



Cherokee County Board of Commissioners WORK SESSION MINUTES

September 23, 2014
3:00 p.m. | Cherokee Hall

The Chairman began at 3:08 p.m. with all Commissioners Present. Chairman Ahrens read a few excerpts from the book "776 Stupidest Things Ever Said."

Note: Attorney Larry Ramsey sat in for Angie Davis.

1. FY2015 Proposed Budget Summary by Janelle Funk.

Prior to the presentation, the Chairman asked if Ms. Funk if she had received any communication from residents. Ms. Funk said she had not. He asked Ms. Black if anyone had come to the Clerk's office to review copy that was made available there and she replied that no one had.

Ms. Funk began by referring to the review tools, the 2015 Budget Overview and the 2015 Budget Book. Both are posted on the County's website and a hard copy is available at the County Clerk's office. They will hold a Public Hearing during the Regular Meeting that evening at 6:00 p.m. and the Budget will be considered for adoption on October 7, 2014 at 6:00 p.m. Both meetings will be held at 1130 Bluffs Parkway, Canton, in Cherokee Hall.

Ms. Funk presented a county-wide summary showing expenditures and transfers increased \$16.6M from 2014 broken down to operating and capital spending with a decrease in transfers. She also broke down costs to show what is truly available to the County due to funds that have various restrictions or specific purposes. With a few adjustments, the amount remaining without restrictions equals the General Fund. The proposed budget for the General Fund is \$63.3M, of which \$45.7M is planned for Public Safety and Judicial Services. Since there is reluctance to impact the level of Public Safety services, only \$17.6M is available in the General Fund. Ms. Funk stated that trying to fund the salary adjustment with non-public safety available funds would require a 27% cut. Some costs are fairly difficult to influence such as utilities, insurance, and Workers' Comp. The remaining costs are primarily personnel; and we already have one of the lowest headcounts in the metro-Atlanta area. Ms. Funk broke down the General Fund by organization to show how the costs impact the average homeowner. She also showed a break-down of the average homeowner's tax bill showing that the County portion takes up about

33% of the total tax bill. Ms. Funk provided a comparison of Cherokee County's M&O Rate to other metro-Atlanta counties. She stated that Cherokee County has the second lowest rate in the area. She added that if Cherokee County had a HOST in place, our combined county millage rate would probably be the sixth lowest in the state.

Ms. Funk went through the slide presentation and asked if there were any questions. Commissioner Johnston asked if the library employees that were paid by the County were considered in the 2% raises. Ms. Funk said they were. The Chairman asked about potential downfalls. Ms. Funk replied that she feels good about the budget overall but some risks would be whether we have an operator for the recycling plant and fines and forfeitures from the court claims. She added that they believe the 2014 recurring revenue plan will come out about \$1M higher in the General Fund than budgeted.

2. Discussion of Regular Agenda Items.

PUBLIC HEARINGS

1. The Cherokee County Board of Commissioners will hold a public hearing on Tuesday, September 23, 2014 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton at which time the public may comment on the PROPOSED FY2015 BUDGET.
2. The Cherokee County Board of Commissioners will hold a public hearing on Tuesday, September 23, 2014 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton to consider **transmittal of 2014 CIE/STWP Annual Report** to the Georgia Department of Community Affairs (DCA) for their review.

ZONING CASES

1. CASE NUMBER:	14-09-020
APPLICANT:	Rooker Properties, LLC
ZONING CHANGE:	AG to LI
LOCATION:	Leo Taylor Lane
MAP & PARCEL NUMBER:	03N02, Part of 044A
ACRES:	46 +/-

PROPOSED DEVELOPMENT: Distribution/Warehousing
COMMISSION DISTRICT: 1
FUTURE DEVELOPMENT MAP: Workplace Center

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-09-020 Rooker Properties, LLC to rezone from AG (Agricultural) to LI (Light Industrial) on 46 +/- acres for distribution/warehousing.

Commissioner Johnston commented that there were no issues with this case.

2. CASE NUMBER: 14-09-021
APPLICANT: Earl and Olene Darby
ZONING CHANGE: RD-3 to AG
LOCATION: Heard Road
MAP & PARCEL NUMBER: 14N21, 116, 117, 117A, 117B, 117D, 117E
ACRES: 24.15
PROPOSED DEVELOPMENT: Residential Family Farm
COMMISSION DISTRICT: 1
FUTURE DEVELOPMENT MAP: Suburban Growth

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-09-021 Earl and Olene Darby to rezone from RD-3 (Residential) to AG (Agricultural) on 24.15 acres for a residential family farm.

Commissioner Johnston said there were no problems with this case.

3. CASE NUMBER: 14-09-022
APPLICANT: Evans Cook Road Fifty, LLC
ZONING CHANGE: AG and R-40 to R-30
LOCATION: Evans Cook Road
MAP & PARCEL NUMBER: 03N05, 10A
ACRES: 47.9 +/-
PROPOSED DEVELOPMENT: Single Family Residential
COMMISSION DISTRICT: 1
FUTURE DEVELOPMENT MAP: Community Village and Country Estates

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of R-80 of zoning case 14-09-022 Evans Cook Road Fifty, LLC to rezone from AG (Agricultural) and R-40 (Residential) to R-30 (Residential) on 47.9 +/- acres for single family residential.

Commissioner Johnston asked Mr. Watkins to verify the bordering property as to how much is commercial and how much is church property. He added that it may not change the outcome but he does not want to base his decision on something that is factually wrong as it is presented. Further discussion ensued regarding bordering properties. Commissioner Johnston asked if it would be outside of

protocol to ask the Planning Commission Board to take a look at that, consider the statement about the border with commercial and ask them to reaffirm or reconsider their recommendation. Commissioner Johnston said he is not asking they re-open the hearing unless it is deemed appropriate. Mr. Watkins stated he would have to check to be sure they could remand it back to the Planning Commission. The Chairman asked Commissioner Johnston how it would change a decision if the majority of the property is GC. Commissioner Johnston replied that they would be more inclined to approve a higher impact use there. He added he is concerned that it is appealable. If they have enough information to say it is undevelopable, then they are back where they started. Commissioner Johnston stated he has not made up his mind on what to recommend to the Board and it would partly depend on this issue. The Chairman mentioned the possibility of postponing the decision in order to speak with the applicant. Commissioner Johnston agreed that it is another option to consider.

CONSENT AGENDA

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

- 1.1 Consider approval to surplus and recycle defective and/or obsolete electronic equipment from various departments at the Justice Center.
- 1.2 Consider acceptance of ACCG Grant in the amount of \$6,000.00 and authorize Budget Amendment to increase revenue and expenses in the Multiple Grant Fund 250 to allocate the grant monies. There is no County match required.
- 1.3 Consideration of approval of an Agreement between Cherokee County and the Service League of Cherokee County for the County to provide van service for Riverfest.

COUNTY MANAGER

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

- 2.1 Consider approval of Lose & Associates as the Landscape Architect/Engineers for East Park, and approve award of the Professional Services Agreement in the not to exceed amount of \$557,000.00.

- 2.2 Consider acceptance of all public rights-of-way, roadways, and appurtenant drainage structure in seven (7) phases of the Centennial Lakes Subdivision in Pods 2, 4-A, 4-B, 7-A, 12-A, 12-B, and 16A.
- 2.3 Consider acceptance of 2014 VOCA (Victims of Crimes Act) Continuation Award in the amount of \$45,814.00 for County FY2015.
- 2.4 Consider acceptance of annual GEMA Grant and approval of budget amendment in the amount of \$64,804.00.
- 2.5 Consider approval to open a new money market account with East West Bank to earn 0.27% on our cash balance without restrictions. This is greater than the current highest return available with Georgia Fund 1 at 0.1442%.

Chairman Ahrens asked what would be the average daily balance. Ms. Funk responded that they will start the account with \$40M. Commissioner Johnston confirmed that there was no appreciable difference in risk. Ms. Funk said they will collateralize them 110% so they will have assets to support our \$40M balance of 110%. Commissioner Johnston further confirmed that it was not FDIC insured. Ms. Funk stated that just the first \$250K is FDIC insured. Commissioner Johnston asked how the collateralization works. Ms. Funk replied that for public funds, we are required by the State of Georgia that wherever we put our money, it has to be collateralized by the bank. The bank has to have assets to pledge against it 110% of that.

- 2.6 Consider approval of Stop Loss coverage with Anthem (BCBSGA) in the amount of \$817,230.00.

Mr. Cooper added this is a 14% increase from our current coverage but was below the other proposals. The Chairman asked if that number is about what we expect to incur. Mr. Cooper replied that it was.

- 2.7 Requesting authorization for the County Manager to sign appropriate Insurance Paperwork to renew current coverages in the amount of \$704,467.00 with Insurance Office of America/One Beacon.

Mr. Cooper added that our current loss ratio is only at 14%. The Chairman asked how the brokers are paid. Mr. Cooper replied that he would get that information to them.

- 2.8 Approval of second amendment to the Professional Services Agreement and fee schedule for Workers' Compensation claims management to be provided by Key Risk Management Services, LLC for the period 10/1/14 to 9/30/15.
- 2.9 Amendment: Consider approval to renew the County's Excess Workers' Compensation Policy provided by Midwest Employers Casualty Company for the period of 10/1/14 to 9/30/15 for the annual premium of \$165,702.00.

Mr. Cooper stated this only increased by 2% and this helps to pay out any single claim above \$250K. The Chairman asked what the excess Workers' Comp covers. Mr. Cooper responded that if it's a major injury, it can get quite expensive. Our exposure is only up to \$250K on a single claim and Key Risks negotiates the medical costs and hospital charges. Commissioner Johnston commented that one of the big risks is a true long-term disability where we have to pay medical bills for the rest of an employee's life. He asked is the excess how it would get paid. Mr. Cooper said it is.

COUNTY ATTORNEY

Mr. Larry Ramsey went over three items under the **County Attorney** portion:

- 3.1 Consider approval of resolution authorizing and appointing the County Clerk, the County Manager and the Chairman of the Board of Commissioners to receive service of process for all litigation filed against the County.

The Chairman asked Mr. Ramsey if he knew if other counties did this as well. Mr. Ramsey replied that he knows Fulton County Commissioners authorized the County Attorney to accept service on their behalf individually or for the county.

- 3.2 Requesting the adoption of a Resolution consenting to the de-annexation of properties annexed and rezoned by the City of Woodstock for commercial use by Hennessey Honda.

Mr. Ramsey indicated that the properties are three residential lots in Kingsridge Estates. The owners of the lots wish to return to unincorporated status. Ultimately, the City of Woodstock would decide if the properties will be de-annexed, according to State law. The County would have to consent to take the properties back. Mr. Ramsey stated that he added a paragraph to the Resolution regarding a zoning moratorium that there would potentially be a gap in time if the property is de-annexed where this property would have no zoning attached to it until the Board of Commissioners and County

staff could go through the process of putting the zoning classification back on this property.

Commissioner Nelms confirmed that the original zoning for the properties is R-20. He also asked if they could add to the moratorium that the original zoning applied to the properties will be R-20. He believes it will further mitigate any potential risks. Mr. Watkins said that there will be an action to take place to meet the Zoning Procedures Act which will be a re-zoning of the property.

3.3 Requesting approval of a Temporary Medical Hardship for Mr. and Mrs. Robert Byers of 520 River Lakeside Lane.

Mr. Ramsey stated that this is from a portion of the zoning code that limits the placement of manufactured homes in several zoning districts. Ms. Vicki Taylor-Lee stated that Mr. Byers had spoken with her and Mr. Watkins a few times. Mr. Byers is disabled and owns an RV that he set up without realizing he shouldn't. Ms. Taylor-Lee said they do have a provision in Article 7. An individual can put a manufactured home on their property under a Temporary Medical Hardship and are allowed to do it for a year, and if it's over a year they would have to go before the Board for permission for anything over. She stated the anomaly is that this is a recreational vehicle. Mr. Watkins commented that they caution the Board, but they had no other way to give Mr. Byers due process to get him before the Board for permission. Mr. Byers will be at the Regular Meeting. Chairman Ahrens asked about whose District this is in. Mr. Watkins replied that they would find out and let them know. The Chairman asked if there was a precedent over this. Mr. Watkins said they do this if, for instance, a house burns down, that homeowner can put a manufactured home in their yard while awaiting the major renovations. He added that it's not a huge issue.

Officer Eric Bastress of the Marshal's Office asked to speak. He stated that he issued a notice of violation to have all living in the camper stopped. He said they have electrical running to it and it's on blocks and has been there for quite some time. Officer Bastress stated that Mr. Byers told him in the interview that he stays in the RV when his mother-in-law is in town. He said there is ability for Mr. Byers to go into the home. He said the home is on the property line close the house next door which is where the complaint came from. He added he can provide photographs if needed.

Commissioner Gunnin commented that it was a bad situation. The Chairman asked if we had many complaints. Officer Bastress said it was just the one.

The Chairman asked if there was anything else to discuss. Mr. Watkins stated he had an update on an item. He said he attended a meeting held by Council for Quality Growth. Mr. Watkins commented that one of the main topics discussed was that USPS decided that there will no longer be curbside service of mail in any new development in the Atlanta metropolitan region. The region stretches from about Chattanooga to Griffin and from Alabama to Athens. Mr. Watkins explained that curbside means driving up to mailboxes out in front of homes and putting the mail in the mailbox. He added that there were meetings around the area and people supposedly decided this in 2012 but he doubts it because he had not heard about it. He said the mail would be delivered in what is called a CBU (Cluster Box Unit). USPS decided they did not want to be a part of the planning and development process. Every new development will have to go to the USPS to find out where to put the boxes. Mr. Watkins stated there is a host of issues with this, such as placing these in the right-of-way and indemnify the County. If someone hits it and wants to sue someone, it would be the County and not USPS. Mr. Watkins commented that the answer to that issue was that this is the way it's going to be, a one size fits all for all new developments.

Chairman Ahrens asked how these things happen. Mr. Watkins stated that the idea is that it will save taxpayers money for the delivery of their service. They have no standards for this and want to handle it on a case-by-case basis. The whole area will have only one person in which to speak to at USPS. Mr. Watkins stated that any question he asked received no response because they had not thought about such things. He added that Coweta County decided to go ahead and adopt an ordinance based on this information. Commissioner Nelms asked if Coweta County was putting the responsibility on the developer to initiate some kind of process. Mr. Watkins said that it will be up to the developer to do it a certain way. He added that USPS has not thought this through. Mr. Watkins said he wanted to plant the seed in the event the Commissioners want to talk to the Congressmen for our area.

Commissioner Johnston asked what would trigger for requiring it, submitting a plan or beginning of construction. Mr. Watkins replied that he did not know. Commissioner Johnston asked about neighborhoods that were started but then stopped due to the recession and are now being revived. Mr. Watkins responded that those are the ones they will target but will take them on a case-by-case basis. The Chairman commented that he is surprised the Council for Quality Growth hasn't made more noise about it.

than this. Mr. Watkins stated that it just started taking effect earlier this year. Commissioner Johnston commented that it seems the Post Office, because of the \$.50 cap on the first class postage rate, they're trying to find a way around that. He added that on the other hand, it seems like a way to put political pressure on Congress to give them some latitude and change that. He further stated that it seems they may need to get an ordinance in place or a revision to an existing ordinance. Commissioner Nelms asked Mr. Watkins to come up with a draft of an ordinance based on Coweta County's for them to review. Mr. Watkins stated they would work on it.

ADJOURN

Hearing no further items, Commissioner Johnston made a motion to adjourn to Executive Session at 4:35 p.m. to discuss property acquisition and deposition, personnel matters, pending or threatened litigation. Commissioner Nelms seconded and the motion was unanimously approved.