

CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Work Session

November 5, 2013

3:00 p.m.

Cherokee Hall

MINUTES

The Chairman began at 3:11 p.m. with all Commissioners present. The Chairman shared a revelation he had over the weekend regarding communication with folks about things. The example he shared was the vacancy for the Ethics Board was mentioned and he had only one candidate until this weekend in which he received six additional candidates who all had referenced an article in the AJC.

1. Discussion of Regular Agenda Items

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

- Consideration of Retreat Dates

The Commissioners discussed possible dates for the retreat. It was decided January 16 & 17 were the best dates. A discussion ensued on possibly returning to Barnsley Gardens.

- Consideration of appointment to Board of Ethics

The Chairman mentioned that he believed there to be a possible second vacancy on the Board of Ethics. He stated that once he gets all necessary information from the candidates, he will forward to the Commissioners.

Commissioner Johnston asked the Chairman to go over the names of the individuals.

Commissioner Johnston briefly touched on a town hall meeting he attended. They had discussed the future possibility of trails in the Yellow Creek Road area. The Commissioners discussed future possibilities for boat and canoe access areas along the Etowah River.

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

- Consider final acceptance of all public rights-of-way, roadways, and appurtenant drainage structures in the Hampton Station, Unit 2 Subdivision.
- Consider approval to surplus and dispose of obsolete electronic equipment Magistrate Court, State Court and Cherokee County Fire and Emergency Services.
- Consider approval of FY2013 Emergency Management Directed Training Award payment in the amount of \$500.00 for the agreement period of July 1, 2013 through June 30, 2014 and approve budget amendment to FY2014. Funds will be used for travel and training expenses.
- Consider approval of full 5 year / \$25,000.00 Northside Hospital Wellness Grant, and approve budget amendment for the FY2014 budget appropriating \$10,000.00 in grant monies for the County's Wellness Program related to grant.
- Consider approval to renew Professional Services Agreement with DECA, AMR Business Products, Inc. of Marietta, GA in the total amount of \$8,883.00 to provide software support and maintenance of the 24-hour recording equipment in the E-911 Center.

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

- Consider authorizing County Manager to approve Professional Services Agreement renewable annually for 3 years designating Gallagher Benefit Services as Broker of Record for medical in the amount of \$73,000.00 and voluntary benefit offerings on a commission basis estimated to be at \$16,792.00 annually.

- Consider acceptance of award in the amount of \$32,300.00 for the DUI/Drug Treatment Court Program from the Governor's Office of Highway Safety.
- Consider approval of Business Associate Agreement with Colonial Life Accident & Insurance Company which outlines the use and disclosure of Protected Health Information (PHI) in compliance with HIPAA Rules.
- Consider approval of the following for Cherokee Fire & Emergency Services: 1) Purchase three Bullard Thermal Imaging Cameras (TICS) in the total amount of \$30,033.00 from Georgia Fire and Rescue Supply. 2) Budget amendment in the amount of \$22,033.00 from Fire Operation Uniforms to Fire Operations Capital Outlay. 3) Accept contribution from Ball Ground Volunteer Fire and budget amendment in the amount of \$8,000.00 to be used for the remainder of the purchase.
- Consider acceptance of ASPCA Grant Awards and budget amendment in the amount of \$8,500.00 for the Animal Shelter.
- Approve County's standard Professional Services Agreement with Mauldin & Jenkins, LLC for the annual financial auditing services.
- Amended: Confirm County Manager's approval of Workers' Compensation and Employers' Liability Insurance Renewal award to Midwest Employers Casualty Company for an effective renewal premium of \$162,423.00, which is a reduction of 4.7% from last year's premium of \$170,421.00.

Discussion ensued over rates and coverage provided in the agreement.

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

- City of Woodstock Annexation Notice – Property located at Highway 92.

Ms. Davis gave an overview of the annexation notice and stated the property is located at 13426 and 13430 Highway 92, south of Highway 92, west of the intersection with Mountain Brook Parkway, a total of 26.75 acres. It is currently zoned R-80 with the Highway 92 Overlay. The proposed re-zone upon annexation would be R-3A with a proposed used stated as detached single-family homes, which would be four units per acre. Ms. Davis indicated she and her staff believe there are no grounds under the land dispute statute as both zones are similar. Ms. Davis stated that with no objection, there is no necessary action to take and they can just make an announcement indicating so.

The Chairman asked Commissioner Johnston if he had heard anything in regards to Brook Park. Commissioner Johnston stated that after speaking with the City Manager and a couple of Council members, he gets a sense that they are going to look very carefully at the situation and are not in a big hurry to annex that area. The feedback he received seems they will not likely annex it, but that it remains to be seen.

The Chairman asked about an applicant request for a rezoning on Highway 20. Mr. Jeff Watkins indicated they had not received any correspondence from them in a while. Commissioner Johnston asked if there were any options for preservation of that particular site. Mr. Watkins stated they were looking at possible grants and the historic site registry. Commissioner Johnston said he would be appreciative of anything they can come up with that would be reasonable and effective to encourage preservation.

The Chairman asked Mr. Cooper about the Jones Building in downtown Canton. Mr. Cooper stated the critical issues are historic preservation tax credit. Everything is on hold until they receive guidance on how the IRS is going to interpret the case. Secondly, they were negotiating with a tenant for space and knew they would need more time to do so. They also had some other interested parties. Mr. Cooper stated he heard from an individual out of Bartow County who is also interested. The Chairman asked if they were able to get a handle on what the tax credits were actually worth. Mr. Cooper stated he thinks it is 80% of the initial investment by an investor. Commissioner Johnston asked if Mr. Cooper was doing some shopping around to find out what it would take to do some basic restoration to the current façade. Mr. Cooper stated he would be meeting later in the week with Stephanie Joyner and the architect to make sure if we are going to do anything that it meets the historic preservation requirements. He said he would get a price spec to them.

2. Review Draft of Rules of Procedure.

The Chairman asked County Clerk, Ms. Christy Black, if she recalled where they left off. Ms. Black indicated that it was the decisions on the final four discussion points. Commissioner Johnston referenced the draft changes he had made. Ms. Black stated the topic of a tie vote was already discussed and that everyone seemed to be in agreement that it was fine as is and the other three were not yet discussed. Commissioner Johnston referred to the section where if a motion is denied, the subject is not necessarily defeated and that someone would then have to make a motion to deny or defeat the matter. Ms. Davis added that this hasn't been the practice of this Board and that it can be cumbersome. A motion to approve can include conditions and that could fail, but there may be another

viable motion to approve with different or no conditions as opposed to a motion to defeat. Ms. Davis referred to the following section regarding a motion to deny that fails is not necessarily a motion to approve. She said that it would typically follow up with a motion to approve. Commissioner Nelms asked Ms. Davis if it was customary in Forsyth County. Ms. Davis stated they do, but she hasn't seen it very much recently. She also said that in a tie vote, it would keep the motion pending and would come back to the Board in hopes the tie would be broken. Commissioner Johnston referenced the motion to deny and that is seems awkward, but he understood the need for clarity. He asked what if neither motion passed, to approve or deny. Ms. Davis said she had never seen it happen. She stated that could be something deleted and that they would intuitively know if a commissioner puts forth a motion with conditions and another commissioner puts forth a similar motion but with different conditions, they know what needs to happen to bring closure to the item as opposed to just leaving it pending. She added they can deal with that on a case-by-case basis. Commissioner Johnston stated he was okay with leaving the language as is if Ms. Davis feels it would be best. Ms. Davis said she could work on clearer language if necessary but if she feels the Board has left something out, she will draw that to their attention, case-by-case. She said that this would most likely come up in zoning situations.

The next item discussed was Intergovernmental Agreements (IGAs). Commissioner Johnston summarized the language in the draft and likened it to a veto where it would require a four-fifths majority to pass and if that majority is not met, then it carries over to the next hearing in which a simple majority can pass it. The Chairman stated it keeps it from being stalled. Ms. Davis stated she believes the intent is to draw more public attention to the item. She also added that the four-fifths requirement is due to the often substantial issues that can be for up to 50 years. An alternative would be if they wanted to set a time period if an inter-governmental agreement exceeds a certain number of years can limit simple majority. Commissioner Johnston asked if the rest of the Board was okay with the wording he added of super majority to mean four-fifths if all are present, three-fourths if one is absent, or all three if two are absent from the vote. They agreed to the added language. Ms. Davis stated the downside would be that three commissioners could bind the County to a 50-year IGA. The Commissioners then agreed to make it a super majority of four commissioners to pass the agreement. Mr. Cooper suggested having two readings before adoption of the agreement as part of the process, but not as a public hearing. Ms. Davis recited the rule as it would read as well as the definition of super majority.

Commissioner Johnston referenced a section he suggested to be completely struck out about public participation and replace it with the Board's current policy.

The Chairman mentioned section 3.03.07 had a note to discuss. Commissioner Johnston stated he felt the item was awkward. It is regarding once a motion has been made and seconded then for it to be withdrawn it would require an affirmative vote of the majority of the Board. He added the process he is used to is as long as the individuals who made the motion and seconded agreed to the withdrawal, then that would be enough to withdraw the motion. Ms. Davis stated she didn't care for this provision. She feels the maker of the motion should be the one to be able to withdraw a motion. She also believes it would be cleaner to just withdraw the motion and second and start over with a clean motion if it's been adjusted during the discussion. Ms. Davis stated they could just scrap that section out of the rules. Commissioner Gunnin asked who would be the one to make the withdrawal. Ms. Davis stated it would be the maker of the motion and then the second would agree. Commissioner Nelms stated it has happened before. Ms. Davis mentioned that the language should read that the maker of the motion has the right to withdraw the motion in which at that time the second would be deemed automatically withdrawn. The rest of the provision can be deleted.

Ms. Black asked to return to the section regarding "a motion to approve is not a motion to defeat" for clarification of what to strike. Commissioner Nelms stated they were striking the last three sentences, keeping only the first two was his understanding, and as discussion ensued, the Board agreed.

The Chairman asked the Board if they felt they could amend the agenda and vote on it during the regular meeting. Commissioner Johnston stated he would rather have a clean copy prepared and added to the agenda for the next meeting. Ms. Black agreed so she can be sure of correct wording and have it prepared for the next meeting. Ms. Davis stated she would read through it again to make sure it is concise.

The Chairman asked if there was anything else. Commissioner Johnston stated he received feedback from a member of the press and they felt the Board was not doing a very good job handling their Executive Sessions. She thinks they need to be more specific about reporting from the Executive Sessions. Commissioner Johnston asked Ms. Davis if they need to be more specific. Ms. Davis replied that she thought they were going into Executive Session based on the three grounds, to discuss property acquisition, pending or threatened litigation and personnel issues, but they need to be sure they are stating it at the end of the Work Session. Commissioner Johnston asked if there was a requirement to report out of Executive Session. Ms. Davis stated they come back out and close it, but they don't have to report on what is discussed. She added that the latest revision to open records and open meetings is that they maintain minutes, which Mr. Cooper does that. They are not subject to review by anyone unless someone petitions a court. Commissioner Johnston stated

that in the event the need for a consensus arises, then they have the option to amend the Regular Meeting agenda and validate and take action based on their discussion in Executive Session but they are not required to report. Ms. Davis responded that they are not required unless it will result in a County action. She added that the new act validated that some votes may be taken in Executive Session. They just wouldn't be final until they come out into the Regular Meeting. Commissioner Johnston asked if just stating the three grounds was adequate. Ms. Davis confirmed it was. She said she would review the act and send the Commissioners an email on the basics if there is anything they should be cleaning up. She also said they do a good job of closing Executive Session.

Hearing no further business, Commissioner Johnston made a motion to adjourn to Executive Session at 5:05 p.m. to discuss property acquisition, personnel matters, and pending or threatened litigation; Commissioner Nelms seconded and the motion was approved 4-0. (Note: Commissioner Poole left the Work Session prior to adjournment for business purposes.)

Executive Session followed.