

CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Work Session

May 7, 2013

3:00 p.m.

Cherokee Hall

MINUTES

The Chairman began at 3:13 p.m. with Commissioners Nelms, Gunnin, and Johnston present. He read various quotes from the book "776 Stupidest Things Ever Said."

Note: Commissioner Poole arrived at 3:43.

1. Presentation by Chief Prather of the Cherokee County HazMat Team as was featured on CBS 46 Atlanta by Chief Prather.

Chief Prather recalled the tragedy at a Texas fertilizer plant and the firefighters who were killed in the fire. Chief Prather expressed that about 90% of our fire fighters in the field are HazMat technicians. All firefighters hired since 2005 are required to have this training. He shared a video featuring the Cherokee County HazMat Team from CBS 46 Atlanta that was shown several days after the fertilizer plant tragedy to show what resources we have in the County.

2. Presentation on Lathemtown Library branch by Sequoyah Regional Library System Director, Susan White.

Chairman Ahrens first mentioned to Ms. White that he had made an appeal to Calvin Hill to see if with the sources he has he could inquire find out about the possibility of a postponement of the Lathemtown library without losing funds. He has not heard back at this time.

Ms. White gave a presentation to show what libraries offer today and what they will be doing in the future. She started with a brief overview of the governance of the libraries and the current libraries in the County. The libraries' operational funding sources are the County, the State, cities, and non-governmental such as late fees. They also receive materials funding which covers items such as books and audio books. Ms. White provided several statistics for the library system. In Fiscal Year 2012, the County libraries had 608,522 visitors. These visitors used computers 114,668 times and checked out 787,694 items.

Chairman Ahrens asked if the funding percentages were fixed. Ms. White clarified that the numbers were specific to 2012 totals. She said the State and County decides how much to give. Once they receive it, they have to manage with what they're given. Commissioner Johnston asked if the State would increase its funding to cover the new branch. Ms. White said they would not and that most of what comes from the State covers the cost of the State employees. She said there are two other counties the funds also have to cover. Ms. White stated they used the Woodstock branch to estimate potential operating costs for the new library, although Woodstock is a larger building. They intend to use more green items in the building, so cost of utilities may decrease. Commissioner Johnston asked if \$300,000 is the approximate operating cost of the Woodstock branch. Ms. White said it is very similar. The Chairman asked about estimated operating costs of R.T. Jones and Ms. White reminded him that is the Library System headquarters so costs are much different. The Chairman asked if their financial statement separates the regional support functions. Ms. White said they do by branch. Commissioner Johnston asked if a little more than half the staff are regional employees. Ms. White stated she thinks it is less than half. Commissioner Nelms asked if they are calculating the potential increase of visits for the new library as the total visits in 2012 divided by six. Ms. White said she assumes there will be some who have gone to the other libraries but also new people who have not visited the others. She added that it wouldn't necessarily equal out at each of the different branches. The two at the south end of the County are the busiest. Ms. White stated that there are new developments in the area and will focus on more of the Children-related programs.

2. Discussion of Regular Agenda Items.

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

The Chairman mentioned that the Aquatic Center will have an Open House on Saturday, May 11th, 10 a.m.-8 p.m. He added there are Library Board re-appointments on the agenda as well as discussion of potential appointments to the Ethics Board.

The Chairman said that he received a response from Calvin Hill's office regarding library funding stating there are three options: Do nothing and lose the money, comply, step aside and let others use the money. He said that it was mentioned with the third option

that it may be possible for Cherokee County to be at the top of the list for subsequent years for this funding.

Commissioner Johnston went over items under **Commission District 1**:

Commissioner Johnston began by saying the County has received complaints about a rooster farm. The greatest disturbance is the noise. He stated that out of this complaint came the realization that revised language to the animal control ordinance excluded livestock as potential nuisance animals. He believes the reason is that State law limits what kinds of regulations the County can have over livestock, particularly those in food production. Commissioner Johnston asks that they look for an appropriate way to include this type of stand-alone rooster farm to be added back as an exception to the exclusion for livestock; so that if there is one that would arise to the level that would be a legitimate nuisance, the County would have some way to bring some enforcement action about. He asks that the County Attorney assist in coming up with suggested language to modify the ordinance so that it could cover roosters not being raised for food production.

Ms. Davis referenced an email she had sent out earlier that had a proposed revision. She raised questions as to whether they want to just limit it to roosters or if they just want to generally get rid of the livestock exemption. The language would have to reference State law and stay within the State law parameter, the County couldn't regulate against them. If someone were to complain to the Marshal's office, they would then have to determine if the complaint meets the criteria under State law to protect it. Commissioner Johnston believes that it could say to someone if they bought agriculturally zoned property and they want to put up chicken houses and they meet all the zoning requirements, they're still at risk because neighbors next door could file a complaint against them and be told they can't raise chickens on that property. He added it could cripple potentially new poultry producers because they would be coming in after their neighbors. Ms. Davis said that the concept would be that if there were to be a bunch of roosters, it's not a poultry farm. Commissioner Johnston is concerned with something as broad as to say that the County could prosecute under State law.

Chairman Ahrens mentioned in a side note regarding a lady who had complained about gunfire in her neighborhood in which he invited her to come and speak during the public comment section and he said he saw on the news earlier that Newton County would be voting on an ordinance that restricts shooting in residential areas with less than two acres. Ms. Davis commented on firearm struggles in the past. She believes the County can regulate the discharge of firearms on a local level. It's just the carrying that has limitations and what State law preempts.

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

- Approve the surplus of electronic equipment stored in Magistrate Court for disposal on electronics recycling day.
- Request to set a Public Hearing 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.
- Consider surplus of vehicles and equipment from various County departments.
- Approve awarding Professional Services Agreement (PSA) to low bidder WFN Consulting, LLC, for Senior HOME Repair Program lead inspections services.
- Accept proposal for Professional Services Agreement 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.
- 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.

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

- Authorize award to low bidder for purchase of two 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.
- Consider approval of proposal from Site Engineering, Inc., for construction of emergency pipe replacement on Woodbridge Chase in Woodbridge Subdivision in the amount of \$87,940.00.
- 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.
- 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.

- 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 confirmed with Mr. Reynolds that when fields are not in use, the public is free to use.
- 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 Aquatics Center, located at 1200 Gresham Mill Parkway, Holly Springs, Georgia.
- 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 Department.
- Consider approval of a Subgrant Agreement between Cherokee County and the Atlanta Regional Commission for the development of a Comprehensive Transportation Plan (CTP) update.
- 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).

Mr. Cooper added this is a one-year agreement and they would pay \$11,000 annually. We would collect all fees and fines, interest earnings, and revenues. They worked out the insurance details and increased coverage per the County's request. They agreed to pay all legal costs associated with anything that is brought forward. Ms. Davis noted on the insurance that they did increase their coverage and confirmed with the County's broker to be sure the County's officers would be protected under the policy. Another note that to the extent we will have any code enforcement, the County Magistrate Court will sit by designation as a municipal court. It is allowed by law. Judge Drane has been very involved in the process. The County will provide a note for the Judge to sign off on this as we need his approval for his court to do these things. They are still working through some issues he is concerned about. The City Attorney expressed to Ms. Davis she doesn't anticipate more than one or two cases a year. Ms. Davis pointed out in the document that in one section a word was left out and in another section the effective start date was left open for discussion. Commissioner Johnston suggested it be effective immediately.

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

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

Ms. Davis gave a summary of the background and stated this would comply with the Internal Revenue Code Provision. There is no liability on the County by engaging in this. Commissioner Johnston confirmed with Ms. Davis that should the school not be able to pay back the bond, the County is not held responsible.

The Chairman gave a side note that Ms. Davis has distributed a draft resolution in response to the Grand Jury presentments and would like to have it ready for the next meeting. He added the findings and recommendations are a reflection that prior Grand Jury materials, findings, and discussions are not passed on to a subsequent Grand Jury.

The Chairman asked if there was anything else, hearing none, a motion was moved by Vice-Chairman Nelms to adjourn the Work Session at 4:29 p.m. Commissioner Johnston seconded and the motion carried unanimously.

Executive Session followed.