



Cherokee County Board of Commissioners

MINUTES

July 15, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Reverend Fred Goodwin with Church of the Messiah gave 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 6:05 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Chris Hamilton; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify closure of Executive Session at 5:25 p.m.

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

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Add item 3.1 under County Attorney:
Consider settlement agreement in Cunningham vs. Dodd case.

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

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM JULY 1, 2014.

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

PUBLIC HEARINGS

1. **Consider modification to conditions of Rezone Case #11-09-011 Race Trac Petroleum, Inc.**

The public is invited to hear the request by Dinton Investments to remove conditions #3 and #4 from the resolution to allow a master detention area for the entire parcel and to allow GDOT to determine access requirement on July 15, 2014 at 6:00 p.m. at the Cherokee County Administrative Complex, Cherokee Hall, 1130 Bluffs Parkway, Canton, GA 30114.

Commissioner Nelms made a motion to open the public hearing at 6:06 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Vicki Taylor Lee gave an overview of the request. This 2.45 acres of the overall 12.71 tract of property located at Scott Road and SR 20 was rezoned to GC in November 2011 with seven conditions including the two they are requesting to remove. Subsequently the remaining 10.26 acres was rezoned to NC and O-I in May 2014 and the entire parcel is to be developed in common.

One person, Mr. Lee Lusk of Dinton Investments, had signed up to speak in favor of the request.

Commissioner Johnston made a motion to close the public hearing at 6:08; Commissioner Nelms seconded and there was unanimous approval.

Commissioner Johnston stated that this was in District 1 and that he felt it made perfect sense with the combination of the 13+ acres to remove the conditions and that it really wasn't our place to determine access to SR 20.

Commissioner Johnston made a motion to approve the removal of both conditions as requested; Commissioner Nelms seconded and there was unanimous approval.

2. Consider request to abandon construction maintenance easements along Rope Mill Road.

The public is invited to hear the request regarding the abandonment of portions of permanent construction/maintenance easements on Rope Mill Road located in Land Lots 853, 854, 874, 875 and 876 of the 15th District, 2nd Section of Cherokee County on July 15, 2014 at 6:00 p.m. at the Cherokee County Administrative Complex, Cherokee Hall, 1130 Bluffs Parkway, Canton, GA 30114

Commissioner Johnston made a motion to open the public hearing at 6:09 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

Geoff Morton gave an overview of the request explaining that permanent construction and maintenance easements are no longer required by Cherokee County or the City of Woodstock and that the easements were all acquired in the name of the County.

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

Commissioner Nelms made a motion to close the public hearing at 6:10 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

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

3. 2014 Proposed Millage Rate Review by Janelle Funk.

All concerned citizens are invited to the public hearings on this tax increase to be held at the Cherokee County Administrative Complex, Cherokee Hall, 1130 Bluffs Parkway, Canton, GA 30114 July 15, 2014 at 6:00 PM; and July 24, 2014 at 11:00 AM and 6:00 PM.

Commissioner Nelms made a motion to open the public hearing at 6:12 p.m.; Commissioner Poole seconded and there was unanimous approval.

Janelle Funk went over the proposed millage rate presentation, including the various options indicating what rates would be with varying increases in Public Safety salaries and the 2% COLA for other employees. She explained that in order to not exceed the advertised millage rate, some of the scenarios included use of reserves. The presentation is attached as part of these minutes.

Eleven people signed up to speak.

1. Carolyn Cosby - opposed
2. David Cosby - opposed, didn't speak-conceded his time to the first speaker
3. John Hiland - opposed
4. Ian Black - opposed
5. Tom Ware - supported
6. John Marinko - supported
7. Dave Konwick – opposed
8. Name not legible, did not speak
9. Cynthia Antonelli - supported
10. Larry Smith - commented
11. John Konop – commented

Commissioner Nelms made a motion to close the public hearing at 7:04 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Chairman Ahrens reminded everyone that no action would be taken tonight, that the action will be taken at the 6:00 Public Hearing on July 24. He also said that several of the speakers referenced the budget and rightfully so, but this is not the budget, but a small part of the budget process.

The Chairman called for any discussion or comments from the Board.

Commissioner Poole stated that the Bobo deal, County attorney fees and other costs have finally caught up with us and there's no doubt we have neglected our employees. He said that he did not like the thought of a tax increase no more than anyone else does and that he's hoping they are looking at only a temporary increase. He said it's not like we're asking for the increase for a pet project, but for Public Safety which is the number one priority for our citizens. He said that he's not saying other employees aren't important, but that this was a first step. He said he had spoken with Senator Bruce Thompson who said he would be glad to help in any way he could with amending the HOST tax, this is the only chance we have of getting it passed with the voters. The HOST will take property taxes to maybe zero or at least minimal. He said he also had spoken with Ms. Funk regarding the use of reserves as well. He added that in addition, there is internal research to be done to find ways to offset some of the costs from the County Manager down.

Commissioner Gunnin commented that he had worked in Public Safety and was well aware of the job they have to do. He said that these are jobs that

you don't do just for the money, but you have to have money to survive. He said that he agreed with Commissioner Poole, that hopefully this is temporary but we are in a crisis stage and we have to stop losing these veteran officers. He said that good choices made by veteran officers out on the streets saves us from lawsuits. He said he didn't like to pay taxes either and he would have to pay the taxes if there was an increase too. He said that people aren't going to like it if we decide on this tax increase, but we might have to bite the bullet and do it to fix this crisis. He said that they aren't forgetting the other employees but that this was a first step. It can't be all at one time, it is going to come in stages. He said they still have a lot of discussion to do before the vote on July 24.

Commissioner Johnston said that he knows we would all like to see an increase for all employees, especially for Public Safety positions that have been impacted by competition that is pulling them away for higher paying jobs. He said he had resisted the tax increase it will take to do that but he is open to find an acceptable solution. He said we need to be realistic though. We're talking about \$4 million in salary increases, with half million of that for all employees and the other \$3.5 million only for Public Safety employees. We are going to have to raise taxes to implement those salary increases. If we could have found \$4 million to cut somewhere else, we'd have already done it. The only option is that if we're going to raise salaries \$4 million, then we're going to have to raise taxes \$4 million. He said that suggestions he heard tonight will not accomplish anything approaching \$4 million in savings, and it is not helpful to tell us to increase salaries but not taxes. That's just not possible. He said that we have enjoyed the lowest tax burden of any county in Georgia, with the 11th lowest combined local sales tax and local property tax. He said maybe that's the problem; maybe we are too low. If we move from 11th to maybe 40th, which is what we're looking at, maybe that's still OK, but to say we can do this without raising taxes is not possible.

Commissioner Nelms commented that he thinks everyone knows where he stands with Public Safety and law enforcement in general. He said that as discussed in Work Session, there are two components to this, recruiting and retaining. He stated that he is all for the tax increase based on the needs of Public Safety, adding that we can't lower our standards and recruit individuals with criminal backgrounds, nor can we keep losing our well-trained nine-year deputies. He said that Mr. Smith's comment earlier is what it's about at the end of the day, when a citizen calls 911 they don't want to wait 15 minutes for a man or woman in uniform to get there. He said the increase to the average homeowner is negligible compared to the needs of Public Safety. He said he realizes it's been tough on all employees these last four or five years and we want to try to help them.

Chairman Ahrens commented that this is not necessarily a one-time fix, but something that needs to be detailed out in a plan over several years. We need to look at where to start and what the incremental steps to be taken are including increases for everyone to maintain competitiveness and moral and to keep this county going in the direction that we all want. He said he would use the remaining time before the vote to get a handle on all of it but for now he's not sure where he's at in the 6 or 7 or 8 options, possibly kind of hybrid - somewhere in the middle-ground.

PUBLIC COMMENT

One person signed up to speak:

1. Larry Smith signed up to speak about a policy suggestion on setting a time frame for responding to phone calls and email.

ZONING CASES

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|------------------------|---------------------------------------|
| 1. CASE NUMBER | : 14-07-014 |
| APPLICANT | : Terry Dickerson |
| ZONING CHANGE | : LI to GC |
| LOCATION | : 12159 Cumming Highway |
| MAP & PARCEL NUMBER | : 03N23, part of 149A and part of 196 |
| ACRES | : 1.12 |
| PROPOSED DEVELOPMENT | : Car Lot |
| COMMISSION DISTRICT | : 1 |
| FUTURE DEVELOPMENT MAP | : Community Village |

As a result of the public hearing held on July 1, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-07-014 Terry Dickerson to rezone from LI (Light Industrial) to GC (General Commercial) on 1.12 acres for a used car lot.

Jeff Watkins gave an overview of the case. Commissioner Johnston stated that this is in District 1 and he feels it fits the land use plan and he has no objection.

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

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|----------------|--------------------|
| 2. CASE NUMBER | : 14-07-015 |
| APPLICANT | : ABF Horizon, LLC |
| ZONING CHANGE | : R-40 to GC |

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|--------------------------------|---------------------------------|
| LOCATION | : 2618 and 2620 Cumming Highway |
| MAP & PARCEL NUMBER | : 14N23C, 028 and 028D |
| ACRES | : 1.67 |
| PROPOSED DEVELOPMENT | : Retail |
| COMMISSION DISTRICT | : 1 |
| FUTURE DEVELOPMENT MAP | : Neighborhood Village |

As a result of the public hearing held on July 1, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-07-015 ABF Horizon, LLC to rezone from R-40 (Residential) to GC (General Commercial) on 1.67 acres for a retail development.

Jeff Watkins gave an overview of the case. Commissioner Johnston stated that this is in District 1 also and that this property was planned for GC and meets the land use plan, so he has no objection.

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

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|--------------------------------|-------------------------------------|
| 3. CASE NUMBER | : 14-07-016 |
| APPLICANT | : ABF Horizon, LLC and Benjamin Key |
| ZONING CHANGE | : R-40 to GC |
| LOCATION | : 211 and 215 Key Drive |
| MAP & PARCEL NUMBER | : 14N23C, 029A and 029D |
| ACRES | : 2.56 |
| PROPOSED DEVELOPMENT | : Retail/Office |
| COMMISSION DISTRICT | : 1 |
| FUTURE DEVELOPMENT MAP | : Neighborhood Village |

As a result of the public hearing held on July 1, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-07-016 ABF Horizon, LLC and Benjamin Key to rezone from R-40 (Residential) to GC (General Commercial) on 2.56 acres for a retail/office development.

Jeff Watkins gave an overview of the case. Commissioner Johnston stated that this is in District 1 and is a companion case to the one before and he has no objection.

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

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Presentation of State Certification to the Cherokee County Marshal's Office.

Chairman Ahrens apologized to the Marshal's Office staff for not moving the presentation up to the front of the agenda.

Mr. Cooper gave an overview on the certification, thanking Jo-Ann Faverey for her hard work on the recertification. Interim Chief Roach also thanked Jo-Ann Faverey, the marshals and staff for the team effort in this second recertification process since the initial certification.

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 Requesting to set a Public Hearing date for August 5, 2014 for considering amendments to Cherokee County Zoning Ordinance, Article 23 Conservation Design Communities.

- 1.2 Consider approving budget amendment for the SPLOST Fund in the amount of \$12,488.32 so security enhancements can be completed in the DA's Office in the Courthouse.

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

COUNTY MANAGER

- 2.1 Consider awarding the standard Construction Services Agreement (CSA) to Hawkins Construction in the amount of \$83,000.00 for the construction of a storage building for the Sheriff's Office.

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

- 2.2 Consider approval of proposal from Wilburn Engineering, LLC, for construction and installation of traffic signal at the intersection of SR 92 and Cherokee 75 Parkway in the amount of \$139,000.00.

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

- 2.3 Consider approval of a proposal from Moreland Altobelli Associates, Inc. to perform design services for various culvert repair projects under their annual engineering consulting service contract in the amount of \$19,120.00.

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

- 2.4 Consider approval of Supplemental Agreement No. 1 from Vertical Earth, Inc., for additional storm drainage installation on the Steels Bridge Road Reconstruction Project in the amount of \$29,132.77.

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

- 2.5 Consider approval of amendment to Professional Services Agreement with American Engineers, Inc., for completing the plan revisions in accordance with revised traffic study for East Cherokee Drive and Old

Hwy. 5 and East Cherokee Drive and Mill Creek Road intersection improvement projects in the amount of \$168,500.00.

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

2.6 Consider request to transfer FY 2012 Section 5307 FTA Formula Funds to Cobb County Transit in the amount of \$1,358,590.00.

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

2.7 Consider approving the issuance of the final \$22.8M of General Obligation Park & Greenspace Bonds to the most competitive bidder.

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

COUNTY ATTORNEY

3.1 Amendment: Consider settlement agreement in Cunningham vs. Dodd case in the amount of \$20,000.

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

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:43 p.m.; Commissioner Poole seconded and the motion received unanimous approval.