

Special Called Joint Meeting
CHEROKEE COUNTY BOARD OF COMMISSIONERS
AND
RESOURCE RECOVERY DEVELOPMENT AUTHORITY
TUESDAY, DECEMBER 30, 2014
4:30 p.m. in Cherokee Hall

MINUTES

The Chairman called the meeting to order at 4:32 p.m. Those present included RRDA/BOC Chairman Ahrens, RRDA Member/Commissioner Raymond Gunnin, RRDA Member/Commissioner Harry Johnston, RRDA Member Robert Morrison, and Commissioner Brian Poole. Others present included County Attorney Angie Davis, County Manager Jerry Cooper, Commissioner Elect Steve West, Christy Cochran (for Christy Black, County Clerk) and members of the media.

AMENDMENT

Commissioner Johnston asked to amend the RRDA agenda. He asked for his resignation from RRDA to be accepted at the conclusion of the meeting. Chairman Ahrens made a motion to approve Commissioner Johnston's amendment to the agenda; Commissioner Gunnin seconded. The vote was for unanimous approval.

Chairman Ahrens changed the agenda order.

1. Approval of Minutes from Joint RRDA/BOC meeting on November 4, 2014.

Chairman Ahrens asked for a motion from RRDA for approval of the minutes. Chairman Ahrens stated BOC approved the meeting minutes at prior meeting. Commissioner Johnston made a motion to approve; Commissioner Gunnin seconded. The vote was for unanimous approval, 4-0.

2. Consider conditions of potential agreement – Ball Ground Recycling (BGR).

Chairman Ahrens asked Ms. Davis to explain the conditions of the potential agreement. Ms. Davis said this was concerning the pending litigation with BGR, who was the previous owner of the recycling facility, on the RRDA property and numerous other defendants who are Bobo related entities that were sued by the County. RRDA received a settlement offer about a year ago, and Ms. Davis thought it was the appropriate time to discuss. She asked to adjourn to Executive Session to discuss the terms of the agreement.

Chairman Ahrens then asked for a motion to adjourn to Executive Session. Commissioner Gunnin made a motion to adjourn to Executive Session at 4:35 p.m.; Commissioner Poole seconded and there was unanimous approval.

The meeting reconvened at 5:08 p.m. Chairman Ahrens asked to ratify the closure of Executive Session at 5:00 p.m. Commissioner Poole made a motion to approve; Commissioner Gunnin seconded. There was unanimous approval.

Ms. Davis discussed the conditions of the potential settlement agreement. Ms. Davis explained there was a lawsuit filed November 13, 2012 by the County & RRDA. This lawsuit has been pending in Supreme Court since that time. Investigations were done by the Cherokee County Sheriff's Office, the Georgia Bureau of Investigation, the Federal Bureau of Investigation and a Forensic Audit. All concluded that no prosecutable criminal activity occurred by any of the parties. The Grand Jury of Cherokee County issued a report and recommendations that no further county resources be expended on matters related to the Ball Ground Recycling Project, and, instead, that all county resources be put to an aggressive pursuit to sell or lease the Ball Ground Recycling Facility. The settlement agreement that has been reached is the payment of \$62,500 by BGR to RRDA. This payment will go towards attorney fees incurred by the litigation. The settlement agreement provides a mutual release by all parties in that all claims and alleged liabilities will be resolved. The payment will be made to RRDA within 30 days of the effective agreement date.

Chairman Ahrens commented that the reason for the special called meeting was for the settlement agreement to be considered and voted on by the 2014 sitting boards. Additionally, if approved and signed, the time and expenses will be stopped on BGR litigation and allows the County to focus on future commitments. Commissioner Poole added that he thought it was over back in August when the District Attorney decided there was no prosecutable criminal activity by any of the parties. With the settlement agreement, Commissioner Poole said we can put BGR behind us and focus on the future of Cherokee County. Commissioner Gunnin agreed with Commissioner Poole's comments. He stated the payment from BGR would help offset some legal fees but does not offset the things the County has been through associated with BGR.

Mr. Morrison made a motion on behalf of RRDA to approve the Settlement Agreement – Ball Ground Recycling; Chairman Ahrens seconded. There was unanimous approval, 4-0.

Commissioner Johnston expressed that he would like for the 2015 BOC & RRDA to be the ones to vote on this agreement. Since he knows the will of the BOC & RRDA, Commissioner Johnston agreed to the settlement agreement.

Chairman Ahrens then made a motion for BOC to approve the Settlement Agreement – Ball Ground Recycling; Commissioner Poole seconded. There was unanimous approval, 4-0.

Chairman Ahrens thanked Commissioner Johnston for his service as Commissioner and RRDA Board Member. He asked Ms. Davis if there needed to be a vote for Commissioner Johnston's resignation from RRDA. Ms. Davis replied the resignation is tendered at will.

ADJOURN

Having no further business on the agenda, Commissioner Poole made a motion to adjourn at 5:22 p.m.; Commissioner Gunnin seconded. There was unanimous approval to adjourn Special Called Joint Meeting BOC & RRDA.