



# Cherokee County Board of Commissioners WORK SESSION MINUTES

**May 20, 2014**

**3:00 p.m. | Cherokee Hall**

The Chairman began at 3:09 p.m. with Chairman Ahrens, Commissioners Poole, Gunnin, and Johnston present. (The Chairman noted that Commissioner Nelms was out due to an important business matter.) He began by reading excerpts from the book "The Stupidest Things Ever Said."

## **ANNOUNCEMENTS**

The Chairman announced that *The Oasis* at the Cherokee County Aquatic Center will be open for summer hours beginning May 24<sup>th</sup>.

He also announced that the Creekview High School Aeronautic team won first place nationally in rocketry. Commissioner Johnston added they will go on to represent the United States in an international rocketry competition.

## **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 stated that when the property was zoned they were guided by the uses based on the Highway 92 Overlay. They have a list of permitted and prohibited uses. One of the prohibited uses is farm equipment sales and storage. She stated that Cabela's wants to sell farm tractors and in order to do that, it would need to be removed from the prohibited use list. Ms. Lee stated the Public Hearing was advertised and posted as required.

The Chairman asked if there was anything else of question. Ms. Lee replied no that everything else was fine, but these are big tractors they want to sell.

2. Discussion of Regular Agenda Items.

**ZONING CASES**

**1. CASE NUMBER** :14-03-003  
APPLICANT :Dinton Investments, LLC  
ZONING CHANGE :R-80 and NC to GC  
LOCATION :2920 and 2950 Cumming Hwy.  
MAP & PARCEL NUMBER :14N29 – 026 and part of 025  
ACRES :11.07  
PROPOSED DEVELOPMENT :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.

Mr. Jeff Watkins gave a brief overview of the case. Commissioner Johnston stated he worked with both developers and the opponents and have come to what he believes is a fair and equitable, mutually satisfying result. He stated he is going to move that they rezone the section that is currently zoned NC, approximately four acres, to GC and the remainder of the property to NC. He added that the developers are satisfied with that. Commissioner Johnston indicated he had some tweaks to the conditions but does not think they are significant. He stated that both the opponents and developers are satisfied with that. He said he probably wouldn't use condition one (1) as they are already limited to lot coverage and our standards. Mr. Watkins confirmed the changes with Commissioner Johnston. The Chairman asked if it has created any issues. Mr. Watkins stated they had three people speak at the Public Hearing and Commissioner Johnston was there to talk to them about their concerns and he had conditions to satisfy them. Commissioner Johnston added he told them after the meeting that he didn't feel right about not rezoning the portion that was already NC because it is right on the highway and GC is all around it. His main concern is if the developers would be satisfied with NC on the other end of the property. Commissioner Johnston stated he believes they are looking to add assisted living in there and hoped that would be okay for the zoning. Mr. Watkins said he would verify it for him.

**2. CASE NUMBER** :14-05-012

APPLICANT	: Ray Rutledge
ZONING CHANGE	: R-40 to GC
LOCATION	: Marietta Hwy and Pinecrest Dr
MAP & PARCEL NUMBER	: 14N18C - 005
ACRES	: 1.48
PROPOSED DEVELOPMENT	: Restaurant
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Neighborhood Living
PLANNING COMMISSION RECOMMENDATION	: Approval

Mr. Watkins gave a brief overview of the case. He added this had been a chiropractor's office prior and the applicant wants to convert it to a restaurant. Commissioner Johnston stated he was unaware of any issues.

The Chairman asked Mr. Watkins if they were still getting rezoning applications. Mr. Watkins replied that they do and quite a few that meet with them that have to go back and re-think what they're doing, more so than the ones actually filing their applications.

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

- 2.1 Consider approval to surplus copiers from State Court that were purchased in 2005 and no longer functioning.
- 2.2 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.
- 2.3 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.

Mr. Cooper added this service is for eight months, April through November with \$1,360 reimbursement to the County for April through October and \$1,040 for the month of November for a total of \$10,560.

- 2.4 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.

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

- 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.
- 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.
- 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.
- 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 asked for someone to give a little more information as to what is going on there. Mr. Bill Echols stated that at JJ Biello West they are improving by adding sidewalks around the Tennis Center and are correcting drainage that has collected silt. There is also a curb inlet that has a low spot. Also, slopes near the outfield fences are eroding and they are correcting the control of the water coming off of the ball fields as well as further down the parking lot. Mr. Echols said that at JJ Biello East at Riverside they are going to create a new gravel area beyond the current gravel area and the current gravel area will become asphalt pavement. Both projects are on Corps of Engineers land. They have been approved by the Corps to proceed and are in accordance to the Master Plan. Mr. Echols stated that behind the Recreation Center where the hockey rink is located, they are

replacing the boards and repairing the surface as well as repairing the surface of the tennis courts at JJ Biello West. They are redressing the playground area behind the Recreation Center. New sidewalks, a new playground structure, and a restroom building will be added also. The Chairman asked if there has been any consideration for the Tennis Center for any kind of seating. Mr. Bryan Reynolds replied that they are adding additional viewing areas as well as ADA accessibility. He added the Corps gave permission to add more seating behind the Tennis Center building. The Chairman asked about the potential for additional courts. Mr. Reynolds responded that it would require changes to the Master Plan and they would have to go back to the Corps for approval. He stated the Corps has been adamant they would be less than receptive to additional recreational facilities on Corps property. Commissioner Johnston asked if the soccer fields that were in process of being added had been completed. Mr. Reynolds replied they had not. Commissioner Johnston asked if the Corps was going to allow it. Mr. Reynolds stated that he doubted it. Mr. Echols stated that in working with the City of Woodstock they will be going back to the Corps to talk about the Master Plan because the Woodstock Trails goes through JJ Biello and will come out to Arnold Mill Road and at that time they will need to figure out who needs to purchase property and to decide the trail route. Commissioner Poole asked about the Holly Springs Park. Mr. Echols replied that it is on Hickory Road. He added it is just a gravel road into the property right now and it will be a passive park. He stated there will be a restroom facility, a large playground, some gravel parking, and some soft trails including two bridges. Commissioner Poole said he had been studying a water issue at the Patriots Park site and asked if there was any progress regarding that park. Mr. Echols responded there is a meeting on site on Thursday afternoon as a follow-up to look at the ground water issues regarding the re-evaluation of the stream. Mr. Echols indicated that the staff with Parks and Recreation is looking at the field designs for the park that will hopefully be less technically difficult to construct that will help with regards to any ground water problems.

Commissioner Johnston asked Mr. Echols to give a status regarding schedule of Patriots and East Park. He said he knew it was dependent on selling additional bonds. Mr. Echols stated for Patriots Park they anticipate additional expense since they will make some minor tweaks in the design but they will be able to move forward. He said the last cost estimate showed they were within budget. He feels confident that by the fall they will be ready to go forward with Patriots. The sale of the bonds would allow them to move forward with the construction bid. Moving on to the East Park, Mr. Echols said the new RFPs for the park have been done. He said he met with

Recreation and Parks and they discussed a list of priorities for ball fields and amenities. He said he can forward that list to Mr. Cooper and to the Board. In moving forward with a new consulting team would be to advertise for the 30 day period for receipt of proposals. He said the process to select a new consultant is a deliberate time of up to 90 days with a mandatory 30 day period to advertise and get to the Board to get the contracts executed. The RFP is ready to go now. He said they are looking to keep the entrance to East Park across from Water Tank Road. He said they are looking to hold nine to ten acres at the front of the property for potential Recreation and Parks use down the road for possibly a second Recreation Center. Discussion ensued about preserving the front acreage. He added that in looking at other parks in other counties, they found they don't have to level the entire park but can potentially tier it. He said another thing is they believe if they go with the first phase just for Recreation and Parks, they will not have to spend money on a lift station going down Water Tank Road. They can easily service with a septic field. Mr. Echols referred back to Patriots Park and stated they will have to re-address the road improvement issue on Victory Drive. Mr. Echols stated that East Park is ready to kick off and ready to move forward. He said if they can get a designer by the fall, it could go to bid next spring. He added they will be able to give their full attention to managing the construction of Patriots Park and will be driving a quick design and make prompt decisions. Commissioner Johnston asked what would be the public process to review and ultimately adopt the new conceptual design. Mr. Echols stated he believes they can do the same thing with the people in that area as they did in regards to the Aquatic Center. Commissioner Johnston stated that if any changes are made to have a "show and tell" to the residents of the area to show the changes. Mr. Echols said they can do that. He added that once they meet with the designer, some of the items on their priority list may change depending on what can be fit into the given budget for the project.

Commissioner Johnston also asked about the Mauldin baseball fields next to Kenney Askew. Mr. Echols replied that the update is positive. He said the contractor has corrected the slopes that were in error. He commented that they think in the next couple of weeks they will be able to go off-site and do some corrective action for the stream. Once they can get EPD to sign off, they will be able to lift the stop work they had on the park. He said they need at least 500,000 square feet of sod to be put down at Etowah and there is no sod anywhere in Georgia. Sod prices have increased and sod farmers are only giving out about half a truck load. He said it is almost an impossible thing to recover at Etowah. He said by the time they are ready to lay sod at Killian he hopes the market will have recovered a little. He said

working with Mr. Reynolds and the staff at Recreation and Parks, they are ready to continue forward. He suggested to the Board to look at the parks that had been renovated or are in progress such as Dwight Terry Park, Barnett Park, and the park in Ball Ground. Commissioner Johnston thanked Mr. Echols for providing the update.

- 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.
- 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.
- 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 Johnston asked how the sick time accrues. Mr. Cooper replied it accrues at 3.08 hours a pay period. Commissioner Johnston clarified that an employee will get paid half if they retire or in full if they die while employed. Mr. Cooper stated that the employee may also opt to apply accrued sick leave hours to their retirement as service credit. He added that there are a few employees who are under the 401 (A) retirement plan who will get paid for half but they don't get credit towards the DB Plan. Commissioner Johnston asked what we were doing in the past with accrued sick time. Mr. Cooper responded it was applied at 100% to anyone who qualified for the DB retirement plan. Number of hours divided by 2080 = service credit added.) For the 401(A) plan, they get paid half and that is still in place. Commissioner Johnston asked about the rest not under the 401 (A) plan. Mr. Cooper stated it goes toward retirement. Commissioner Gunnin added that in the past, after the 30 year mark, no time can be added to service credit.

2.8 Amended: Modification to County's Title VI Plan.

Mr. Cooper added that Ms. Angie Davis made the modification under legal review. The Chairman asked if there were any other modifications. Mr. Cooper said no. He indicated that when using federal funds, you have to

mention you will not discriminate. You have to use the guidelines that assists the departments and working with those who do not speak English well. Mr. Cooper added that we have already put this into practice and have had no issues so far.

Ms. Davis stated she had an item she would like to discuss in Executive Session that doesn't involve the RRDA so it would not be appropriate for a Joint Executive Session. She proposed to adjourn straight into Executive Session before going into the Joint Session.

### **Adjourn**

Hearing no further items, Commissioner Johnston made a motion to adjourn to Executive Session at 4:07 p.m. to discuss personnel matters, property acquisition or disposition, and/or pending or threatened litigation; Commissioner Gunnin seconded and the motion was unanimously approved.