

MINUTES

Cherokee County Board of Commissioners

May 7, 2013

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 6:07 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 5:55 p.m.

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

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Remove item 3.2 under County Attorney: Etowah Community Development Standards.
2. Add item C under Chairman's Section: Discussion on funding of new library.
3. Add item 2.9 under County Manager Section: Consider Intergovernmental Agreement (IGA) between City of Waleska and the County.
4. Add item 3.2 under County Attorney Section: Approval of Settlement Agreement.

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

ANNOUNCEMENTS

1. A representative from GDOT is setup outside Cherokee Hall to hand out information on Public Open Houses regarding the SR 20 improvements from Canton to Cumming.
2. Woodstock Public Safety Foundation is sponsoring a day of Family Fun Events on Saturday, May 18th, in honor of law enforcement officers who have given their lives in the line of duty.

Hustle for Heroes Charity 5K begins at 7:30 a.m. followed by Police Memorial Ceremony at 10:00 a.m. and Woodstock Spring Festival.

Flyers and registration forms are available on the table outside Cherokee Hall.

3. Electronics Recycling and Shredding Event – City of Canton
Saturday, May 11, 9 a.m. to 2 p.m. / 151 Elizabeth Street
Flyers on table outside Cherokee Hall.
4. Burn Ban is in affect from May 1 through October.
5. Aquatic Center Open House, Saturday, May 11.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM APRIL 16, 2013.

As distributed by the County Manager.

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

APPROVAL OF WORK SESSION MINUTES FROM APRIL 16, 2013.

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

APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 16, 2013.

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

PUBLIC HEARING

None Scheduled.

PUBLIC COMMENT

1. Joe Long signed up to speak in opposition of the new library. He also spoke about recent investments including the industrial park on Hwy. 92 at I-75 that he says seems to be empty.

The Chairman added a comment that they would be announcing soon that 15 to 20 acres of the industrial park on Hwy. 92 will have an international company coming in and will provide about 200 jobs.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Reappointments to the Cherokee County Library Board for the term of July 1, 2013 to June 30, 2016: Vicki Benefield, Shelia Garrison, Ann Kinzer and Steve Scott.

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

- B. Discuss Ethics Board candidates.

The Chairman spoke about the Ethics Board vacancy due to the resignation of Jeff Duncan. He said that he had a couple of candidates so far and asked if anyone else had a candidate in mind. He said that Mark Webb with the Ethics Board had spoken to the two candidates, but not the third one he was just informed of. He said that he hoped to be able to vote on an appointment by the second meeting in May.

- C. Amended: Discuss funding for new library.

The Chairman recalled Ms. Susan White's presentation regarding the library system. He said there is a targeted deadline relating to state funding. One consideration was to pursue the construction but not begin operating until Fiscal Year 2014. The Chairman said that he had asked Representative Hill to see if there are other opportunities to keep from losing the state funding. Commissioner Nelms said he would like to see if they could push the funding source back if the state would be inclined. He feels the timing isn't right. Commissioner Gunnin said he backs what Commissioner Nelms said regarding the timing. He added it would be hard to find operating money to fund the library. He offered other less costly solutions for the existing libraries. Commissioner Johnston said he agrees to a point. His concern is that because the architect had already been paid, the County may have to refund that money to the State. He added that they have a vague commitment from an elected official to see if anything can be done to keep the County at the top of the list. If taxes were to be raised it would only add about two dollars per household. He feels the County is at great risk at

losing altogether if they decide to wait. Commissioner Poole said he is not for the library right now. He feels they need to be good stewards of the taxpayer's money. His concern is the gap the County already has to make up for a \$4M shortfall. The Chairman said he expects there will be more challenges on the operating side. If they vote to relinquish their portion but want to stay in line, it shows a commitment to the operating funds. Commissioner Nelms asked if they can formally request from the State Delegation to move the County to the top of the line. The Chairman said Representative Hill would go back to the chairman of the committee with that as a request. He feels there are other counties who are faced with similar circumstances. However, the possibility of maintaining a high ranking on the list is reasonable.

Commissioner Nelms made a motion to postpone the Lathemtown Library and to request State Delegation to move them to the top of the list in the subsequent year; Commissioner Gunnin seconded the motion. The motion carried 4-1, with Commissioner Johnston voting nay.

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

- A. Discuss addition of roosters not used for food production as potential nuisance animals under the Animal Control Ordinance.

Commissioner Johnston gave a brief summation of complaints received of extensive noise from a rooster farm. He said that the current ordinance removes their ability to proceed against such operations. He asks that they come up with appropriate language for a way to include this type of stand-alone rooster farm to be added back as an exception to the exclusion for livestock as potential nuisance animals. State law severely limits their ability to regulate agricultural production of animals for food purposes. He would like to find a way to include this type of rooster farm as a potential nuisance in that they could bring a case before the Magistrate Court if necessary or to limit the number of roosters allowed on the property.

Commissioner Johnston made a motion to ask the County Attorney to draft appropriate language for the Board's consideration to amend the animal control ordinance to include coverage of roosters that are not being raised for food production purposes; Commissioner Nelms seconded and the motion carried unanimously.

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Approve the surplus of electronic equipment stored in Magistrate Court for disposal on electronics recycling day.
- 1.2 Request to set a Public Hearing for June 4, 2013 to consider an amendment to Article 11 Signs, of the Cherokee County Zoning Ordinance, to add language to Article 11 to better define and regulate electronic signs in the unincorporated areas of Cherokee County and to amend regulations pertaining to flags and flagpoles.
- 1.3 Consider surplus of vehicles and equipment from various County departments.
- 1.4 Approve awarding Professional Services Agreement (PSA) to low bidder WFN Consulting, LLC, for Senior HOME Repair Program lead inspections services.
- 1.5 Accept proposal for Professional Services from Ross Associates in the amount of \$19,400.00 to update the Cherokee County Impact Fee Program and approve budget amendment from Impact Fee Fund Reserves in the amount of \$4,400.00.
- 1.6 Consider approval of QuitClaim Deed from the County to the City of Woodstock for portions of Woodstock Parkway consisting of 4.71 acres and 1.36 acres respectfully.

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

COUNTY MANAGER

- 2.1 Authorize award to low bidder for purchase of two (2) Chevrolet Tahoes Special Service Package vehicles for Fire-ES in the amount of \$60,620.00, approve striping and equipping of vehicles, and approve budget amendment.

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

- 2.2 Consider approval of proposal from Site Engineering, Inc., for construction of emergency pipe replacement on Woodridge Chase in Woodbridge Subdivision in the amount of \$87,940.00.

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

- 2.3 Approval of MOU between the City of Waleska and the County and approval to purchase approximately 15.59 acres of property for the proposed City of Waleska Park in the amount of \$190,000.00 plus associated closing costs and attorney fees, not to exceed \$1,500.00. Funding of this project is from the Cherokee County Park Bond Funds: City of Waleska Account PR123.

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

- 2.4 Approve budget amendment to transfer \$25,000.00 from Technical Services Account in the Engineering Department (Unincorporated County Services Fund) to the Professional Services account; and increase the Insurance Premium Tax revenue, which will be recorded into the Unincorporated County Services Fund, by \$85,000.00.

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

- 2.5 Consider approval of agreement between Hobgood Baseball, Inc. and Cherokee County for the use of the Youth Baseball Complex at Hobgood Park as unanimously recommended by the Cherokee Recreation and Parks Advisory Board.

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

- 2.6 Approval of granting water and sewer easement and perpetual right-of-way to Cherokee County Water and Sewerage Authority (CCWSA) for and over the water and sewer lines running within and to/from the new Cherokee County Aquatic Center, located at 1200 Gresham Mill Parkway, Holly Springs, Georgia.

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

- 2.7 Consider request for purchase of a 2013 Ford F350 Crewcab Service Truck from Wade Ford in the amount of \$26,779.00 for the Roads and Bridges.

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

- 2.8 Consider approval of a Subgrant Agreement between Cherokee County and the Atlanta Regional Commission for the development of a Comprehensive Transportation Plan (CTP) update.

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

- 2.9 Amended: Consider Intergovernmental Agreement (IGA) between the City of Waleska and Cherokee County for the County to administer and enforce Building and Construction Codes, Code Enforcement, Land Use, Fire Protection Codes, and Court Services (Magistrate).

The County Attorney proposed a motion to include a correction on Page 2 of Section 1.4 of the agreement which would include the "emergency services" which was omitted and also to provide the effective date on Page 4 of Section 8.

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

COUNTY ATTORNEY

- 3.1 Ratify Chairman's signature on the Development Authority of Cherokee County Revenue Bond Series 2013 (Cherokee Christian Schools, Inc. Project).

The Cherokee Christian Schools, Inc. engaged in a funding project with the Development Authority. The current project was a refinancing of the bonds. The County was and is not involved. According to the Internal Revenue process, the Chairman of a local governing authority who sits within the jurisdiction of the Development Authority must approve of the bond and approve of the fact a public hearing was held and certain steps had been taken. There is no financial obligation or liability to the County.

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

- 3.2 Amended: Approval of Settlement Agreement.

This litigation involves a traffic accident that occurred and resulted in a catastrophic injury to a woman who is now completely incapacitated mentally and physically. As a result, there have been extensive medical expenses that have been claimed as well as lost income and wages. Two insurance companies are involved in the case, as well as the insurance company of the contractor who is believed to be the blame for issues associated with the accident. There was a gap in proceeds that would result

in a final resolution. It was determined in the County's best interest to avoid the liability exposure and to bridge the gap and appropriate the \$100,000 in resolution of the claim. The resolution establishes a policy of such claim against a County employee pursuant to section Georgia code 45-9-21 and 22. The resolution would also establish the approval of the Board for the Chairman to execute the Settlement Agreement.

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 a motion to adjourn at 7:04 p.m.; Commissioner Poole seconded and the motion received unanimous approval.