



Cherokee County Board of Commissioners SUMMARY

May 20, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Lynn Eynon with Woodstock Christian led 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"

Chairman Ahrens led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:06 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public. (Note that Commissioner Nelms was absent due to an important business matter.)

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman called for a motion to ratify the closure of Executive Session at 4:36 p.m. and closure of Joint RRDA/BOC Executive Session at 5:55 p.m.

Chairman Ahrens made a motion to approve; Robert Morrison seconded and there was unanimous approval.

PRESENTATIONS/PROCLAMATIONS

Creekview High School Aeronatic Team Day in Cherokee County.

Chairman Ahrens read the proclamation and Coaches Todd Sharrock, Tim Smyrl and Seven Vosika along with the students of the two winning teams

came to the front of the room to be acknowledged and Coach Sharrock gave an overview of the competition for the two teams, one led by Student Captain Amanda Semler and the other by Student Captain Josh Whitley. Mr. Sharrock noted that the first place team will represent the USA in London in July.

AMENDMENTS TO AGENDA

1. Add item 2.8 under County Manager's Section: Modification of the County's Title VI Plan.

Commissioner Gunnin made a motion to approve the amended agenda; Commissioner Poole seconded and there was for unanimous approval.

ANNOUNCEMENTS

1. *Paradise the Pelican* has returned to his nest at *The Oasis*. Summer hours for the outdoor pool at the **Cherokee County Aquatic Center** begin May 24th. Information on hours of operation, prices and more is available on the table outside Cherokee Hall and at www.crpa.net. May is also National Water Safety Month. Check out CRPA's Facebook page for tips on safe swimming all week long. We hope to see you at *The Oasis*! Happy swimming!

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM MAY 6, 2014.

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

PUBLIC HEARING

1. A public hearing will be held in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia, on **Tuesday, May 20 at 6:00 p.m.** to hear a request from Brian West with Kimley-Horn and Associates, Inc., on behalf of Cabela's, to remove the Farm Equipment Sale / Storage from the list of prohibited uses on their property located at 152 Northpoint Parkway.

Ms. Vicki Taylor Lee gave an overview of the request by Brian West of Kimley-Horn regarding the modification of the conditions of rezoning of the property. Specifically, they are requesting to remove Farm Equipment Sales/Storage from the list of prohibited uses to allow for selling tractors.

Commissioner Johnston made a motion to open the Public Hearing at 6:17 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

No one had signed up to speak at the Public Hearing.

A representative from Kimley-Horn spoke on behalf of Cabela's, stating that the County would be proud of the way Cabela's would handle the sale of tractors.

Commissioner Johnston made a motion to close the Public Hearing at 6:18 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

Chairman Ahrens stated that this was located in Commissioner Nelms' district. Commissioner Johnston stated that he was in favor of removing the restriction to allow for selling tractors and was surprised there had been that restriction to begin with.

Commissioner Johnston made a motion to approve removing the sale Farm Equipment Sales/Storage from the list of prohibited uses; Commissioner Gunnin seconded and there was unanimous approval.

PUBLIC COMMENT

1. Bruce Underwood of Bells Ferry Road / Waterford Subdivision signed up to speak about political signs and mowing in right-of-ways.

ZONING CASES

1. CASE NUMBER

APPLICANT

ZONING CHANGE

LOCATION

MAP & PARCEL NUMBER

ACRES

PROPOSED DEVELOPMENT

: 14-03-003

: Dinton Investments, LLC

: R-80 and NC to GC

: 2920 and 2950 Cumming Hwy.

: 14N29 – 026 and part of 025

: 11.07

: Commercial/Retail

COMMISSION DISTRICT : 1
FUTURE DEVELOPMENT MAP : Neighborhood Village
PLANNING COMMISSION RECOMMENDATION : Approval of NC with following conditions:

- 1) Limit development to 57,000 square feet total
- 2) Adhere to all stream bank buffers
- 3) Provide 35 foot undisturbed buffer where property is adjacent to residential
- 4) No deliveries between 10 p.m. and 6 a.m.

Jeff Watkins gave an overview of the case. Commissioner Johnston stated that this was in his district and after discussion with the developer and opposition, he feels they have reached an agreement. He read off a list of modifications to the proposed conditions recommended by the Planning Commission as follows: Condition number 1, strike and replace with 'Protective fencing throughout construction to be maintained around all trees and tree area to be preserved'; Condition 2, remains the same; Condition 3, add to the end of the recommendation 'In addition, to enhance visual screening, an offset row of mixed evergreens shall be planted and maintained for the life of the development adjacent to the buffer along the southern border of the property; Condition 4, after the word deliveries, insert 'of good for resale'.

Commissioner Johnston made a motion to approve new zoning to GC on the portion of the property currently zoned NC, and NC on the portion currently zoned R-80, with the following conditions:

1. Protective fencing throughout construction to be maintained around all trees and tree areas to be preserved
2. Adhere to all stream bank buffers
3. Provide a 35 foot undisturbed buffer where property is adjacent to residential. In addition, an offset row of mixed evergreens shall be planted and maintained for the life of the development adjacent to the buffer along the southern border of the property
4. No deliveries of goods for resale between 10:00 p.m. and 6:00 a.m.

Commissioner Gunnin seconded and there was unanimous approval of 4-0.

2. CASE NUMBER : **14-05-012**
APPLICANT : Ray Rutledge
ZONING CHANGE : R-40 to GC
LOCATION : Marietta Hwy and Pinecrest Drive

MAP & PARCEL NUMBER : 14N18C - 005
ACRES : 1.48
PROPOSED DEVELOPMENT : Restaurant
COMMISSION DISTRICT : 1
FUTURE DEVELOPMENT MAP : Neighborhood Living
PLANNING COMMISSION RECOMMENDATION : Approval

Jeff Watkins gave an overview of the case. Commissioner Johnston stated that this was in his district. He said that with no controversy over this case, he would recommend approval.

Commissioner Johnston made a motion to approve the Planning Commission's recommendation; Commissioner Poole seconded and there was unanimous approval 4-0.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

VICE CHAIR/COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider approval to surplus copiers from State Court that were purchased in 2005 and no longer functioning.

- 1.2 Consider approval of Professional Services Agreement between Cherokee County and In Their Honor Transports to provide transportation to serve the Coroner's Office as recommended by the Coroner in the amount of \$200.00 per transport, and \$2.00 loaded mile over 50 miles.
- 1.3 Consider approval of Memorandum of Agreement between Cherokee County and BridgeMill Community Association, Inc., for the right-of-way mowing and maintenance along Sixes Road and Bells Ferry Road.
- 1.4 Consider approval of Professional Services Agreement with URS Corporation for updating the design plans for the East Cherokee Drive at Lower Union Hill Road intersection improvement project in the amount of \$9,000.00.

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

COUNTY MANAGER

- 2.1 Approval to award the construction contracts to the lowest responsible bidder for the new Holly Springs Park, to BM&K Construction Inc., in the total amount of \$1,157,620.78; for acceptance of the base bid proposal amount of \$1,007,986.00, inclusive of all five (5) Unit Prices and two (2) Allowances, and Add Alternate No. 2 in the amount of \$134,059.20 for Playground Equipment manufactured by Southern Playgrounds and Add Alternate No. 4 in the amount of \$15,575.58 for the Irrigation System. A contingency account (to be controlled by County) in the amount of \$125,000.00 is also requested. Total amount requested is \$1,282,620.78.

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

- 2.2 Consider approval of proposal from American Engineers, Inc., for revisions to the Earney Road project in the total amount of \$69,315.00.

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

- 2.3 Consider approval of an updated Utility Relocation Agreement with Georgia Power Company in the amount of \$82,330.00 to relocate three (3) power poles that are in conflict with the East Rope Mill Road improvement project.

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

- 2.4 Approval to award the construction contract to the lowest responsible bidder for construction of JJ Biello Park (West & East: Riverside) and Recreation Center Site Improvements, to Georgia Development Partners, LLC., in the total amount of \$ 1,288,648.91; for acceptance of the base bid proposal amount of \$1,209,991.83, inclusive of all Unit Prices and one Allowance, and Add Alternate No. 3 in the amount of \$78,657.08 for Playground Equipment manufactured by Miracle. A project contingency account (to be controlled by the County) in the amount of \$135,000.00 is also requested. Total amount requested is \$1,423,648.91.

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

- 2.5 Consider approval of Professional Services Agreement with MCCi, a subsidiary of Municipal Code Corporation, and budget amendment in the amount of \$19,895.00 for Laserfiche Document Management Software and support. No increase in budget.

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

- 2.6 Consider approval of Professional Services Agreement with Novus Solutions in the amount of \$12,150.00 and budget amendment for the

purchase of NovusAgenda software and support. No increase in budget.

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

2.7 Consider resolution to modify sick leave policies to include payment for accrued sick leave in the event of an employee's death while employed, and clarify when an employee may be paid for accrued sick leave.

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

2.8 Amendment: Consider approval of County's Title VI Plan which prohibits discrimination on the ground of race, color, or national origin in any program or activity receiving federal assistance.

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

COUNTY ATTORNEY

Chairman Ahrens thanked the Creekview High students for staying for the meeting. He also thanked all the primary candidates for stepping forward to help improve the community.

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 Poole seconded and the motion received unanimous approval.