

MINUTES

Cherokee County Board of Commissioners

July 16, 2013

Regular Meeting

CHEROKEE HALL 6:00 PM

INVOCATION

Pastor Marc Lawson with NorthGate 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"

Commissioner Poole led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:05 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.

Chairman Ahrens mentioned that Representative Calvin Hill was in the hospital and asked that he be kept in prayers.

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman called for a motion to ratify the closure of Executive Session at 5:40 p.m.

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

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

None.

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JULY 2, 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 JULY 2, 2013.

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

APPROVAL OF REGULAR MEETING MINUTES FROM JULY 2, 2013.

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

PUBLIC HEARING

1. Consider changes to the **Impact Fee Ordinance** of Cherokee County, Georgia, Chapter 32, Article II to modify the fees charged in the Impact Fee Schedule. The public is invited to attend.

Commissioner Nelms made a motion to open the Public Hearing at 6:07 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

Jeff Watkins went over the proposed changes.

No one had signed up to speak.

Commissioner Nelms made a motion to close the Public Hearing at 6:08 p.m.; Commissioner Poole seconded and there was unanimous approval.

Commissioner Johnston made a motion to adopt the proposed changes to the ordinance, reducing the fees by 90%, leaving it at a net 10%; Commissioner Nelms seconded and the Chairman opened the floor for comments. County Attorney Angie Davis noted that the motion should reference the ordinance and attached exhibit "A" which shows the reduction. Commissioner Johnston restated the motion to adopt the ordinance presented and the attachment and Commissioner Nelms seconded and the motion received unanimous approval.

2. Consider a petition by Acworth Highway 92 Partners, LLC, to modify conditions of zoning, Case # 05-04-030, Majestic Hwy. 92 Partners, LLC.

Commissioner Nelms made a motion to open the Public Hearing at 6:12 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

Vicki Taylor Lee went over the details of the petition related specifically to three modifications the applicant was requesting. Mr. Woody Galloway, attorney for the applicant, was in attendance to answer questions and give more details on the modifications being requested. The list of modification requests was discussed and Mr. Galloway clarified that number one of the modifications should read 75' tall pylon sign, not 50'.

No one had signed up to speak.

Commissioner Nelms went over each modification presented for clarification by Mr. Galloway.

Commissioner Nelms made a motion to close the Public Hearing at 6:18 p.m.; Commissioner Poole seconded and there was unanimous approval.

Commissioner Nelms made a motion to adopt the resolution presented to approve the modifications requested: 1. Alter condition (6) requiring all freestanding signs to be constructed only of brick or stone materials with a solid monument base to allow a 75' tall pylon sign, in addition to monument signage, similar to the sign depicted in the elevation submitted with the modification application; 2. Alter condition (8) to clarify that the maximum

allowed parking ratios contained in the Highway 92 overlay do not apply to this specific zoning and alter condition; 3. (4.a.) Alter building materials to read buildings shall have no less than 80% of the non-glass area of three exterior sides faced with brick, stone, split-faced block, cast stone, cementitious siding, architectural metal, stained or painted wood, painted tilt-up concrete or stucco; Commissioner Poole seconded and there was unanimous approval.

PUBLIC COMMENT

No one signed up to speak.

ZONING CASES

CASE NUMBER	: 13-07-008
APPLICANT	: Ben Snow
ZONING CHANGE	: R-80 to AG
LOCATION	: 233 Dry Pond Lane
MAP & PARCEL NUMBER	: 13N06, 050 and 051
ACRES	: 24.7
PROPOSED DEVELOPMENT	: Residential and Agricultural uses
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Rural Places
PLANNING COMMISSION RECOMMENDATION	: Approval

Commissioner Johnston, District Commissioner for the case, stated that he thought the intent of growing natural foods for restaurants and the local market was pretty good use of the property and would support the Planning Commission's recommendation of approval.

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

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Special Called Meeting notice for July 25, 2013 at 6:00 p.m. to adopt all County Millage Rates.

Chairman Ahrens commented that the County must submit one complete document to the Department of Revenue that includes the School Board's adopted rate. The School District will adopt theirs tomorrow night.

- B. Reminder of Public Hearing Scheduled for August 6, 2013 regarding the Etowah Community Development Standards.

Chairman Ahrens stated that this is a follow up of discussion from previous meetings. He added that the property owners have requested to postpone the Public Hearing until the August 20, 2013 meeting. He said that a document would be made available to the public in sufficient time before the public hearing. An advertisement of the Public Hearing will be appropriately posted.

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consideration to designate no U-Turns and install "No U-Turn" signs at the intersection of Eagle Drive and West Putnam Ferry Road.

- 1.2 Consider approval of proposal from Jive Communications to provide Voice over IP Telephone Service at the South Annex Recreation Center.

- 1.3 Consider approval of Professional Services Agreement with Fire Fox EVS, LLC, in the amount of \$7,730.00 per year to provide the required annual testing of Ground Ladders and Pump Service. The second of two bids received was from Fire One in the amount of \$18,875.00 per year.

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

COUNTY MANAGER

- 2.1 Adopt 2013 Millage Rates for General Fund, Fire District, and Parks Bond (Debt Service).

Mr. Cooper stated that an overview was provided in detail at the last meeting and a brief overview at today's Work Session. He then read through the rates as presented and attached as part of these minutes.

Commissioner Nelms asked for clarification from Work Session discussion if this would be the "plan B" option from previous discussions which included the 3% COLA adjustment for employees. Mr. Cooper confirmed that it was.

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

Chairman Ahrens added a comment that he had stated in the Work Session. In looking at the dollar values in the year 2008 vs. this particular millage rate, for O&M and Fire, we didn't have the Parks collection then, the dollar value generated by that millage rate is about a 1.5% increase over the level in 2008. Since 2008, we have had a 9% to 10% percent increase in population and an increase of about 6% consumer price index increase, so we have absorbed those kinds of increase in demand both from a standpoint of inflationary as well as population growth.

Commissioner Johnston mentioned he was proud that this represents 13 straight years the General Fund rate has been adjusted to compensate for the change in the value of the average property that has not seen a physical change or improvement. Since 2000 the average property owner is paying the same dollar amount under the General Fund property tax, so all inflation has essentially been absorbed. He added that it leaves us in the lower third of all Georgia counties on combined taxes that we control, and that is in spite of the fact that we are just one of three counties in Georgia that do not have the additional 1% sales tax to help fund operations. Mr. Cooper stated he did an analysis on the tax burden per capita and it has dropped from 2001. Commissioner Nelms added he was proud that they could reduce the millage rate and still pass on a COLA increase to the employees who have not seen a raise since 2008. Commissioner Johnston commented on the employees who were recognized during Work Session for their years of service who have stayed with the County through thick and thin.

2.2 Consider approval of contract with CW Matthews Contracting Company, Inc., for construction of the Towne Lake Parkway and Rose Creek Drive resurfacing project in the amount of \$1,901,794.60.

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

2.3 Consider approval of construction contract to the lowest responsible bidder, Georgia Development Partners, LLC, in the amount of \$1,287,396.77 for projects at Barnett, Dwight Terry, Sequoyah and Weatherby parks. A contingency amount of \$103,400.00 is also requested.

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

2.4 Consider acceptance of U.S. Department of Housing and Urban Development CDBG Funding Approval/Agreement in the amount of \$975,232.00.

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

2.5 Consideration of Benefits Committee recommendation to reduce employee health insurance premium costs 10% for FY2014 at an estimated cost of \$275,000 to be paid with Insurance and Benefit Fund reserves which currently totals \$1.3 million. It is estimated that reserves will exceed \$1.8 million on October 1, 2013.

Mr. Cooper stated that the reduction in cost to employees will leave our reserves at an estimated 17%. Gallagher had recommended 18% previously but that is being evaluated to see what an ideal number is. He added that there will be a few issues to monitor for impact such as the Obamacare Plan, but our reserves are anticipated to be healthy enough to withstand that. Mr. Cooper recalled that a couple of years ago the employees received a substantial increase in health insurance cost and this reduction to give back to them is the right thing to do at this time.

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

2.6 Consideration of Benefits Committee recommendation to select Conexis as the new Flex Benefits provider.

Mr. Cooper commented that Conexis is a subsidiary of Blue Cross Blue Shield. He added that this change would be a decrease in cost and that the recommendation was to approve the PSA for Flex Benefit and Cobra Administration contingent upon review and approval of the County Attorney.

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

2.7 Resolution concerning Cherokee Water and Sewerage Authority (CCWSA) sharing costs of Metro North Georgia Water Planning District's fees.

Mr. Cooper stated CCSWA would be paying half of the fees and the County would designate an alternate from CCSWA to serve on the governing board. The Chairman added the CCWSA has really stepped up and has created a positive impact of quality and professional contributions.

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

COUNTY ATTORNEY

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 6:44 p.m.; Commissioner Poole seconded and the motion received unanimous approval.