



Cherokee County Board of Commissioners WORK SESSION MINUTES

November 18, 2014

3:00 p.m. | Cherokee Hall

The Chairman began at 3:06 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Brian Poole; 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 read an excerpt from "The Essence of Leadership" by Mac Anderson about priorities.

1. Presentation by Denise Bowman with Cherokee County Health Department.

Ms. Bowman began with a brief history of public health. She stated we have 18 health districts in Georgia. Cherokee County is part of the Dalton 1-2 District and is the lead county. Ms. Bowman indicated that they house a large number of programs. She added that she manages both Cherokee sites in Canton and Woodstock.

Ms. Bowman stated their mission is to inform, protect, and prevent. She added they are holding weekly conference calls regarding Ebola. Ms. Bowman mentioned they house vital records at the Woodstock location. The Women's Clinic has been revamped due to federal funding being allocated to FQHCs. They have a small amount of primary care for children but mostly preventative care. They also offer a program called Babies Can't Wait for infants and toddlers with developmental delays. Ms. Bowman mentioned the Women, Infants and Children's program, also known as WIC. She spoke about the dental van program that serves children. The Health Department provides immunizations and the campaign for the flu vaccine is in full swing. Ms. Bowman stated that pertussis is still on the rise and this school year marked the first increase in revamping the immunization schedule to include meningitis and TDAP which includes the pertussis vaccine. Ms. Bowman shared a new initiative called the Telemedicine Cart in which one of their delegating physicians, Dr. Elam, is able to manage the case load in Canton while still in Dalton through the computer, high resolution cameras and the instruments of the

clinicians. He can make diagnosis and treatments through the telemedicine cart. Ms. Bowman mentioned that they had a team fly down from Washington after the Telemedicine Cart was brought to their center and received rave reviews. The Environmental Health Office is housed at the Bluffs. Mr. Curtis Barnhart is the manager. This office handles inspections and is a vital part of public health. Ms. Bowman stated that Emergency Preparedness has moved up in priority since 9-11. She credited the Emergency Preparedness group who worked with the community in all areas during that time.

Ms. Bowman explained how they are associated with Cherokee FOCUS through the Family Connections Grant. They have received a trendier visibility through events like ZombieFest as a fundraiser for GED education and tutoring, housing, and clothing assistance. Ms. Bowman went on to describe their payment for services. She stated it was based on a sliding scale but also had some standard fees if they have to use outside agencies. Ms. Bowman mentioned they have a collaborative partnership with Universities and Colleges in the area and have hired some recent graduates. She shared the clinic hours and location information. She then introduced Ms. Jennifer King.

Ms. King stated that she is the Public Information Officer and Risk Communicator for the Health District. She briefly shared her background. Her responsibilities cover public information materials as well as working with the youth for things like tobacco prevention and tobacco-free environments. She went on to describe the youth summit she attended with the Youth Council and Cherokee FOCUS. Ms. King stated they will be doing some fun projects in the County that focus on creating better tobacco-free environments. She then thanked the Commissioners for having them present at the meeting.

Chairman Ahrens thanked both ladies and added that many know the County has a Health Department but may not know the scope of what is encompassed. Also, the demographics are going to change significantly more toward the 65 plus in comparison to other counties and there will be other demands that will utilize more of their services.

Commissioner Johnston mentioned the growing population of illegal immigrants in the County and asked what the procedures and requirements are for proof of legal residency or if those procedures apply to the Health Department. Ms. Bowman replied that some programs do require identification and proof of citizenship. However, a program like their pre-natal program is a "fee for service" and receives no funding so they do have to pay but do not have to show identification. Commissioner Johnston confirmed that the programs that are subsidized do

require identification. Ms. Bowman responded that those required proof of residency and income.

2. Presentation by Georgia Regional Transportation Authority (GRTA) Executive Director Kirk Fjelstul and Matt Markham.

Mr. Geoff Morton introduced Mr. Fjelstul and Mr. Markham from GRTA. He stated that GRTA is celebrating 10 years of service this year. Mr. Fjelstul began by briefly explaining the Xpress Service. Xpress operates in the suburban communities during the peak hours, morning and afternoons, to take folks an average of 26 miles along the interstates into the main job centers in Midtown and downtown Atlanta. Mr. Fjelstul stated that they decided that at 10 years, it was a good time to look at their organization inside and out in an effort they named The Direct Xpress.

Mr. Fjelstul explained that the State is involved in the support of the Xpress commuter service for two reasons: 1.) It is an economic development tool to provide job access; and 2.) It removes long trips on the interstate and is cost effective. Mr. Fjelstul stated they researched the benefits of the service and found that on I-85 managed lanes during peak hours, 2% of the vehicles are buses but carry 30% of the people. It also saves commuters gasoline costs and provides more than a 4:1 return on investment. The Xpress services also provide a broad reach connecting about 3.4 million residents to 375,000 jobs. The services operate out of 12 counties but draws from about 44 counties. It also removes about 55 million miles of congestion from the interstates per year. Mr. Fjelstul also shared benefits to the commuter including hours not spent driving in traffic, savings on gasoline and wear and tear of their vehicle, and savings on parking costs. They have a high satisfaction rate from their customers of 82%. Mr. Fjelstul stated this is down from their usual numbers.

Mr. Fjelstul explained that their service covers 33 routes by 175 coaches; 30 park and ride lots in 12 counties which relates to two million passenger boardings per year. Service in Cherokee County began in 2007 and has two routes to downtown and Midtown. The service in Cherokee County has been good but is growing each year. They have been working with a consultant who is looking at every aspect of all routes and making changes to make sure they are on time taking people to where they want to go. They expect to have an update for the County in the first quarter of the new calendar year. Mr. Fjelstul shared a brief video in regards to business development titled "Xpress: A Shared Value."

Mr. Fjelstul asked if there were any questions. Commissioner Johnston stated that he understood that GRTA had acquired a site for the relocation of the Canton Park

and Ride' to a new site just south of Canton. Mr. Fjelstul replied that he doesn't recall an acquired site but they did have additional sites they were looking at, but it is not going to happen. The Chairman commented that a lot of people do not know it exists and there are some who would like to have a ride to the airport. He added that he has spoken to people who don't know about the guaranteed ride home. He asked Mr. Fjelstul to explain that. Mr. Fjelstul stated that it is not marketed at this point. Part of this effort is to make the service simpler and to make sure they have the messages right so they can market it. He stated that the guaranteed ride home is sponsored by the Atlanta Regional Commission and is a subsidized program that will help an individual get back to where they need to go in case of an emergency.

Commissioner Nelms asked for the routes and departure times and rates for Cherokee County for those who may be listening or in the future through the website. Mr. Fjelstul stated that www.xpressga.com is the best website to go to for that information. He added that the first ride out is at 5:45 a.m. and in the afternoon, the trips will start about 2:30 p.m. or 3:30 p.m. The rates from Canton are \$3 one way or \$5 round-trip and for Woodstock, the rates are \$4 one way or \$7 round trip.

Chairman Ahrens mentioned the subject of the sign ordinance. He stated they will get back into that as well as best practices.

3. Discussion of Regular Agenda Items.

PUBLIC HEARING

1. Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the abandonment of a portion of **Cherokee Street** (Way) located in Land Lot 843 of the 21st District, 2nd Section of Cherokee County.

Mr. Morton briefly went over the case. He added it is in southwest Cherokee County off of Galts Ferry Road. A resident requested it, it has been advertised, and he has not received any comment on it. He indicated the person who requested it owns the property on both sides of the street. Commissioner Johnston confirmed this road dead ends onto the resident's property.

ZONING CASES

CASE NUMBER:	14-11-023
APPLICANT:	Jeannie and Edwin Cochran
ZONING CHANGE:	R-40 to GC
LOCATION:	12746 Cumming Highway
MAP & PARCEL NUMBER:	03N23, Parcel 213
ACRES:	4.6 +/-
PROPOSED DEVELOPMENT:	Furniture/Interior Design Business
COMMISSION DISTRICT:	1
FUTURE DEVELOPMENT MAP:	Community Village

As a result of the public hearing held on November 4, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-11-023 Jeannie and Edwin Cochran to rezone from R-40 (Residential) to GC (General Commercial) on 4.6 +/- acres for furniture/interior design business.

Mr. Jeff Watkins gave a brief overview of the case. Commissioner Johnston stated it conforms to the land use plan and he has no objection to it.

COMMISSION BUSINESS

CHAIRMAN

L.B. AHRENS

- A. Adoption of 2015 Board of Commissioners' Meeting Schedule.

Chairman Ahrens stated he saw no conflicts in the schedule.

- B. Amendment: Consider reappointments to the Cherokee County DFCS Board for a five-year term, expiring June 30, 2019: Donna Ratliff, Nina Morris and Vic West.

The Chairman stated that all three reappointments have indicated a desire to stay. He added that if anyone would like to see someone else appointed, they can postpone the appointments until the next meeting. He added that they are grateful to have these three desiring to server another term.

COMMISSION DISTRICT 3

BRIAN POOLE

- A. Discussion on Hunting Ordinance.

Commissioner Poole stated that residents on the south side of Kellogg Creek Road are having some issues with deer hunters within 100 yards of their house. He added that he and Commissioner Nelms had discussed it and he would like to defer to Commissioner Nelms since he is a former DNR

employee. Commissioner Nelms commented that this is a tough situation and it really goes back to the enforceability of the laws that are there. Currently, the Corps of Engineers allow on federal property archery only hunting around Payne Creek Campground, an area around Clark Creek at Hunt Road, and another area on the Bartow and Cherokee County line for archery only. Commissioner Nelms stated they discussed this with the State Delegation last year so maybe this is something they would want to move forward with. In this case, the folks using rifles are hunting illegally. There is only one State Conservation Ranger/State Game Warden assigned to every county in the State. Their hands are full and sending an officer into the woods with an armed person is a dangerous situation so it's an enforceability issue. He indicated he wasn't sure if Cherokee County was populous enough to have an archery only area but maybe as the County continues to grow, it may be an area that the County lobbies our delegates to enforce.

Commissioner Johnston stated that a lot of complaints are for those who are target shooting. He added that sometimes it is even more disturbing because a lot more rounds are fired and sometimes takes place much closer to homes. He feels at some point even that will need to be addressed especially in neighborhoods with houses on half acre lots or smaller. Commissioner Nelms stated he had spoken with two DNR Board members appointed by the Governor. At that time, the Board had no intentions to move forward with Cherokee County being archery only areas based on the insurance companies clamoring about deer/car collisions in Cherokee County. Commissioner Nelms stated that the population of white tail deer need to be hunted to be kept in reasonable balance. He added that we are going to have uneducated people breaking the law. He stated he agreed with Commissioner Johnston's view on the zoning classifications based on the volume and tract of land one lives on. He further stated that he feels the Board needs to be cognizant of that moving forward. Commissioner Johnston interjected that the zoning wouldn't help with the hunting issue, but the target shooting does take place in people's back yards. Commissioner Nelms stated that you don't want to remove the hunting permits altogether due to the deer population. The Chairman asked if the delegation needs to do something. Commissioner Nelms suggested planting a seed with the delegation and get their input and then it would go before the DNR Board and then a recommendation would be made.

The Chairman referenced the City of Ball Ground denying the previous request of deannexation and it seemed to involve hunting by the person wanting to deannex. The City doesn't allow it and the County doesn't have a prevention. The State defines wildlife as being owned by the State, not by

the County. He also stated that DNR faced some cutbacks. The Chairman indicated that a representative from the Falls of Cherokee wants to discuss some of these same issues. Commissioner Poole commented that early in the morning, you can see deer in downtown Woodstock on Main Street and you can see them about any time of the day. He added that was the main concern because of people being so close to houses and discharging a gun. The Chairman asked if the County can enforce laws on Corps property. Commissioner Nelms said he didn't think so and deferred the question to Ms. Angie Davis who also stated she didn't think so. Commissioner Gunnin confirmed that Federal statute would supersede anything the County tried to do. Ms. Davis said it would. Commissioner Nelms stated that if the County were to be too quick to do anything and were to have a County ordinance in place, then you're putting already limited resources under even more scrutiny to have even more calls come in to enforce. Commissioner Johnston commented that the Corps of Engineers provides no enforcement. Commissioner Nelms stated that the right way to do it would be to put it before the State and ask them to put it before the DNR Board and have them to research it. Commissioner Nelms asked Ms. Davis to obtain a copy of the Forsyth County ordinance of firearms which covers shooting of a firearm within a certain distance of a residence. Ms. Davis said that she would as well as others from around the area.

Chairman Ahrens stated that most of the complaints he has heard of coming from Corps property is loud music and partying and four wheelers. Commissioner Poole added that folks from the Falls of Cherokee neighborhood are afraid to go out at night because they have received threats by some of these people.

COUNTY MANAGER

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

Mr. Cooper first thanked Mr. Geoff Morton for presenting the agenda for the last two meetings.

- 2.1 Consider approval of Change Order to the Maintenance Service Agreement with Aqua Design Systems for miscellaneous repairs to the expansion joints, gutter wall and surge tank in the not to exceed amount of \$30,000.00. A County-controlled contingency of \$5,000.00 is also requested. Total amount of request is \$35,000.00 to be funded by the Park Bond Program.

Mr. Cooper added that the contractor will cover some of the cost, but not much. Commissioner Johnston confirmed that there is no special warranty of any kind. Mr. Cooper replied that it is correct. Mr. Cooper further stated that they want to waterproof the surge tank. Commissioner Johnston confirmed that the remaining issue is strictly for the outdoor pool.

- 2.2 Consider approval granting easements and perpetual rights-of-ways to Cherokee County Water and Sewerage Authority (CCWSA) for and over the sewer and water lines in new park at Killian and Univeter Road. Sanitary sewer line easement is approximately 0.19 acres; Water line easement is approximately 0.08 acres.
- 2.3 Consider proposal from Moreland Altobelli Associates, Inc. to perform design services for the preparation of a Programmatic Categorical Exclusion (PCE) or Environment Document, for the SR 140 at East Cherokee Drive Intersection Improvement Project, under their annual engineering consulting services contract in the amount of \$25,000.00.
- 2.4 Consider approval of Release and Assignment Agreement for the Little Bear Subdivision.
- 2.5 Consider renewal of the SunTrust Loan for Cherokee County Development Authority land held for economic development at the rate of 3.93% and the related budget amendment.
- 2.6 Consideration of employee voluntary separation agreement.
- 2.7 Consider impact fee exemption request from Rooker in the amount of \$175,288.06 for 304,000 square feet industrial building located on approximately 25 acres within the Cherokee 75 Corporate Park.

Mr. Cooper stated that since we have no spec building and we really need jobs, he recommends approving a 100% waiver for impact fees. Commissioner Nelms agreed and praised the Office of Economic Development on a job well done in what they have accomplished in a short time. The Chairman commented that we need more spec buildings and this may evolve into more. He also asked Ms. Misti Martin if she had anything to add. Ms. Martin expressed the importance of having that available space. She stated that about 90% of their prospects start out looking for an available building. She added that we would not have had a shot with Inalfa

if we didn't have a spec building. She stated the fact that we have a private partner willing to take on the risk, speaks volumes.

- 2.8 Consider purchase of F-150 for Animal Control in the amount of \$25,495.00 from Hardy Ford who submitted the lowest of three quotes.
- 2.9 Consider Professional Services Agreement with IntelliTime Systems for the purchase of Fire Scheduling Software and budget amendment in the amount of \$99,145.00 to move funds from operations to capital.

Commissioner Gunnin commented that this will help free up the time it takes for manually scheduling to do more important tasks.

The Chairman stated he would like to discuss the upcoming meeting with the delegation on December 10, 2014. He said he does not know the time yet. Commissioner Nelms confirmed the location to be at the Cherokee Chamber of Commerce, Terrace Level. The Chairman mentioned that the HOST will be a topic. He referenced a previous meeting with Cobb and Gwinnett Counties where a re-draft of the legislation was presented. The goal was to get Cobb, Gwinnett, and Cherokee on the same page. They discussed the use of a fractional penny as part of the HOST and they were unable to come to a consensus. However, they wanted to have the legislation right so that anyone who wanted to pursue it would have a workable document; and would also allow a county with a LOST to switch into a HOST somehow. The Chairman stated there was discussion on capital.

Commissioner Johnston stated that the biggest objection that was raised during our referendum was the potential windfall to county government in the way that you begin collecting that SPLOST and you don't have to roll back tax revenues for about two years. The Chairman stated that it is changed in the draft. Commissioner Nelms asked if we can have some control over the verbiage of the referendum. The Chairman replied no. He added that he has the draft and will send it to the Commissioners. The Chairman stated that the Chairman of the Georgia Tea Party was at the meeting and is very supportive.

The Chairman mentioned that they will discuss tax reform. He also stated that Mr. Cooper added a topic to add for the County to have 44 supplements in Superior Court. Mr. Cooper stated that the State law sets a cap for supplements for Superior Court judges. The request is to give the Board discretion to increase supplements rather than going to the legislature each and every time they want an increase.

The Chairman asked the Board for any topics they may want to discuss. Commissioner Johnston stated that one thing is that it is more important for incoming Commissioners to attend than the current Commissioners. He suggested to Commissioner Nelms to be sure Commissioner-elect, Scott Gordon, gets an invitation and he would be sure his replacement, Commissioner-elect, Steve West, was also invited to attend. The Chairman responded that he will make sure that happens. He stated that one topic from last year was the specific State code related to Resource Recovery Development Authorities that allowed a 1 mill cost in the event of default and all they have to do is strike that and no county or city could do it again; but they somehow really didn't get the message and thought they were asking for something else.

Commissioner Johnston asked if they could seek advice from Ms. Davis regarding the requirement of out-going commissioners following the General Election in November to abstain from voting on certain types of action items. He added that he noted some that qualify for that and others that might. He mentioned items 2.9 because it is acquisition of property, 2.8 as it is a purchase of a vehicle, and 2.5 renewing debt. Ms. Davis agreed. Commissioner Johnston referred to item 2.2 as questionable because it is granting easements on County property. Ms. Davis suggested not voting on it because it does involve disposing of County property although it is small sections for easements. Commissioner Johnston asked about the Public Hearing item. Ms. Davis stated that would be okay to vote on because the legislation says they can vote on disposal if it was noticed to the public in a legal organ prior to the date of the election and this was. Commissioner Johnston asked if there were any others and Ms. Davis replied that there was not.

ADJOURN

Hearing no further items, Commissioner Johnston made a motion to adjourn to the special called joint BOC/RRDA meeting to be followed by an Executive Session of the BOC at 4:32 p.m. to discuss property acquisition and deposition, personnel matters, pending or threatened litigation. Commissioner Nelms seconded. The motion carried unanimously.