



Cherokee County Board of Commissioners MINUTES

April 4, 2017

Regular Meeting

Cherokee County Admin Complex, 1130 Bluffs Parkway, Canton, GA 30114 6:00 PM

INVOCATION

Jacqui and Jeff Jackson with Ignite Hope will give the invocation.

Jeff Jackson with Ignite Hope gave the invocation.

PLEDGE OF ALLEGIANCE

Chief Eddie Robinson led the 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"

1. CALL TO ORDER

Chairman Ahrens called the regular meeting to order at 6:15 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Bob Kovacs; Commissioner Scott Gordon; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

2. RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to approve closure of Executive Session at 6:05 p.m. where two items will be brought forward.

Scott Gordon made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

3. PRESENTATIONS / PROCLAMATIONS

4. AMENDMENTS TO AGENDA

4.1. Add item under Announcements - AT&T and FirstNET news release.

4.2. Add item 12.14 under County Manager's Portion: Purchase and Sale Agreement.

4.3. Add item 13.1 under County Attorney Portion: Settlement Agreement.

Scott Gordon made a motion to approve the amended agenda; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

5. ANNOUNCEMENTS

5.1. Georgia National Cemetery to Honor the 100 Year Anniversary of the United States Entering WWI.

April 6, 2017 at 11:00 a.m.
Wreath Laying Ceremony
Georgia National Cemetery, Ceremonial Wall

5.2. Amendment: AT&T Selected by FirstNET to Build and Manage America's First Nationwide Public Safety Broadband Network Dedicated to First Responders.

6. APPROVAL OF MINUTES

6.1. Approval of Work Session, Executive Session and Regular Meeting Minutes from March 21, 2017 as presented by the County Clerk.

Scott Gordon made a motion to approve; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

7. PUBLIC HEARING

8. PUBLIC COMMENT

9. ZONING CASES

9.1. Amendment to Article 9 to allow in accessory structures for home occupations; Amend Article 4 to update definition of Home Occupation.

Consider amending Article 9 and Article 4 of the Cherokee County Zoning Ordinance to allow Home Occupations to operate from accessory structures. (Item was tabled from March 21, 2017 meeting.)

Jeff Watkins gave an overview of the proposed changes.

Commissioner Kovacs stated that the discussion in Work Session regarding the amendment was informative and successful, and he stated that there were several things that needed to be revised.

Mr. Watkins stated that in Work Session it was discussed amending Section 9.3, which is the development standards for home occupations, by putting a size limitation on the home occupations accessory structure and/or the primary residence, putting a limit on the number of employees, adding that the home occupation is only for the resident that occupies the home and not allowing the space to be leased out to another party, and expanding the prohibited uses in home occupations that are currently in place. He stated that a draft will be provided to the Board of Commissioners as soon as possible for their review.

Bob Kovacs made a motion to table until April 18 meeting; Steve West seconded. The resulting vote was Passed, 5-0.

9.2. Case #17-03-009 John L. Lineberger (BOC Dist. 1).

Consider request by John L. Lineberger to rezone 2.34 acres at 5911 Cumming Highway from R-80 to GC for retail sales with office. (Case was tabled from March 21, 2017).

Jeff Watkins gave an overview of the case.

Steve West stated that this was in District 1 and that he had worked with staff and the applicant and came up with a solution that included stipulations. Commissioner West asked Jeff Watkins to read through the list of stipulations.

1. Shall establish and maintain a 35 ft. year-round opaque vegetative buffer to adjacent residential properties.
2. The following uses shall not be permitted:
 - Outside storage or display of merchandise or bulk materials
 - Outside storage or display of vehicles or equipment whether for lease, sale or storage
 - Landscape and / or Building materials Sales or Supply
 - Agriculture Equipment Sales and storage
 - Farmers Market
 - Greenhouse and Plant Nursery, commercial
 - Automotive repair and body shop
 - Automobile, Truck, Vehicle Sales, Service or Repair, including motorcycles
 - Bait Sales
 - Boat Sales, Service and Repair
 - Fast food establishments or other drive-through restaurants
 - Gasoline Service Station
 - Beer-Wine, Package store
 - Manufactured Home Sales
 - Tire Sales and Service
 - Bar, Cocktail Lounge, Tavern
 - Bus Station
 - Campground
 - Carpet Cleaning Store
 - Hotel, Motel or other accommodation services
 - Machinery Sales, service or repair
 - Radio, TV and telecommunication transmission tower
 - Heavy equipment repair services
 - Theater or similar place of entertainment
 - Vocational, technical, trade and other specialty schools
 - Wholesale, trade and distribution warehouse
 - Mini warehouse, self-storage units
 - Wreckage Service, temporary storage
 - Advertising services, Outdoor
 - Ambulance Services
 - Club and Lodges, Non-commercial or Commercial
 - Helicopter landing area
 - Amusement Park
 - Recreational facilities, outdoor
 - Swimming Pool, public or commercial
 - Laundry / dry cleaning plant
 - Convenience Store with Fuel Pumps

Steve West made a motion to approve GC with the stipulations presented; Bob Kovacs seconded. Scott Gordon commented that on item #1, he would suggest revising it to read 'year-round' buffer.

Steve West withdrew his motion; Raymond Gunnin withdrew the second.

Steve West made a new motion to approve GC with stipulations as presented including adding 'year-round' buffer in item #1; Raymond Gunnin seconded. The resulting vote was

Passed 5-0.

10. COMMISSION BUSINESS

11. CONSENT AGENDA

11.1. Property Management Vehicle Purchase.

Consider authorizing purchase of 2017 Ford F-250 from low bidder, King Ford, in the amount of \$31,271 and considering authorizing a Budget Transfer.

11.2. Auction of Surplus Cherokee County Fire & Emergency Services Surplus Vehicles.

Consider approving Surplus Vehicle List for auction of surplus of Cherokee County Fire & Emergency Service vehicles by Jeff Dobson & Associates on April 29, 2017.

Bob Kovacs made a motion to approve Consent Agenda; Steve West seconded. The resulting vote was Passed, 5-0.

12. COUNTY MANAGER

12.1. Appraisal and Data Book Preparation Services.

Consider approval of the a Standard Professional Services Agreement with Moreland Altobelli Associates, Inc. to perform appraisal and data book preparation for County roadway construction projects. This was the highest rated and lowest cost proposal.

Raymond Gunnin made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.2. Environmental Consulting Services.

Consider approval of Professional Services Agreements with Southeastern Engineering, Inc., Moreland Altobelli Associates, Inc., and Corblu Ecology Group, to perform environmental consulting services for County roadway and parks construction projects; the highest ranked and lowest cost proposals.

Bob Kovacs made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.3. Construction Materials Testing Services.

Consider approval of a Professional Services Agreement with NOVA Engineering & Environmental, LLC, to perform construction materials testing services for County roadway and park construction projects. NOVA was the highest ranked and lowest cost proposal.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.4. Land Surveying and Design Services.

Consider approval of Professional Services Agreements with Martin Land Surveying, PC, Southeastern Engineering, Inc., Moreland Altobelli Associates, Inc., and American Engineers, Inc., to perform land surveying and minor roadway design services for County roadway construction projects; the highest ranked and lowest cost proposals.

Raymond Gunnin made a motion to approve; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

12.5. Right-of-Way Acquisition Services.

Consider approval of a Professional Services Agreement with Robert W. Graves & Associates to perform right-of-way acquisition services for County roadway construction projects; the lowest cost proposal.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.6. Right-of-way Mowing Services.

Consider approval of a Standard Professional Services Agreement to highest ranked and lowest cost proposer, Hutcheson Horticultural Company, in the amount of \$41,752.50, for annual mowing of selected portions of County roadway rights-of-way.

Scott Gordon made a motion to approve; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

12.7. Annual Traffic Striping and Pavement Marking Services.

Consider approval of a Professional Services Agreement with Parker Traffic Markings, Inc., to perform traffic striping and pavement marking, countywide, as requested and as needed. The annual budget for traffic striping is \$150,000.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.8. Sidewalk Trip Hazard Removal Services.

Consider approval of a Professional Services Agreement with MRC Group, LLC to perform sidewalk trip hazard removal services, countywide, as requested and as needed. The annual budget for sidewalk repairs is \$50,000.

Raymond Gunnin made a motion to approve; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

12.9. Traffic Signal Warrant Study Services.

Consider approval of the a Standard Professional Services Agreement with Moreland Altobelli Associates, Inc. and Coastal Engineering and Consulting, LLC. to perform traffic signal warrant studies for the County on an as requested, as needed basis; the highest ranked and lowest cost proposals.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.10. SPLOST Budget Transfer for Animal Shelter Intake Facility.

Consider authoring SPLOST Budget Transfer in the amount of \$465,370 from SPLOST Roadway to Animal Shelter for the new Intake Facility.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.11. Amending current Investment Policy.

Consider amending the current investment policy to allow more than 60% of the investment portfolio to be placed at one bank or financial institution as it relates to money market accounts.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.12. Modifications to Procurement Ordinance.

Consider approving an ordinance authorizing modifications to the Procurement Ordinance to reflect changes in the County's organizational structure and to allow flexibility in change orders with pre-approved contingency amounts.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.13. Senior Center Portico.

Consider approval of the County's Construction Contract with Latimer Construction Company to construct a portico at the Senior Center in the amount of \$44,900 using CDBG Grant funding.

Raymond Gunnin made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.14. Amendment: Consideration of Purchase and Sale Agreement.

Mr. Cooper stated that the Purchase and Sell Agreement was for a 10.88 acre parcel across from existing Station 9 in the amount of \$225,000. A prior Purchase and Sell Agreement for nearby property was cancelled due to environmental issues not conducive to the current project. The new contract has a 60 day due diligence with two stipulations: The owner must have renter vacate the brick structure on the property prior to purchase; and \$5,000 will be placed in escrow following satisfactory completion of the due diligence period to be applied toward purchase price.

Bob Kovacs made a motion for approval; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

13. COUNTY ATTORNEY

Ms. Davis gave a background on the lawsuit filed against the County by Carolyn Cosby and Bill McNiff and their attorney Channing Ruskell that was dismissed and led to the settlement agreement before the Board tonight for attorney fees. She stated that after the dismissal, the County sought order of attorney's fees, and the Court granted the order for a fee amount award of \$20,938.20. She stated that the Settlement Agreement was with Mr. Ruskell, as the attorney in the case, as the award for fees was levied against Ms. Cosby and Mr. McNiff as well as their attorney, Channing Ruskell. Ms. Davis stated that the Settlement Agreement represented the County reaching a settlement with Mr. Ruskell for monthly payments of the full amount. Ms. Davis stated that it did not release the county's ability to pursue collection from Ms. Cosby and Mr. McNiff, but it provides for Mr. Ruskell to begin making monthly payments towards the payment of the full amount. She stated that she wanted to be clear that the amount of the order was not compromised, and the full collection of the award from the Court is still being pursued. She stated that the settlement reflects a monthly payment plan, credits from the garnishment proceedings that were used, as well as some other credits that were applied based upon outstanding amounts due between the parties.

Ms. Davis stated that a motion to authorize the Chairman to sign on behalf of the county would be appropriate. She stated that she also wanted to note that the RRDA was a party to the case and likewise as a party to the Settlement Agreement, and will need to convene the RRDA at a future time for them to review, consider and approve the Settlement Agreement before it is completed.

Steve West made a motion to approve the Settlement Agreement; Raymond Gunnin seconded. Chairman Ahrens suggested a called meeting of the RRDA Board immediately prior to the April 18, 2017 BOC meeting. The resulting vote was Passed, 5-0.

ADJOURN

Hearing no further items to come before the Board, Scott Gordon made a motion to Adjourn at 6:49 p.m.; Bob Kovacs seconded. The resulting vote was Passed, 5-0.