

CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Work Session

March 5, 2013

3:00 p.m.

Cherokee Hall

MINUTES

The Chairman began at 3:08 p.m. with all Commissioners present. The Chairman began by reading excerpts from the book, "776 Stupidest Things Ever Said."

1. Presentation by Cherokee Fire/EMS Recognizing Explorer Post 469 and Winterfest Competition awards.

Chief Prather made a presentation to recognize the accomplishments of the youth program, Explorers. He gave a brief background of the Explorer program. Young adults in our community, ages 14-20, are given an opportunity to gain a hands-on introduction into fire and emergency services. They average about 225 hours per person, annually, training in the fire and EMS operations. This prepares them for the Winterfest competition held in Gatlinburg, Tennessee as well as assisting our firefighters in the community once they reach the age of 16. They also participate in community projects and events. To date, about 275 youth have participated in the program. Several have gone on to serve in the military, local law enforcement, as well as Cherokee County firefighters. They average about two youths per year entering into public service. Our youth competed against 60 other teams at Winterfest this year, and brought home six awards with four of them being 1st place. Chief Prather presented a short video of random photos of the Explorers showing the types of activities they do each year at Winterfest.

2. Discussion of Regular Agenda Items.

Chairman Ahrens mentioned he will go over the metrics of the Farm Bureau's "Agriculture Day" proclamation that are updated each year. He will present the proclamation at an event on Thursday.

Chairman Ahrens went over the **Chairman's** portion:

A. Joint meeting with RRDA at the next meeting on March 19, 2013 at 4 p.m.

The Chairman explained that on March 19 the Work Session will be shortened to hold the RRDA portion of the meeting. They will discuss a general background in the open session and if necessary, adjourn into Executive Session. on what's happening and to talk about the County's commitment to appoint two additional members to bring the total to five by July 1, 2013.

Commissioner Johnston said he believed it to be a good approach. He mentioned to Ms. Davis to be sure it doesn't violate any open meetings. He offered a suggestion as to how to arrange the joint meeting. Ms. Davis stated it they could definitely work through the logistics of the joint meeting. She stated it would be properly advertised to make sure it complies with all the open meeting requirements. The Chairman stated they should be prepared to discuss, in the open meeting, clarity on their duties and responsibilities.

B. **Amendment:** An appointment to the Board of Ethics. The Board recommendation came from an existing Board member and endorsed by the Chairman of the committee. The Chairman mentioned he interviewed this individual and is prepared to bring her name forward. However, if the new Commissioners need extra time or have their own recommendation for appointment, it would remain open-ended for the time being. He added that as long as there is a tangible candidate who is willing to serve and has been recommended he would like to put that forward in the next couple of weeks.

An additional topic regarding the Board of Ethics is the Ethics Ordinance and the need to make some changes. The Chairman said that he had asked the Ethics Board Chairman, Mr. Mark Webb, to have the Board take a look at the ordinance under their viewpoint as these would be items they would be asked to make judgment on. He said that we would have them look at the current ordinance and give them the ACCG model as well a copy of Cobb County's ordinance to give them some examples to look over for a few months to see what they come up with. The individual up for consideration for the Board of Ethics is Ms. Stacey Vyneman. Commissioner Johnston commented he thought the Ethics Board looking over the Ordinance is a good idea. He asked if Mr. Webb understood the Ordinance could not be changed, but supplemented.

C. **Amendment:** Letter from Stephanie Joyner regarding suggestions for names at ballfields. The Chairman asked if there was anything they wanted to do short-term or let it play out until they see the progress of the fields. Commissioner Johnston responded that the Recreation Advisory Board would want to consider it and offer a recommendation. The Chairman asked Parks and Recreation Director Bryan Reynolds if he had seen the letter or something similar. Mr. Reynolds stated Mr. Mauldin spoke at the Advisory Board's last meeting and presented a list

of potential names and the Board told him they would take that list under advisement at a future meeting. Mr. Reynolds added he has a meeting with Canton Baseball to discuss it.

- D. **Amendment:** Proclamation for the Master Gardner's event, "Master Gardner Extension Volunteer Appreciation Day."

Commissioner Nelms noted that he would move the item of Mr. Carter speaking from Cherokee YMCA under his portion to Public Comment.

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

- Consider approval of the naming of the Aquatic Center outdoor leisure pool and mascot as chosen by contest winner Mountain Road Elementary students and recommended by the Cherokee Recreation and Parks Advisory Board.

Mr. Cooper offered his appreciation to Mr. Reynolds and staff at CRPA and their effort to name the facility.

- Consider request by Siemens for approval of Letter of Interest to be submitted to Georgia Power in support of Siemens application for installation of solar panels at the landfill and County Recycling sites on Blalock Road.

Commissioner Johnston stated he would need to abstain from voting giving his employment by an affiliate company of Georgia Power.

- Consider approval to award Purchase Order in the amount not to exceed \$52,000.00 to the lower bidder, Upbeat Site Furnishings, for outdoor furnishings at the Aquatic Center and award Purchase Order in the amount not to exceed \$27,500.00 to the low bidder, Recreonics, for the Program Equipment. Quotes to be submitted to County Manager for review and final approval by the Board for other equipment and furniture.

Mr. Cooper stated that since bids were few, they will go out to the market and obtain more quotes for submission. Commissioner Nelms asked if the County was getting a lot of feedback from the public concerning cost and usage, etc. The Chairman acknowledged he was getting questions on how much visits cost. Mr. Reynolds stated the cost was included in the business plan and the passes are now for sale. The Aquatic Center Manager, Ms. Kim Baker, read off costs of daily passes, 3-month passes, and annual passes from the audience. She also mentioned the price list is on their website. Mr. Cooper added that we do have a sponsor for the Aquatic Center that would cover the anticipated shortfall for the first and second years. Northside Hospital-Cherokee is the sponsor. Chairman Ahrens asked that someone remember to mention during the regular meeting that passes are available for purchase now. Mr. Reynolds offered a sample of what the passes will look like.

The Chairman asked Mr. Cooper about the removal of the fourth item regarding the City of Waleska Services Agreement. Mr. Cooper gave a brief explanation that there are several issues to work through, mostly related to insurance and liability, prior to bringing it before the Board.

Ms. Davis went over items under the **County Attorney's** portion:

Ms. Davis began by mentioning the topic of the Holly Springs Annexation request that was discussed at the previous meeting. She called on Mr. Morton and Mr. Watkins to interject as necessary. The property is a current Office and Institutional zoning and the proposal, according to the application, is to change it to General Commercial. Our consideration at this point is whether we can state a valid land use objection under the land dispute resolution statutes which are fairly limiting as to what we can object based on the list of criteria. It must present and demonstrate a material burden on the County for this annexation to go forward and then it has to meet within one of the listed areas. Their staff argues that there are things that have been done, such as the road widening, to support the additional development. The next step, assuming Holly Springs disagrees with the County, would be to go through an arbitration process. We are responsible for the great majority and potentially all of the fees, not only the mediator, but attorney's fees if we were to be unsuccessful. Ms. Davis asked that this be not taken lightly. Any objection would need to be presented to the City by March 11th, if the County is inclined to go that route.

Chairman Ahrens stated that by way of additional information, last Thursday, Holly Springs Planning and Zoning Commission had this on their agenda. The Chairman attended the meeting. He stated they voted to accept the annexation and recommend that to City Council. They denied the request for general commercial and recommended that it be maintained at the current OI. The City Council will meet on Monday, March 18th. The Council may not accept the recommendation. The Chairman commented there were questions about usage of OI. He stated if the property was approved for general commercial, there would have to be other annexations to make it practical.

Commissioner Johnston commented that it doesn't look like we have a legal basis to oppose the annexation. He added that it may be better received from the Board versus the County Attorney as a sort of resolution recognizing that it's really their call and giving some reasons why we would respect their request by not objecting the annexation, but respectfully requesting that general commercial be avoided. Commissioner Nelms agreed that it would be more professional to voice our opinion in support of their Planning Commission's recommendation to their Council.

The Chairman asked Ms. Davis if this approach was reasonable. She responded it was a reasonable way to proceed. She stated she could get a resolution prepared or it could be done by a motion and then the letter from the Chairman conveying that the motion was passed, whichever is preferred. Chairman Ahrens added a discussion regarding Northside's recent activity in the past several weeks. He stated they have attended various meetings and work sessions and that clearly their commitment to the County

was evident. He asked if the Board if they should discuss the County's support via individual views and communicate those accordingly. He referred to a meeting with WellStar and Northside, listening to both sides. The Chairman stated that he made sure to express his own opinion was personal. He said the Board had not taken a position. The Chairman mentioned several things in the meeting: the location is contiguous to a residential central corridor and literally to the Falls of Cherokee and directly in front of the Aquatic Center and with the County property mostly on the north side of Sixes Road, we have an interest of what goes there. The Chairman stated this would be a fairly significant impact on property taxes. A hospital would be tax exempt, a medical office would not. Their stated cost for the facility is \$100M. He added that another aspect is that it doesn't lend itself to clarity- what do they really want? Their letter of intent for certificate of need implied a free-standing emergency room. The question is where do you go after being admitted to the emergency room? You go to their hospital at Kennestone. The Chairman commented that he couldn't tell where the City of Holly Springs is going. They seem to want to say they're not going to approve a free-standing emergency room. WellStar wants to keep coming back, keeping that option open for ten years. He stated that it seems Northside is making a good effort in informing the City Council and Planning Commission on fact-based data.

Commissioner Nelms asked if it would be out of line for the Board to submit a resolution in support of Northside before this vote by the City Council. The Chairman stated they could talk about the pros and cons such as a hospital requiring two entrances and exits and not just in and out. There are no plans for that. Commissioner Nelms commented he has heard feedback from residents along the Sixes corridor and they express concern of this happening. He expressed his concern about the lack of a long-term plan from WellStar. Commissioner Gunnin mentioned he was at the meeting also and said WellStar spoke of the free-standing emergency room, but nothing of how it would work operationally. He added if an ambulance picks up a patient, are they required to stop at that emergency room to get the patient stabilized before taking them on to the hospital in Cobb County, if so, once the patient is stabilized another ambulance service will transport them to Cobb County. Also, there would be traffic issues between the emergency room and the Aquatic Center. The Chairman stated that one of the concluding comments at the Planning and Zoning meeting, the attorney for WellStar said that they were okay with everything except the free-standing E.R. subject. They are still trying to hold onto that and it seems to be their priority. Commissioner Poole stated he had been getting a lot of phone calls and emails about it from those in the immediate area of the location. If it reverts back to the old zoning from the hospital zoning, they are concerned of what will happen to their neighborhood. There is no buffer to keep down the noise from medical machinery and such. Commissioner Poole stated he supports Northside. He does not support the WellStar facility proposed for Holly Springs. Commissioner Johnston agreed. He stated Northside has been a friend to the community in many ways and has made significant investments already and is about to make a massive multi-million dollar investment that could potentially be undermined by this competition that doesn't provide added value to the citizens. It is his preference they not locate there. The Chairman stated it is not what he sees working with nearby developments in the area. Commissioner Nelms stated that we may not be able to do

anything officially, but write a resolution of support wouldn't be out of order. Ms. Davis interjected stating she understands the sentiment, but is not sure a resolution of support for Northside as it is about the property for this use. She thinks that would be more functional and carry more weight with Holly Springs as they consider a zoning. They're not considering which group they like better, but to consider what is the appropriate land use and comments should be focused on that.

Mr. Jeff Watkins commented this project should probably be reviewed as a development with regional impact. He presented his questions and concerns to ARC and has not heard back yet. The DRI legislation has changed and it's now more of an informative process. It delays and stops actions for the Council until the DRI has run its course. He believes the project should at least get a cursory review as a DRI. If the hospital in Canton got the same DRI review when it was proposed, the other should as well. Commissioner Gunnin stated that he agreed with sending a letter as Ms. Davis suggested stating the Board feels this is the wrong location for this type of development. Commissioner Nelms said that he feels that would be a wise move in lieu of a resolution. They agreed it would be more professional than governmental. Ms. Davis stated that with the limitations of time, with this item and the one prior, she could try to draft a resolution. Otherwise, it may be more appropriate to put forth a motion with some enumerated items of concern. If that motion passes, then the Chairman could present a letter that references the motion and cite it verbatim and add the vote and sign it. It's more diplomatic and not as legalistic. She added it would work with both of the last two items. Commissioner Johnston stated that he sketched out a resolution on the first item. He asked Ms. Davis if it would make a difference to do a resolution for one and not the other. Ms. Davis responded that it shouldn't matter as long as we have something that expresses the concerns most effectively within the limited time frame. The Chairman added it may convey a stronger message if combined addressing the area and the uses. Ms. Davis stated either way would be fine and it shows that we are expressing the constituents concerns as well. Commissioner Johnston read the resolution he drafted. A copy of the draft is included as part of these minutes. After hearing the draft, the Chairman suggested the items remain separate. He recommends the resolution for the annexation and a letter for the rezoning of land use.

The Chairman stated that he wanted to amend the agenda to include the topic of the rezoning and included it under the County Attorney's portion.

The Chairman asked if there was anything else. Hearing none, Commissioner Nelms made a motion to adjourn to Executive Session at 4:31 p.m. Commissioner Poole seconded and the motion carried unanimously.

Executive Session to Follow