



Cherokee County Board of Commissioners WORK SESSION MINUTES

July 18, 2017

3:00 p.m. | Cherokee Hall

Chairman Ahrens began Work Session at 3:07 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.

The Chairman read various presidential quotes.

1. 2nd Quarter Service Awards presentation by Lori Thompson.

Lori Thompson announced the 2017 2nd Quarter service awards. Chairman Ahrens thanked those receiving awards for their service and thanked the families who came out to show support.

2. Discussion of Regular Agenda Items.

ANNOUNCEMENTS

- 5.1. The Marshal's Office 2016 Annual Report was awarded the 'Excellence' rating by the National Association of County Information Officers (NACIO). It now qualifies to win Best in Class in the category of Annual Reports.**

PUBLIC HEARING

7.1 Public Hearing on the 2017 Millage Rate.

All concerned citizens are invited to the Public Hearing on the 2017 Millage rate at 6:00 p.m. in Cherokee Hall located at 1130 Bluffs Parkway, Canton, GA 30114.

Mr. Cooper stated that an email was received notifying residents that their taxes were going to be increased. He stated that he responded clarifying that the Commissioners would actually be considering a full rollback plus an additional reduction in the General M&O tax rate and lowering the Fire District Rate as well as the Park Bond Rate. Mr. Cooper stated that he encouraged the correspondent to share that information with the individuals and groups that he sent the prior email to. He stated that he researched other counties in the Atlanta area and their proposed millage rates. He stated that Gwinnett County is considering a rollback rate of 6.608 and considering a millage rate of 7.40; Cobb County considering a rollback rate at 6.252 and is considering a millage rate of 6.89; Macon Bibb County is considering a 2 or 3 mill increase and still waiting on their numbers; and Henry County increasing by 13.51 percent. Mr. Cooper stated that the Board of Commissioners would be considering at the Regular Meeting a General M&O millage rate .04 percent below the full rollback rate. Chairman Ahrens stated that people intuitively think if there is a dollar more than the previous year from the entire process that it is an

increase. He stated that it may be forgotten that if you don't cover inflation and related growth needs, a deep hole can be dug and then services would need to be cut.

7.2 Old Newt Green Road Abandonment.

Consider a request to abandon Old Newt Green Road.

Geoff Morton stated that there is a request to abandon Old Newt Green Road. He stated that in 1999 the County reconstructed the intersection of State Route 372 and Newt Green Road, and it was realigned to t-up the intersection. He stated that the old right-of-way of Newt Green Road was never abandoned to the adjacent property owners. He stated that the property owners have come to the County and requested that the old right-of-way be abandoned back to them. He noted that the Notice of Abandonment was published in the Cherokee Tribune on June 23, 30 of 2017 and July 7, 14 of 2017. He stated that there have been no objections received regarding the abandonment which will affect five property owners. Chairman Ahrens inquired about the value and Mr. Morton replied approximately one acre divided amongst five property owners. Commissioner Kovacs inquired if the pavement was removed when the realignment was completed previously, and Mr. Morton replied that yes, the majority of the pavement was removed and nothing else would need to be done after the abandonment.

ZONING CASES

9.1 Case #17-04-013 R. Venture, LLC (BOC Dist. 1).

Consider a request by R. Venture, LLC to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-30 for a single family residential subdivision.

Vicki Taylor-Lee stated that the applicant was requesting R-20 originally with approximately 87 lots on 54 acres. She stated that the Planning Commission heard the case and recommended approval of R-60 for the northern parcel on Owens Store Road and R-40 for the southern parcel. Ms. Taylor-Lee provided a site plan which described the surrounding zoning as north AG and R-40; east as AG; south as AG and R-30; and west as AG and R-30, and the Future Development Map shows Suburban Growth north, south, east and west. She stated that they have resubmitted as an R-40 Conservation Design with 53 lots, 48% greenspace and a list of specific conditions which include the following: Jesse Lane to remain open; four board fence along all road frontage of Owens Store Road from Old Orange Mill and both sides with turn backs at Jesse Lane and adjacent property line to the west; opaque fencing of detention facilities and other man-made drainage ponds; minimum 2,800 square feet ranch-style and 3,200 square feet two-story heated floor space; side entry garages; brick or stone facade from the ground to first floor elevation level on all four sides; all siding must be wood or hardi-plank, no vinyl or aluminum siding; and all lots must be sodded. Commissioner West stated that it is his district and that he is ready to make a motion regarding the case.

9.2 City of Holly Springs Annexation Notice – Holly Springs Pkwy.

Consider annexation request from the City of Holly Springs for approximately 8.9 acres on Holly Springs Parkway at the intersection with Riverside Way.

Margaret Stallings stated that at the beginning of July an annexation notice was received from the City of Holly Springs for two parcels at the intersection of Holly Springs Parkway and Riverside Way. She stated that it is on the opposite side of the road and down south of the Kroger shopping center at Toonigh and Holly Springs Parkway. She stated that they are intending to annex approximately nine acres into the county but leave a strip of County in the center for townhouses. She stated that there are townhouses in the City of Holly Springs, but it is not consistent with the County's land use plan. She stated that it is an area very close to existing Holly Springs development. She stated that one of the concerns that Planning had is that it shows a 40 ft. buffer, but in their application it shows one house left in the middle of the townhouse development. She stated that they are requesting a variance to allow the developer to clear and grade the entire buffer up to the property line. She stated that the piece is staying in the County because it provides the contiguity for the two pieces that are in the County on the other side of the intersection. She stated that in the proposal it shows some storm water detention facilities on the County portion of the development which could be a coordination issue long term. Chairman Ahrens inquired if there was an issue with it. Ms. Stalling replied that she can remember a case in the past where a letter had to be issued allowing them to do all the permitting on the site, but it was a different type of situation.

Ms. Davis stated that she had sent out an email highlighting some of the legal issues related to the proposed annexation. She stated that the legal issues were primarily related to the property description due to the referencing of partial aspects of the designated land parcels which is less than precise. She stated that the annexation would result in new boundary lines to be drawn between the City and County and based upon the sketches and maps that are not precise, it is difficult to know where those lines need to be. She stated that the description needs to be sufficient to identify the area, and it's problematic in determining if it is contiguous. She stated it would have been ideal if City Staff would have noticed before forwarding it to the County due to the County having 30 days to respond. She stated that it is not out of the question to return the application to Holly Springs and request that the clock start over. She stated the importance of getting the description finalized before the property is annexed and to make sure there is no legal objection once the County sees the identification. Chairman Ahrens inquired if clarifying the legal description was necessary. Ms. Davis stated that it was important for this application as well as going forward with the City of Holly Springs to establish better practices on annexation matters. Chairman inquired as to who would draw the boundaries. Ms. Davis stated that the annexations get reported to the Secretary of State's office, and the County would want to notate it on the zoning maps for future issues. Chairman Ahrens noted that there was a site plan that was better detailed. Ms. Stallings replied that the site plan has information about the perimeter but nothing about the lines that would be between the City and the County areas; no heading or distance to go on.

Commissioner Gordon inquired if the annexation could procedurally be rejected so that the 30 days does not run its course. Ms. Davis stated that the City could state that it was submitted to the County and the 30 days have run its course. She stated that if there is a concern about a land use dispute resolution process objection then her suggestion is to make it in an abundance of caution. She stated that Staff's technical review did not seem to reveal that there would be a supportable land use issue. She stated that if the Board is agreeable, then an objection wouldn't necessarily need to be made under the land use dispute resolution process, but she stated that she feels it important that it is called to their attention. She stated that preferably they will return the application and it be started over and the property to be annexed could be evaluated. She stated that because the Board is generally aware of what they are trying to do it may not make a huge difference in this instance. She stated that it is a concern that if the County sends it back and takes a position the City may disagree with the County. She stated that the County should request and require it be defined sufficiently by the applicant before they annex and rezone or otherwise the County may bring legal challenge. She stated that it does meet legal challenge opportunity because it

does not meet the requirements of the statute to sufficiently describe it. Commissioner Gordon stated that the application is incomplete, and he stated that it should be returned and have it submitted properly and ask for the 30 days. Chairman Ahrens inquired as to when the 30 days expired, and Ms. Stallings replied not until August 2, 2017. Commissioner Gordon stated that the City should be put on notice that it is an incomplete application and if it is not remedied by the next meeting, the County may exercise their right to reject it. Chairman Ahrens agreed that it was a fair message. Ms. Davis agreed it was fair and since there is another meeting before the deadline, it could be put on the Agenda again and addressed then and relay Staff comments by letter. Chairman Ahrens asked for clarification that if the situation was not remedied then a legal challenge may be needed and Ms. Davis agreed. She stated that it would be meeting the City in the middle by not sending it back but asking for clarification on the description by the next meeting and it should be the applicant's responsibility to provide that information. Ms. Davis stated that it could be handled by motion at the Regular meeting. Ms. Davis noted for the public that there is a strip of land that is carved through the center specifically to not create an unincorporated island and there is a case that suggests that they can do that. She stated that there is a statute that says that you cannot annex a part of a parcel to avoid creation of an island, but a case interpreting the statute says that if you do it to avoid creation of an island then you can do it and those do not square up. She stated that it is legal by case law, but it is a very peculiar situation. Chairman Ahrens inquired of Margaret Stallings and Vicki Taylor-Lee about another pending annexation because the County got the notice about the public participation meeting where there would be a discussion about the annexation and rezoning and the County had not received anything. He stated that it was one of those notices where the public had 48 hours and then it was cancelled the day before. He inquired if there was any other information and Ms. Stallings replied no.

Chairman Ahrens commented on the Collett family case that went before the Planning Commission where a unanimous denial was recommended, and that it would be on the August 1 agenda. Ms. Taylor-Lee confirmed that it would be on the August 1 agenda.

COMMISSION BUSINESS

10.1. District 1 - Steve West - Earl Nelson Lane Acceptance.

Consider acceptance of Earl Nelson Lane in as-is condition for County maintenance; 0.40 miles.

Commissioner West stated that the Nelson family has owned the property for many years, and several family members have built homes along the road. He stated that there are other family members that would also like to build a home. He added that they don't want the County to do anything, they are just wanting to be allowed to have more driveways in the future.

CONSENT AGENDA

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

11.1 Surplus Obsolete Holmatro Rescue Tools from the Fire Department.

Consider approval to surplus obsolete Holmatro Rescue tools from the Fire Department to be trade-din for a Rescue 42 Truck Kit.

11.2 Surplus X-Ray Machines and Laptop.

Consider authorizing surplus of two (2) retired x-ray machines and one (1) broken laptop.

11.3 Surplus Miscellaneous Office Equipment.

Consider approval to surplus miscellaneous, obsolete office equipment from the Clerk's Office.

11.4 Juvenile Court Grant Budget Amendment.

Consider approving a Budget Amendment in the amount of \$238,954 for Subgrant Agreement Y18-8-004 for the Juvenile Court.

11.5 Subdivision Acceptance - Ridge Mill Phase 2B.

Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Ridge Mill Phase 2B subdivision.

11.6 Renewal of Hobgood Recycling Facility Lease Agreement.

Consider approval of an amendment to extend the term of the lease agreement with Goodwill of North Georgia for the Hobgood Park Recycling Center for a period of up to three years. The lease will remain at its current rate of \$6,500 per month.

11.7 Pet Turf for Intake Facility.

Consider approving purchase of synthetic pet turf from Outdoor Expressions, lowest priced bidder, in the amount of \$15,325 and consider authorizing a Budget Amendment.

COUNTY MANAGER

Mr. Cooper went over the eighteen items under the **County Manager's** portion.

12.1. IGA with City of Holly Springs.

Consider Intergovernmental Agreement with City of Holly Springs for Ad Valorem Exemption Application Services.

Mr. Cooper stated the City of Holly Springs would like to designate the County's Tax Assessor's Office to accept, process, review and determine the appropriate status of applications on behalf of Holly Springs for exemptions from Ad Valorem taxes on property located within the city limits. He stated that currently a resident inside the City of Holly Springs must go to the City and then must go to the Tax Assessors Office which is not efficient for the customer. He stated that with this Agreement, the Tax Assessor's Office will handle all the matters for the City of Holly Springs. Mr. Cooper stated the recommendation to

approve the IGA with the City of Holly Springs. Chairman Ahrens inquired if there would be a cost associated, and Mr. Cooper replied that there would be no impact on the County.

12.2. Purchase of Firequip Combat Master Flow Hoses.

Consider awarding a purchase order to the lowest priced proposer, Municipal Emergency Services in the amount of \$67,148.08 for various Firequip Combat Master Flow Hoses.

12.3. Purchase of Two (2) Patrol Motorcycles.

Consider approval to purchase two (2) new motorcycles for the Cherokee Sheriff's Office from Mountain Creek Harley Davidson in the amount of \$30,154.78 (equipped) after trade in.

12.4. Purchase of Tools and Appliances to equip New Fire Trucks.

Consider awarding a purchase order to the lowest priced proposer, Georgia Fire and Rescue Supply, in the amount of \$65,510.00 for tools and appliances to install in five new fire trucks.

12.5. Purchase of Scott Face Pieces, Cylinders and Self-Contained Breathing Apparatuses for the Fire Department.

Consider awarding a purchase order to the lowest priced proposer, Fisher Scientific, in the amount of \$151,754.44 for 350 Scott Face Pieces, 22 Cylinders and 11 Self-Contained Breathing Apparatuses.

12.6. Budget Transfer for Purchase of Vehicles for the Fire Department.

Consider approval to transfer \$129,000 from the Fire Fighting Salary line to Fire Fighting Vehicle line to purchase two (2) 2017 Ford F-250 Trucks for a total of \$63,524 to the low bidder, King Ford, and one (1) Extended Cargo Van for a total of \$27,742 from the low bidder, Bill Holt Chevrolet. The remaining amount will be used to purchase Battalion Chief Vehicles in fiscal year 2017.

12.7. Insurance Settlement for Squad 22 and Purchase of New Chassis.

Consider approving an owner-retained insurance settlement from OneBeacon Insurance Group in the amount of \$145,211.00, a budget amendment transferring the settlement to EMS Fund 580, and permission to purchase a 2015 Chevy 4500 chassis from Molle Chevrolet for \$40,481.71.

12.8. Personal Property Listing Administration and Auditing Services for the County Tax Assessors.

Consider approval of the County's standard Professional Services Agreement with Tax Management Associates to provide personal property listing administration and auditing services for the County Tax Assessors Office for an estimated value of \$229,450.00 per year.

12.9. Hickory Road at Stringer Road Intersection Improvement Project - Construction.

Consider low bid and award of construction contract for the Hickory Road at Stringer Road Intersection Improvement Project to Glosson Enterprises, Inc. in the amount of \$1,146,785.00.

12.10. Stringer Road at SR 140 Intersection Improvement Project - Construction.

Consider low bid and award of construction contract for the Stringer Road at SR 140 Intersection Improvement Project to Bartow Paving Company, Inc. in the amount of \$228,925.00.

12.11. Dam Breach Analysis for Two Watershed Dams.

Consider award of a Professional Services Agreement to Dewberry Consultants LLC for completion of a dam breach analysis study for two (2) watershed dams in Cherokee County in the amount of \$36,636.00.

12.12. SR 140 at East Cherokee Drive - GDOT Agreement for Right-of-way Acquisition.

Consider agreement from GDOT for Acquisition of Right-of-way for the SR 140 at East Cherokee Drive Intersection Improvement Project. GDOT is not reimbursing Cherokee County for right-of-way acquisition, but is providing \$1,000,000 towards the construction cost of this project.

12.13. Reinhardt University - Additional Paving Request.

Consider request by Reinhardt University for additional asphalt repairs and resurfacing of campus roadways and parking areas, including Jerningan Way, Lance Avenue, front campus drive and Smith Johnston parking area at an estimated cost of \$35,581.00. To be reimbursed by Reinhardt University per MOA with Cherokee County dated June 6, 2017.

12.14. SPLOST 2018 Capital Program Intergovernmental Sales Tax Agreement (IGA) between Cherokee County and the cities of Ball Ground, Canton, Holly Springs, Mountain Park, Nelson, Waleska and Woodstock.

Approval of IGA between Cherokee County and the cities of Ball Ground, Canton, Holly Springs, Mountain Park, Nelson, Waleska and Woodstock for 2018 Special Purpose Local Option Sales Tax (SPLOST) Program to fund Capital Outlay Projects for a period of six years beginning upon the termination of the existing SPLOST.

Mr. Cooper listed the projects for the cities and stated that the Board of Commissioners had the summary of the amounts. He stated that the total program estimate is \$252,961,892. He stated that the Resolution to call the election will be provided for the August 1 meeting, and the Board of Elections will hold the meeting to adopt the resolution. Chairman Ahrens inquired as to the likely timing for an advocacy group to be formed. Mr. Cooper stated that it would be timely to reach out to individuals after the adoption. Commissioner Gordon suggested jail tours as part of the educational opportunity. Mr. Cooper stated that Sheriff Reynolds will be conducting tours for Canton Rotary in August.

12.15. Purchase of Seven Bullard Thermal Imaging Cameras.

Consider awarding a purchase order to Georgia Fire & Rescue Supply in the amount of \$65,260.09 for the purchase of seven (7) Bullard Eclipse LDX Thermal Imaging Cameras for the Cherokee County Fire and Emergency Services Department.

He stated it will be replacing five Thermal Imaging Cameras no longer serviceable and add two additional cameras for logistics. He stated that there will be a formal bid process in 2018.

12.16. Keeter Road - Multi-way STOP Request.

Consider request for a multi-way stop at the intersection of Keeter Road and Prominence Way.

Mr. Cooper stated that due to the site distance at the location as reviewed and recommended by Engineering, the road connecting to the area is the City of Canton with a speed limit of 30 mph. He stated that the improved intersection of Keeter Road is designed and constructed for 25 mph, and it will be a good transition from 30 mph to 25 mph at the multi-way stop at the location.

12.17. 2017 CDBG Annual Action Plan.

Consider approval of the 2017 Annual Action Plan for submission to HUD. He stated that it is a five-year consolidated annual action plan for a total of \$1,113,082. He reviewed the executive summary provided to the Board of Commissioners identifying the capital projects and the nonprofit organization services funding.

12.18. Purchase of Uninterrupted Power Supply (UPS) for Communications Center E 9-1-1.

Consider replacing the main UPS for E 9-1-1 Communications Center located at 150 Chattin Dr. in the amount of \$94,520.00 from Motorola.

Mr. Cooper stated that due to multiple failures of the system and due to the emergency request, the request is to purchase without bidding.

ADJOURN

Hearing no further items, Scott Gordon made a motion to adjourn to Executive Session at 4:00 p.m. to discuss property acquisition, personnel matters and pending or threatened litigation; Bob Kovacs seconded. The resulting vote was Passed, 5-0.