

MINUTES

Cherokee County Board of Commissioners

February 5, 2013

Regular Meeting

CHEROKEE HALL 6:00 PM

INVOCATION

Commissioner Gunnin 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 6:02 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Brian Poole; Vice Chair/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 5:15 p.m.

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

PRESENTATIONS

Sheriff's Office Promotion Recognition Ceremony.

Sheriff Garrison began the presentation by thanking the Board for allowing him the opportunity to recognize some of the fine leadership in the Agency. He commended those receiving promotions, stating that during these tough times they have continued to do their jobs with a smile on their face.

He then presented Chief Edward Lacey with a clock in recognition of his 22 years of service with the Cherokee County Sheriff's Office. He went on to wish the best of luck Chief Lacey who had accepted the position of Police Chief in Ellijay as of February 1.

He stated that there has been some reorganization in the agency but no major position filled.

Sheriff Garrison then began announcing the various promotions of Captains, Lieutenants, Sergeants and Corporals.

At the conclusion of the ceremony, Chairman Ahrens thanked Sheriff Garrison for his leadership and said that it was an honor to see the progress of our employees who continue to provide the same level of service to our citizens with less during this economical downfall. He added that it was always a pleasure to have this type of presentation at a meeting, that this was the 'good stuff'.

AMENDMENTS TO AGENDA

Under County Manager's Portion: Add 2.7-Consider request by FOCUS (Families of Cherokee United in Services) for the county to remain as fiscal agent.

Under County Attorney's Portion: Add 3.1-Consider joining class action suit related to foreclosures.

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

ANNOUNCEMENTS

1. Guns & Hoses 5K, Saturday, February 16 at Hobgood Park. Registration information is available on the table out front or at crpa.net.

The Chairman encouraged everyone to participate in the charity event, stating that there are over 400 registered with 10 days left to go.

He announced that the 500 free All Hazards Weather Radios that were made available through a grant had all been given out by the Sheriff's Office Division of Emergency Management to County residents on Monday.

APPROVAL OF RETREAT MINUTES FROM JANUARY 17 & 18, 2013.

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

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JANUARY 22, 2013.

As distributed by the County Manager.

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

APPROVAL OF WORK SESSION MINUTES FROM JANUARY 22, 2013.

Commissioner Gunnin made a motion to approve; Commissioner Poole seconded and there was unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM JANUARY 22, 2013.

Commissioner Gunnin made a motion to approve; Commissioner Poole seconded and there was unanimous approval.

PUBLIC HEARING

None Scheduled.

PUBLIC COMMENT

One person had signed up to speak:

1. John Hiland signed up to speak about jobs in Cherokee County. He stated that although it may be just scuttlebug, he heard that the County turned down a chemical plant and a carpet warehouse wanting to come into Cherokee County. He said he hoped not in this economy because we need jobs.

Chairman Ahrens commented that he was not aware of any businesses being turned away. Mr. Hiland responded that it was not a very reliable source and he just thought he would ask to find out for sure. Commissioner Johnston added that the carpet warehouse rumor may have some truth to it, but that the company did not want to move into an existing facility, they wanted to rezone and to build facility in close proximity to a residential area. He said that the applicant had withdrawn the zoning application and that the BOC had not taken any official action on the matter.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

A. Discussion on Fractional SPLOST.

The Chairman stated that the Board all had a draft before them of the resolution recently adopted by Cobb County requesting legislative action to provide for a Special Purpose Option Sales Tax (SPLOST) at a fraction of one percent (1%) to be implemented if approved by voters.

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

The Chairman commented that this was only the SPLOST, not the school board tax, not LOST or HOST.

B. Reappointment of Debra Frieden for a seven-year term on the Board of Ethics.

Chairman Ahrens said that Ms. Frieden's term was up on January 1 and that she would like to be considered for another term. He said that the appointment was actually his and that he was formally making the reappointment. The Chairman recognized Ethics Board member Jeff Duncan in attendance and mentioned that a confirmation letter would be sent out tomorrow to Ms. Frieden.

The Chairman added an announcement that ACCG (Association County Commissioners of Georgia) had produced a CD containing general property tax information to help understand the process. He said the information was available online at: www.factsaboutpropertytaxes.com. He said it was also available online on Youtube at <http://www.youtube.com/watch?v=YYAHNv7I-IQ>.

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

Appointment of Bill Dewrell to the Zoning Board of Appeals.

Commissioner Poole made the appointment of Bill Dewrell to the Zoning Board of Appeals.

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider approval to surplus outdated computers and other outdated small office equipment in poor condition from the Cherokee County Probate Court.
- 1.2 Consider approval to surplus outdated computers in poor condition from the Cherokee County Animal Shelter.

Mr. Cooper said that these items as well as the ones from Probate would be recycled at the next electronics recycling day.

- 1.3 Consider approval of budget amendment to increase the Sheriff's Office Uniform Patrol Division expenditures and revenues to accept monies in the amount of \$1,416.48 for repair of patrol car.

Mr. Cooper explained that this was a payment received from a private insurance company as a result of a construction vehicle hitting a patrol car.

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

COUNTY MANAGER

- 2.1 Consider approval to allow County Manager to execute Amendment One to the 2011 Professional Services Agreement with Convergent Technologies, Inc. for an

annual cost not to exceed \$17,689.00 for maintenance of the security systems (electronic key/lock systems) FY 2013. This cost is a 5% reduction from the 2012 annual fee with savings of \$931.00 annually and \$2,793.00 over the next three years.

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

2.2 Consider awarding the Professional Services Agreement to lowest and most responsive bidder, Ascension Counseling and Mental Health, LLC, for a maximum cost not to exceed \$960.00 per participant and an initial clinical evaluation fee not to exceed \$30.00 per patient for the Blue Ridge Judicial Circuit Drug Accountability Court for treatment and case management services as recommended by a Selection Committee and the Risk Management Department.

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

2.3 Consider awarding the Professional Services Agreement to current vendor and sole bidder North Georgia Amateur Umpire Association (NGAUA) for the Adult/Youth Softball Umpiring Services for the 2013 Season at a cost of: Slow Pitch-\$24 per official per game; Fast Pitch-\$40 per official per game; Youth Classic-\$21 per official per game. This cost reflects an increase over 2012 contract of \$1.00 per official per game for Fast Pitch and Youth Classic and no change in cost for Slow Pitch.

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

2.4 Consider approval of Supplemental Agreement No. 2 from NJ Wilbanks Contracting Company, Inc., for additional costs associated with relocation of a detention pond and revisions to the water main design on the Commerce Boulevard- Phase 2 project in the amount of \$111,164.81.

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

Chairman Ahrens commented that the road was coming along very well.

2.5 Consider approval of GDOT contract in the amount of \$254,973.00 for procurement of six (6) replacement buses for the CATS 5311 Rural Public Transportation Program. Cherokee County's obligation to be \$0.00.

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

The Chairman asked Mr. Morton how many buses we had currently. He replied that we have twelve (12). Commissioner Johnston asked many of those were rural? Mr. Morton replied that there were nine (9) rural. He then asked what happens to the old buses that are being replaced and the reply was that they will be turned back in to GDOT.

- 2.6 Consideration of a contract with Total Care Transportation Services, LLC for off-peak transportation services for the CATS demand response program. This is an on-call, as-needed contract. Costs to be reimbursed through DHS supplemental fund contract approved in November 2012.

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

- 2.7 Amended: Consider request by FOCUS (Families of Cherokee United in Services) for the county to remain as fiscal agent.

Commissioner Johnston clarified as discussed in Work Session that these are not local funds, but a state grant that FOCUS had received and that the County would only be administering the funds. He added that FOCUS is kind of under the radar but that they really provide a lot of services for the County.

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

COUNTY ATTORNEY

- 3.1 Amended: Consider joining class action suit related to foreclosures.

Ms. Davis stated that out of Executive Session comes the consideration of an invitation to join a class-action lawsuit that would seek to recover unpaid transfer taxes from past foreclosures. She added that if the County wished to join that lawsuit, a motion authorizing the Chairman to sign the Professional Services Agreement with the legal team heading up the class action would be appropriate. This agreement would engage a group of ten lawyers who would represent us on a contingency basis with assurances that there are no payments or fees that will be due by the County in this matter under any circumstances. We would have the lawyers paid for from any recoveries we may

receive. If we do not receive any recoveries, the attorneys would not be paid. Commissioner Johnston commented that these federal agencies are refusing to pay the transfer tax fees which are customarily when a deed on a property is executed and changes hands. The question is are these federal agencies required to pay these transfer fees like everyone else or are they off the hook. He added - let's let the court decide that, there is no downside to us. Ms. Davis added that these types of cases are springing up all over the country right now in large part to the increasing number of foreclosures in recent years. This case would set the rule of law that there is no exception to waive the payment of these taxes.

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

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made the motion to adjourn at 6:41 p.m.; Commissioner Poole seconded and the motion received unanimous approval.