

**CHEROKEE COUNTY**  
**BOARD OF COMMISSIONERS**

**Work Session**

**October 15, 2013**

**3:00 p.m.**

**Cherokee Hall**

**MINUTES**

The Chairman began at 3:10 p.m. with all Commissioners present except Commissioner Poole who was unable to attend Work Session. He read from "The Essence of Leadership" short stories called "Understanding the Soft Stuff".

Note: Ms. Davis arrived at 3:33 p.m.

**1. August 2013 YTD Financial Results by Janelle Funk.**

Ms. Funk began by stating everything is looking good in all areas to date. She went over the Cash Executive Summary stating that out of the County's 30 funds, 18 have improved cash position over 2012. Ms. Funk pointed out the EMS Fund is cash negative and that is largely due to the third party administrator transition issues from Intermedix to LifeQuest. Chief West provided a brief update on the transition and how it will impact cash. Commissioner Johnston asked if we went in the hole during the transition would it be reasonable to expect in the upcoming months that we would recover some of the hole. Chief West responded that we should see some of it recovered. Commissioner Johnston asked if there is an expectation of a possible transfer of funds from General Fund to EMS Fund. Ms. Funk explained there are funds in the General Fund that support the EMS Fund, but they want to get to the point where they use as little of the General Fund as possible.

Ms. Funk went over the Revenue Executive Summary. The General Fund is on track to exceed the FY2013 Budget. A few funds will not exceed the FY2013 Revenue Budget, but variances will not impact operations. Most funds will achieve or exceed the FY2013 Revenue Budget. Ms. Funk stated that for expenditures, we are right on target and will probably end a little lower. She added the only real major variance is the forensic audit and the RRDA. Everything else is on target. In summary, August year-to-date results point to a \$5.6M positive variance in the full year forecast. Expenditure results show budgets are being properly managed and the County will achieve the budget. Nearly all cash balances are greater than where we were last year.

The Chairman asked Mr. Bill Echols to provide an overview of a meeting he and Commissioner Poole had with the Falls of Cherokee Homeowner's Association on September 30 regarding the noise from the pool pump at the Aquatic Center. He said they have two decisions: building a sound wall around the units or by the suggestion of the mechanical engineers and the contractor of the pool pack, going to variable fan drives. The recommendation would be to go with the variable fan drives. Mr. Echols said he believes there will be a long-term benefit and, per the pool pack company, it would not violate the warranty. The Chairman asked if an amendment should be made to the agenda to vote on this tonight. Mr. Echols suggested not making any formal decisions until he speaks with Mr. Harold of the Homeowner's Association to let him know the intentions of the Board and then report back in a more formal agenda item for consideration. Further discussion ensued on other options to help out with the noise problem.

## **2. Discussion of Regular Agenda Items.**

Mr. Watkins went over items under the **Zoning Cases** portion:

Mr. Watkins presented zoning case, 13-08-010, in which the applicant is requesting a change from R-20 to R-15. They are also asking to develop it as a conservation design with 35% instead of 40% greenspace. Mr. Watkins stated there are criteria they have to meet under the conservation design. The Planning Commission's recommendation is to just approve the R-15. Commissioner Johnston commented that he believes the better economic incentive if they don't get the variance would be to give up six lots than to give up what looks to be more lots by going to a standard design. Mr. Watkins

stated there are two methods to figure out the number of lots. One way is to produce a conventional design and that sets the number of lots allowed. Another is the gross-tract acreage. Further discussion ensued regarding the number of potential lots the developer will achieve. Commissioner Nelms asked Mr. Watkins if he was comfortable with the retention ponds proposed for the property. Mr. Watkins stated they produced documents and will know once they get to the hydrology study and to the design of the ponds. The Chairman asked if they don't accept the variance on greenspace could they go to the Zoning Board of Appeals. Ms. Davis commented that according to the current language of the request, she would say they could not, that the Board of Commissioners were the final word. She added she would like to look a little closer at the request before settling on that answer. Discussion continued on variance processes and the applicant's previous requests. Commissioner Johnston commented he understood their request was to include the detention area as greenspace. Mr. Watkins responded that it is an interpretive issue because the way the ordinance is written, those landscaped facilities are allowed to go into the buffer. Commissioner Johnston stated he thought that was not the consensus. Mr. Watkins explained that it is a permitted use and the buffers, where the detention areas are going, is considered a secondary greenspace.

The Chairman went over an item under the **Chairman's** portion:

- Consideration of Ethics Board Appointment

The Chairman stated that Mr. Mark Webb had submitted his resignation from the Ethics Board, so there is an opening.

Commissioner Johnston went over an item under the **Commission District 1** portion:

- Discussion on 2014 Board of Commissioners Meeting Schedule

Commissioner Johnston stated he would be fine proposing the normal first and third Tuesdays, no exceptions, but that there are a couple of dates that are a little close to holidays that he wanted the Board to take a look at it. Discussion continued regarding possible changes such as the July dates and the month of September.

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

- Consider final acceptance and right-of-way, roadways, and appurtenant drainage structures in the following subdivisions: Wexford, Phase I; Wexford, Phase II; and Olde Heritage, Phase I.
- Consider approval to surplus and dispose of workstations, servers, computer accessories and small office furniture that are in very poor condition and of no use to the County from various departments.

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

- Consider authorizing County Manager to execute Amendment 1 to Aging Subgrant Contract with Atlanta Regional Commission (ARC) and authorize budget amendment to the County FY14 adopted budget in the amount of \$3,497.00.
- Consider approval of proposal from Strack, Inc., for construction of a pipe culvert replacement on Oakmont Drive in the amount of \$68,400.00.
- Consider authorizing annual stone purchases from both bidders, Vulcan Materials and Blue Grass Materials for the Roads & Bridges Department.
- Consider approval of Amendment 1 to State FY2014 Department of Human Services (DHS) annual contract for funding which supports the County's Rural Transportation Program (CATS 5311), and budget amendment to the County's adopted FY14 budget in the total decreased amount of \$6,778.00.
- Consideration and approval of the Fire Services Automatic Aid and Mutual Aid Agreement between Cherokee County and the City of Milton, including Approval of Waiver of Conflict from Jarrard & Davis, LLP.
- Consideration of approval of an Agreement between Cherokee County and The Landon Group, Inc. for asphalt surface course installation on the Woodstock Road entrance to the Centennial Lakes Pod 7B subdivision. The Landon Group will pay Cherokee County \$23,250.00 which is the cost for the County to install the asphalt surface course.
- Consider approval of a Utility Relocation Agreement with Georgia Power Company in the amount of \$75,370.00 to relocate three power poles that are in conflict with the East Rope Mill Road Improvement Project.

- Consider approval of a Professional Services Contract with STV/Ralph Whitehead Associates, for completing design revisions and updates to the SR 20 and East Cherokee Drive intersection improvement project in the amount of \$49,140.00.
- Consider approval of Fire & Emergency Services Agreement between the County and the City of Waleska.
- Consider approval to repay 2013 TAN and not seek a 2014 TAN. This will reduce operating cash by \$1,264,900.00; however, the cash low point will then be at an adequate amount for 2014 at approximately \$4,235,000.00. This action will save the County approximately \$45,000.00 in interest costs budgeted in FY2014.

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

- City of Canton Annexation.

Ms. Davis stated the area is currently designated as NC proposed to go to C2 for the proposed use as a convenience store with gasoline sales. The County's future map development is proposed as urban growth. The parcel is contiguous so there is not a legal objection available. Ms. Davis' office and County staff conducted an analysis and it appears it is a more dense use than was anticipated under the County's land use plan. She believes it appropriate to work with the City of Canton on some of our conditions and concerns about the proposed development. Mr. Watkins recalled previous zonings in the area and because they were within the growth boundary, the County was required to solicit the City's thoughts and opinions about that. Each time the City requested their streetscape overlay be applied to County projects and we have done so. He stated he would hope that the City would adhere to their own streetscape standards and apply those on the County's side. Mr. Watkins also commented on the topography issues that will come with this project. He said he put together all the zoning conditions we applied and we demonstrated to the City anytime the County worked with them in hopes they will work with the County with any concerns Brooke Park residents might have. The Chairman stated the residents make a strong point regarding the environmental aspect of it. Commissioner Johnston stated that all we have available to us is a friendly request to the City Council to consider, out of respect for the proximity of this property to homes in Brooke Park, either not annexing it and leaving it zoned in the County or if they choose to annex it to restrict it in such a way that it doesn't allow heavy commercial uses. He added he had reached out to the City Councilmembers and had gotten feedback that they would consider the County's request. He also stated he would be willing to put forth a motion for the request as he previously mentioned. Ms. Davis said that would be

appropriate that they don't have to do anything but if they want to convey that message, a motion's the best way to do it and then forward it to the City. She stated Mr. Watkins brought up important conditions that would matter if they were to apply the gas station. She suggested deciding on whether they want to offer any conditions on the property, as well. Mr. Watkins referenced the Growth Boundary Agreement that explains what we do regarding projects in the other's jurisdiction. Ms. Davis suggested reviewing the Growth Boundary Agreement and see if what method of communication is stated and act based on that. The Chairman added that if they are going to articulate something about it, he would want to say something about the eastbound left-turn lane. Mr. Watkins advised that the road issue was state. Ms. Davis stated the mention of the screening of the lights for any commercial use and its effect on the neighborhood would be appropriate. She added they should consider anything the County would do if it was in our jurisdiction and we were trying to zone it and ask them to look at those issues.

- Consideration to pay forensic audit overage amount.

Ms. Davis presented a request to consider paying the overage amount in excess of the last cap approved for the forensic audit report. Based on received information, it reflects an overage amount that reflects a substantial write-off of accountant time and also additional service providers. The total in write-off Ms. McClendon indicated was approximately \$75,000 to \$80,000. This should be the final sum for completing the audit report which was delivered to the District Attorney on the date specific deadline that was set. They have been made aware the report consists of several volumes totaling 2,300 pages. The total remaining balance they are being asked to pay is \$95,673.71. Commissioner Johnston said that though he doesn't like it, the best option is to pay. He added it was a far more thorough audit than they had envisioned and that they wouldn't want an unpaid bill should they need Ms. McClendon to testify in the future.

### **3. Discussion on Rules of Procedure**

The Chairman decided they didn't have time to really go over the Rules of Procedure. Commissioner Johnston briefly commented that he went over the draft and changed the items they had discussed at the previous meeting.

The Chairman asked if there was anything else, hearing none, Commissioner Nelms moved to adjourn the Work Session at 4:24 p.m. Commissioner Poole seconded and the motion carried unanimously.

Executive Session followed.