courts gave the okay. He expressed concern for a repeat experience. Mr. Watkins provided a response. He stated they resolved that in their latest permitted uses table. Assisted living was moved to an OI category because it is an institutional use. In the past, Cherokee County has likened it to a multi-family facility. The Vice-Chair interjected that it couldn't work for the County but could for the City of Woodstock. Mr. Watkins stated that Woodstock has an assisted living ordinance with different criteria. The Vice-Chair asked if they could be permitted to build a senior living and if it does not work out, change to multi-family. Mr. Watkins said he didn't know enough specifics of the City's ordinance to answer. He stated they knew they had to zone it in the County in order to do this. They couldn't take advantage of the Highway 92 ordinance. What they discussed with the County is what they have put in the notice. Commissioner Johnston commented that except for the risk of what it could morph into, he didn't see it as an inappropriate use for that location. Commissioner Hubbard stated he was concerned about the availability for parking. Mr. Watkins interjected the facility would mostly use shuttles for transportation for the residents.

The Vice-Chair confirmed that it would be under the County Attorney's portion for the regular meeting. Ms. Davis stated that nothing more than discussion was necessary and needs to be looked at a little further. She offered that maybe the Board or staff could communicate with the City of Woodstock on the details of assisted living versus apartments.

The Vice-Chair then asked Commissioner Johnston if he would like to speak about the proclamation. Commissioner Johnston commented that it would be a great privilege to rename the Justice Center in honor of Judge Mills and believes all agree to proceed with it. He asked for permission to read the Proclamation in absence of the Chairman. It was agreed to vote on it and discuss it and then step down in front for the reading and presentation for photos. The Vice-Chair asked if the Board has named any other buildings before. Commissioner Hubbard stated they had.

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The Vice-Chair made an announcement about the Holiday Lights of Hope for kids of all ages held at Hobgood Park from December 13th through December 22nd, 6:00 p.m. to 10:00 p.m.

Commissioner Johnston wanted to take a minute to brag on the tax assessment staff. The Atlanta Journal-Constitution (AJC) has been monitoring county tax assessment values for several years since the property value began to decline. For this year's assessments, AJC determined that Cherokee County's average assessment error was 0%. No other county in metro Atlanta had a 0% over assessment with the average error rate being between 20 to 30%. The Vice-Chair believes it to be important for those who want to move here for business purposes or residential.

The Vice-Chair went over the retreat agenda topics: Review of 2012/Outlook for 2013; Fiscal Integrity; BOC Initiatives-Lifelong Communities, Ethics Ordinance Revision, Economic Development, County Strategic Plan, and Other. The retreat will be held January 17th and 18th at Barnsley Gardens, beginning 3:00 p.m. The official notice will be submitted to the media the first week in January. The Vice-Chair added that it is an open meeting and anyone who would like to attend, may do so.

Mr. Cooper went over items under the **Consent Agenda** portion:

- Consider approval to set a public hearing date for January 22, 2013 to hear a request for modification of a zoning condition, specifically Condition 2, on Rezone Case No. 00-12-030.

This is for a property where a lot has a 50-foot buffer, requested to be reduced to 25 feet. Commissioner Johnston stated he couldn't imagine what the argument would be for him to want to make this change. He mentioned that Ms. Davis advised these arguments be heard when requested. Ms. Davis stated this is different than a variance appeal. Since this is not an appeal, we are obligated to hear it.

- Consider approval to authorize the Tax Commissioner's offices to accept personal, company, certified, treasurers and cashier's checks. Also requesting authorization to accept bank, postal and express money orders as well as debit/credit cards in payment for tax and tag fees pursuant to O.C.G.A. 48-5-146.

Commissioner Johnston asked if this is where the user of the credit card has to pay the bank charge. Mr. Cooper responded that it is similar to the County's convenience fee.

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

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- Consider approval of Amendment One to the Professional Services Agreement dated November 17, 2011 with Ten-8 Fire Equipment, Inc.

Mr. Cooper stated that Ten-8 is where we purchased new ambulances. They have identified a new sub-contractor, Marquis Ambulance of Indiana. They have agreed to adhere to the County's specifications outlined in the RFP. Additional cost is about \$1,700 per ambulance not to exceed \$5,000 within the calendar year if they don't deliver by May 21st. They said they would deliver the ambulances in four squads on May 14th. The Vice-Chair asked if this was equipment for the ambulances. Mr. Cooper replied that it is the box itself.

- Consider final acceptance of all public right-of-way, roadways and appurtenant drainage structures in the Centennial Lakes subdivision including 1,291 LF of Centennial Lake Parkway and 295 LF of Shaw Drive.
- Consider approval of a one-year extension of the Professional Services Agreement with Key Risk Management Services from January 1, 2013 through December 31, 2013 with no change in scope of services or fees.

Mr. Cooper added that compared to 2011, regarding medical bill review, the pay amount reduced from \$531,262 to \$444,999. Net savings increased from 37% to 45%. The penetration percent from providers increased from 84% to 89%. Penetration of billed amount maintained at 91%. Open claims for the period reduced from 62 to 27, a reduction of 57.5%. Hopefully, the downward trend will continue.

- Consider approval to award the construction contract to the lowest responsible bidder with the most responsive bid proposal to Georgia Development Partners, LLC in Atlanta, GA for the base bid amount of \$849,939.29 and contingency amount of \$75,000.00 for the Woodstock Trails, Noonday Creek and Downtown Spur project. Also requesting the amount of \$75,000.00 for trail signage and furnishings to be purchased directly by the City of Woodstock, billed and paid directly by Cherokee County for a total requested amount of \$999,939.29 from the Park Bond program.

The Vice-Chair asked if the snag with the Corps was worked out. Mr. Cooper responded that we're hopeful they will obtain all the easements necessary. They are working to get those obtained before the award. We will issue a notice to proceed once the easements are obtained. Mr. Echols interjected that two trails are not on Corps property. We are not hitting any obstacles with property owners, themselves. The County still has some work to do as well as the City of Woodstock. Commissioner Johnston commented the risk seems to be low that Woodstock would fail to get the property easements; but if we were to award a bid

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and they couldn't get the easements, we'll end up owing the company. Mr. Cooper stated it is certainly contingent on the necessary documentation. Commissioner Nelms asked if the Board could see the signage prior to placement. Mr. Echols responded the signage requested is the same signage used on their current trails and he would relay that request to look at the signage. Mr. Cooper added he would make a provision when he presents the motion. Commissioner Hubbard asked if the signage included location markers. Mr. Echols responded he would check with the city to see what their signage requirements are. Commissioner Hubbard added he would like to see that included in the initial stages because it is extremely useful in helping emergency services locate someone in the event that 9-1-1 is called. (Note, it was determined during the regular meeting that the location markers were included.) The Vice-Chair stated she knew our fire department had worked with them on that and other projects such as Garland Mountain.

- Consider approval of selection of three (3) local companies to be placed on the rotation list to provide board-up services to Cherokee County residents and businesses: 1-800-BOARDUP, Disaster Response Team, LLC, and Latimer Construction.

If demand requires, the other two proposals can be added upon Board approval. The Vice-Chair asked how the rotation works. Mr. Cooper responded it is similar to a wrecker service rotation. Commissioner Johnston interjected this does not keep a homeowner from calling whomever they want. Mr. Cooper went over the process of how the board-up works. The board-up secures the home. Whatever happens afterwards is the homeowner's responsibility. Commissioner Hubbard commented that insurance companies pre-approve securing to prevent further damage and may have their own choice for securing the property, but they will have to pay a certain amount. Mr. Cooper stated we requested these companies will not bill the residents. If they filed a claim, they have to go through the insurance company. If the homeowner doesn't have an insurance company, the board-up company eats the cost. That is outlined in the proposal. Complaints will be reviewed and dealt with in-house. The Vice-Chair asked if we have had any complaints. Mr. Cooper said he had not received any formal complaints. This is just a service to the homeowner.

- Consider renewal of property auction agreement with Jeff Dobson & Associates for a period of three (3) years: 2013, 2014, and 2015, with 0% seller commission for vehicles and equipment, and 10% on other items.
- Consider renewal of contract between Cherokee County and Rindt-McDuff Associates, Inc. (RMA) for the Blalock Road Landfill closure at a cost not to exceed \$148,000.00.

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Mr. Cooper added these are for testing for groundwater and methane. Their agreement is slightly less than this year by \$500. He said we may need to look at the budget if EPD recommends. They've identified about \$15,000 for an active methane system that EPD may require the County to do. The Vice-Chair asked what that would be. Mr. Cooper explained the process. Commissioner Johnston added that the ultimate goal is that at some point the EPD will declare the landfill closed and no longer a need for this and we can build ball fields or something on top of it, but we don't seem to be anywhere close to that, maybe half way there. Mr. Cooper stated the feds require 30-year monitoring. Commissioner Johnston said that even after the 30 years is up, it's still not guaranteed. The Vice-Chair asked if they could escalate it if they put in the machines. Mr. Cooper explained that if the readings exceed the threshold, we'll need to take a more active approach to extraction of the methane. The Vice-Chair interjected that the little bit of money now may save a lot more money if we could close it early.

- Consider approval of resolution and agreement with the Georgia Department of Natural Resources, Environmental Protection Division, for reimbursement in the amount of \$20,721.83 of eligible cost the county spent for Blalock Road Landfill.
- Consider approving public safety software contract with Tiburon as recommended by a cross-functional committee consisting of representatives from the Sheriff's Office, E-911, GIS, Procurement, Fire and Information Technology. The amount requested is \$350,000.00 plus an annual maintenance fee of \$110,000.00 for 7 years.

Mr. Cooper added it would take two plus years to transition into other software. He believes the best approach would be to sit down with Tiburon. They agreed that we will pay \$350,000 to obtain the newest upgrades to bring us up to date and will reduce our annual maintenance by \$50,000 a year. Ms. Davis confirmed this was from the new SPLOST. The Vice-Chair asked if this will be good for five years. Mr. Cooper stated that this agreement was for seven years. Whenever upgrades are not made, issues will arise. The way the current contract was written, it doesn't help us much. The Vice-Chair further confirmed that we aren't getting completely new software and that we are just upgrading and maintaining what we already have. Mr. Cooper added we will have to purchase some new hardware. The Vice-Chair asked if this is a short-term fix. Mr. Cooper replied it would be a long-term solution.

- Consider approval of Amendment One to the Atlanta Regional Commission (ARC) FY2013 budget contract and budget amendment. State and federal funds in NSIP (Nutrition Services Incentive Program) were reduced; Federal funding from \$42,405 to \$24,556; State funding from \$15,705 to \$9,100. Adjustments were

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made to accommodate these changes, resulting in no changes in the County's portion of the budget.

Mr. Cooper added that we have been notified that our funding for next year will increase. Commissioner Johnston asked for an approximate number of seniors on the list to receive Meals-on-Wheels services. Mr. Brandon responded there are over 100 on the waiting list. He also added that no senior requesting this service is going without meals. The budget cuts did not affect the number of seniors served. We have reallocated funds in order to keep services from being affected.

- Consider approval to burn acquired structure located at 155 Hickory Road, Canton, GA 30115 for fire training purposes.

The Vice-Chair asked if there was anything else. Hearing none, Commissioner Hubbard made a motion to adjourn to Executive Session at 4:15 p.m. Commissioner Nelms seconded and the motion carried unanimously.

Executive Session to Follow