



Cherokee County Board of Commissioners

MINUTES

February 18, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Commissioner Johnston 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"

Jerry Cooper led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:10 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Chris Hamilton; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman called for a motion to ratify the closure of Executive Session at 6:00 p.m.

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

PRESENTATIONS/PROCLAMATIONS

AMENDMENTS TO AGENDA

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM FEBRUARY 4, 2014.

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

PUBLIC HEARING

None scheduled.

PUBLIC COMMENT

No one signed up to speak.

ZONING CASES

1. Consider setting a public hearing at the request of adjacent property owner, David Vice, to hear appeal of Zoning Board of Appeals decision on January 9, 2014 regarding case 14-01-001V, Dr. Peter Congiundi.

Ms. Taylor Lee gave an overview of the variance hearing where the ZBA heard a case for a set-back variance. She said that an adjacent property owner was requesting the Board of Commissioners to re-hear the case. Commissioner Johnston commented that they had never had a case where the adjacent property owner had appealed. He said it didn't make him comfortable to second guess the Zoning Board of Appeals because they know far more about it than we do. He asked the County Attorney his

thoughts on the issue. Mr. Chris Hamilton replied that with the case of an aggrieved neighbor, the Planning and Development Department has to accept that appeal but the Board has the discretion to hear the appeal or deny it. If you do want to hear the appeal it will have to be advertised.

Commissioner Johnston said he really didn't want to hear the appeal. He said it not something he would want to make a habit of it and he doesn't even like to hear applicants appeals let alone an appeal from an adjacent property owner. He added that if we open this door, he believes that every case from the ZBA might be appealed. Chairman Ahrens commented that it was the way it was set up, otherwise it could be absolute.

Commissioner Johnston made a motion to deny hearing the appeal; Commissioner Nelms seconded; Commissioner Nelms added a comment, referencing an email from January 14 where the adjacent property owner had concerns over not receiving the site plan. Commissioner Nelms asked if he had since received the site plan and Ms. Taylor Lee replied that he had.

The resulting vote was approval 4-0 to deny the hearing with Chairman Ahrens voting nay.

The Chairman commented that the reason for his vote was that he feels it doesn't happen very often, in fact there's been only a couple of cases that he can recall specifically, and it seems it's a fairness we can extend.

2. Consider Case Number 14-02-001 below:

APPLICANT	: Matthew Francoletti
ZONING CHANGE	: R-20 and AG to GC
LOCATION	: 8566, 8572, and 8600 Cumming Highway
MAP & PARCEL NUMBER	: 03N10, Parcels 192, 193, & 194
ACRES	: 3.0
PROPOSED DEVELOPMENT	: Commercial/Retail
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Transitional Corridor over Suburban Growth
PLANNING COMMISSION RECOMMENDATION	: Approval of NC

Ms. Taylor Lee gave an overview of the case. Commissioner Johnston stated that this was a Post 1 situation. He said that he understood from Work Session discussion that the applicant was initially satisfied with NC but that it was determined that his specific business, which is a retail carpet and flooring business was not allowed. For that business he would have to have GC. Commissioner Johnston stated that the business seemed appropriate for

the area, but he did not want to approve GC and open the door to future requests for GC. He said a reasonable solution would be to keep the zoning NC with a condition to allow for the retail business.

Commissioner Johnston made a motion to approve NC with a conditional added use to allow a retail carpet and floor covering business; Commissioner Poole seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Consideration of agreement for the Ball Ground recycling site, pending receipt of recommendation from RRDA board at their Monday, February 17, 2014 meeting.

The Chairman began by stating that the time the agenda was written, the item was pending an RRDA meeting which was held yesterday. In that meeting, the three members who were present did vote unanimously to recommend to the BOC that the Letter of Interest be executed and the Rental Agreement be executed. The rental agreement basically gives ability to get on site and get the equipment moving while the actual lease agreement is negotiated which could be about three months. He added that the terms of the letter are just terms and not legally binding until the lease-purchase agreement is finalized.

Commissioner Nelms commented that this is not a great deal by any means but that he didn't think we would get a deal to make the County whole. He said that facing what we've lost and what we could lose potentially, this would allow the county to move forward and that it's beneficial to get the equipment moving. With that he moved to accept the former RRDA recommendation from last night; Commissioner Poole seconded.

Commissioner Johnston commented that he would not be able to support the motion, that the offer is just too low. He said he realizes we won't get the full loan value of \$18M but that he expects we could get more than \$4.2 million which is barely above the land value for a developed heavy industrial site. He said that the \$20K per month towards the \$100K still leaves the county and the tax payers with 80% and the \$20K wouldn't even start until March next year. He added that it was reasonable to believe, although there

is no certainty, that we can get at least a million more than this offer within the next five years, and if so, then we would be better off to wait. Chairman Ahrens stated that implied in this LOI is there can be other recycling-related activities on those 36 acres site such as use of sludge water and sewerage to make certain types fertilizer and there are other evolving uses for disposition of collected food from Kroger and Publix that is used in the mix. He said somebody has to start first, and though he doesn't know what the value of that would be, it does give a broader use of that site for a related part of that industry. He added that there is the ability to refinance the tax exempt portion of the bond, but that cannot be considered until 2017 where it could possibly be reduced a point or two less and would reduce the monthly payment.

He then recalled the motion by Commissioner Nelms and second by Commissioner Poole and called for a vote. The vote was approval 4-0 with Commissioner Johnston voting nay.

Chairman Ahrens stated that the agenda was amended at the beginning of the meeting to accept the resignations of the RRDA Board Members who are in attendance today: The Chairman, Jeff Duncan, Tom Ware and John Konop. He said that the BOC was very much appreciative of what they've done to move the County forward and for the action they did take at last night's meeting prior to submitting resignations. At that, he proposed to accept the resignations of the three gentlemen whose names he called earlier.

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

The Chairman commented that as a corollary to that, the Board just approved to go forward with the documents that have to be executed by the RRDA, which has one member currently, Mr. Robert Morrison. He said that as a short term measure to at least move this forward, he would propose to consider to appoint Commissioner Johnston, Commissioner Nelms, Commissioner Gunnin and himself to the RRDA Board to have a full five-member board for purposes at least of moving forward with these documents. Chairman Ahrens made a motion for the appointments; Commissioner Nelms seconded. Commissioner Johnston commented that he would have preferred to have heard the rationale from the resigning members in person rather than risking misstating. He said that his understanding was that they hadn't signed on to sign on the dotted line. That they wanted to recommend this deal but not be a party to it and be in the hot seat. He said they had expressed that the BOC should reappoint themselves because that is how it was originally set up to begin with.

Commissioner Johnston added that although the RRDA Board, just like the County Commissioners, were indemnified by the County, that he understands their concerns and that there is no reason to burden anyone else with this. He asked the former members in the audience if his understanding had been correct. From the audience, the former RRDA members confirmed agreement to Commissioner Johnston's statements.

Commissioner Gunnin expressed his thanks to the former RRDA Board. He said at a certain point he would want to go back and follow the recommendation of the Grand Jury which is to have a citizen committee. He said that we need to move back to two separate Boards but that he understands that the volunteers not wanting to be in the hot seat.

Commissioner Nelms thanked the former Board for their services and their recommendation, agreeing with Commissioners Gunnin and Johnston that that's what the elected officials were for, to serve the citizens and take the responsibility. The Chairman recalled the motion and second and the resulting vote was unanimous approval.

Chairman Ahrens stated that now that the BOC had nominated the reappointments, they needed to call a special meeting of the RRDA. He added that they can't do it tonight because they hadn't given 24-hour's notice. He suggested the Special Called RRDA meeting be held on Friday, February 21, 2014. Discussion ensued regarding a time and the decision was to meet at 8:00 a.m. in Cherokee Hall. Commissioner Johnston noted that Commissioner Poole has chosen not to be a member of the RRDA Board.

Chairman Ahrens made a motion to call the meeting for February 21, 2014 at 8:00 a.m.; Commissioner Nelms seconded and there was unanimous approval.

VICE CHAIR/COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

CONSENT AGENDA

- 1.1 Consider acceptance of GAEMS (Georgia Association of Emergency Medical Services) Trauma Equipment Grant and budget amendment in the amount of \$21,491.82. This is a no match grant to reimburse the EMS department's recent purchase of trauma equipment in the amount of \$28,130.00.

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

COUNTY MANAGER

- 2.1 Authorize purchase order to low bidder, Wade Ford, in the amount of \$23,991.00 for the purchase of a 2015 Ford F-350 Truck for Roads and Bridges Department.

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

- 2.2 Authorize purchase order to low bidder, King Ford, in the amount of \$18,953.00 for the purchase of a 2014 Ford F-250 Chassis for Roads and Bridges Department.

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

2.3 Consider approval to purchase twelve (12) new vehicles for the Cherokee Sheriff's Office from Cherokee Dodge in the total amount of \$276,276.00.

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

COUNTY ATTORNEY

3.1 Tax Levy resolution for Cherokee County School District.

Mr. Chris Hamilton stated that earlier Mr. Darrell Caudill, attorney for the School Board, had discussed this item during Work Session but would not be back this evening. He gave a brief overview, stating that this is a statutory resolution where the School Board has approved certain bonds to make improvements to schools and some refinancing. He said he would recommend that the Board go ahead and approve this request for a levy.

Commissioner Johnston added by way of comment that it's a perfunctory requirement for the School Board to come to the Board to ask approval yet we are obligated to grant it. He added that just to be sure we are all clear on what it is, this is a bond that this expected to be paid back by Education SPLOST Funds, but in the event the Education SPLOST Funds are inadequate to pay the debt then this provision requires property taxes to be assessed at an amount necessary to meet the debt service obligation under the bonds. He said it's a lot to approve but we don't have any choice legally but to approve it. He added that he's not saying the Board should deny it because the School Board is managing their finances in a responsible way.

The Chairman commented that another reference to that kind of disposition is that the Board of Commissioners actually approves their millage rate and doesn't have a choice not to, so it's kind of the same category of compliance. He recalled to the Board that before them was the resolution and debt service attached and said he would entertain a motion to move this forward.

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

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Johnston made a motion to adjourn at 6:41 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.