

# AGENDA

## Cherokee County Board of Commissioners

July 24, 2012

REGULAR MEETING

CHEROKEE HALL 6:00 P.M.

### INVOCATION

### CALL TO ORDER

CHAIRMAN AHRENS

### RATIFY CLOSURE OF EXECUTIVE SESSION

### 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"*

### PRESENTATIONS

### AMENDMENTS TO AGENDA

### ANNOUNCEMENTS

#### **Voting Dates:**

July 23 – July 27

8:30 a.m. – 7:00 p.m. (M-F)

Open to ALL Cherokee County registered voters!

(Five locations—Cherokee County Elections Office, Ball Ground, Hickory Flat, Rose Creek and the Woodstock Libraries)

July 30– Monday NO VOTING

July 31- ELECTION DAY

7:00 a.m. – 7:00 p.m. (Tuesday)  
All county precincts are open ELECTION DAY  
You must vote at your assigned precinct.

Call the Elections office at 770-479-0407 or visit <http://voter.cherokeega.com> for additional information.

### **APPROVAL OF EXECUTIVE SESSION MINUTES FROM JULY 10, 2012**

As distributed by the County Manager.

### **APPROVAL OF WORK SESSION MINUTES FROM JULY 10, 2012.**

### **APPROVAL OF REGULAR MEETING MINUTES FROM JULY 10, 2012.**

### **PUBLIC HEARINGS**

#### **1. Public Review and Comment concerning proposed 2012 millage.**

The Cherokee County Board of Commissioners shall conduct two Public Hearings for public review and comment concerning proposed **2012 millage rates** on July 10 and **July 24, 2012, at 6:00 p.m.** in Cherokee Hall, Cherokee County Administration Building, located at 1130 Bluffs Parkway, Canton, Georgia 30114.

Consider adoption of 2012 Millage Rates.

#### **2. Public Hearing to consider changes to County's Cemetery Ordinance.**

The Cherokee County Board of Commissioners will conduct a Public Hearing to consider revisions to Article 24-Cemetery Preservation of the Zoning Ordinance on **July 24, 2012 at 6:00 p.m.** in Cherokee Hall, Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia 30114.

Consider adoption of changes to the Cemetery Ordinance.

### **PUBLIC COMMENT**

## ZONING CASES

**CASE NUMBER** : 12-07-006  
**APPLICANT** : RaceTrac  
**ZONING CHANGE** : R-40 and GC to GC  
**LOCATION** : SR 20 east of I-575  
**MAP & PARCEL NUMBER** : 14N23A, 24A, 25 and part of 023  
**ACRES** : 7.332  
**PROPOSED DEVELOPMENT** : Convenience Store with fuel sales  
**COMMISSION DISTRICT** : 1  
**FUTURE DEVELOPMENT MAP** : Transitional and Suburban Growth

**PLANNING COMMISSION RECOMMENDATION** : Approval with the seven (7) conditions on the previous rezone which is Resolution #2010-R-035 (Case #09-05-010) and add a condition that County staff shall have flexibility regarding the implementation of conditions 1, 2 and 3 on this resolution. Also the addition of the five (5) stipulations stated on the email dated July 10, 2012 from Mr. Huff to Mr. Cowart. This resolution with the conditions and email are attached.

### Conditions:

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 and Old Doss Drive frontages.
2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy 20 and Old Doss Drive frontages, immediately adjacent to the curb described in Condition #1, above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy 20 and Old Doss Drive frontages immediately adjacent to the grass-strip described in Condition #2, above.
4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the sidewalk described in Condition #3, above. The landscape strip described in this condition shall contain at least the following:
  - a. Maple trees with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy 20 frontage.
  - b. Not less than 2 understory trees from the list attached as Exhibit "A" for each tree required in (a.), above.
  - c. Not less than 10% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road –

Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 8, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.
8. County Staff shall have flexibility regarding the implementation of Condition Numbers 1, 2 and 3 on Resolution #2010-R-035/Case #09-05-010.
9. The back future driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Additionally, applicant will manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road.
13. Applicant is not to disturb Old Doss Road turnaround.

## **COMMISSION BUSINESS**

### **CHAIRMAN**

**L. B. AHRENS**

- A. Re-appointment of Jeff Moon to the Cherokee County Board of Family and Children Services for another five-year term.

### **COMMISSION POST 1**

**HARRY B. JOHNSTON**

### **COMMISSION POST 2**

**JIM HUBBARD**

- A. 100<sup>th</sup> Anniversary of the Eagle Scout Award

### **VICE CHAIR/COMMISSION POST 3**

**KAREN BOSCH**

### **COMMISSION POST 4**

**JASON NELMS**

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## **CONSENT AGENDA**

- 1.1 Consider acceptance of insurance recovery funds and budget transfer in the total amount of **\$7,471.50** (\$6,656.00 to Uniform Patrol and \$815.50 to Special Detail). Traveler's insurance paid \$7471.50 to the County for a totaled vehicle's value and towing charges.
- 1.2 Consider budget amendment to increase Grant Fund in the amount of **\$5,000.00** in acceptance of a donation by Northside Hospital-Cherokee for use in the County's Wellness Program.
- 1.3 Consider request to set a public hearing for August 21, 2012 to consider transmittal of the 2012 Cherokee County Capital Improvement Element (CIE) and

Short Term Work Program (STWP) Annual Update to the Georgia Department of Community Affairs and the Atlanta Regional Commissioner for review and approval on August 21, 2012.

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### **COUNTY MANAGER**

- 2.1 Consider acceptance of VOCA (Victims of Crime Act) Grant renewal application in the amount of **\$87,397.00** to continue assistance in the funding of three (3) positions for the Victim Witness Assistance Program for the District Attorney's Office; Grant has been received by County since 1992.
  
- 2.2 Consider acceptance of Professional Services agreement with Siemens Industry, Inc. for the Fire Alarm, Life Safety and Security System technical services to the Adult Detention Center, Justice Center and Fire Stations #4, #12, #21, #22, and #23 in the total amount of **\$54,828.00**. (Adult Detention Center - \$18,216.00; Justice Center - \$11,768.00; Fire Stations - \$5,144.00; Justice Center Security System - \$19,700.00).
  
- 2.3 Consider approval to award construction contract for Blankets Creek Improvements to lowest responsible bidder, W.E. Contracting Co., Inc., Acworth, in the base bid amount of **\$789,989.00**. (Contingency controlled by County requested in the amount of \$40,000.00 for a total requested amount of \$829,989.00). A second bid in the amount of \$810,481.29 was received from Johnson Landscapes, Inc.

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### **COUNTY ATTORNEY**

- 3.1 Consider amendment to resolution designating County's Open Records Officer.

### **ADJOURN**