

MINUTES

Cherokee County Board of Commissioners

November 15, 2011 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Commissioner Jason Nelms gave the invocation.

CALL TO ORDER

VICE CHAIRMAN HUBBARD

Presiding as Chairman, Vice Chair Jim Hubbard called the regular meeting to order at 6:02 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Karen Bosch; 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. Absent is Chairman Buzz Ahrens.

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"

AMENDMENTS TO AGENDA

1. Under County Manager Portion: Consider extending the lease with the Malon D. Mimms Boys & Girls Club for use of the Trolley in 2012.
2. Under County Attorney Portion: Consider settlement agreement per discussion at Executive Session.

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

PROCLAMATION

Proclaiming Sunday, December 4 as "Johnny Hunt Day" in celebration of Pastor Hunt's 25th year at First Baptist Woodstock.

Commissioner Hubbard read the proclamation and gave it to Commissioner Nelms to deliver to Pastor Hunt.

ANNOUNCEMENTS

Commissioner Bosch announced that Hopewell Baptist Church is holding their annual "Back to Bethlehem" event from December 3 to December 11, from 7:00 pm. To 9:00 p.m. There is no admission fee for this outdoor walk through 'Bethlehem'.

APPROVAL OF WORK SESSION MINUTES FROM November 1, 2011.

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

APPROVAL OF REGULAR MEETING MINUTES FROM November 1, 2011.

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

PUBLIC COMMENT

Due to the fact that 24 people signed up for Public Comment, Commissioner Hubbard stated that if everyone would be brief, they would try to allow everyone to speak.

1. Carolyn Cosby spoke about the Aquatic Center, opposing the project on behalf of the Citizens Committee. She posed the question of whether the Aquatic Center was supposed to be a 'Family Water Park' or a 'Pool for Swim Teams'. She said the County could not afford the "Big Million Dollar Boondoggle".
2. Gary Martin spoke as part of the Citizens Committee in opposition to the Aquatic Center, stating that since the park bond approval, the economy has gone downhill and he is asking the Board to take that into consideration when making their decision.
3. Larry Rozinski spoke in opposition of the Aquatic Center, stating that a pool for swim teams should be a School Board project and that the County didn't need a 'Family Pool'. He said that the Commissioners were touting the project as a Family Pool but that it was actually something else. He asked the Board to delay the project a year.
4. Roger Carter spoke in opposition to the Aquatic Center, stating that the current recession could last a decade as the Great Depression did. He suggested using the Bond money to pay down debt.
5. Marcus Beavers spoke in opposition of the Aquatic Center, referencing the County's 2010 Financial Report and the debt facing the County. He added that the Aquatic Center was not named on the ballot for the Park Bond.
6. Bill McMiff spoke in opposition of the Aquatic Center as a member of the Citizens Committee. He stated that there is not one public pool in the Metro Atlanta area that is not tax payer funded and that isn't operating in the

red. He said that the Aquatic Center will eventually turn into a tax increase that citizens can't afford to support a luxury in these times. He further stated that the Board was not "hired" to gamble with tax payers' money.

7. Joseph Burke spoke in support of the Aquatic Center, having lived in Fulton County he says the only thing he misses is the Parks System. He applauded the Commissioners for this progressive move in investing in the County that would increase property value and keep the County thriving.
8. Harvey Russ had signed up to speak about the Race Trac zoning issue. As this was a topic of a previous Public Hearing, he was not permitted to speak.
9. Ann Russ had signed up to speak about the Race Trac zoning issue. As this was a topic of a previous Public Hearing, she was not permitted to speak.
10. Emma Burke, a River Ridge Swim Team member, spoke in support of the Aquatic Center as she sees multiple parks built by the County for other baseball and other sports, but no swim facilities.
11. Katie Brown, a River Ridge Swim Team member, spoke in support of the Aquatic Center, stating that to be able to swim inside the County would mean so much to her.
12. Ben Mick, an E.T. Booth student and a swim team member spoke in support of the Aquatic Center, stating that most schools do not have a pool and that building the Aquatic Center would create jobs and benefit the surrounding businesses as families use the facility.
13. Jody Csubak, a Woodstock Middle student and a swim team member, spoke in support of the Aquatic Center, saying that she is disappointed that currently the swim team cannot even swim in their own county.
14. Mike Davis spoke in support of the Aquatic Center. He stated that he felt that both sides of the issue had fair representation this evening. He said that he felt Cherokee County was more fiscally sound than those counties going bankrupt. He asked the Commissioner to vote for the Aquatic Center for the growth of the County and for the children.
15. Sally Geer had signed up to speak about the Race Trac zoning issue. As this was a topic of a previous Public Hearing, she was not permitted to speak.
16. Marc Duclos, as a parent of a swim team member, spoke in support of the Aquatic Center, stating that 'money won't come to the County by sitting on

money'. He added that this was more than just a pool, it would be used for family events, swimming events, swim classes that could save lives, and exercise for the physically challenged so he hated to see a small group of citizens block the project.

17. Michael Billings, a swim team parent, spoke in support of the Aquatic Center, stating that swim meets could draw in 3,000 to 5,000 swimmers depending on district level of meet. He asked that the Board award the contract tonight for the Aquatic Center construction.
18. Bryan Ricke had signed up to speak about the Race Trac zoning issue. As this was a topic of a previous Public Hearing, he was not permitted to speak.
19. Greg Miksan spoke in support of the Aquatic Center, stating that construction costs are the lowest he's seen in the industry and now is the time to build as it could cost up to 25% to 30% more to delay. He also said that private citizen groups could not afford such a facility as this so he would like to see the County move forward with this project that would serve generations to come.
20. John Hankins spoke in support of the Aquatic Center, stating that he has looked at both sides of issue. As a public pool owner, he believes that private industry and the County could work hand in hand in providing services to County residents.
21. Debbie Staver spoke in opposition of the Aquatic Center, stating that 'sometimes we have to say no to our children' and that the County could not afford a 20 million dollar pool. She added that the project was first proposed as a 5 million dollar project. She asked that the project be delayed until we see what the County looks like in the future to avoid saddling our children with debt.
22. Mark Beall spoke in opposition of the Aquatic Center, stating that the different discussions have been nerve racking. He said that the pool was a want and not a need. He said if citizens wanted a pool, they would find a way to build a pool in their back yard. He said the County could not afford this want because if they did, they wouldn't be considering selling the new Admin Building and that they should reconsider how they use the tax payers' money.

Commissioner Bosch asked Presiding Chairman Hubbard to provide clarification on the sale of the Admin building. He then clarified that the new Administrative Complex at the Bluffs is NOT for sale and that some misinformation had gotten out that was 100% wrong. The former Jones building, also known as the "Old Admin" building is for sale.

23. Jay Wilkes and John Hicks with SORBA (Southern Off Road Bicycle Association) spoke about Blankets Creek Bike Trail on Sixes Road. SORBA is part of International Mountain Biking Association with 40,000 members worldwide. The presentation included statistics on the increasing popularity of bicycling and the economic impact. Blankets Creek was the 11th ranked Mountain Bike Trail System in the world according to singletracks.com. A study by Southwick Associations shows that bicycling alone can have a \$132 Billion dollar impact on the U.S. This means we still don't know where the local ceiling is in pulling in more tax dollars revenues for Cherokee County as Blankets Creek is very popular and the more trails we build, the more the market is created. They thanked the Commissioners for their support and added that the organization was supported by donations except for trash disposal and summer grass cutting of the parking lot.

PUBLIC HEARING

None.

ZONING CASES

CASE NUMBER	: 11-09-011
APPLICANT	: Race Trac Petroleum, Inc.
ZONING CHANGE	: NC to GC
LOCATION	: Cumming Hwy & Scott Rd
MAP & PARCEL NUMBER	: 14N29, Part of Parcel 025
ACRES	: 2.45
PROPOSED DEVELOPMENT	: Convenience Store w/gasoline sales
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Neighborhood Village
PLANNING COMMISSION RECOMMENDATION	: Denial

Jeff Watkins gave details of the zoning request and Commissioner Johnston, as Post Commissioner, said that he recommended approval with seven conditions based on our land use plan and the fact that it meets the criteria of the surrounding development and zoning.

The conditions are: 1. Over-story and under-story landscaping to create an effective visual screen between the two entrances on Scott Road and behind the store building along the south border of the property. 2. No outdoor speakers except for emergency use. 3. All water detention to handled on-site. (No detention pond on adjacent property.) 4. No left turn directly onto Hwy. 20. 5. Fuel pump canopy lighting to be recessed. 6. County Engineering’s recommendations, including additional lane along the Scott Road frontage and placement of the two Scott Road entrances, with adjustments as may be approved by the County Engineer. 7. Height of free-standing sign limited to 10 feet (12 feet if it includes a full brick surround/encasement).

Commissioner Bosch then asked if there was a variance issue. Jeff Watkins added that it was a set-back issue. Commissioner Johnston stated that he was not prepared to support a variance. County Attorney Angie Davis, said that she felt it was a true variance case rather than in interpretation issue, so it was decided that the variance portion of the case be turned over to the Zoning Board of Appeals.

With the motion having been made by Commissioner Johnston for approval with conditions, Commissioner Nelms seconded and there was unanimous approval.

CASE NUMBER	: 11-11-015
APPLICANT	: Canton Property Group, LLC
ZONING CHANGE	: NC to GC
LOCATION	: Waleska Road
MAP & PARCEL NUMBER	: 91N28, Parcel 018
ACRES	: 1.1
PROPOSED DEVELOPMENT	: Commercial Uses
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Hamlet
PLANNING COMMISSION RECOMMENDATION	: Approval

Jeff Watkins presented details of the case. Commissioner Johnston made a motion to approve; Commissioner Nelms seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

COMMISSION POST 1

HARRY B. JOHNSTON

VICE CHAIR/COMMISSION POST 2

JIM HUBBARD

COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

1. Consider award of proposal for gutter replacement on South Annex Recreation Facility to ABUCK Building Systems, Inc. in the amount of \$23,208.00. ABUCK was the lowest of three bids; others were from Mid South Roof Systems for \$24,000 and Bristol Engineered Metals for \$35,000.

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

COUNTY MANAGER

2. Requesting approval to enter into a contract with DECA, AMR Business Products, Inc. to provide software support and maintenance for the 24-Hour recording equipment in the E-911 Center. There is no change in rate from last year's contract, which is \$8,100.00.

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

3. Consider acceptance of approximately 11 roads (2.17 miles) throughout Cherokee County that have not been formally accepted for County maintenance.

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

4. Consider approval of Memorandum of Agreement (MOA) between Cherokee County and Ancient Oaks Landscaping, Inc., to provide landscaping and maintenance around the Welcome to Cherokee County Sign on Wade Green Road.

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

5. Requesting to approve Fund Equity Policy, to formally commit 100% of Alcoholic Beverage Excise Tax Revenue to the CRPA Fund and to formally commit 50% of Landfill Hosting Fees to the Animal Shelter Fund.

Commissioner Johnston made a motion to approve; Commissioner Bosch seconded and there was unanimous approval. Commissioner Johnston made the comment that this only formalized something we were already doing.

6. Requesting adoption of modified Personnel Policies Manual dated November 15, 2011.

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

7. Requesting approval to award the construction services contract for the Aquatic Center to New South Construction Company, Inc. as the lowest responsible bidder in the amount of Fifteen Million, Six Hundred Eighty-Three Thousand dollars (\$15,683,000.00) plus a County project contingency account in the amount of \$400,000.00, for a total approval amount of \$16,083,000.00. Other bids included: Juneau Construction in the amount of \$16,673,000.00, Brasfield Gorrie in the amount of \$16,725,000.00; and Gay Construction in the amount of \$16,832,000.00.

Mr. Cooper presented the information, stating that the requested amount of \$15,683,000.000 is under our construction budget of \$16,150,000.

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

8. Consider approval of a CDBG application in the amount of \$623,622.00 to the U.S. Department of Housing and Urban Development (HUD).

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

9. Consideration of a 90 day moratorium on the licensing and permitting of personal care homes in residential zones.

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

10. Consider approval to purchase 2011 International 4300 flatbed dump truck and 2011 International Terrastar crew cab service truck from Rush Enterprises, Inc., under State of Georgia Contract, in the total amount of \$132, 557.00.

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

11. AMENDED: Consider extending the lease with the Malon D. Mimms Boys & Girls Club for use of the Trolley in 2012.

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

COUNTY ATTORNEY

12. Notice of annexation from the City of Woodstock, #059-11, for parcels 15N24-145, 6.32 acres off Hwy. 92 east of Trickum Road.

This item had been on the agenda for November 1, 2011. The Board asked Mr. Dzikowski to find out more details of the annexation, particularly the applicant, and present the findings to the Board for a decision to be made at the next meeting.

After much discussion last meeting and this meeting, and clarification from Attorney Paul Dzikowski, the Board decided that no action would be taken to oppose the annexation request.

13. Request to set Public Hearing for the December 6, 2011 Board of Commissioners Meeting to consider an amendment to the Alcohol Beverage Ordinance to provide for the Sunday sale of beer and wine as approved by voter referendum on November 8, 2011.

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

After much discussion in Work Session, Angie Davis said that she had a firm understanding of what the Board has in mind regarding permitting and fees associated with the amendment to the Alcohol Beverage Ordinance. As discussed earlier, the Board will meet with Chief Marshal Chris Collett for input on a process that would hopefully add the least amount of extra burden to the staff, particularly as it relates to enforcement of compliance to the amendment. Angie Davis stated that she will have a draft amendment drawn up for review and posted to the County website prior to the Public Hearing to allow for possible implementation on December 6, 2011.

14. AMENDED: From Executive Session, requesting for authorization for Jerry Cooper, County Manager, to execute a settlement agreement, a general release, with authorization for up to \$2,500 to settle a claim related to a motor vehicle accident.

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

ADJOURN

Presiding Chairman Hubbard asked if there was any further business. Hearing none, Commissioner Johnston made the motion to adjourn at 7:39 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.