

Amended

**CHEROKEE COUNTY
BOARD OF COMMISSIONERS**

Work Session

November 19, 2013

3:00 p.m.

Cherokee Hall

AGENDA

1. Discussion on Alcohol Beverages Ordinance Revision.
2. Facebook Resolution.
3. Discussion of Regular Agenda Items.

Executive Session to Follow

preserve the public health, safety, and welfare of the population of the unincorporated areas of Cherokee County;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA as follows:

1.

The Cherokee County Code of Ordinances, Chapter 6, Section 6-1, Definitions, shall be amended by adding the following words, terms and phrases:

Day care center means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, children under 18 years of age, and is not accredited as a public or private school (except that centers offering state funded pre-K programs are still considered day cares). The term “day care” as used herein shall include but not be limited to the terms “nursery school,” “early learning center,” “pre-kindergarten,” “private kindergarten,” “play school,” and “pre-school.”

Government-owned treatment center shall mean any facility owned and operated by the state or any county or municipal government located therein, which offers or proposes to offer any treatment, counseling and/or clinical health services to treat drug or alcohol abuse in a setting which is not part of a hospital.

Hospital means an institution which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services, surgical care and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. Such term includes public, private, psychiatric, rehabilitative, geriatric, osteopathic, and other specialty hospitals.

Nursing home shall mean a licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the facility.

Residential dwelling means a building which is designed or used exclusively for residential purposes, including single-family, duplex and multi-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized homes but not including hotels and motels.

Retail package store means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity primarily engaged in the retail sale of alcoholic beverages to go in unbroken packages and not for consumption on the premises.

2.

The Cherokee County Code of Ordinances, Chapter 6, Section 6-1, Definitions, shall be amended by deleting the definition of *school* in its entirety and replacing said definition with the following:

School or building used for educational purposes shall mean any state, county, church or other private school that teaches the subjects commonly taught in the common schools of this state and shall include the adjacent open land or fenced areas used for school purposes, as well as the grounds, buildings or campus in use for teaching or giving instruction in any subjects to pupils of the school, college, university, or other institution of education. This definition shall not include any portion of a private school where only specialized subjects such as law,

stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

3.

The Cherokee County Code of Ordinances, Chapter 6, Section 24, shall be amended by deleting Section 6-24 in its entirety and replacing the same with a new Section 6-24, which shall read as follows:

Sec. 6-24. Measurement of distances.

- (a) Unless otherwise provided by law, all measurements, to determine distances, required by this chapter, for the issuance of county beverage licenses, shall be measured by the most direct route of travel as follows:**
- (1) In a straight line from the front door of the structure from which an alcoholic beverage is sold or offered for sale;**
 - (2) To the front door of the building of a church, government-owned treatment center, retail package store, hospital, nursing home or residential dwelling; or**
 - (3) To the nearest property line of the real property upon which a school or building used for educational purposes is located.**
 - (4) All renewal applications shall use the measurements required in the initial application and license.**
- (b) The table below lists the distance in feet which various types of alcoholic beverage sales establishments must meet from an existing regulated land use.**

Distance of Type Beverage Sales From Existing Land Use In Feet	School	Church	Day Care Center	Hospital, Nursing Home	Residential Dwelling
Consumption on premises restaurant	600	300	600	600	600
Consumption on premises lounge	600	300	600	600	600
Convenience store beer and wine	300	300	300	600	300
Major grocery store beer and wine	300	300	300	300	300

- (c) **The distance requirements set forth in the table pertaining to distances from a residential dwelling shall not apply when the licensee's establishment is: (1) part of an approved mixed-use or master planned development that includes the particular residential dwelling use in conjunction with Commercial, Office, or Industrial uses (which phrase "master planned development" includes, but is not limited to, planned development in the Traditional Neighborhood Development or TND district, as further described and defined in the Cherokee County Zoning Ordinance); or (2) the licensee's establishment is part of the particular residential development and/or exists to privately serve such residential development.**
- (d) **The distance requirements set forth in the table pertaining to distances from a residential dwelling may be waived, varied, or modified at the discretion of the board of commissioners upon good cause being shown in consideration of surrounding land use.**

4.

Current Licensees Unaffected by Amendment. No current alcoholic beverage licensee, on the effective date of this Ordinance, shall be denied the continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of the location be denied a new license, based solely upon the changes set forth in this Ordinance.

5.

Remaining Portions Unaffected. Except as specified hereinabove, all remaining portions of the Cherokee County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

6.

Severability. It is the express intent of the Cherokee County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

7.

Conflicting Ordinances Repealed. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

8.

Effective Date. This Ordinance shall become effective immediately upon passage.

SO ORDAINED this ____ day of _____, 2013.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

Harry B. Johnston, District 1

Raymond Gunnin, District 2

Brian Poole, District 3

Jason Nelms, District 4

ATTEST:

Christy Black, County Clerk

**County of Fayette;
State of Georgia**

RESOLUTION 2013-22

**A RESOLUTION ASKING FACEBOOK TO PROTECT OUR
TEENAGERS FROM PREDATORS AND ABUSES OF PRIVACY**

- WHEREAS,** The Internet is a tool of historical importance in research, communication and commerce; and
- WHEREAS,** The Internet also poses a threat related to cybercrime, misinformation and intrusions of privacy; and
- WHEREAS,** Our children and teenagers are especially vulnerable to the predatory acts of strangers via the Internet; and
- WHEREAS,** Our children and teenagers are susceptible to harm on the Internet from having less impulse control, being vulnerable to peer pressure and not having enough maturity to distinguish trouble; and
- WHEREAS,** Facebook, a visible champion of Internet social responsibility for years, has proposed significant site policy changes that would allow teenagers to post updates, videos and images that can be viewed by anyone, not just their friends or people who know their friends; and
- WHEREAS,** Facebook's policy change can expose teenagers to new online threats from cyber bullies and sexual predators by encouraging more public sharing; and
- WHEREAS,** Facebook's new policy also gives them the right to take posts from teenagers, without permission, and turn them into advertising made available to anyone who could have seen the original post; so

BE IT THEREFORE RESOLVED THAT the Board of Commissioners of Fayette County does hereby formally request that Facebook withdraw any plans to expose our teenagers to serious threats on the Internet in an attempt to increase profits by leaving our young people dangerously exposed in order to attract more advertising.

So resolved this 24th day of October 2013, by the

**BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA**

Attest:

Steve Brown, Chairman

Floyd L. Jones, County Clerk

Mary Sanchez: Is Facebook becoming a permissive parent?

OCTOBER 19, 2013 12:00 AM • BY MARY SANCHEZ THE KANSAS CITY STAR

Mom, Dad, here is your popup warning: Your teen is being wooed by Facebook.

The social media giant is desperately trying to reposition its digital offerings to teenagers. It's a marketing ploy that has Facebook attempting to pass itself off a bit like an Internet version of a friend's more lenient parent.

From now on, teens will be allowed to opt out of privacy settings and choose to post publicly. This means that adept strangers — including those of malign intent — will be able to view a teenager's postings, pictures, videos, updates and conversations with friends. Strangers will be able to "follow" teenagers' timelines.

Facebook announced the changes to privacy settings for 13- to 17-year-olds in a blog post. "Teens are among the savviest people using social media, and whether it comes to civic engagement, activism or their thoughts on a new movie, they want to be heard," it read.

Yes. And they are also hard-wired to have less impulse control, more apt to be controlled by peer pressure, and prone to act first and only realize consequences later.

Never mind that. Log on, create an account, Facebook seems to say. There are few limits here! You can reach lots of people, and they can reach you. Never mind that those new "friends" can include pedophiles and strangers with a penchant to bully and harass.

No doubt about it, Facebook just made it easier for creeps to stalk via the Internet.

The new policy amounts to using the nation's children as advertising bait. Facing increased competition, Facebook is doing this for advertisers and marketers in an attempt to keep up with Twitter, Tumblr and other newer social media outlets considered far cooler and more hip to younger audiences.

Companies can gather all sorts of information and then reach out to young people and their friends who opt out of the privacy walls.

Oh, sure, Facebook will underline that the changes include one new safeguard. New teenage users' settings will by default restrict their posts to friends, not friends of friends, as was previously allowed. But those settings can be changed. A warning onscreen will appear when teens take the option of making posts public. A popup message will let the teen know that "You and any friends you tag could end up getting friend requests and messages from people they don't know personally."

A lot of children will think that sounds just grand. After all, isn't connecting with people who you don't already know part of the allure of the digital age? Meeting lots of new people online is thrilling to a mindset not mature enough to discern the dangers.

If Facebook carries on with the new policy, — and there are few indications it won't — it's fair to say that it has just turned in the social responsibility card that once distinguished it from other social media sites. Facebook has always been better than Twitter and other sites at compelling users to post as themselves.

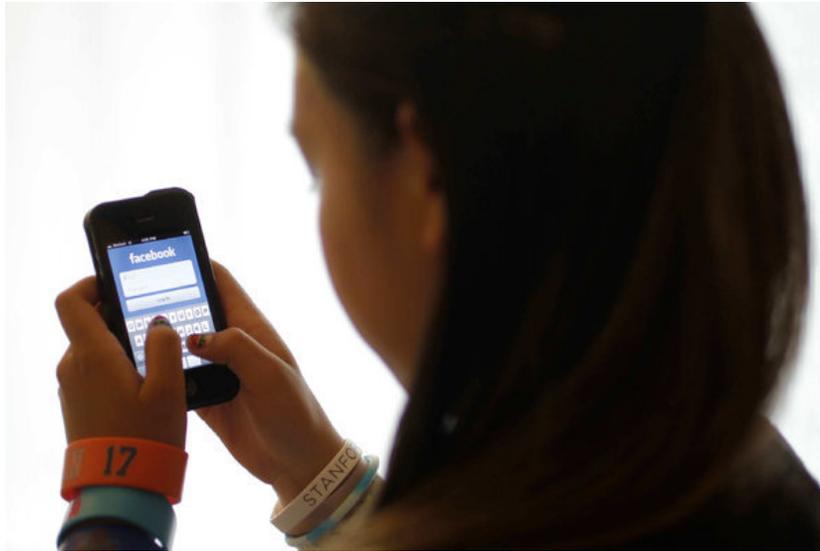
Facebook has defended the policy change for teens on the grounds that it will aid children who are budding philanthropists and artists. These children, goes the rationalization, need to be able to reach wider audiences to do their good works, be it a charity drive or to promote their latest musical recording.

That's a rather weak justification. Everyone knows that Facebook users are not just users — they're the product being sold. The company is being investigated for how it proposes to manage the privacy of adult users' content. The Federal Trade Commission began an inquiry in September to determine if the company would break a regulatory agreement in how it plans to gain permission before using personal information in advertising.

For any product or service, a good rule of thumb is "Buyer/user beware." But when it comes to teenagers, society has long required that extra steps be taken to protect them.

As many parents can attest, monitoring or banning social media in the home does not keep teens from using it. For that reason alone, it would be far more helpful if Facebook and other social media platforms took the attitude that, by default, they are parents, too.

Facebook Eases Privacy Rules for Teenagers



Paul Sakuma/Associated Press

Logging into Facebook. Its new privacy rules caused dismay among some child advocate groups.

By VINDU GOEL

Published: October 16, 2013 60 Comments

SAN FRANCISCO — Facebook has loosened its privacy rules for teenagers as a debate swirls over online threats to children from bullies and sexual predators.

Related

Facebook Privacy Change Is Subject of F.T.C. Inquiry (September 12, 2013)

Bits Blog: Facebook Delays New Privacy Policy (September 5, 2013)

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Enlarge This Image



A screen shot of the new privacy feature, which Facebook says allows its "savviest users" to reach a wider audience the way they can on blogs and rival services like Twitter.

Readers' Comments

The move, [announced on Wednesday](#), allows teenagers to post status updates, videos and images that can be seen by anyone, not just their friends or people who know their friends.

While Facebook described the change as giving teenagers, ages 13 to 17, more choice, big money is at stake for the company and its advertisers. Marketers are keen to reach impressionable young consumers, and the more public information they have about those users, the better they are able to target their pitches.

"It's all about monetization and being where the public dialogue is," said Jeff Chester, executive director of the Center for Digital Democracy, a group that lobbies against marketing to children. "To the extent that Facebook encourages people to put everything out there, it's incredibly attractive to Facebook's advertisers."

But that public dialogue now includes youths who are growing up in a world of social media and, often, learning the hard way that it can be full of risks. Parents, too, are

- FACEBOOK
- TWITTER
- GOOGLE+
- SAVE
- E-MAIL
- SHARE
- PRINT
- SINGLE PAGE
- REPRINTS

A romantic comedy for adults

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trying to help their children navigate the raucous online world that holds both promise and peril.

“They’re hitting kids from a neurological weak spot. Kids don’t have the same kind of impulse control that adults do,”

said Emily Bazelon, a journalist and author of the book “Sticks and Stones: Defeating the Culture of Bullying and Rediscovering the Power of Character and Empathy.”

Facebook said numerous other sites and mobile apps, from big players like Twitter and Instagram to lesser-known ones like ask.fm and Kik, allowed teenagers to express themselves publicly.

“Across the Web, teens can have a very public voice on those services, and it would be a shame if they could not do that on Facebook,” Nicky Jackson Colaco, Facebook’s manager of privacy and public policy, said in a phone interview.

But unlike those other services, Facebook requires users to post under their real identities, which some privacy advocates said would make it much more difficult to run away from stupid or thoughtless remarks.

“It’s risky to have teenagers posting publicly,” Ms. Bazelon said. “The kids who might be the most likely to do that might not have the best judgment about what they post.”

Facebook also said it made the change to let its most knowledgeable users — socially active teenagers like musicians and humanitarian activists — reach a wider audience the way they can on blogs and rival services like Twitter.

Facebook changed another aspect of its rules for teenagers, for which it drew praise. By default, new accounts for teenagers will be set up to share information only with friends, not friends of friends as before. Ms. Colaco said the company would also educate teenagers about the risks of sharing information and periodically remind them, if they make public posts, that everyone can see what they are sharing.

But fundamentally, Facebook wants to encourage more public sharing, not less.

The company, which has about its 1.2 billion users worldwide, is locked in a battle with Twitter and Google to attract consumer advertisers like food, phone and clothing companies. Those brands want to reach people as they engage in passionate public conversation about sports, television, news and live events.

Twitter, which has been emphasizing its virtue as a real-time public platform as it prepares to make a public offering of stock next month, has been particularly effective at persuading marketers that it is the best way to reach audiences talking about the hottest television show or the week’s National Football League games.

Facebook is reducing children’s privacy even as lawmakers are moving in the opposite direction, grappling with difficult issues like online bullying and the question of whether to allow people to erase their digital histories.

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Mark Scott contributed reporting from London.

A version of this article appears in print on October 17, 2013, on page A1 of the New York edition with the headline: Facebook Eases Privacy Rules For Teenagers.

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Amended

AGENDA

Cherokee County Board of Commissioners

November 19, 2013
Regular Meeting
CHEROKEE HALL 6:00 PM

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"

CALL TO ORDER

CHAIRMAN AHRENS

RATIFY CLOSURE OF EXECUTIVE SESSION

PROCLAMATION

Proclaiming November 19, 2013 as **Prematurity Awareness Day** in Cherokee County in recognition of the national efforts led by the March of Dimes to save babies from premature birth by funding research.

AMENDMENTS TO AGENDA

Under Chairman's Portion, Add: A-Update on Ethics Board & B- Nomination for ARC Citizen Member.

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM NOVEMBER 5, 2013.

As distributed by the County Manager.

APPROVAL OF WORK SESSION MINUTES NOVEMBER 5, 2013.

APPROVAL OF REGULAR MEETING MINUTES FROM NOVEMBER 5, 2013.

PUBLIC HEARINGS

1. The Cherokee County Board of Commissioners will hold a Public Hearing on November 19, 2013 at 6:00 p.m. regarding the **abandonment of a portion of Old Batesville Road** located in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County.
2. The Cherokee County Board of Commissioners will hold a Public Hearing on November 19, 2013 at 6:00 p.m. to consider approval to remove conditions placed upon **property located at 7709 Turner Road** at the time of rezoning of property from R-1A (Residential) to CN (Commercial) on January 14, 1986, Case No. 85-10-79.

PUBLIC COMMENT

ZONING CASES

CASE NUMBER	: 13-08-011
APPLICANT	: John H. Pruett, Jr.
ZONING CHANGE	: R-40 to R-20
LOCATION	: Bells Ferry Road
MAP & PARCEL NUMBER	: 14N12A, Parcels 079, 092, 094 and part of 046 and 093
ACRES	: 25.65
PROPOSED DEVELOPMENT	: Single Family Residential Subdivision
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Suburban Living
PLANNING COMMISSION RECOMMENDATION	: Approval

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. (Amendment) Update on Ethics Board Vacancy.
- B. (Amendment) Nomination for ARC Citizen Member.

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

- A. Discussion on Historical Preservation Ordinance and Possible Moratorium.

COMMISSION DISTRICT 2

RAYMOND GUNNIN

- A. Appointment to the Cemetery Preservation Committee.

COMMISSION DISTRICT 3

BRIAN POOLE

- A. Consider acceptance of 0.21 miles of Haynes Lane, in as-is condition, for County Maintenance.

CONSENT AGENDA

- 1.1 Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Blue Valley subdivision.
 - 1.2 Consider approval of budget amendment for the use of TAVT Reserves to construct new ADA counters at Tag office in Woodstock, purchase security cameras for Canton and Woodstock, and other future security requirements in the total amount of \$46,374.00.
-

COUNTY MANAGER

- 2.1 Consider approval to submit grant application to the Joey Pizzano Memorial Fund for non-matching grant in the amount of \$5,600.00 for implementation of an adaptive swim lesson program at the Aquatic Center.
- 2.2 Consider approval of multi-way stop at the intersection of Hembridge Drive and Mountain View Circle (western intersection) in the Hembridge Hills Subdivision.
- 2.3 Consider approval of the CDBG 2014-2018 Consolidated Plan and 2014 Annual Action Plan (Grant Application) in the amount of \$780,000.00 for submission to the U.S. Department of Housing and Urban Development (HUD).
- 2.4 Consider approval of the amendment to the 2010 and 2011 CDBG Annual Action Plan.

- 2.5 Consider the following Benefits Committee recommendations:
1) Not renew contract with CHN, and 2) Discontinue the tobacco surcharge effective upon approval of BOC.
-

COUNTY ATTORNEY

- 3.1 Rules of Procedure.

ADJOURN

WHEREAS, premature birth is the number one killer of newborns in America, and

WHEREAS, premature birth is the leading cause of death in the first year of life in Georgia, and

WHEREAS, nearly half a million babies are born prematurely every year, and

WHEREAS, more than 10% all babies born in Cherokee County are born prematurely and that number continues to rise, and

WHEREAS, premature birth takes an enormous toll on families and costs society billions of dollars every year, and

WHEREAS, most people are unaware of this common, serious and costly problem; and

WHEREAS, during November landmarks across the country will be lit purple to raise awareness and to symbolize hope for premature babies and their parents; and

WHEREAS, the March of Dimes is leading a national effort to save babies from premature birth by funding research to find the causes and by supporting local programs that offer hope and help to families with a baby in intensive care;

NOW, THEREFORE, I, L.B. "Buzz" Ahrens, Chairman, on behalf of the Cherokee County Board of Commissioners declare NOVEMBER 19, 2013 as

PREMATURITY AWARENESS Day in CHEROKEE COUNTY.

And I encourage all citizens to support March of Dimes efforts to fund research and programs to find the causes of prematurity.

IN WITNESS THEREOF, I have here unto set my hand this 19th of November, 2013

L.B. "Buzz" Ahrens, Chairman

CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Work Session

November 5, 2013

3:00 p.m.

Cherokee Hall

MINUTES

The Chairman began at 3:11 p.m. with all Commissioners present. The Chairman shared a revelation he had over the weekend regarding communication with folks about things. The example he shared was the vacancy for the Ethics Board was mentioned and he had only one candidate until this weekend in which he received six additional candidates who all had referenced an article in the AJC.

1. Discussion of Regular Agenda Items

The Chairman went over an item under the **Chairman's** portion:

- Consideration of Retreat Dates

The Commissioners discussed possible dates for the retreat. It was decided January 16 & 17 were the best dates. A discussion ensued on possibly returning to Barnsley Gardens.

- Consideration of appointment to Board of Ethics

The Chairman mentioned that he believed there to be a possible second vacancy on the Board of Ethics. He stated that once he gets all necessary information from the candidates, he will forward to the Commissioners.

Commissioner Johnston asked the Chairman to go over the names of the individuals.

Commissioner Johnston briefly touched on a town hall meeting he attended. They had discussed the future possibility of trails in the Yellow Creek Road area. The Commissioners discussed future possibilities for boat and canoe access areas along the Etowah River.

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

- Consider final acceptance of all public rights-of-way, roadways, and appurtenant drainage structures in the Hampton Station, Unit 2 Subdivision.
- Consider approval to surplus and dispose of obsolete electronic equipment Magistrate Court, State Court and Cherokee County Fire and Emergency Services.
- Consider approval of FY2013 Emergency Management Directed Training Award payment in the amount of \$500.00 for the agreement period of July 1, 2013 through June 30, 2014 and approve budget amendment to FY2014. Funds will be used for travel and training expenses.
- Consider approval of full 5 year / \$25,000.00 Northside Hospital Wellness Grant, and approve budget amendment for the FY2014 budget appropriating \$10,000.00 in grant monies for the County's Wellness Program related to grant.
- Consider approval to renew Professional Services Agreement with DECA, AMR Business Products, Inc. of Marietta, GA in the total amount of \$8,883.00 to provide software support and maintenance of the 24-hour recording equipment in the E-911 Center.

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

- Consider authorizing County Manager to approve Professional Services Agreement renewable annually for 3 years designating Gallagher Benefit Services as Broker of Record for medical in the amount of \$73,000.00 and voluntary benefit offerings on a commission basis estimated to be at \$16,792.00 annually.

- Consider acceptance of award in the amount of \$32,300.00 for the DUI/Drug Treatment Court Program from the Governor's Office of Highway Safety.
- Consider approval of Business Associate Agreement with Colonial Life Accident & Insurance Company which outlines the use and disclosure of Protected Health Information (PHI) in compliance with HIPAA Rules.
- Consider approval of the following for Cherokee Fire & Emergency Services: 1) Purchase three Bullard Thermal Imaging Cameras (TICS) in the total amount of \$30,033.00 from Georgia Fire and Rescue Supply. 2) Budget amendment in the amount of \$22,033.00 from Fire Operation Uniforms to Fire Operations Capital Outlay. 3) Accept contribution from Ball Ground Volunteer Fire and budget amendment in the amount of \$8,000.00 to be used for the remainder of the purchase.
- Consider acceptance of ASPCA Grant Awards and budget amendment in the amount of \$8,500.00 for the Animal Shelter.
- Approve County's standard Professional Services Agreement with Mauldin & Jenkins, LLC for the annual financial auditing services.
- Amended: Confirm County Manager's approval of Workers' Compensation and Employers' Liability Insurance Renewal award to Midwest Employers Casualty Company for an effective renewal premium of \$162,423.00, which is a reduction of 4.7% from last year's premium of \$170,421.00.

Discussion ensued over rates and coverage provided in the agreement.

Ms. Davis went over items under the **County Attorney's** portion:

- City of Woodstock Annexation Notice – Property located at Highway 92.

Ms. Davis gave an overview of the annexation notice and stated the property is located at 13426 and 13430 Highway 92, south of Highway 92, west of the intersection with Mountain Brook Parkway, a total of 26.75 acres. It is currently zoned R-80 with the Highway 92 Overlay. The proposed re-zone upon annexation would be R-3A with a proposed used stated as detached single-family homes, which would be four units per acre. Ms. Davis indicated she and her staff believe there are no grounds under the land dispute statute as both zones are similar. Ms. Davis stated that with no objection, there is no necessary action to take and they can just make an announcement indicating so.

The Chairman asked Commissioner Johnston if he had heard anything in regards to Brook Park. Commissioner Johnston stated that after speaking with the City Manager and a couple of Council members, he gets a sense that they are going to look very carefully at the situation and are not in a big hurry to annex that area. The feedback he received seems they will not likely annex it, but that it remains to be seen.

The Chairman asked about an applicant request for a rezoning on Highway 20. Mr. Jeff Watkins indicated they had not received any correspondence from them in a while. Commissioner Johnston asked if there were any options for preservation of that particular site. Mr. Watkins stated they were looking at possible grants and the historic site registry. Commissioner Johnston said he would be appreciative of anything they can come up with that would be reasonable and effective to encourage preservation.

The Chairman asked Mr. Cooper about the Jones Building in downtown Canton. Mr. Cooper stated the critical issues are historic preservation tax credit. Everything is on hold until they receive guidance on how the IRS is going to interpret the case. Secondly, they were negotiating with a tenant for space and knew they would need more time to do so. They also had some other interested parties. Mr. Cooper stated he heard from an individual out of Bartow County who is also interested. The Chairman asked if they were able to get a handle on what the tax credits were actually worth. Mr. Cooper stated he thinks it is 80% of the initial investment by an investor. Commissioner Johnston asked if Mr. Cooper was doing some shopping around to find out what it would take to do some basic restoration to the current façade. Mr. Cooper stated he would be meeting later in the week with Stephanie Joyner and the architect to make sure if we are going to do anything that it meets the historic preservation requirements. He said he would get a price spec to them.

2. Review Draft of Rules of Procedure.

The Chairman asked County Clerk, Ms. Christy Black, if she recalled where they left off. Ms. Black indicated that it was the decisions on the final four discussion points. Commissioner Johnston referenced the draft changes he had made. Ms. Black stated the topic of a tie vote was already discussed and that everyone seemed to be in agreement that it was fine as is and the other three were not yet discussed. Commissioner Johnston referred to the section where if a motion is denied, the subject is not necessarily defeated and that someone would then have to make a motion to deny or defeat the matter. Ms. Davis added that this hasn't been the practice of this Board and that it can be cumbersome. A motion to approve can include conditions and that could fail, but there may be another

viable motion to approve with different or no conditions as opposed to a motion to defeat. Ms. Davis referred to the following section regarding a motion to deny that fails is not necessarily a motion to approve. She said that it would typically follow up with a motion to approve. Commissioner Nelms asked Ms. Davis if it was customary in Forsyth County. Ms. Davis stated they do, but she hasn't seen it very much recently. She also said that in a tie vote, it would keep the motion pending and would come back to the Board in hopes the tie would be broken. Commissioner Johnston referenced the motion to deny and that is seems awkward, but he understood the need for clarity. He asked what if neither motion passed, to approve or deny. Ms. Davis said she had never seen it happen. She stated that could be something deleted and that they would intuitively know if a commissioner puts forth a motion with conditions and another commissioner puts forth a similar motion but with different conditions, they know what needs to happen to bring closure to the item as opposed to just leaving it pending. She added they can deal with that on a case-by-case basis. Commissioner Johnston stated he was okay with leaving the language as is if Ms. Davis feels it would be best. Ms. Davis said she could work on clearer language if necessary but if she feels the Board has left something out, she will draw that to their attention, case-by-case. She said that this would most likely come up in zoning situations.

The next item discussed was Intergovernmental Agreements (IGAs). Commissioner Johnston summarized the language in the draft and likened it to a veto where it would require a four-fifths majority to pass and if that majority is not met, then it carries over to the next hearing in which a simple majority can pass it. The Chairman stated it keeps it from being stalled. Ms. Davis stated she believes the intent is to draw more public attention to the item. She also added that the four-fifths requirement is due to the often substantial issues that can be for up to 50 years. An alternative would be if they wanted to set a time period if an inter-governmental agreement exceeds a certain number of years can limit simple majority. Commissioner Johnston asked if the rest of the Board was okay with the wording he added of super majority to mean four-fifths if all are present, three-fourths if one is absent, or all three if two are absent from the vote. They agreed to the added language. Ms. Davis stated the downside would be that three commissioners could bind the County to a 50-year IGA. The Commissioners then agreed to make it a super majority of four commissioners to pass the agreement. Mr. Cooper suggested having two readings before adoption of the agreement as part of the process, but not as a public hearing. Ms. Davis recited the rule as it would read as well as the definition of super majority.

Commissioner Johnston referenced a section he suggested to be completely struck out about public participation and replace it with the Board's current policy.

The Chairman mentioned section 3.03.07 had a note to discuss. Commissioner Johnston stated he felt the item was awkward. It is regarding once a motion has been made and seconded then for it to be withdrawn it would require an affirmative vote of the majority of the Board. He added the process he is used to is as long as the individuals who made the motion and seconded agreed to the withdrawal, then that would be enough to withdraw the motion. Ms. Davis stated she didn't care for this provision. She feels the maker of the motion should be the one to be able to withdraw a motion. She also believes it would be cleaner to just withdraw the motion and second and start over with a clean motion if it's been adjusted during the discussion. Ms. Davis stated they could just scrap that section out of the rules. Commissioner Gunnin asked who would be the one to make the withdrawal. Ms. Davis stated it would be the maker of the motion and then the second would agree. Commissioner Nelms stated it has happened before. Ms. Davis mentioned that the language should read that the maker of the motion has the right to withdraw the motion in which at that time the second would be deemed automatically withdrawn. The rest of the provision can be deleted.

Ms. Black asked to return to the section regarding "a motion to approve is not a motion to defeat" for clarification of what to strike. Commissioner Nelms stated they were striking the last three sentences, keeping only the first two was his understanding, and as discussion ensued, the Board agreed.

The Chairman asked the Board if they felt they could amend the agenda and vote on it during the regular meeting. Commissioner Johnston stated he would rather have a clean copy prepared and added to the agenda for the next meeting. Ms. Black agreed so she can be sure of correct wording and have it prepared for the next meeting. Ms. Davis stated she would read through it again to make sure it is concise.

The Chairman asked if there was anything else. Commissioner Johnston stated he received feedback from a member of the press and they felt the Board was not doing a very good job handling their Executive Sessions. She thinks they need to be more specific about reporting from the Executive Sessions. Commissioner Johnston asked Ms. Davis if they need to be more specific. Ms. Davis replied that she thought they were going into Executive Session based on the three grounds, to discuss property acquisition, pending or threatened litigation and personnel issues, but they need to be sure they are stating it at the end of the Work Session. Commissioner Johnston asked if there was a requirement to report out of Executive Session. Ms. Davis stated they come back out and close it, but they don't have to report on what is discussed. She added that the latest revision to open records and open meetings is that they maintain minutes, which Mr. Cooper does that. They are not subject to review by anyone unless someone petitions a court. Commissioner Johnston stated

that in the event the need for a consensus arises, then they have the option to amend the Regular Meeting agenda and validate and take action based on their discussion in Executive Session but they are not required to report. Ms. Davis responded that they are not required unless it will result in a County action. She added that the new act validated that some votes may be taken in Executive Session. They just wouldn't be final until they come out into the Regular Meeting. Commissioner Johnston asked if just stating the three grounds was adequate. Ms. Davis confirmed it was. She said she would review the act and send the Commissioners an email on the basics if there is anything they should be cleaning up. She also said they do a good job of closing Executive Session.

Hearing no further business, Commissioner Johnston made a motion to adjourn to Executive Session at 5:05 p.m. to discuss property acquisition, personnel matters, and pending or threatened litigation; Commissioner Nelms seconded and the motion was approved 4-0. (Note: Commissioner Poole left the Work Session prior to adjournment for business purposes.)

Executive Session followed.

MINUTES

Cherokee County Board of Commissioners

November 5, 2013
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

James Kilgore with the International Family Foundation 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"

Commissioner Johnston led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:17 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Brian Poole; Vice Chair/Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

The Chairman called for a motion to ratify the closure of Executive Session at 6:05 p.m. He added the comment that no action was taken.

Commissioner Nelms made the motion to approve; Commissioner Poole seconded. Chairman Ahrens commented that no action was taken. The motion was approved unanimously.

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Add item 2.7: Confirm County Manager's approval of Workers' Compensation and Employers' Liability Insurance Renewal award to Midwest Employers Casualty Company.

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

ANNOUNCEMENTS

The Chairman acknowledged the passing of Representative Calvin Hill and the interment this afternoon. He thanked everyone who attended the viewing or the service today and said that he's sure it meant a lot to his wife and family and that we wish them well.

APPROVAL OF EXECUTIVE SESSION MINUTES FROM OCTOBER 15, 2013.

As distributed by the County Manager.

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

APPROVAL OF WORK SESSION MINUTES FROM OCTOBER 15, 2013.

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

APPROVAL OF REGULAR MEETING MINUTES FROM OCTOBER 15, 2013.

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

PUBLIC HEARING

None Scheduled.

PUBLIC COMMENT

No one signed up to speak.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

A. Consideration of Retreat Dates.

Chairman Ahrens stated that for the past seven years, the BOC has held an annual retreat that spans two days. He said that this was a fairly intense period where the Board works all day until early evening and then the next day off-site. He said that historically it has been held at Barnsley Gardens in Adairsville as well as other locations, but in recent years it has been at Barnsley Gardens. He added that last year it was held at Commissioner Johnston's Lake Lanier home. The dates and location were discussed during Work Session and the dates of January 16/17 were decided on among the Board.

Chairman Ahrens made the motion to block the dates of Thursday, January 16th and Friday, January 17th for the 2014 Retreat and to investigate the availability of the one night accommodation at Barnsley Gardens in Adairsville; He commented that we always put together a pretty rigorous agenda and background book and that the media is invited and in most cases they attend. Commissioner Nelms seconded. Chairman Ahrens asked for any comments or discussion. He then commented to start thinking of some topics. He said that he'd like to add Strategic Planning and sort out some goals/objections, a directional view for the next four or five years. He said we have never had a facilitator at the retreat and his suggestion would be that we did not this year.

He recalled the motion and the second and asked for a vote. There was unanimous approval.

B. Consideration of appointment to Board of Ethics.

Chairman Ahrens stated that he had intended to take action tonight because at the time the agenda was published, he had only one candidate for the vacancy. He said since then, apparently after an article in the AJC, he has received six more candidates. He said that he will put together the information and get that out to the Board to go through.

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Hampton Station, Unit 2 Subdivision.
- 1.2 Consider approval to surplus and dispose of obsolete electronic equipment Magistrate Court, State Court and Cherokee County Fire and Emergency Services.

- 1.3 Consider approval of FY2013 Emergency Management Directed Training Award payment in the amount of \$500.00 for the agreement period of July 1, 2013 through June 30, 2014 and approve budget amendment to FY2014. Funds will be used for travel and training expenses.
- 1.4 Consider approval of full 5 year / \$25,000.00 Northside Hospital Wellness Grant, and approve budget amendment for the FY2014 budget appropriating \$10,000.00 in grant monies for the County's Wellness Program related to grant.
- 1.5 Consider approval to renew Professional Services Agreement with DECA, AMR Business Products, Inc. of Marietta, GA in the total amount of \$8,883.00 to provide software support and maintenance for the 24-Hour recording equipment in the E 9-1-1 Center.

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

COUNTY MANAGER

- 2.1 Consider authorizing County Manager to approve Professional Services Agreement renewable annually for 3 years designating Gallagher Benefit Services as Broker of Record for medical in the amount of \$73,000.00 and voluntary benefit offerings on a commission basis estimated to be at 16,792.00 annually.

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

- 2.2 Consider acceptance of award in the amount of \$32,300.00 for the DUI/Drug Treatment Court Program from the Governor's Office of Highway Safety.

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

- 2.3 Consider approval of Business Associate Agreement with Colonial Life Accident & Insurance Company which outlines the use and disclosure of Protected Health Information (PHI) in compliance with HIPAA Rules.

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

- 2.4 Consider approval of the following for Cherokee County Fire & Emergency Services: 1) Purchase three Bullard Thermal Imaging Cameras (TICS) in the total amount of \$30,033.00 from Georgia Fire and Rescue Supply. 2) Budget amendment in the amount of \$22,033.00 from Fire Operation Uniforms to Fire Operations Capital Outlay. 3) Accept contribution from Ball Ground Volunteer Fire and budget amendment in the amount of \$8,000.00 to be used for the remainder of the purchase.

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

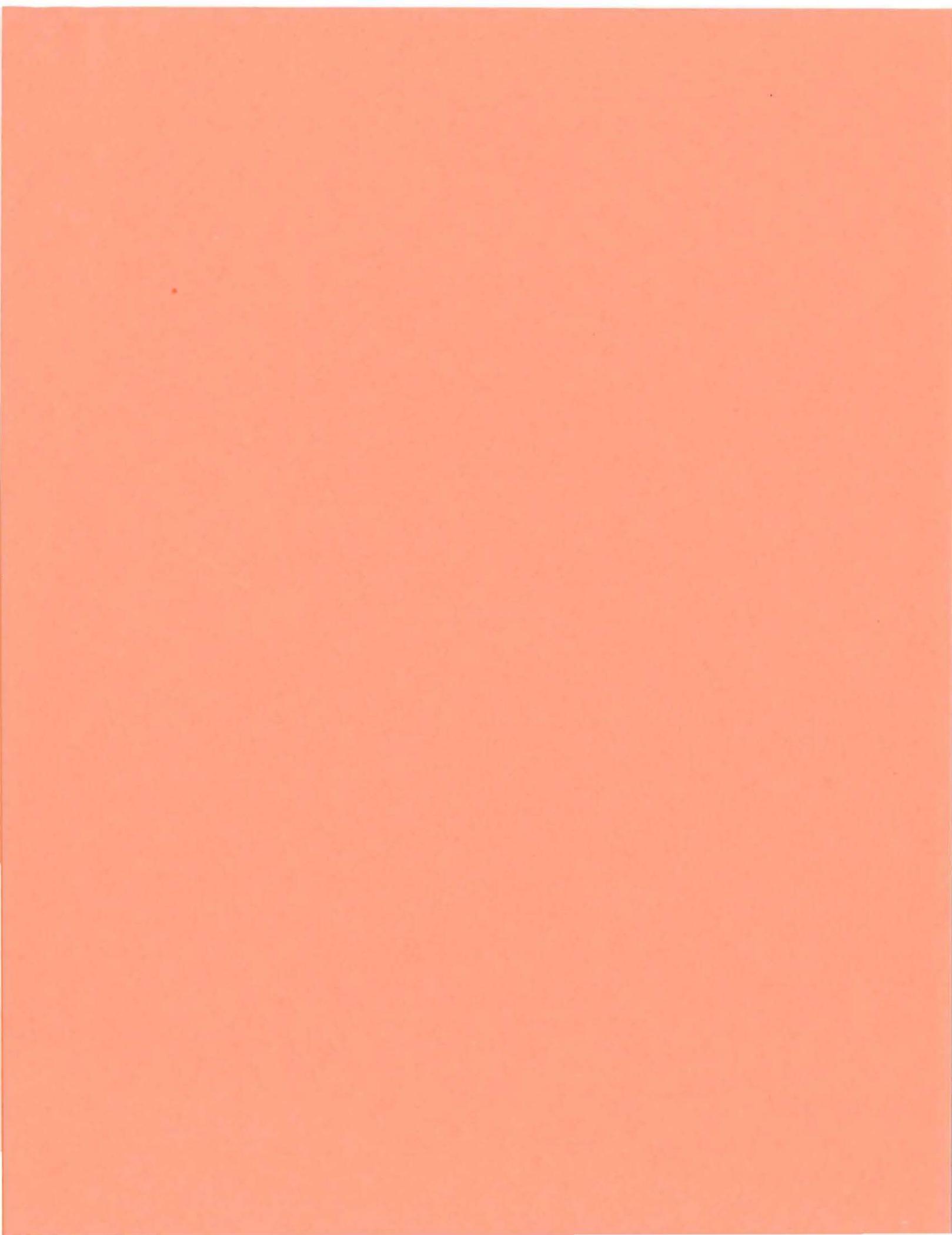
- 2.5 Consider acceptance of ASPCA Grant Awards and budget amendment in the amount of \$8,500.00 for the Animal Shelter.

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

- 2.6 Approve County's standard Professional Services Agreement with Mauldin & Jenkins, LLC for the annual financial auditing services.

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

- 2.7 Amended: Confirm County Manager's approval of Workers' Compensation and Employers' Liability Insurance Renewal award to Midwest Employers Casualty Company for an effective renewal premium of \$162,423.00, which is a reduction of 4.7% from last year's premium of \$170,421.00.



From: Harry Johnston
Sent: Wednesday, November 13, 2013 5:35 PM
To: Board Of Commissioners (all commissioners only)
Cc: Jeff Watkins; stefanie@rockbarn.org; Jerry Cooper; Angela Davis; Christy Black
Subject: Historical Preservation Ordinance

Fellow Commissioners,

Sparked by the possible demolition of historic Bell's Store on Hwy 20 at Union Hill Rd, Jeff, Stefanie Joyner of the Cherokee Historical Society, and I have been discussing ideas for a possible Historical Preservation Ordinance (HPO). I'd like to discuss it at our meeting Tuesday.

Christy, please put on my part of the agenda.... "Discussion of Historical Preservation Ordinance and Possible Moratorium"

Jeff will be bringing better ideas for discussion than I have now. But here's a thumbnail of what I'm currently thinking:

- We start with the Historical Society's list of historic structures (excluding those currently or most recently used as single family residences). That list could be modified from time to time.
- We'd require a "certificate of approval" to demolish or significantly modify the exterior of any of those structures.
- We could appoint a Historic Preservation Commission to hear and rule on the certificate, like most other counties with HPO's have. But to keep it simple, I'm inclined to let the Planning Commission hear the requests. We'd ask the Historical Society to have a representative speak at the hearing as an advocate for the historic structures. I'm inclined to let the Planning Commission actually rule on the request, rather than just recommend. But their ruling would be appealable to the BOC.
- If the certificate is denied, I'm inclined to NOT make that an outright prohibition on the proposed demolition or renovation. (It's unclear to me if we even have that power, and it would certainly be very controversial.) Rather, there would just be a delay period of maybe 6 to 12 months to allow a more thorough search for an economically viable way to preserve the building or renovate it in a historically appropriate manner. If no solution is found by then that's agreeable to the owner, he/she could proceed.

We should also discuss possible incentives for preservation of historic structures, such as waivers of fees, relaxation of building codes, and/or expedited development review processes.

Obviously, we can't enact an ordinance Tuesday night, even if we decide we want to move forward with one. So I may ask you to approve a 90-day moratorium on the demolition of listed non-residential structures while we consider an ordinance.

Jeff is unsure whether or not it's too late for such a moratorium and/or ordinance to apply to the Bell's Store situation. They haven't yet applied for any permit. Jeff has just informally seen some type of plan for re-development of the property.

Your thoughts?.....

Thanks,
Harry



Cherokee County, Georgia Agenda Request

SUBJECT: Haynes Lane
Acceptance for County Maintenance
0.21 miles

MEETING DATE: November 19, 2013

SUBMITTED BY: Geoffrey E. Morton, Public Works Agency Director

COMMISSION ACTION REQUESTED:

Consider acceptance of Haynes Lane, in as-is condition, for County Maintenance; 0.21 miles.

FACTS AND ISSUES:

The residents of Haynes Lane have requested that Cherokee County accept their roadway for County maintenance as a gravel roadway.

When several properties located off of Haynes Circle were subdivided, they created a 40 foot wide right-of-way known as Haynes Lane. Haynes Lane is a platted right-of-way that has never been maintained by Cherokee County. The residents have requested that Haynes Lane be accepted by Cherokee County for maintenance as a gravel roadway. Haynes Lane serves four (4) properties.

This request is to accept 0.21 miles of Haynes Lane, beginning at Haynes Circle, for County maintenance.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	
Amount Requested:	
Remaining Budget:	

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.
 Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.
 Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

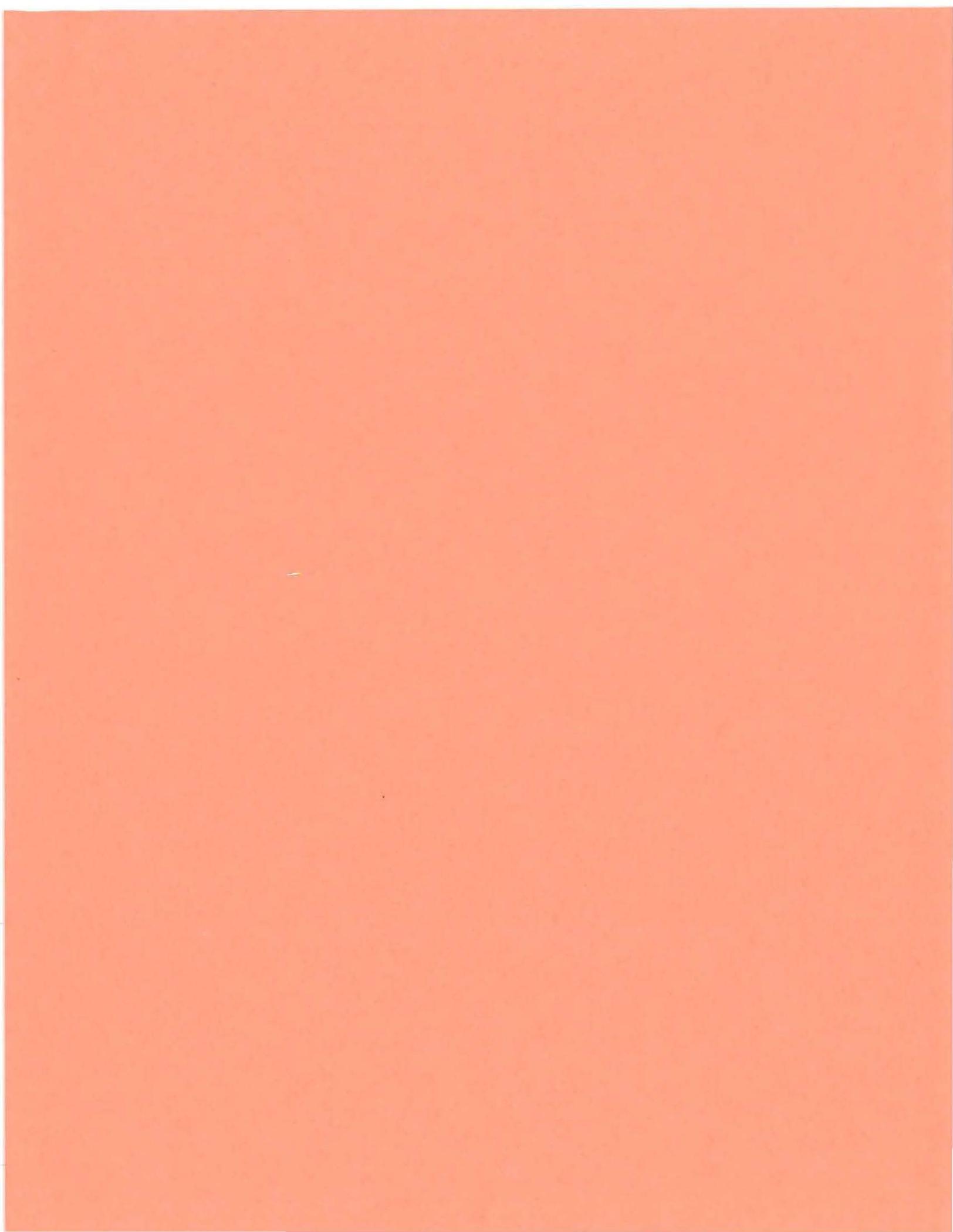
Acceptance of Haynes Lane, in as-is condition, for County Maintenance; 0.21 miles.

REVIEWED BY:

DEPARTMENT HEAD:

AGENCY DIRECTOR:

COUNTY MANAGER





Cherokee County, Georgia Agenda Request

SUBJECT: Old Batesville Road Abandonment

MEETING DATE: November 19, 2013

SUBMITTED BY: Geoffrey E. Morton, Public Works Agency Director

COMMISSION ACTION REQUESTED:

Consider request to abandon a portion of Old Batesville Road between the existing end of pavement and SR 140.

FACTS AND ISSUES:

The Georgia DOT reconstructed the intersection of SR 140 and Hickory Road and also included the relocation of Batesville Road in order to create a four-legged, signalized intersection.

The existing section of Batesville Road, now known as Old Batesville Road, was dead-ended at its former intersection with SR 140. The pavement was removed and a barrier was placed at the end of the pavement.

The adjacent property owners – The Church of the Messiah and Elise Pinyan have requested that the section of old roadway right-of-way between the SR 140 right-of-way and the end of paving on Old Batesville Road be abandoned.

The notice of this abandonment was published in the Cherokee Tribune on November 1, 8 and 15. The public hearing is scheduled for 6:00 PM on November 19, 2013. There have been no objections received regarding this request.

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Amount Requested:

Remaining Budget:

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.

Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.

Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Approval of request to abandon a portion of Old Batesville Road between the existing end of pavement and SR 140.

REVIEWED BY:

DEPARTMENT HEAD: _____

AGENCY DIRECTOR: _____

COUNTY MANAGER _____

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the abandonment of a portion of Old Batesville Road located in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County and the determination that said portion of road to be abandoned has ceased to be used by the public to the extent that no substantial public purpose is served by it. A sketch showing the proposed abandonment is available for inspection at the office of the Cherokee County Department of Engineering located at 1130 Bluffs Parkway, Canton, GA 30114. The Public Hearing will be held on November 19, 2013 at 6:00 p.m. in the Cherokee County Administration Building located at 1130 Bluffs Parkway, Canton, Georgia 30114.

Jerry Cooper, County Manager

11/1, 11/8 and 11/15

Geoff Morton

From: Jayne Walters <jaynewalters01@gmail.com>
Sent: Thursday, August 22, 2013 11:08 AM
To: Geoff Morton
Subject: Request for abandonment of property at Highway 140 and old Batesville Rd

Geoff,

Good Morning. Thank you for taking the time to discuss the new sign location for Church of the Messiah. For better visibility from traffic on Hwy 140, we would like to request the county abandon the old Batesville rd property from it's current end to the highway 140 right of way. We could then locate the sign 5' from the center line of the abandoned area allowing the sign to be on church property. We understand the advantages to keeping the sign on our property vs asking for the county to grant an easement.

Thank you in advance for your time and assistance.

Be blessed,

Jayneayne Walters, GRI, ABR, ARS

Associate Broker

Solid Source Realty Ga

678-910-2502 (cell)

www.JayneWalters.com

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This email was Anti Virus checked by Astaro Security Gateway. <http://www.astaro.com>

STATE OF GEORGIA
COUNTY OF CHEROKEE

RESOLUTION NO. 2013- _____

WHEREAS, Cherokee County desires a portion of Old Batesville Road (the "Road"), which is situated in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County, Georgia, be abandoned; and,

WHEREAS, a plat and a legal description have been tendered and are attached hereto showing the location of the Road which has been requested to be abandoned; and,

WHEREAS, Section 32-7-2(b)(1) of the Official Code of Georgia Annotated authorizes a county to abandon a section of the County road system which has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it after notice to property owners located thereon; and,

WHEREAS, said Georgia Code Section provides that upon the certification by the County, recorded in its minutes, accompanied by a plat or sketch, after notice to property owners located thereon, the County may declare that section of road to no longer be a part of the County road system, and the rights of the public in and to the section of road as a public road shall cease; and,

WHEREAS, Elise J. Pinyan, the owner of the property that abuts the Road sought to be abandoned, has received actual notice of the proposed abandonment described herein, and no other legitimate objection thereto has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, and it is hereby resolved and certified by the authority of the same, as follows:

1. That the Road as shown on the attached legal description and copy of plan has ceased to be used by the public to the extent that no substantial public purpose is served by said road.
2. That the abandonment of the Road herein described be and is approved.
3. That the best interest of Cherokee County would be served by conveyance of said property to the property owners along said road so that it may thereupon be subject to taxation by Cherokee County.
4. That a deed of abandonment therefore be executed by Cherokee County conveying the County's interest in the Road as shown on the attached legal description and copy of plan to Elise J. Pinyan, their assigns, transferees and successors in interest.

THIS RESOLUTION is hereby adopted this ____ day of _____, 2013, the public health, safety and general welfare demanding it.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

BY: _____

L.B. Ahrens, Jr., Chairman

ATTEST:

CHRISTY BLACK, COUNTY CLERK
(SEAL)

PARCEL "A"

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 2ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET, SAID IRON PIN BEING IDENTIFIED BY STATE PLANE COORDINATES WITH A VALUE OF NORTH 1518570.33 AND EAST 2221541.23; THENCE SOUTH 24 DEGREES 29 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 17.13 FEET TO AN IRON PIN SET; THENCE NORTH 62 DEGREES 46 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 8.81 FEET TO AN IRON PIN SET ON THE NORTHEASTERLY RIGHT OF WAY (80 FOOT R/W) OF GEORGIA HIGHWAY NO. 140; THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY NO. 140 ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 43.44 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 39 DEGREES 15 MINUTES 22 SECONDS WEST WITH A CHORD DISTANCE OF 43.43 FEET AND HAVING A RADIUS OF 576.34 FEET); THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 62 DEGREES 30 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 33.82 FEET TO A POINT; THENCE SOUTH 62 DEGREES 30 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 14.00 FEET TO AN IRON PIN SET, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 473 SQUARE FEET ACCORDING TO A ROAD RIGHT OF WAY ABANDONMENT MAP FOR CHEROKEE COUNTY GOVERNMENT, PREPARED BY MICHAEL C. MARTIN, GEORGIA R.L.S. NO. 2149, OF MARTIN LAND SURVEYING, P.C., DATED OCTOBER 17, 2013, A COPY OF SAID MAP BEING LABELED EXHIBIT "A-1" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

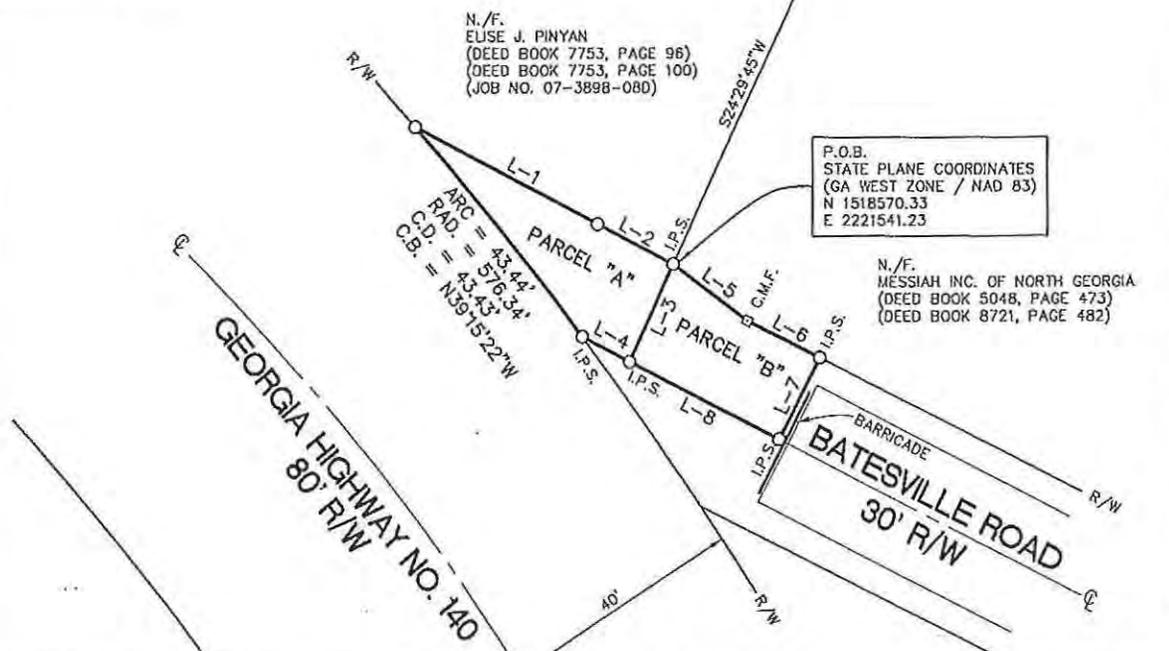
LEGEND:

- 1) I.P.S. - IRON PIN SET (5/8" REBAR AKA #5 REBAR)
- 2) I.P.F. - IRON PIN FOUND
- 3) R. OR REBAR - REINFORCING BAR
- 4) D.E. - DRAINAGE EASEMENT
- 5) L.L.L. - LAND LOT LINE
- 6) R/W - RIGHT OF WAY
- 7) C - CENTERLINE
- 8) P - PROPERTY LINE
- 9) P.P. - POWER & (OR) PHONE POLE
- 10) --- OVERHEAD POWER LINE
- 11) --- FENCE (APPROX. LOC.)
- 12) --- STREAM (APPROX. LOC.)
- 13) --- DITCH (APPROX. LOC.)
- 14) C.M.F. - CONCRETE MONUMENT FOUND
- 15)

TRAVERSE TABLE		
COURSE	BEARING	DISTANCE
L-1	S62°30'26"E	33.82'
L-2	S62°30'26"E	14.00'
L-3	S24°29'45"W	17.13'
L-4	N62°46'13"W	8.81'
L-5	S53°09'33"E	15.13'
L-6	S63°09'45"E	13.18'
L-7	S26°53'14"W	14.67'
L-8	N62°46'14"W	27.37'



GLOBAL POSITIONING SYSTEMS ACCURACY STATEMENT:
 CERTAIN DATA SHOWN ON THIS PLAT WAS OBTAINED UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA AN INTERNET CONNECTION WITH eGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY eGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.05 FEET HORIZONTAL AND 0.07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.



N./F.
 ELISE J. PINYAN
 (DEED BOOK 7753, PAGE 96)
 (DEED BOOK 7753, PAGE 100)
 (JOB NO. 07-3898-08D)

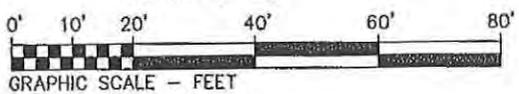
P.O.B.
 STATE PLANE COORDINATES
 (GA WEST ZONE / NAD 83)
 N 1518570.33
 E 2221541.23

N./F.
 MESSIAH INC. OF NORTH GEORGIA
 (DEED BOOK 5048, PAGE 473)
 (DEED BOOK 8721, PAGE 482)

REFERENCE PLATS:
 1) PARTIAL SURVEY AND COMPOSITE PLAT FOR:
 ELISE J. PINYAN
 DATED: APRIL 25, 2007,
 BY: MICHAEL C. MARTIN, R.L.S. NO. 2149,
 JOB NO. 07-3898-08D.
 2)

PARCEL-A AREA = 473 SQUARE FEET
 PARCEL-B AREA = 423 SQUARE FEET

GEORGIA811.
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.



GRAPHIC SCALE - FEET
 © COPYRIGHT 2013 - MARTIN LAND SURVEYING, P.C.

MARTIN LAND SURVEYING, P.C. MICHAEL C. MARTIN, R.L.S. 104 HAYGOOD DRIVE WOODSTOCK, GEORGIA 30188 PHONE: (770) 926-0200 MCM LAND SURVEYING SUBDIVISIONS LAND PLANNING -MEMBER- SURVEYING & MAPPING SOCIETY OF GEORGIA AND AMERICAN CONGRESS ON SURVEYING & MAPPING	THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN <u>38,552±</u> FEET AND AN ANGULAR ERROR OF <u>04"</u> PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.	- ROAD RIGHT OF WAY ABANDONMENT MAP FOR - CHEROKEE COUNTY GOVERNMENT
	THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN <u>16,900±</u> FEET.	LAND LOT(S) - 289 DISTRICT - 2, SECTION - 2 CITY: CHEROKEE COUNTY, GEORGIA PREPARED: OCTOBER 17, 2013 SCALE: 1" = 20 FT. DRAWN BY: MIKE HUGHES, R.L.S. DWG FILE: 544606B.DWG JOB NO. 13-5446-06B
EQUIPMENT USED FOR MEASUREMENTS: LEICA TC1610 AND/OR GEODIMETER 608 ROBOTIC	* ALL MATTERS OF TITLE ARE EXCEPTED *	

STATE OF GEORGIA
COUNTY OF CHEROKEE

RESOLUTION NO. 2013- _____

WHEREAS, Cherokee County desires a portion of Old Batesville Road (the "Road"), which is situated in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County, Georgia, be abandoned; and,

WHEREAS, a plat and a legal description have been tendered and are attached hereto showing the location of the Road which has been requested to be abandoned; and,

WHEREAS, Section 32-7-2(b)(1) of the Official Code of Georgia Annotated authorizes a county to abandon a section of the County road system which has for any reason ceased to be used by the public to the extent that no substantial public purpose is served by it after notice to property owners located thereon; and,

WHEREAS, said Georgia Code Section provides that upon the certification by the County, recorded in its minutes, accompanied by a plat or sketch, after notice to property owners located thereon, the County may declare that section of road to no longer be a part of the County road system, and the rights of the public in and to the section of road as a public road shall cease; and,

WHEREAS, Messiah Inc. of North Georgia, the owner of the property that abuts the Road sought to be abandoned, has received actual notice of the proposed abandonment described herein, and no other legitimate objection thereto has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, and it is hereby resolved and certified by the authority of the same, as follows:

1. That the Road as shown on the attached legal description and copy of plan has ceased to be used by the public to the extent that no substantial public purpose is served by said road.
2. That the abandonment of the Road herein described be and is approved.
3. That the best interest of Cherokee County would be served by conveyance of said property to the property owners along said road so that it may thereupon be subject to taxation by Cherokee County.
4. That a deed of abandonment therefore be executed by Cherokee County conveying the County's interest in the Road as shown on the attached legal description and copy of plan to Messiah Inc. of North Georgia, their assigns, transferees and successors in interest.

THIS RESOLUTION is hereby adopted this ____ day of _____, 2013, the public health, safety and general welfare demanding it.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

BY: _____

L.B. Ahrens, Jr., Chairman

ATTEST:

CHRISTY BLACK, COUNTY CLERK
(SEAL)

PARCEL "B"

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 2ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

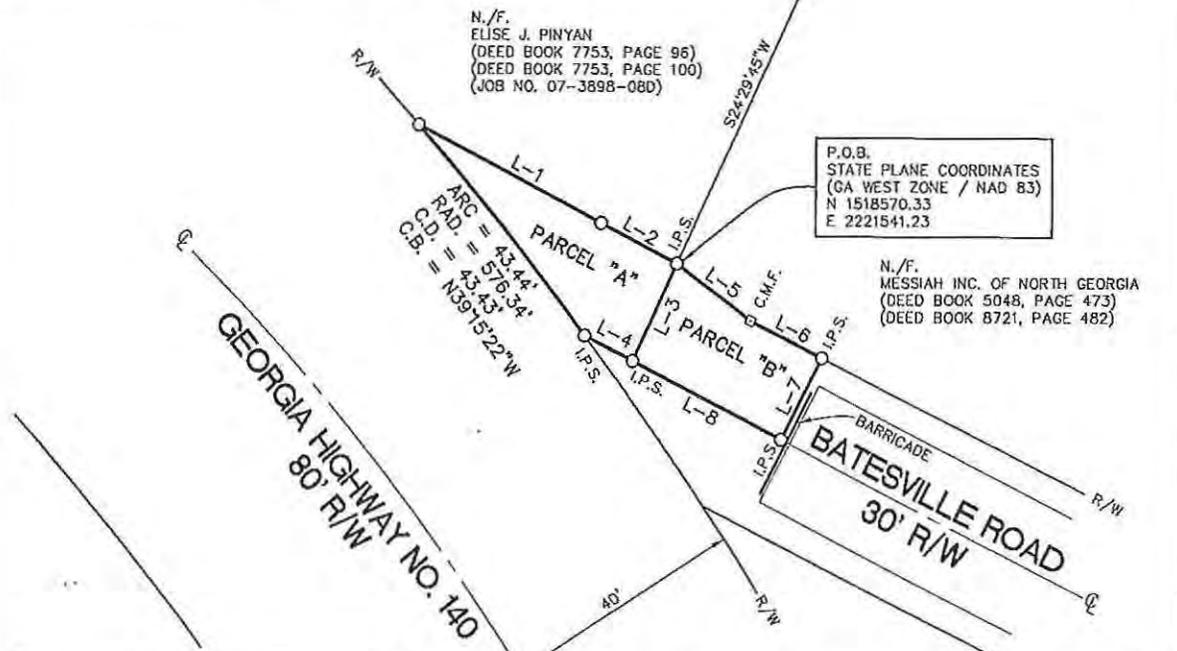
BEGINNING AT AN IRON PIN SET, SAID IRON PIN BEING IDENTIFIED BY STATE PLANE COORDINATES WITH A VALUE OF NORTH 1518570.33 AND EAST 2221541.23; THENCE SOUTH 53 DEGREES 09 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 15.13 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 63 DEGREES 09 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 13.18 FEET TO AN IRON PIN SET AT THE TERMINUS OF BATESVILLE ROAD, THENCE ALONG THE TERMINUS OF BATESVILLE ROAD SOUTH 26 DEGREES 53 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 14.67 FEET TO AN IRON PIN SET; THENCE LEAVING THE TERMINUS OF BATESVILLE ROAD AND RUNNING NORTH 62 DEGREES 46 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 27.37 FEET TO AN IRON PIN SET; THENCE NORTH 24 DEGREES 29 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 17.13 FEET TO AN IRON PIN SET, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 423 SQUARE FEET ACCORDING TO A ROAD RIGHT OF WAY ABANDONMENT MAP FOR CHEROKEE COUNTY GOVERNMENT, PREPARED BY MICHAEL C. MARTIN, GEORGIA R.L.S. NO. 2149, OF MARTIN LAND SURVEYING, P.C., DATED OCTOBER 17, 2013, A COPY OF SAID MAP BEING LABELED EXHIBIT "A-1" ATTACHED HERETO AND INCORPORATED HEREBY BY REFERENCE.

LEGEND:

- 1) I.P.S. - IRON PIN SET (5/8" REBAR AKA #5 REBAR)
- 2) I.P.F. - IRON PIN FOUND
- 3) R. OR REBAR - REINFORCING BAR
- 4) D.E. - DRAINAGE EASEMENT
- 5) L.L.L. - LAND LOT LINE
- 6) R/W - RIGHT OF WAY
- 7) C - CENTERLINE
- 8) P - PROPERTY LINE
- 9) P.P. - POWER & (OR) PHONE POLE
- 10) --- OVERHEAD POWER LINE
- 11) --- FENCE (APPROX. LOC.)
- 12) --- STREAM (APPROX. LOC.)
- 13) --- DITCH (APPROX. LOC.)
- 14) C.M.F. - CONCRETE MONUMENT FOUND
- 15)

TRAVERSE TABLE		
COURSE	BEARING	DISTANCE
L-1	S62°30'26"E	33.82'
L-2	S62°30'26"E	14.00'
L-3	S24°29'45"W	17.13'
L-4	N62°46'13"W	8.81'
L-5	S53°09'33"E	15.13'
L-6	S63°09'45"E	13.18'
L-7	S26°53'14"W	14.67'
L-8	N62°46'14"W	27.37'

GLOBAL POSITIONING SYSTEMS ACCURACY STATEMENT:
 CERTAIN DATA SHOWN ON THIS PLAT WAS OBTAINED UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA AN INTERNET CONNECTION WITH eGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY eGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.05 FEET HORIZONTAL AND 0.07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.



N./F.
 ELISE J. PINYAN
 (DEED BOOK 7753, PAGE 96)
 (DEED BOOK 7753, PAGE 100)
 (JOB NO. 07-3898-08D)

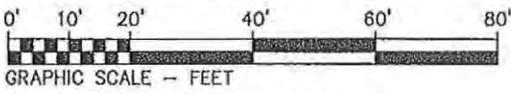
P.O.B.
 STATE PLANE COORDINATES
 (GA WEST ZONE / NAD 83)
 N 1518570.33
 E 2221541.23

N./F.
 MESSIAH INC. OF NORTH GEORGIA
 (DEED BOOK 5048, PAGE 473)
 (DEED BOOK 8721, PAGE 482)

REFERENCE PLATS:
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PARCEL-A AREA = 473 SQUARE FEET
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MARTIN LAND SURVEYING, P.C. MICHAEL C. MARTIN, R.L.S. 104 HAYGOOD DRIVE WOODSTOCK, GEORGIA 30188 PHONE: (770) 926-0200 MCM LAND SURVEYING SUBDIVISIONS LAND PLANNING -MEMBER- SURVEYING & MAPPING SOCIETY OF GEORGIA AND AMERICAN CONGRESS ON SURVEYING & MAPPING	THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN <u>38,552±</u> FEET AND AN ANGULAR ERROR OF <u>0±</u> PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.	- ROAD RIGHT OF WAY ABANDONMENT MAP FOR - CHEROKEE COUNTY GOVERNMENT
	THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN <u>16,900±</u> FEET.	LAND LOT(S) - 289 DISTRICT - 2, SECTION - 2 CITY: CHEROKEE COUNTY, GEORGIA PREPARED: OCTOBER 17, 2013 SCALE: 1" = 20 FT. DRAWN BY: MIKE HUGHES, R.L.S. DWG FILE: 544606B.DWG JOB NO. 13-5446-06B
EQUIPMENT USED FOR MEASUREMENTS: LEICA TC1610 AND/OR GEODWETER 608 ROBOTIC	* ALL MATTERS OF TITLE ARE EXCEPTED *	

----- [Space Above Provided For Recording Data] -----

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

DEED OF ABANDONMENT

THIS INDENTURE, dated and effective as of the ____ day of _____, 2013, between **CHEROKEE COUNTY**, a political subdivision of the State of Georgia, as party of the first part (hereinafter referred to as "Grantor"), and **ELISE J. PINYAN**, as party of the second part (hereinafter referred to collectively as "Grantee")(the words "Grantor" and "Grantee" to include the respective heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits);

WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does bargain, sell, remise, release and forever quitclaim unto said Grantee, all the right, title, interest, claim or demand which the said Grantor has, or may have had, in and to the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County Georgia being more particularly described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

This deed is given pursuant to that certain Resolution of Road Abandonment duly adopted by the Cherokee County Board of Commissioners, Georgia, at a public meeting following a public hearing thereon, held on the 19th day of November 2013, it being determined that said road has ceased to be used by the public to the extent that no substantial public purpose is served thereby.

This deed is also given to divest the Grantor of any interest it may ever have acquired in said property to make a right of way for a county maintained road.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

GRANTOR: CHEROKEE COUNTY

Signed, sealed and delivered
in the presence of:

By: _____
L.B. Ahrens, Jr., Chairman

Unofficial Witness

Attest: _____
Christy Black, County Clerk
[COUNTY SEAL]

Notary Public
My Commission Expires: _____
(NOTARIAL SEAL)

PARCEL "A"

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 2ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET, SAID IRON PIN BEING IDENTIFIED BY STATE PLANE COORDINATES WITH A VALUE OF NORTH 1518570.33 AND EAST 2221541.23; THENCE SOUTH 24 DEGREES 29 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 17.13 FEET TO AN IRON PIN SET; THENCE NORTH 62 DEGREES 46 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 8.81 FEET TO AN IRON PIN SET ON THE NORTHEASTERLY RIGHT OF WAY (80 FOOT R/W) OF GEORGIA HIGHWAY NO. 140; THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY NO. 140 ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 43.44 FEET TO A POINT (THE PRECEDING ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 39 DEGREES 15 MINUTES 22 SECONDS WEST WITH A CHORD DISTANCE OF 43.43 FEET AND HAVING A RADIUS OF 576.34 FEET); THENCE LEAVING SAID RIGHT OF WAY AND RUNNING SOUTH 62 DEGREES 30 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 33.82 FEET TO A POINT; THENCE SOUTH 62 DEGREES 30 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 14.00 FEET TO AN IRON PIN SET, AND THE POINT OF BEGINNING. SAID TRACT CONTAINS 473 SQUARE FEET ACCORDING TO A ROAD RIGHT OF WAY ABANDONMENT MAP FOR CHEROKEE COUNTY GOVERNMENT, PREPARED BY MICHAEL C. MARTIN, GEORGIA R.L.S. NO. 2149, OF MARTIN LAND SURVEYING, P.C., DATED OCTOBER 17, 2013, A COPY OF SAID MAP BEING LABELED EXHIBIT "A-1" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

FIELD BOOK: N/A, PAGES: N/A, FILE: J5446

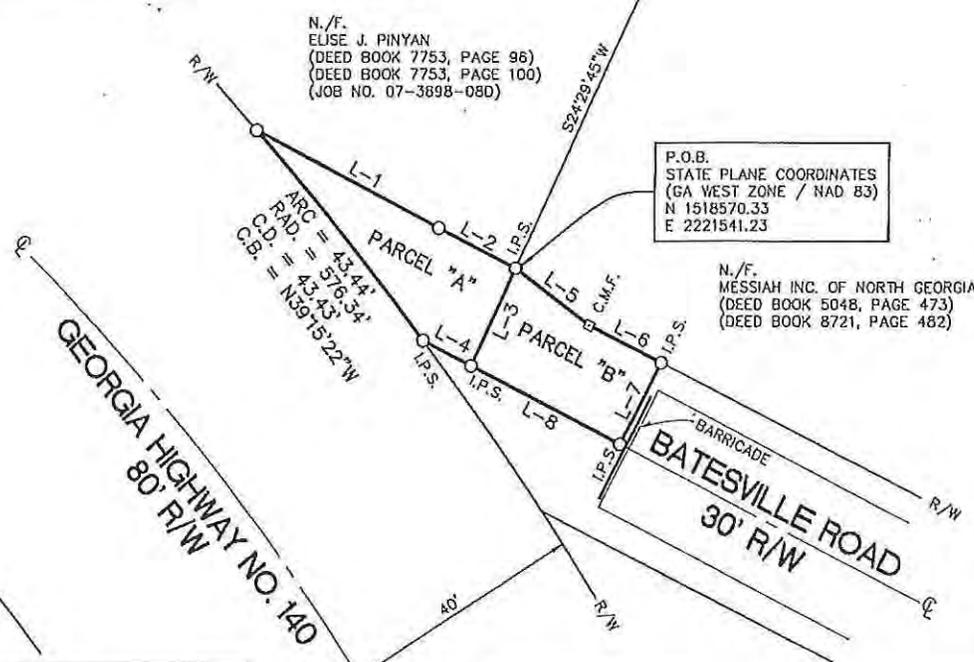
LEGEND:

- 1) I.P.S. - IRON PIN SET (5/8" REBAR AKA #5 REBAR)
- 2) I.P.F. - IRON PIN FOUND
- 3) R. OR REBAR - REINFORCING BAR
- 4) D.E. - DRAINAGE EASEMENT
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- 12) - STREAM (APPROX. LOC.)
- 13) - DITCH (APPROX. LOC.)
- 14) C.M.F. - CONCRETE MONUMENT FOUND
- 15)

TRAVERSE TABLE		
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L-1	S62°30'26"E	33.82'
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L-3	S24°29'45"W	17.13'
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L-6	S63°09'45"E	13.18'
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L-8	N62°46'14"W	27.37'



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N./F. ELISE J. PINYAN
 (DEED BOOK 7753, PAGE 96)
 (DEED BOOK 7753, PAGE 100)
 (JOB NO. 07-3898-080)

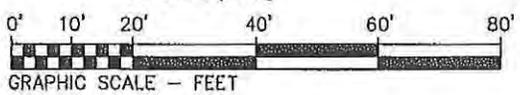
P.O.B. STATE PLANE COORDINATES
 (GA WEST ZONE / NAD 83)
 N 1518570.33
 E 2221541.23

N./F. MESSIAH INC. OF NORTH GEORGIA
 (DEED BOOK 504B, PAGE 473)
 (DEED BOOK 8721, PAGE 482)

ARC = 43.44'
 R.D. = 576.54'
 C.D. = 43.43'
 C.B. = N39°15'22"W

REFERENCE PLATS:
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 ELISE J. PINYAN
 DATED: APRIL 25, 2007,
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 2)

PARCEL-A AREA = 473 SQUARE FEET
 PARCEL-B AREA = 423 SQUARE FEET



© COPYRIGHT 2013 - MARTIN LAND SURVEYING, P.C.

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 MICHAEL C. MARTIN, R.L.S.
 104 HAYGOOD DRIVE
 WOODSTOCK, GEORGIA 30188
 PHONE: (770) 926-0200
MCM LAND SURVEYING
 SUBDIVISIONS
 LAND PLANNING
 -MEMBER-
 SURVEYING & MAPPING SOCIETY OF GEORGIA
 AND
 AMERICAN CONGRESS ON SURVEYING & MAPPING

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,552± FEET AND AN ANGULAR ERROR OF 04 PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 18,900± FEET.

EQUIPMENT USED FOR MEASUREMENTS:
 LEICA TC1610 AND/OR GEODIMETER 608 ROBOTIC

* ALL MATTERS OF TITLE ARE EXCEPTED *

- ROAD RIGHT OF WAY ABANDONMENT MAP FOR -
CHEROKEE COUNTY GOVERNMENT

LAND LOT(S) - 289
 DISTRICT - 2, SECTION - 2
 CITY: CHEROKEE COUNTY, GEORGIA
 PREPARED: OCTOBER 17, 2013 | SCALE: 1" = 20 FT.
 DRAWN BY: MIKE HUGHES, R.L.S.
 DWG FILE: 544606B.DWG
 JOB NO. 13-5446-06B

----- [Space Above Provided For Recording Data] -----

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

DEED OF ABANDONMENT

THIS INDENTURE, dated and effective as of the ____ day of _____, 2013, between **CHEROKEE COUNTY**, a political subdivision of the State of Georgia, as party of the first part (hereinafter referred to as "Grantor"), and **MESSIAH INC. OF NORTH GEORGIA**, as party of the second part (hereinafter referred to collectively as "Grantee")(the words "Grantor" and "Grantee" to include the respective heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits);

WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does bargain, sell, remise, release and forever quitclaim unto said Grantee, all the right, title, interest, claim or demand which the said Grantor has, or may have had, in and to the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 289 of the 2nd District, 2nd Section of Cherokee County Georgia being more particularly described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, so that neither the said Grantor, nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

This deed is given pursuant to that certain Resolution of Road Abandonment duly adopted by the Cherokee County Board of Commissioners, Georgia, at a public meeting following a public hearing thereon, held on the 19th day of November 2013, it being determined that said road has ceased to be used by the public to the extent that no substantial public purpose is served thereby.

This deed is also given to divest the Grantor of any interest it may ever have acquired in said property to make a right of way for a county maintained road.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

GRANTOR: CHEROKEE COUNTY

Signed, sealed and delivered
in the presence of:

By: _____
L.B. Ahrens, Jr., Chairman

Unofficial Witness

Attest: _____
Christy Black, County Clerk
[COUNTY SEAL]

Notary Public
My Commission Expires: _____
(NOTARIAL SEAL)

PARCEL "B"

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 2ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LEGEND:

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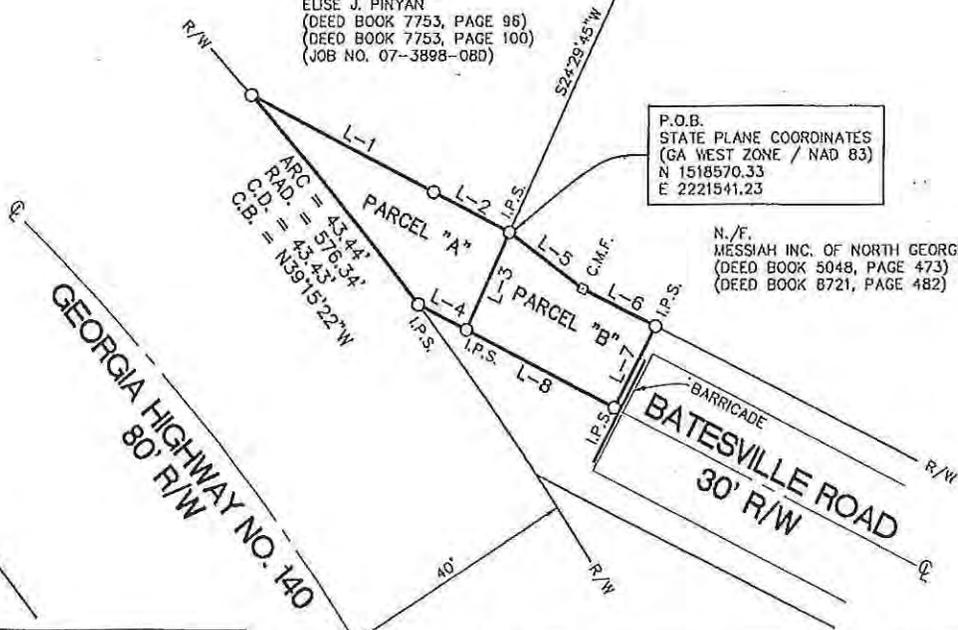


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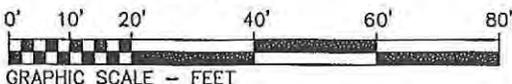
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 MICHAEL C. MARTIN, R.L.S.

104 HAYGOOD DRIVE
 WOODSTOCK, GEORGIA 30188
 PHONE: (770) 926-0200

MCM LAND SURVEYING
 SUBDIVISIONS
 LAND PLANNING

-MEMBER-
 SURVEYING & MAPPING SOCIETY OF GEORGIA
 AND
 AMERICAN CONGRESS ON SURVEYING & MAPPING

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,522± FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 16,900± FEET.

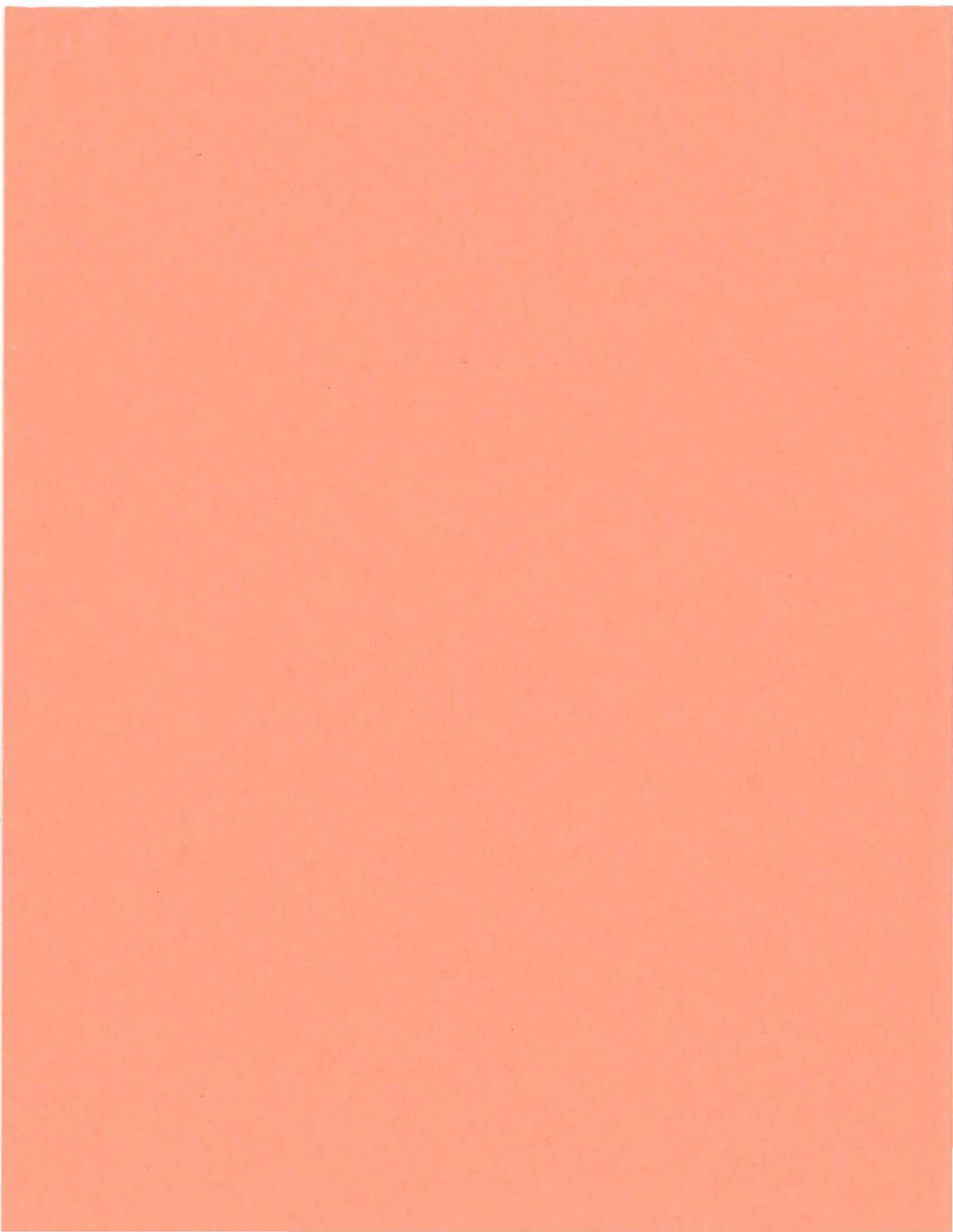
EQUIPMENT USED FOR MEASUREMENTS:
 LEICA TC1610 AND/OR GEODMETER 608 ROBOTIC

* ALL MATTERS OF TITLE ARE EXCEPTED *

- ROAD RIGHT OF WAY ABANDONMENT MAP FOR -

CHEROKEE COUNTY GOVERNMENT

LAND LOT(S) - 289
 DISTRICT - 2, SECTION - 2
 CITY: CHEROKEE COUNTY, GEORGIA
 PREPARED: OCTOBER 17, 2013 | SCALE: 1" = 20 FT.
 DRAWN BY: MIKE HUGHES, R.L.S.
 DWG FILE: 544606B.DWG
 JOB NO. 13-5446-06B



Cherokee County, Georgia
Agenda Request

SUBJECT: Modification to Zoning Condition MEETING DATE: November 19, 2013

SUBMITTED BY: Vicki Taylor Lee

COMMISSION ACTION REQUESTED:

Consideration of BOC approval to remove conditions placed upon the property at the time of the rezoning of this property from R-1A (Residential) to CN (Commercial) January 14, 1986, Case No. 85-10-79.

FACTS AND ISSUES:

This property located at 7709 Turner Road was rezoned to what is now Neighborhood Commercial with the condition that it only be used as a music school and drapery shop in a building not to exceed 40' X 100' built in a style compatible with structures in the residential areas. This property is currently owned by First Citizens Bank and the applicant, Ms. Lori Baker of Next Step Ministries wants to purchase the property to provide therapeutic day programs for individuals with special needs in a Christian environment.

BUDGET:

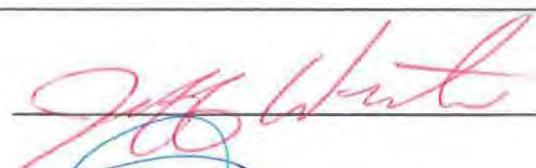
Budgeted Amount:	\$	Account Name:
Amount Encumbered:	\$	Account #:
Amount Spent to Date:	\$	
Amount Requested:	\$	
Remaining Budget	\$	

Budget Adjustment Necessary:

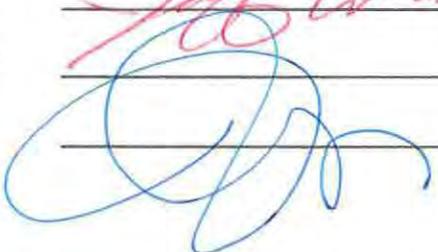
ADMINISTRATIVE RECOMMENDATION:

Requesting the Board remove the conditions of the 1986 rezone and allow expanded Neighborhood Commercial uses.

REVIEWED BY:

DEPARTMENT HEAD: 

COUNTY ATTORNEY: _____

COUNTY MANAGER: 

REQUEST FOR MODIFICATION TO ZONING CONDITIONS

Case # 85-10-079

Resolution #: _____

Applicant: Lori Baker/Next Step Ministries, Inc
(Name)
3353 Trickum Rd Ste 100
(Address)
Woodstock GA 30188
(City) (State) (Zip)

nextstepministries@kirch.net
(E-mail Address)
770-592-1227
(Telephone)

Request modification of zoning condition 1 from: limited to music school or drapery shop only - to - ~~remove all special conditions~~ add services for the elderly & persons w/ disabilities
increase allowable building footprint to 20,000 sqft
Existing use of property: music school / vacant Proposed use of property: Therapeutic Day Program
Directions to rezoning notice sign: 375' south of Arnold Mill Road on Turner Road

Size of property: 2.35 Square Feet/Acres Commission District _____

Map 15N28, Parcel 234B Land Lot 825,832, District 15th
NC

The undersigned is authorized to make this application. The undersigner is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the County Commissioner.

Lori Baker 10/3/13
Signature of Applicant Date
Lori Baker Executive Director
Typed or Printed Name and Title

Rachel E. Grubb 10-3-13
Signature of Notary Public Date



PLEASE NOTE WE MUST HAVE ALL PROPERTY OWNER'S SIGNATURES AS IT APPEARS ON DEED.

Signature of Owner Date

Typed or Printed Name and Title

Signature of Notary Public Date
(SEAL)

Signature of Owner Date

Typed or Printed Name and Title

Signature of Notary Public Date
(SEAL)

I UNDERSTAND THAT I AM TO POST THE NOTICE SIGN(S) ON A HARD-BACKED SURFACE SUPPORTED BY A FREE-STANDING STRUCTURE/WOODEN OR METAL POST(S) ALONG EACH ROAD FRONTAGE OF THE PETITIONED PROPERTY. THE NOTICE SIGNS SHOULD BE CLEARLY VISIBLE FROM THE ROAD WITH NO OBSTACLES BLOCKING THE VIEW. I FURTHER UNDERSTAND THAT I AM NOT TO ATTACH THE NOTICE SIGN(S) TO ANY NATURAL VEGETATION, EXISTING SIGNAGE, OR UTILITY STRUCTURE(S). I AM TO POST THE SIGN AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

Lori Baker
APPLICANT'S SIGNATURE

10/3/2013
DATE

REQUEST FOR MODIFICATION TO ZONING CONDITIONS

Case # 85-10-079

Applicant: Lori Baker/Next Step Ministries, Inc
(Name)
3353 Trickum Rd Ste 100
(Address)
Woodstock GA 30188
(City) (State) (Zip)

Resolution #: _____
nextstepministries@kirch.net
(E-mail Address)
770-592-1227
(Telephone)

Request modification of zoning condition 1 from: limited to music school or day care
shop only - to - remove all special conditions
add services for the elderly & persons w/ disabilities
increase allowable building footprint to 20,000 sq ft

Existing use of property: music school / vacant Proposed use of property: Therapeutic Day

Directions to rezoning notice sign: 375' south of Arnold Mill Program
Road on Turner Road

Size of property: 2.35 Square Feet/Acres Commission District _____

Map 15N28, Parcel 234B Land Lot 825,834, District 15th
NC

The undersigned is authorized to make this application. The undersigner is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the County Commissioner.

Lori Baker 10/3/13
Signature of Applicant Date
Lori Baker Executive Director
Typed or Printed Name and Title

Rachel E Grubb 10-3-13
Signature of Notary Public Date

PLEASE NOTE WE MUST HAVE ALL PROPERTY
Timothy J. Bylow 10/21/2013
Signature of Owner Date
Timothy J. Bylow, Vice President
Typed or Printed Name and Title



First Citizens Bank
Signature of Owner Date

Typed or Printed Name and Title

(SEAL)

I UNDERSTAND THAT I AM TO POST THE NOTICE SIGN(S) ON A HARD-BACKED SURFACE SUPPORTED BY A FREE-STANDING STRUCTURE/WOODEN OR METAL POST(S) ALONG EACH ROAD FRONTAGE OF THE PETITIONED PROPERTY. THE NOTICE SIGNS SHOULD BE CLEARLY VISIBLE FROM THE ROAD WITH NO OBSTACLES BLOCKING THE VIEW. I FURTHER UNDERSTAND THAT I AM NOT TO ATTACH THE NOTICE SIGN(S) TO ANY NATURAL VEGETATION, EXISTING SIGNAGE, OR UTILITY STRUCTURE(S). I AM TO POST THE SIGN AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

Lori Baker
APPLICANT'S SIGNATURE

10/3/2013
DATE

DISCLOSURE

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES," YOU MAY BE REQUIRED UNDER O.C.G.A. 36-67A-3 TO PROVIDE FURTHER INFORMATION:

A. ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CHEROKEE COUNTY PLANNING COMMISSION OR CHEROKEE COUNTY BOARD OF COMMISSIONERS?

YES _____ NO ✓ _____

B. DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY?

YES _____ NO ✓ _____

C. DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)?

YES _____ NO ✓ _____

D. WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? IF YES, PLEASE IDENTIFY TO WHOM AND THE AMOUNT OF CONTRIBUTION.

YES _____ NO ✓ _____

10/4/2013
DATE

Fori A. B...
APPLICANT'S SIGNATURE



Christian Therapeutic Day Care
Saturday Respite Program
Job Skills Program
Camps
Drop-Ins

Next Step Ministries, Inc.
3353 Trickum Road, Suite 100
Woodstock, GA 30188
770-592-1227
nextstepministries@birch.net
www.nextstepministries.net

Dear Sir or Madam:

Next Step Ministries is a 501(c)(3) non-profit organization which serves families in Cherokee, Cobb and North Fulton Counties by providing therapeutic day programs for individuals with special needs in a Christian environment. We seek to help these individuals to improve their quality of life by participation in safe, appropriate and interactive programs. We achieve this goal by offering socialization, cooking, crafts, exercise, skill-based instruction and community outings. We are open six days per week, and primarily serve moderate to severely disabled young adults, middle and high school students.

We are actively seeking to expand our ministry. We have almost outgrown our current rented space, and have identified a property which meets our needs. This property is ideal for a number of important reasons. It is centrally located to the clients we serve. It is located in a quiet area away from high-volume traffic, an important consideration for client safety. The existing building can be modified to meet our needs. The size of the property will accommodate potential future growth. The cost of the property and proposed modifications will fit within our budget.

We are requesting the necessary zoning changes to facilitate our purchase and use of this property. The current restrictions on use (music school and drapery shop) do not permit our intended use. We also need an increase of the allowable building footprint to enable necessary expansion.

We thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script that reads "Lori Baker".

Lori Baker, Executive Director

Next Step Ministries

Exhibit "A"

EXHIBIT A Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 825 and 832 of the 15th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

To ascertain the true point of beginning, commence at an axle found at the point of intersection of the east line of Land Lot 825 with the southeast right of way of North Arnold Mill Road (having a 30 foot right of way at this point); thence run South 01 degrees 56 minutes 27 seconds West along the east line of Land Lot 825 a distance of 292.67 feet to an iron pipe found and the POINT OF BEGINNING, from the True Point Of Beginning, thence running South 01 degrees 56 minutes 27 seconds West a distance of 413.03 feet to an axle found at the southeast corner of Land Lot 825, the same being the northwest corner of Land Lot 832; thence South 00 degrees 00 minutes 00 seconds West along the east line of Land Lot 832 a distance of 201.34 feet to an iron pin set at the point of intersection of the east line of Land Lot 832 with the northeast right of way of Turner Road (having a 30 foot right of way); thence running in a northwesterly direction along the northeasterly right of way of Turner Road and following the curvature thereof an arc distance of 113.40 feet (said arc having a radius of 312.64 feet and being subtended by a chord bearing of North 32 degrees 12 minutes 23 seconds West a chord distance of 112.78 feet) to an iron pin; thence North 42 degrees 35 minutes 50 seconds West along the northeast right of way of Turner Road a distance of 96.24 feet to an iron pin; thence running in a northwesterly direction along the arc of a curve to the right an arc distance of 199.68 feet (said arc having a radius of 517.98 feet and being subtended by a chord bearing North 31 degrees 33 minutes 12 seconds West a distance of 198.45 feet) to an iron pin; thence continuing northwesterly along the northeasterly right of way of Turner Road the following courses and distances: North 20 degrees 30 minutes 35 seconds West a distance of 180.76 feet to an iron pipe found; thence North 70 degrees 20 minutes 35 seconds East a distance of 325.37 feet to an iron pipe found and the True Point Of Beginning.

Said property being 2.354 acre tract, more or less, as per plat of survey for Charles Wayne Hosea, by Shiloh Surveyors, dated March 20, 1990.

per file from Gopic

RESOLUTION

A resolution denying/approving the rezoning of the following described property at the corner of North Arnold Mill and Turner roads

WHEREAS, it hereby is found and determined that a petition to change the zone of the above described property from R-1A to CN was filed on Sept. 5, 1985. Proposed use: music school and drapery shop

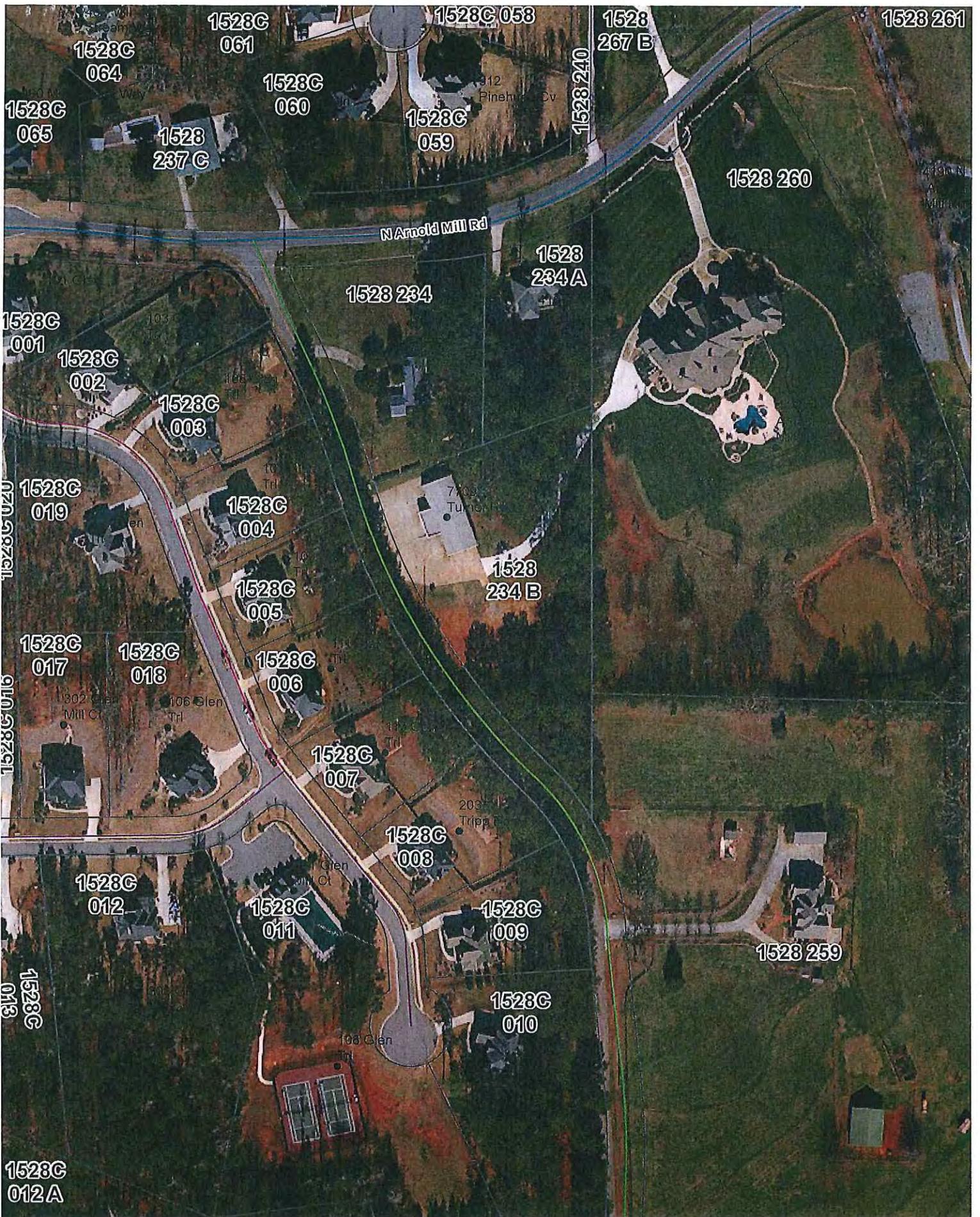
WHEREAS, it likewise is found that the Cherokee County-Municipal Planning Commission after notice as required by law did conduct a public hearing upon such change of zone on October 28, 1985 in the courtroom of the Cherokee County courthouse and that the recommendation of said planning commission was that the petition should be approved for a music school and drapery shop only in a building not to exceed 40' x 100' in a style compatible with structures in the residential areas.

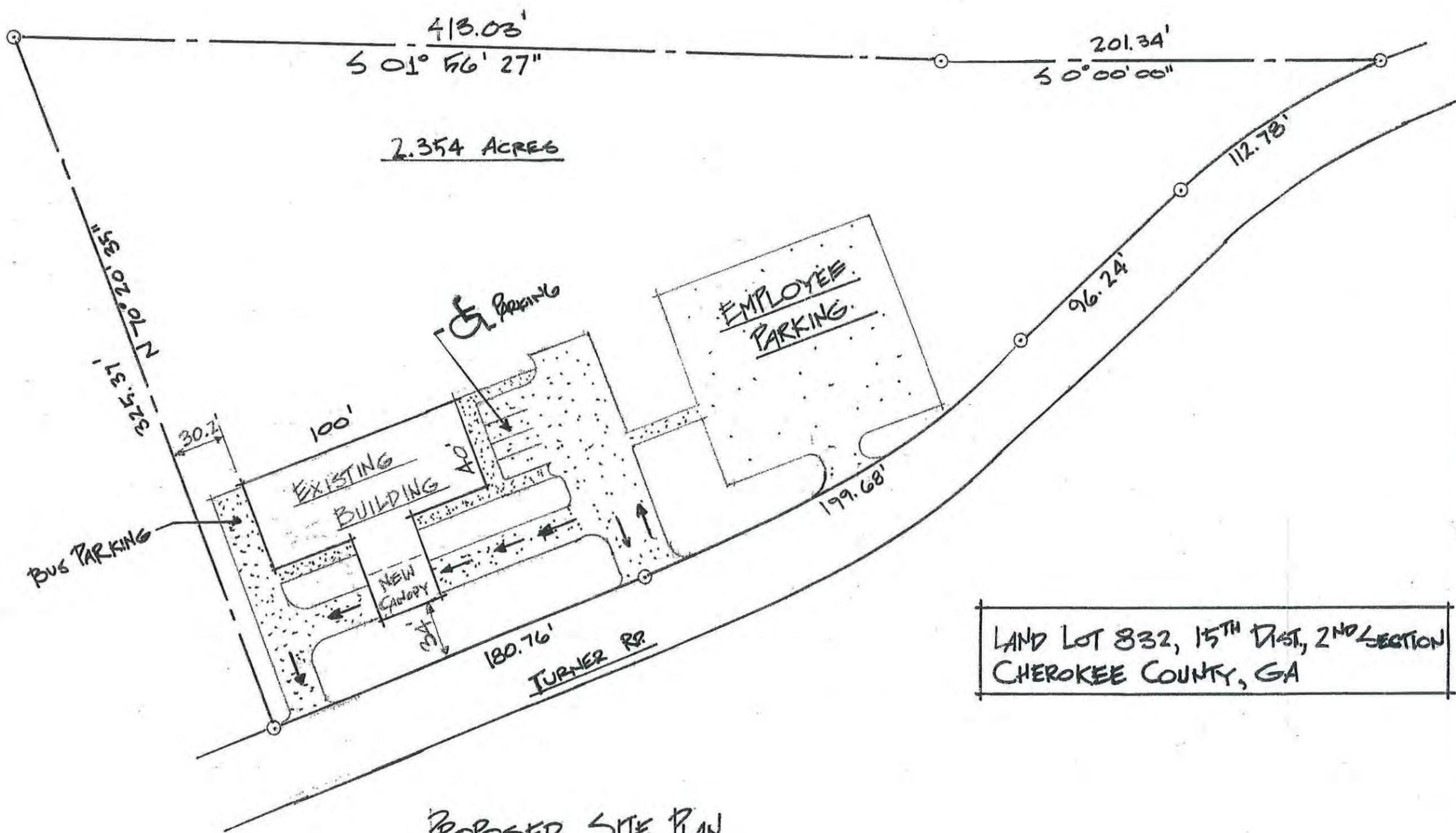
NOW therefore, be it resolved by the Cherokee County commissioner that the above described property still is/is now located in the CN district and the Cherokee County planning administrator hereby is directed to/not to change the district maps accompanying and being part of the zoning resolution.

Adopted this 14th day of Jan. 1986

[Signature]

Pat Fowler





2.354 ACRES

PROPOSED SITE PLAN

SCALE: 1" = 50'

LAND LOT 832, 15TH DIST, 2ND SECTION
CHEROKEE COUNTY, GA

DRAWING: 51	NEXT STEP MINISTRIES PROPOSED FACILITY 7709 TURNER RD WOODSTOCK, GA 30188	EPIC FACILITY SOLUTIONS OF GA 520 TERESA LANE CANTON, GA 30115-9242 770-596-5739 770-720-6830 FAX	ISSUE DATE: OCTOBER 3, 2013
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Address **7710 Turner Road**

Address is approximate



ARTICLE II. - CODE OF ETHICS ^[2]

⁽²⁾ **Editor's note**— Printed herein is 1991 Ga. Laws, page 411, which created a board of ethics for the county. Amendments to the original act are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Section catchlines have been supplied by the editor. Any other additions made for clarity are indicated by brackets.

[Section 1. - Findings of fact; purpose of ethical standards.](#)

[Section 2. - Definitions.](#)

[Section 3. - Conflict of interest.](#)

[Section 4. - Disclosure of interest.](#)

[Section 5. - Disqualification from participation in official action.](#)

[Section 6. - Contracts with member of governing body or with business in which member of governing body has interest.](#)

[Section 7. - Contracts with or acts favorably affecting former members of governing body.](#)

[Section 8. - Interpretation; severability.](#)

[Section 9. - Board created; membership; organization, staff and budget; powers and duties.](#)

Section 1. - Findings of fact; purpose of ethical standards.

(a) It is essential to the proper administration and operation of the Cherokee County government that public officials be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the Cherokee County public officials. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of the Cherokee County public officials, the public interest requires that the General Assembly protect against such conflicts of interest by establishing by law appropriate ethical standards with respect to the conduct of such public officials in situations where a conflict may exist.

(b) The General Assembly recognizes that an appropriate and effective code of ethics for employees of Cherokee County is also essential for the proper administration and operation of the Cherokee County government. The General Assembly, therefore, urges and expects the commission to provide by ordinance for a code of ethics substantially the same as the one provided by this Act for such employees.

Section 2. - Definitions.

As used in this Act, the term:

(1) "Business" means a corporation, a partnership, a sole proprietor, or any other person or organization carrying on an enterprise for profit.

(2) "Confidential information" means any information which by law or practice is not available to the public.

PART I - RELATED LAWS
ARTICLE II. - CODE OF ETHICS

(3) "Consultant" means any person not a member of the governing authority who is retained, designated, or specially employed to render personal services of a technical or professional nature, whether paid or unpaid, and who has other personal or private employment. The term "consultant" includes, but is not limited to, attorneys, architects, engineers, surveyors, accountants, brokers, financial advisors, and title abstractors.

(4) "Contract" means any claim or demand against or any lease, account, or agreement with any person, whether express or implied, executed or executory, verbal or in writing.

(5) "Emergency situation" means any circumstance or condition giving rise to an immediate necessity for the execution of a contract by and between Cherokee County or a local authority and a public official or between Cherokee County or a local authority and a business in which a public official has an interest and where, to the satisfaction of the head of the affected county office, it is shown that there is no one other than such persons with whom the contract could have been made and that the necessity was not brought about by such persons' own fault or neglect.

(6) "Immediate family" means an individual and the individual's spouse and their parents, children, brothers, and sisters.

(7) "Interest" means any direct or indirect pecuniary or material benefit held by or accruing to a public official or to a member of the board of ethics as a result of a contract or transaction which is or may be the subject of an official act or action by or with Cherokee County or a local authority. Unless otherwise provided in this section, the term "interest" does not include any remote interest. A public official or a member of the board of ethics shall be deemed to have an interest in transactions involving:

(A) Any person in the member's immediate family;

(B) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefit;

(C) Any business in which the member is a director, officer, employee, prospective employee, or shareholder; or

(D) Any person of whom the member is a creditor, whether secured or unsecured.

(8) "Local authority" means an authority described in paragraph (14) of this section.

(9) "Official act or action" means any legislative, administrative, appointive, or discretionary act of a public official.

(10) "Paid" means the receipt of, or right to receive, a salary, commission, or percentage, brokerage, or contingent fee.

(11) "Participate" means to take part in official acts, actions, or proceedings personally as a member of the governing authority through approval, disapproval, decision, recommendation, investigation, the rendering of advice, or the failure to act or perform a duty.

(12) "Person" means any individual, business, labor organization, representative, fiduciary, trust, or association, whether paid or unpaid, and includes any public official.

(13) "Property" means any property, whether real or personal, or tangible or intangible, and

PART I - RELATED LAWS
ARTICLE II. - CODE OF ETHICS

includes currency and commercial paper.

(14) "Public official" means the chairman and every member of the board of commissioners of Cherokee County; the county manager of Cherokee County; the chairman and every member of the Cherokee County Water and Sewerage Authority; the chairman and every member of the Cherokee County Airport Authority; and the chairman and every member of the Cherokee County Development Authority.

(15) "Remote interest" means the interest of:

- (A) A nonsalaried director, officer, or employee of a nonprofit corporation;
- (B) A holder of less than 5 percent of the legal or beneficial ownership of the total shares of a business;
- (C) Any person in a representative capacity, such as a receiver, trustee, or administrator; or
- (D) Any person who, by determinations of the board of ethics, is deemed to have such an interest.

(16) "Transaction" means the conduct of any activity that results in or may result in an official act or action of a public official.

Section 3. - Conflict of interest.

No public official shall:

(1) By his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official acts or actions or that he is affected unduly by the rank or position of or kinship or association with any person;

(2) (A)

Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or another person if:

- (i) It tends to influence him in the discharge of his official duties; or
- (ii) He recently has been, is now, or in the near future may be involved in any official act or action directly affecting the donor or lender.

(B) Subparagraph (A) of this paragraph shall not apply in the case of:

- (i) An occasional nonpecuniary gift of insignificant value;
- (ii) An award publicly presented in recognition of public service; or
- (iii) A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of Georgia to engage in the making of such a loan;

(3) Disclose or otherwise use confidential information acquired by virtue of his position for his or another person's private gain;

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ARTICLE II. - CODE OF ETHICS

- (4) Appear on his own personal behalf, or represent, advise, or appear on the personal behalf of, whether paid or unpaid, any person before any court or before any legislative, administrative, or quasi-judicial board, agency, commission, or committee of the state or of any county or municipality concerning any contract or transaction which is or may be the subject of an official act or action of Cherokee County or a local authority or otherwise use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or other persons;
- (5) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of his official duties. For the purposes of this paragraph, the employment of a consultant by any business involving matters unrelated to any contract or transaction by or with Cherokee County or a local authority shall not be deemed incompatible with such consultant's official duties;
- (6) Acquire an interest in any contract or transaction at a time when he believes or has reason to believe that such an interest will be affected directly or indirectly by his official act or actions or by the official acts or actions of Cherokee County or a local authority; or
- (7) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him by virtue of his being a public official.

Section 4. - Disclosure of interest.

A public official who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of Cherokee County or a local authority shall disclose the precise nature and value of such interest by sworn written statement to the board of ethics and ask for its opinion as to the propriety of said interest. Every public official who knowingly has any interest, direct or indirect, in any contract to which Cherokee County or a local authority is or is about to become a party, or in any other business with Cherokee County or a local authority, shall make full disclosure of such interest to Cherokee County or the local authority, as applicable, and to the board of ethics. The information disclosed by such sworn statements, except for the valuation attributed to the disclosed interest, shall be made a matter of public record by the board of ethics.

Section 5. - Disqualification from participation in official action.

A public official shall disqualify himself from participating in any official act or action of Cherokee County or a local authority directly affecting a business or activity in which he has any interest, whether or not a remote interest.

Section 6. - Contracts with member of governing body or with business in which member of governing body has interest.

Neither Cherokee County nor a local authority shall enter into any contract involving services or property with a member of its governing body or with a business in which a member of its governing body has an interest. This section shall not apply in the case of:

- (1) The designation of a bank or trust company as a depository for county funds;
- (2) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest for such loan;
- (3) Contracts entered into with a business which employs a consultant, provided that the

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consultant's employment with the business is not incompatible with the consultant's official duties under paragraph (3) of Section 2 of this Act;

(4) Contracts for services entered into with a business which is the only available source for such goods or services; and

(5) Contracts entered into under circumstances which constitute an emergency situation, provided that a record explaining the emergency is prepared by the public official and submitted to the board of ethics at its next regular meeting and thereafter kept on file.

Section 7. - Contracts with or acts favorably affecting former members of governing body.

Neither Cherokee County nor a local authority shall enter into any contract with, or take any official act or action favorably affecting, any person, or business represented by such person, who has been within the preceding 12-month period a member of its governing body.

Section 8. - Interpretation; severability.

(a) This section [Act] shall be construed liberally to effectuate its purposes and policies and to supplement such existing laws as may relate to the conduct of a public official.

(b) The propriety of any official act or action taken by or transaction involving a public official immediately prior to the time this Act shall take effect shall not be affected by the enactment of this Act.

(c) The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

Section 9. - Board created; membership; organization, staff and budget; powers and duties.

(a) There is created the Board of Ethics of Cherokee County to be composed of seven citizens of Cherokee County to be appointed as provided in subsection (b) of this section. Each member of the board of ethics shall have been a resident of Cherokee County for at least one year immediately preceding the date of taking office and shall remain a resident of the county while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the immediately preceding two-year period, any interest in any contract, transaction, or official action of Cherokee County.

(b) Two members of the board of ethics shall be appointed by the chairman of the board of commissioners of Cherokee County and five members shall be appointed by a majority vote of the full membership of the board of commissioners of Cherokee County. At a minimum, two members shall be members of the Republican Party and two members shall be members of the Democratic Party. The initial members of the board of ethics shall be those members appointed pursuant to an Act approved March 28, 1990 (1990 Ga. Laws, page 4745), and each such member shall serve until the expiration of the initial term to which such member was appointed and until such member's successor is appointed and qualified under this Act. Successors to the first members of the board of ethics and future successors shall be appointed by the respective appointing authorities for terms of seven years upon the expiration of the respective terms of office. All members of the board of ethics shall serve until their successors are appointed and qualified.

(c) If a member of the board of ethics ceases to be a resident of Cherokee County, that member's position on the board, by operation of law, shall become vacant upon the establishment of the fact of

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such nonresidency, if contested, by a court of competent jurisdiction. A vacancy in the board of ethics shall exist by reason of death, resignation, or loss of residency as described in this subsection. A member of the board of ethics may be removed from office during a term only if the member becomes ineligible to hold civil office within the meaning of O.C.G.A. § 45-2-1 and that ineligibility is established by decision of a court of competent jurisdiction which declares the office vacant because of such ineligibility. A vacancy shall be filled for the unexpired term by the respective appointing authority.

(d) The members of the board of ethics shall serve without compensation and shall elect from their own membership a chairman and otherwise provide for their own internal organization. The governing authority of Cherokee County shall provide adequate office and meeting space for the board of ethics. Subject to budgetary procedures and requirements and Cherokee County merit system regulations, the board of ethics shall be authorized to employ its own staff and clerical personnel. The governing authority of Cherokee County shall also provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to carry out its duties and responsibilities. The board of ethics shall be a department of the county government and shall be subject to budgetary procedures and requirements in the same manner as are other departments of the county government; provided, however, in exercising its powers and duties under this section, the board of ethics shall be completely independent and shall not be subject to control or supervision by the chairman of the commission, the county manager, the commission, or any other officer, department, or agency of the county government.

(e) The board of ethics shall have the following duties:

(1) To establish procedures, rules, and regulations governing its internal organization and the conduct of its affairs;

(2) To render advisory opinions with respect to the interpretation and application of this Act to all persons who seek advice as to whether a particular course of conduct would constitute a violation of the standards imposed in this section. Such opinions shall be binding on the board of ethics in any subsequent complaint concerning the person who sought the opinion and acted in good faith, unless material facts were omitted or misstated in the request for the advisory opinion;

(3) To prescribe forms for the disclosures required in this section and to make available to the public the information disclosed as provided in this Act;

(4) To receive and hear complaints of violations of the standards required by this Act;

(5) To make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provisions of this Act; and

(6) To hold such hearings and make such inquiries as it deems necessary for it to carry out properly its functions and powers.

(f) [Enforcement powers; conduct of hearings.]

(1) Any public official who knowingly violates any provision of the code of ethics provided for in this Act shall forfeit his office and may be removed from office after notice and hearing by the affirmative vote of five members of the board of ethics. The board of ethics by its own motion or as a result of a complaint filed with the board of ethics by any citizen or by a group of citizens of Cherokee County may make such investigation as it deems proper to carry out its duties under this subsection. For the purposes of this subsection, the board of ethics may hold and conduct

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ARTICLE II. - CODE OF ETHICS

hearings, issue subpoenas, examine witnesses, and administer oaths. The board of ethics shall apply to the Superior Court of Cherokee County for the enforcement of any subpoena issued by the board.

(2) At any hearing held under paragraph (1) of this subsection, the public official who is adversely affected shall have the right to be represented by counsel, to hear and examine the evidence and witnesses against the member of the governing authority, and to present evidence and witnesses in opposition or in extenuation.

(g) [Judicial review of decisions.]

(1) Any public official adversely affected by any final decision of the board of ethics under subsection (f) of this section may obtain judicial review of such decision as provided in this subsection.

(2) An action for judicial review may be commenced in the Superior Court of Cherokee County within 30 days after the decision of the board of ethics becomes final.

(3) The effective date of the final decision of the board of ethics shall be postponed pending judicial review [as] provided for in this subsection.

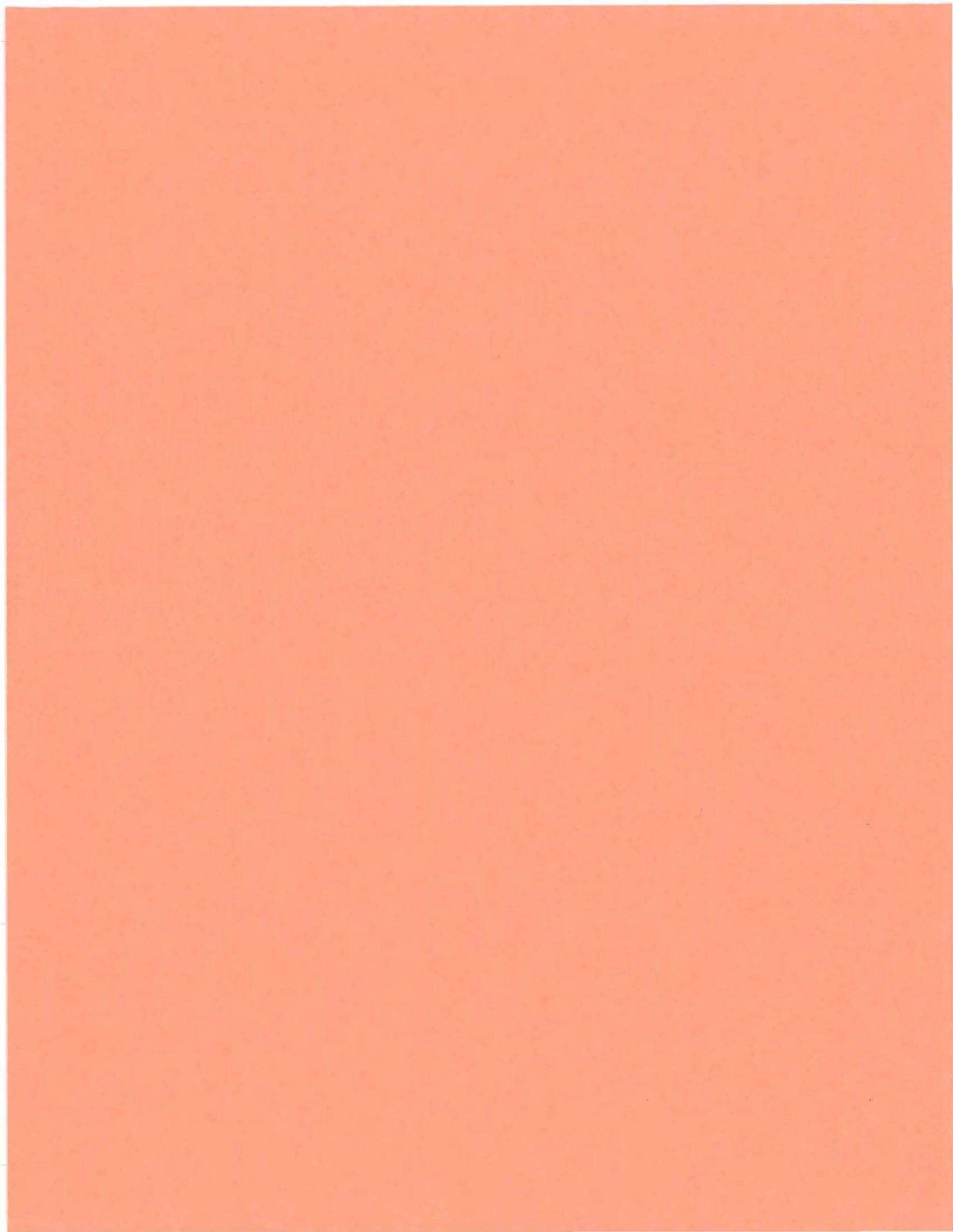
(4) The record on review, unless otherwise stipulated by the parties, shall include the original or certified copies of all pleadings, testimony, evidence, exhibits, and other papers presented to or considered by the board of ethics and the findings and decisions of the board of ethics. As to alleged procedural irregularities, evidence may be taken independently by the court.

(5) If the court finds no error, it shall affirm the decision of the board of ethics. If it finds that such action was:

- (A) Arbitrary or capricious;
- (B) A denial of a statutory right;
- (C) Contrary to constitutional right, power, privilege, or immunity;
- (D) In excess of statutory jurisdiction, authority, purposes, or limitation;
- (E) Not in accord with the procedures or procedural limitations of this section or as otherwise required by law;
- (F) An abuse or clearly unwarranted exercise of discretion, unsupported by substantial evidence when the record is considered as a whole; or
- (G) Otherwise contrary to law,

then the court shall hold unlawful and set aside the decision of the board of ethics removing the public official from office.

(6) The decision of the trial court shall be subject to appellate review in the same manner and with the same effect as in appeals from a final judgment or decree in any other civil action.





Cherokee County, Georgia Agenda Request

SUBJECT: Subdivision Acceptance
Blue Valley

MEETING DATE: November 19, 2013

SUBMITTED BY: Geoffrey E. Morton, Public Works Agency Director

COMMISSION ACTION REQUESTED:

Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Blue Valley subdivision.

FACTS AND ISSUES:

The Development Control Division of the Cherokee County Engineering Department has reviewed the development plans and supervised the construction of the Blue Valley subdivision. Based upon their recommendation this project meets the development standards of Cherokee County and it is recommended that all public rights-of-way, roadways and appurtenant drainage structures be accepted for County maintenance.

Included are: Liberty Grove Pass – 1,576 LF
Timberview Trail - 873 LF
Bluegrass Way - 146 LF

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	
Amount Requested:	
Remaining Budget:	

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.
Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.
Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Blue Valley subdivision.

REVIEWED BY:

DEPARTMENT HEAD: _____

AGENCY DIRECTOR: _____

COUNTY MANAGER _____



Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6088

November 13, 2013

Mr. L. B. Ahrens, Jr., Chairman
Cherokee County Board of Commissioners
1130 Bluffs Parkway
Canton, Georgia 30114

**Re: Final Acceptance – Blue Valley Subdivision (FKA Liberty Grove)
Including all or part of: Liberty Grove Pass (1,576 L.F.), Timberview Trail
(873 L.F.) and Bluegrass Way (146 L.F.)**

Dear Chairman Ahrens:

The Development Control Division of the Cherokee County Engineering Department has reviewed the development plans and supervised the construction of the aforementioned project. Based upon this information, we conclude that this project meets the Development Standards of Cherokee County.

Therefore, we recommend that the Board of Commissioners accept the rights-of-way, roadways and appurtenant drainage structures within this project for maintenance by Cherokee County.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Phelps".

Kenny Phelps
Development Inspection Manager

A handwritten signature in blue ink, appearing to read "Geoffrey E. Morton".

Geoffrey E. Morton, P.E.
County Engineer

GEM/jcc



Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6088

RESOLUTION

A Resolution accepting the streets or portions of streets within **Blue Valley Subdivision (FKA Liberty Grove)** for County Maintenance.

Whereas, it is hereby found and determined that all or a portion of **Liberty Grove Pass (1,576 L.F.)**, **Timberview Trail (873 L.F.)**, and **Bluegrass Way (146 L.F.)** do meet the requirements as set forth in the Subdivision Regulations of Cherokee County, Georgia pertaining to the streets and rights-of-way.

Now Therefore, be it resolved by the Board of Commissioners of Cherokee County all or a portion of **Liberty Grove Pass (1,576 L.F.)**, **Timberview Trail (873 L.F.)**, and **Bluegrass Way (146 L.F.)**, having a fifty foot (50) right-of-way and drainage ways within the rights-of-way of **Blue Valley Subdivision (FKA Liberty Grove)**, and located in **Land Lots 123, 124, 165, and 166 of the 2nd District**, of Cherokee County, Georgia are accepted and will be maintained by said County from this date forward.

Adopted this _____ day of _____, 2013

L.B. Ahrens, Jr., Chairman

Attest:

Christy Black, County Clerk



Cherokee County Government
ENGINEERING DEPARTMENT
1130 Bluffs Parkway – Canton, Georgia 30114
678-493-6077 – Fax 678-493-6088

RESOLUTION

A Resolution accepting the streets or portions of streets within **Blue Valley Subdivision (FKA Liberty Grove)** for County Maintenance.

Whereas, it is hereby found and determined that all or a portion of **Liberty Grove Pass (1,576 L.F.)**, **Timberview Trail (873 L.F.)**, and **Bluegrass Way (146 L.F.)** do meet the requirements as set forth in the Subdivision Regulations of Cherokee County, Georgia pertaining to the streets and rights-of-way.

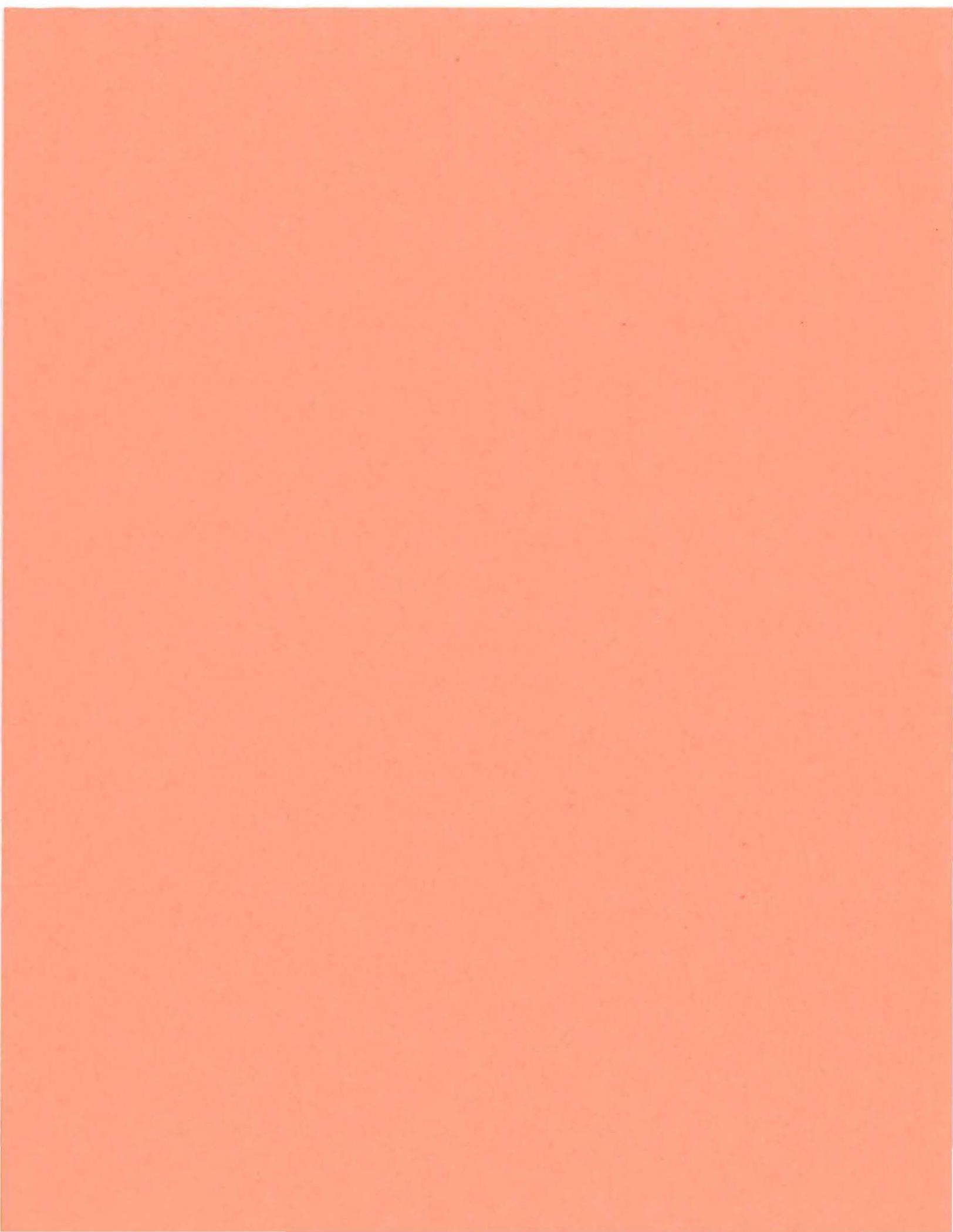
Now Therefore, be it resolved by the Board of Commissioners of Cherokee County all or a portion of **Liberty Grove Pass (1,576 L.F.)**, **Timberview Trail (873 L.F.)**, and **Bluegrass Way (146 L.F.)**, having a fifty foot (50) right-of-way and drainage ways within the rights-of-way of **Blue Valley Subdivision (FKA Liberty Grove)**, and located in **Land Lots 123, 124, 165, and 166 of the 2nd District**, of Cherokee County, Georgia are accepted and will be maintained by said County from this date forward.

Adopted this _____ day of _____, 2013

L.B. Ahrens, Jr., Chairman

Attest:

Christy Black, County Clerk





Cherokee County, Georgia Agenda Request

SUBJECT: Tax Commissioner Capital Expenditures MEETING DATE: 11/19/2013

SUBMITTED BY: Sonya Little

COMMISSION ACTION REQUESTED:

Approve amendment for the Use of Reserves to construct new ADA counters at Tag office in Woodstock, purchase security cameras for Canton and Woodstock, and other future security requirements.

FACTS AND ISSUES:

The Tax Commissioner's Office received money from the new TAVT 1% Vendor's Compensation in 2013 that was not expended.

The Tax Commissioner's annex office in Woodstock needs new ADA compliant counters. The 2013 Budget was amended for the purchase and installation of security cameras, because of delays the work was not done until October 2014, thus the need for this to added to the 2014 Budget.

The Tax Commissioner is also requesting \$10,000 for other expected security needs in FY2014.

The Tax Commissioner is requesting this amendment to be able to construct the new counters and install security cameras with the TAVT 1% monies that remain from 2013.

BUDGET:

Budgeted Amount:		Account Name: Tax Comm - Building
Amount Encumbered:		Account #: 11545110-541300 \$33,198.00
Amount Spent to Date:		Account Name: Tax Comm - Protective Equip
Amount Requested: \$46,374		Account #: 11545110-542510 \$13,176.00
Remaining Budget:		

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.
 Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.
 Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Authorize amendment for the TAVT 1% Vendor's Compensation monies remaining from 2013 be budgeted in 2014 for the construction of new counters in the Woodstock Tax annex and the installation of security cameras in the Canton and Woodstock offices.

REVIEWED BY:

DEPARTMENT HEAD:

AGENCY DIRECTOR:

COUNTY MANAGER

**Cherokee County Board of Commissioners
Budget Transfer/ Amendment Form**

Instructions:

- * For budget amendments increasing or decreasing the budget revenues must equal expenditures.
- * For budget transfers the net total should equal zero.
- * Budget transfers within a department within the same fund are allowed with the approval of the County Manager.
- * Any change in the budgeted amounts which would result in an increase or decrease to the budget must be approved by the Board of Commissioners.
- * The budgeted amounts for salaries and benefits for each department may not be transferred, increased or decreased without the approval of the Board of Commissioners.

REVENUES:

Department			
Org Code	Object	Account Name	Amount
10090	389000	Use of Reserves	46,374.00
			46,374.00

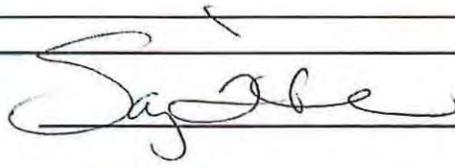
EXPENDITURES:

Department			
Org Code	Object	Account Name	Amount
11545110	541300	Building	33,198.00
11545110	542510	Protective Equipment	13,176.00
			46,374.00

PURPOSE OF TRANSFER/ AMENDMENT

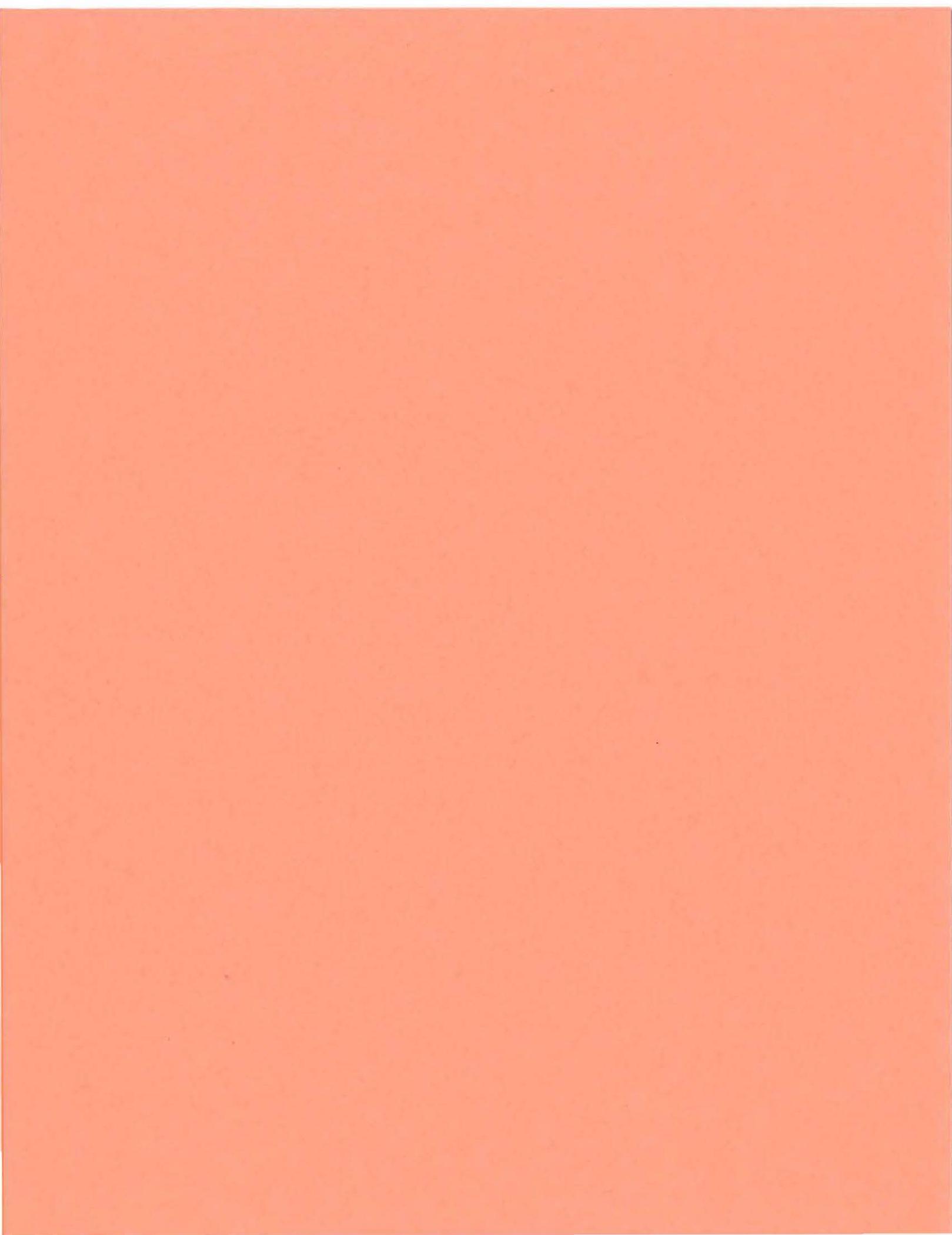
Amend 2014 Budget in order to use 2013 TAVT 1% Vendor Compensation monies that were received but not expended in 2013, for construction of new ADA counters in the Woodstock annex and security cameras for Canton and Woodstock offices. The cameras were budgeted in 2013 but were not installed until 2014.

Department Head Approval: _____




County Manager Approval: _____

Date Approved by BOC (please attach a copy of Minutes) _____





Cherokee County, Georgia Agenda Request

SUBJECT: Submission of JPMF Grant Application

MEETING DATE: 11/19/13

SUBMITTED BY: Bryan Reynolds

COMMISSION ACTION REQUESTED:

Requesting approval to submit grant application to the Joey Pizzano Memorial Fund for non-matching grant for implementation of an adaptive swim lesson program.

FACTS AND ISSUES:

CRPA is requesting approval to submit a grant application to the Joey Pizzano Memorial Fund for a ***non-matching grant*** in the amount of \$5,600 to implement an adaptive swim lesson program at the Cherokee County Aquatic Center. This program would be designed specifically for individuals with developmental disabilities.

No additional county funds are required. This is a renewable grant which we could apply for and receive each year. If the grant is ever not renewed, we would evaluate the program and either request an increase in user fees to offset the costs or discontinue the program. If the grant is awarded, then we would submit an agenda request at a future meeting to accept the funds and amend the budget accordingly. The attached memo and grant application describes the program in more detail.

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Amount Requested:

Remaining Budget:

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.

Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.

Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Approval to submit grant application to the Joey Pizzano Memorial Fund for non-matching grant for implementation of an adaptive swim lesson program.

REVIEWED BY:

DEPARTMENT HEAD: _____

AGENCY DIRECTOR: _____

COUNTY MANAGER _____



Cherokee Recreation & Parks Agency



MEMO

To: Bryan Reynolds
From: Neely Motiejunas
Date: October 21, 2013
RE: Grant Request

On behalf of staff at the Cherokee County Aquatic Center, I am requesting approval to submit an application for a grant through the Joey Pizzano Memorial Fund, Inc. (JPMF). This grant is a **NON-Matching Grant** and would be utilized to implement an adaptive swim lesson program for children with special needs.

The Joey Pizzano Memorial Fund, Inc. is dedicated to improving the lives of children with special needs and their families. The fund was formed after the tragic drowning of Joey Pizzano, a six-year-old, developmentally delayed child who touched many people's lives with his bright smile and love of life. Joey's family decided to create a foundation in his name that would become a living tribute to celebrate Joey's life.

With a generous response from relatives and friends, the non-profit foundation grew and the family searched for worthy programs to fund. Joey loved the water and loved to swim, so The Joey Pizzano Memorial Fund decided to focus on sharing Joey's love of water with other children with special needs and their families. The Joey Pizzano Memorial Fund, Fairfax County Therapeutic Recreation as well as Fairfax County Park Authority all collaborated their time and resources to create the JPMF water skills and safety program which rapidly evolved into the current "***JPMF Splash***" program *where children learn to be safe and have fun and in and around the water.*

Enclosed is the application for the JPMF Splash Program. It details the program, the funding and how we would operate the program.

Should the grant funds not be available in future years, the only change in the program may be an increase to the fees associated with the program. No additional county funds are necessary for operation of the program.

Cherokee County Aquatic Center
1200 Gresham Mill Parkway
Holly Springs, GA 30142

Contact person: Kim Baker
Phone #: 678-880-4761
Fax #: 678-880-4760
Email: kbaker@cherokeega.com

With the Joey Pizzono Memorial Fund (JPMF) Splash Grant our organization will start and grow an adaptive aquatics program for children with special needs in our community. We believe this program will begin to fill the gap between the lessons currently offered and lessons necessary to meet the needs of disabled individuals. This grant will be the stepping stone necessary to grow programming for this particular demographic and market.

Expense:	Amount:
Instructor Pay	\$2,000.00
Marketing	\$600.00
Equipment	\$500.00
Supplies for events	\$1800.00
Administration of program	\$700.00
Total:	\$5,600.00

This grant will cover six separate 6-week sessions from January 2014 to December 2014.

Statement of Needs and problems to address:

Currently, Cherokee County has few facilities that offer structured, adaptive swim lessons to the community at a reasonable price. Although adaptive programming in other sports, music, art and drama is available, adaptive swim programs are limited. The opportunity to add swimming as an option for children with special needs, especially at a reasonable price opens up more opportunities for this demographic to get involved.

Plan to implement:

The first phase of our plan is marketing the program to our community. We will begin by reaching out to other facilities and organizations that offer adaptive programs and invite them to share the information with their participants. We will also reach out to various therapy groups, our local school district, support groups and daycares to get the program information directly to individuals that could use it.

The second phase of the plan is soliciting and retaining volunteers. We will look for interested individuals from our local USS and High School swim teams, local scouting groups, as well as other volunteer organizations. Finally we will host a volunteer interest meeting to explain the program, the commitment, and the benefits of volunteering.

The third phase of the plan would be the actual coordination of the program. Prior to the first day of class, we will hold a meeting with our volunteer group and lesson instructor. This meeting will give everyone the opportunity to meet each other, learn about the lessons they will offer, and learn about how to assist each child during the lesson. A portion of the meeting will be in the water so they can review the specific skills to be taught. Once that meeting is complete, lessons will begin within two weeks. At the end of each session we will host a completion party to mark the occasion that our participants have completed the lesson program.

Meet program goals and objectives:

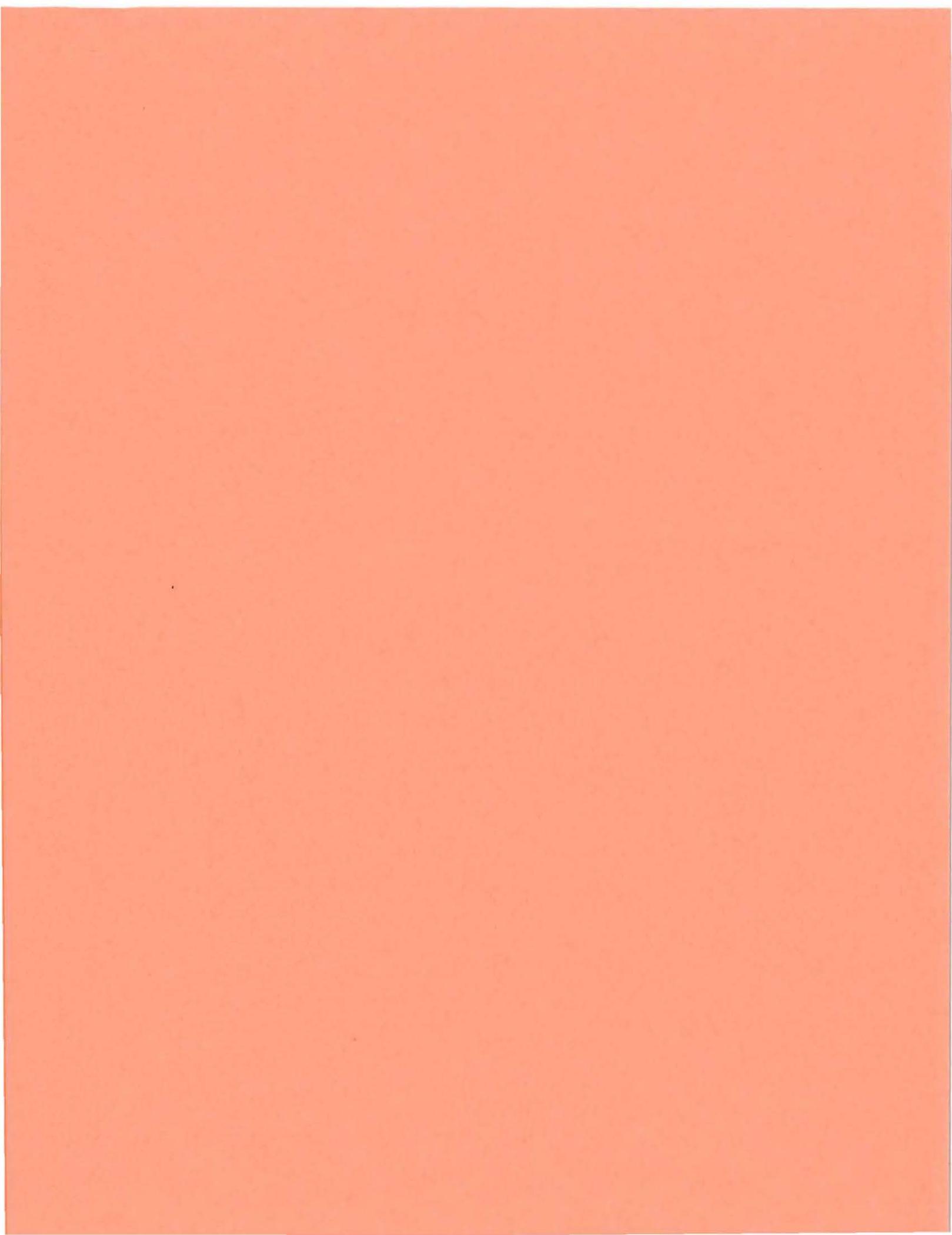
This program will provide the structure necessary to assist any child, of any ability, with learning the five basic rules of water safety as well as provide us the opportunity to meet their needs. By offering this program we will meet the goals of the Foundation which are to provide any participant, of any ability, with the opportunity to learn water safety skills and swimming skills.

The objectives of the five basic rules of water safety will be covered in our 6 week program. These basic rules will be covered and reviewed every day so as to build on each other. The instructor will focus the lessons around the basic rule for the day and by this way reinforcing that rule or skill through out the lesson. The last day of class will be used to review all of the lessons learned and remind the participants of what they have been taught.

Sustaining the program:

This program will be fee-based and will have an associated registration fee. If the funding from the foundation were to cease, the only marked difference will be the participant's cost of the class may increase. The JPMF Splash program is a great launch pad for beginning an adaptive aquatics program. Through our standard practices of proper financial planning, proper instructor hiring, volunteer recruitment, marketing, quality service and evaluation, we will sustain the program. By growing our program with our participants we will find ways to keep them included and swimming as they grow and develop.

Finally, parents of children with special needs often times are a part of other groups and organizations. We will rely heavily on word of mouth and ask their support in sharing what their child is getting out of the program and what an asset it can be to new participants.





Cherokee County, Georgia Agenda Request

SUBJECT: Request for Multi-Way Stop
Hembridge Drive & Mountain View Crossing

MEETING DATE: November 19, 2013

SUBMITTED BY: Brett R. Buchanan

COMMISSION ACTION REQUESTED:

Consideration for the approval of a multi-way stop at the intersection of Hembridge Drive and Mountain View Circle (western intersection) in the Hembridge Hills subdivision.

FACTS AND ISSUES:

The residents of the Hembridge Hills subdivision have petitioned for a multi-way stop to be installed at the intersection of Hembridge Drive and Mountain View Circle. This petition is submitted based on the current conditions as well as a projected increase in volumes as the new Walmart on Exit 14 is opened. A speed study was performed along this section of River Creek Drive that showed there are approximately 1,230 vehicles per day traveling along Hembridge Drive. The intersection is also at a crest of a hill and has some limited sight distance issues.

The 85th percentile speed for this study was 32 miles per hour. Due to this result, a 90% approval would typically be required during the petition process. A petition was submitted with a 78% approval of the residents within the defined service area. There are two homes that have been in foreclosure that signatures were not able to be obtained because it is unclear who to contact. On the petition, there were no signatures against the installation of the multi-way stop so it was unanimous among those who were able to be contacted. There is no formal Homeowners Association for this subdivision.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	
Amount Requested:	
Remaining Budget:	

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.
Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.
Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Approval of a multi-way stop at the intersection of Hembridge Drive and Mountain View Circle (western intersection) in the Hembridge Hills subdivision.

REVIEWED BY:

DEPARTMENT HEAD: _____

AGENCY DIRECTOR: _____

COUNTY MANAGER: _____





Cherokee County Neighborhood Traffic Control Program

Appendix C - Multiway Stop Petition Form

CHEROKEE COUNTY NEIGHBORHOOD TRAFFIC CONTROL PROGRAM: _____

SUBDIVISION NAME: Hembridge Hills

Signing this petition certifies that you have read and understand the Neighborhood Traffic Control Program. Circle YES in support, NO if against, and signature must be as it appears on tax bill.

1. Kelly Ruff YES NO Lot Number 22
Signature _____
Print Name (Last, First) Kathleen Kelly Witness Signature Kelly Ruff
2. John Jennings YES NO Lot Number 1, 2, 3, 4, 9, 8
Signature _____
Print Name (Last, First) John Jennings Witness Signature Kelly Ruff
3. Bon Allen YES NO Lot Number 21
Signature _____
Print Name (Last, First) Bon Allen Witness Signature Kelly Ruff
4. Frank H. Eadie YES NO Lot Number 15, 16, 17, 18
Signature _____
Print Name (Last, First) Frank H. Eadie Witness Signature Kelly Ruff
5. Michael H. Henery YES NO Lot Number 12
Signature _____
Print Name (Last, First) Michael Henery Witness Signature Kelly Ruff
6. Sheila Peck YES NO Lot Number 11
Signature _____
Print Name (Last, First) Sheila Peck Witness Signature Kelly Ruff
7. Kathy L. Stone YES NO Lot Number 54, 55
Signature _____
Print Name (Last, First) Kathy L. Stone Witness Signature Kelly Ruff
8. Sunny Tarke YES NO Lot Number 28
Signature _____
Print Name (Last, First) Sunny Tarke Witness Signature Kelly Ruff
9. Linda Dover YES NO Lot Number 26
Signature _____
Print Name (Last, First) Linda Dover Witness Signature Kelly Ruff
10. Tracey Besson YES NO Lot Number 24
Signature _____
Print Name (Last, First) Tracey Besson Witness Signature Kelly Ruff

Note: This form is to request the installation of multiway stops only.

Cherokee County Neighborhood Traffic Control Program

Appendix C – Multiway Stop Petition Form

CHEROKEE COUNTY NEIGHBORHOOD TRAFFIC CONTROL PROGRAM: _____

SUBDIVISION NAME: Hembridge Hills

Signing this petition certifies that you have read and understand the Neighborhood Traffic Control Program. Circle YES in support, NO if against, and signature must be as it appears on tax bill.

- | | | |
|-----|---|--|
| 1. | <u></u>
Signature
<u>Mark Beavers</u>
Print Name (Last, First) | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>5, 6</u>
<u></u>
Witness Signature |
| 2. | <u></u>
<u>Dennis Coats</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>25</u>
<u></u> |
| 3. | <u></u>
<u>Matthew Smith</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>27</u>
<u></u> |
| 4. | <u></u>
<u>Brenda Reece</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>29</u>
<u></u> |
| 5. | <u></u>
<u>Dustin Teeples</u> | YES <input type="radio"/> NO <input type="radio"/> Lot Number <u>14 & 13 13</u> ^{BeB}
<u></u> |
| 6. | <u></u>
<u>EUGENE EVANS</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>31</u>
<u></u> |
| 7. | <u></u>
<u>Tammy Bedford</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>52, 53</u> ^{BeB}
<u></u> |
| 8. | <u></u>
<u>Debra Clark</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>7</u>
<u></u> |
| 9. | _____
_____ | YES <input type="radio"/> NO <input type="radio"/> Lot Number _____ |
| 10. | _____
_____ | YES <input type="radio"/> NO <input type="radio"/> Lot Number _____ |

Note: This form is to request the installation of multiway stops only.

Cherokee County Neighborhood Traffic Control Program

Appendix C – Multiway Stop Petition Form

CHEROKEE COUNTY NEIGHBORHOOD TRAFFIC CONTROL PROGRAM: _____

SUBDIVISION NAME: Hembredge

Signing this petition certifies that you have read and understand the Neighborhood Traffic Control Program. Circle YES in support, NO if against, and signature must be as it appears on tax bill.

- 1. Scott M YES NO Lot Number 20
Signature Nelson, Scott
Print Name (Last, First) Maria Nelson
Witness Signature
- 2. _____ YES NO Lot Number _____
- 3. _____ YES NO Lot Number _____
- 4. _____ YES NO Lot Number _____
- 5. _____ YES NO Lot Number _____
- 6. _____ YES NO Lot Number _____
- 7. _____ YES NO Lot Number _____
- 8. _____ YES NO Lot Number _____
- 9. _____ YES NO Lot Number _____
- 10. _____ YES NO Lot Number _____

****Note: This form is to request the installation of multiway stops only.****

Cherokee County Neighborhood Traffic Control Program

Appendix C - Multway Stop Petition Form

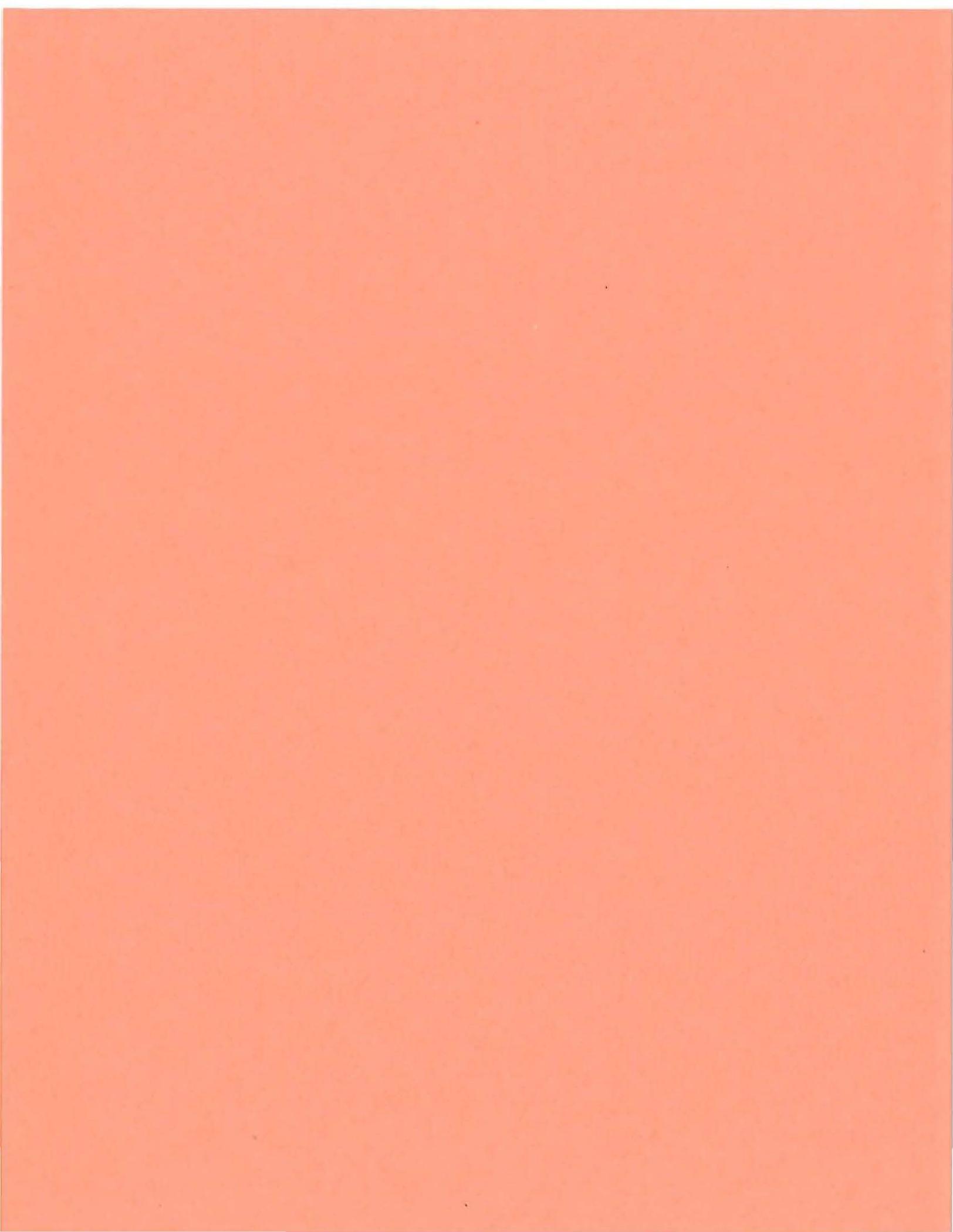
CHEROKEE COUNTY NEIGHBORHOOD TRAFFIC CONTROL PROGRAM: _____

SUBDIVISION NAME: Hembredge

Signing this petition certifies that you have read and understand the Neighborhood Traffic Control Program. Circle YES in support, NO if against, and signature must be as it appears on tax bill.

- | | |
|--|--|
| 1. <u>Scott M</u>
Signature
<u>Nelson, Scott</u>
Print Name (Last, First) | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>20</u>
<u>Maria Nelson</u>
Witness Signature |
| 2. <u>Maria Nelson</u>
<u>Maria Nelson</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>20</u>
<u>Sherry Allen</u> |
| 3. <u>Sherry Allen</u>
<u>Sherry Allen</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>21</u>
<u>Kelly Kuntz</u> |
| 4. <u>Tom Burnett</u>
<u>Burnett, Thomas</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>22</u>
<u>Kelly Kuntz</u> |
| 5. <u>Penny Crothers</u>
<u>Penny Crothers</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>25</u>
<u>Kelly Kuntz</u> |
| 6. <u>Kevin Harkke</u>
<u>KEVIN HARKKE</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>28</u>
<u>Kelly Kuntz</u> |
| 7. <u>Randy Ledford</u>
<u>Randy Ledford</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>52</u>
<u>Kelly Kuntz</u> |
| 8. <u>Dave Besson</u>
<u>Dave Besson</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>24</u>
<u>Kelly Kuntz</u> |
| 9. <u>Emily Beavers</u>
<u>Emily Beavers</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>5 & 6</u>
<u>Kelly Kuntz</u> |
| 10. <u>Joe B. Wauer</u>
<u>Joe B Wauer</u> | <input checked="" type="radio"/> YES <input type="radio"/> NO Lot Number <u>26</u>
<u>Kelly Kuntz</u> |

Note: This form is to request the installation of multway stops only.





Cherokee County, Georgia Agenda Request

SUBJECT: 2014-2018 CDBG Consolidated Plan
2014 CDBG Annual Action Plan

MEETING DATE: November 19, 2013

SUBMITTED BY: Marianne Pieper, CDBG Coordinator

COMMISSION ACTION REQUESTED:

Consider approval of the CDBG 2014-2018 Consolidated Plan and 2014 Annual Action Plan (Grant Application) in the amount of \$780,186 for submission to the U.S. Department of Housing and Urban Development [HUD].

FACTS AND ISSUES:

A 5-year Consolidated Plan and an Annual grant application are submitted to HUD as a prerequisite to receiving Community Development Block Grant Program [CDBG] funds. The 2014 Annual Action Plan represents the first year of the 2014-2018 Consolidated Plan and outlines the specific projects that are proposed for funding identified as priorities in the County's Consolidated Plan [see attached Activities Summary]. As in previous years the County is presenting this plan anticipating a reduction in funding (80% of the 2013 allocation) since Congress has not yet approved the CDBG funding. However, this submission includes a contingency to increase/decrease in the actual award will be pro-rated to each project.

The Annual Action Plan also submits a 3-year pre-award to CASA for the acquisition of a building to expand programming as advocates for neglected and abused children. According to CDBG pre-award regulations, Cherokee County may authorize a subrecipient to incur costs prior the effective date of the grant agreement and then after the effective date be reimbursed for those costs.

BUDGET:

Budgeted Amount:	\$780,186	Account Name: CDBG
Amount Encumbered:		Account #:
Amount Spent to Date:		
Amount Requested:		
Remaining Budget:		

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.

Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.

Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Approval of and submission of the 2014-2018 Consolidated Plan and 2014 Annual Action Plan to HUD.

REVIEWED BY:

DEPARTMENT HEAD: Marianne Pieper

AGENCY DIRECTOR: Jarrell Cook

COUNTY MANAGER: _____

MEMO

Date: October 22, 2013

To: Jerry Cooper
Janelle Funk
Ariana Freimuth

From: Marianne Pieper

Subject: CDBG Funding for 2014 Annual Action Plan

During the 2014 CDBG Application process, twelve organizations applied for funding. Eight (8) Public Facility applications totaling \$1,188,666 (Table 1) and seven (7) Public Service applications totaling \$227,160 (Table 2) were received. Table 3 represents changes in activities for the City of Holly Springs from prior year funding for 2010 and 2011. Including this change will omit a separate citizen comment period and BOC approval process.

In preparing the County's 2014 CDBG Annual Action Plan for submission to HUD, Congress has not passed the appropriations bill for the 2014 CDBG Funding. With the current political climate it is difficult to predict what will happen with CDBG funding. In past years when preparing the Annual Action Plan it included a decrease in funding from the prior year's Grant Award. Attachment A reflects the amount that could be allocated to Public Services, Public Facilities and Planning and Administration if CDBG funding is at 80% of the 2013 grant.

HUD has suggested that we prepare an Action Plan that indicates how the County will allocate the actual funding received. In the event of an increase/decrease, each organization funded could receive a prorated portion of the change as we did this year. A second option would be to add an organization that would receive the additional funding if received. By approving a contingency in the initial Action Plan, we would not have to take the revisions back to the BOC for approval.

A possible contingency plan:

1. Increase Planning and Administration by an amount not to exceed 20% cap.
2. Increase Public Services by a pro-rated amount not to exceed 15% cap.
3. Remaining amount to Public Facilities:
 - a. City of Canton – up to an additional \$ 72,109
 - b. City of Woodstock \$ 41,250
 - c. City of Ball Ground \$ 75,000
 - d. City of Holly Springs \$100,000

If unfunded in 2014, the public facilities would receive priority for 2015.

Please review the applications and provide me with your recommendations for funding. Let me know if you would like to discuss the activities further.

Cherokee County has received almost \$4.5 million in CDBG funds in its first five years as an entitlement jurisdiction.

Table 1
2014 Public Facilities Applications

AGENCY	DESCRIPTION	REQUESTED AMOUNT	TOTAL PROJECT AMOUNT	POSSIBLE FUNDING	NOTES
Bethesda Community Clinic	Acquisition of Additional Office Space	\$93,750	\$125,000	\$0	Addition of new suite to provide dental services and expansion of existing health facility.
City of Ball Ground	Water Line Abandonment	\$50,000	\$65,000	\$50,000	Locate and remove from service a two inch galvanized water line that runs from an unknown location on Terrell St., along Nix St., Blackwell St. and Old Canton Road. Identify existing HH served, disconnect and reconnect to an existing 6 inch water line.
City of Ball Ground	Well Development	\$75,000	\$105,000	\$0	Funds to assist with the drilling of a test well and the development of that well into a valid water source.
City of Canton	Water Line Replacement Brown Street/Bobby Bishop Drive	\$362,500	\$453,126	\$290,390	Replace the existing water lines containing lead, replace the existing sanitary sewer lines, and upgrade storm water collection. The sidewalk repair and street resurface are questionable for eligibility.
City of Holly Springs	Downtown Holly Springs Sanitary Sewer Project	\$100,000	\$750,000	\$0	Construction of a sanitary sewer gravity line, sanitary sewer force main and sewer lift station between Palm Street and Industrial property. This project will use CCWSA and SPLOST funds. CDBG Special Contract Conditions apply for water/sewer facilities and will require a lot of upfront Technical Assistance from HUD.
City of Woodstock	Bentley Parkway Stormwater Infrastructure Rehabilitation	\$48,750	\$65,000	\$48,750	Replacement of approximately 150 linear feet of corroded pipe underneath Bentley Parkway and the associated catch basins.
City of Woodstock	Goshen Lane Stormwater Infrastructure	\$41,250	\$55,000	\$0	Replace two catch basins across from each other along the entry drive and the associated pipe to better accommodate the storm water.
CASA	Acquisition of Bldg.	\$417,416	\$525,000	\$140,000	First year of pre-award. PY 2015 - \$140,000; PY - \$137,416
TOTAL PUBLIC FACILITIES		\$1,188,666	\$2,143,126	\$529,140	

**Table 2
2014 Public Service Applications**

AGENCY	DESCRIPTION	REQUESTED AMOUNT	TOTAL PROJECT AMOUNT	PROPOSED FUNDING	NOTES
Bethesda Community Clinic, Inc.	Partial Support or salaries for additional NP and RN	\$88,400	\$176,800	0	Increase the number of persons that the clinic can serve.
Boys & Girls Club	Mimms After-School Transportation	\$32,000	\$43,205	\$25,600	Transportation cost for transporting participants to club from school and for summer programs. Request contains \$10,320 for 25% of Executive Director Salary.
CASA for Children	Supervised Visitation Services	\$20,000	\$80,000	0	Have received Promoting Safe & Stable Family funding from DHS for salary support for Program. Need additional funding for travel costs, family activity expenses, monitoring equipment, insurance and operating costs.
Cherokee Family Violence	Children's Program	\$35,760	\$54,997	\$28,608	Proposed Children's program and funded Child Advocate to meet with mothers and child/ren to develop individual support plans
Child Advocacy Center	Partial support of Spanish/Portuguese speaking counselor	\$20,000	\$49,500	\$16,000	Provide services to Spanish/Portuguese children who have experienced child abuse
Goshen Valley Foundation	Goshen Valley Transportation Initiative	\$15,000	\$30,000	\$12,000	Acquisition of a new 12 passenger van to support the increase in the population at ranch.
North Georgia Angel House	Supervised visitation center	\$16,000	\$20,000	\$12,800	In 2014 changes made to the child welfare system under HB254. An increase in time and space required will be needed to accommodate this legislative change.
TOTAL PUBLIC SERVICES		\$227,160	\$454,502	\$95,008	

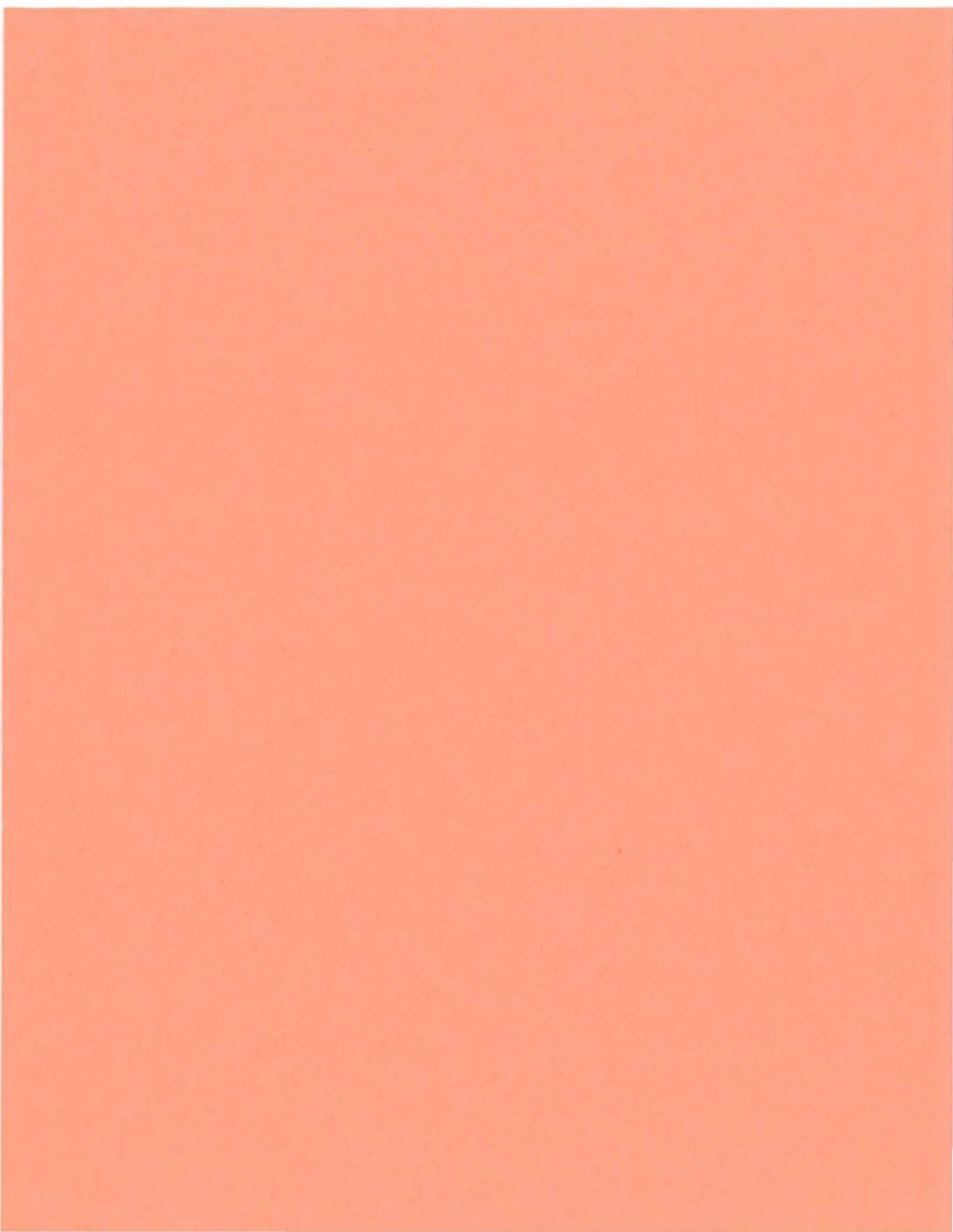
Note:

1. Possible funding is 80% of amount requested. Recommend increasing/decreasing by a pro-rata share of actual funding not to exceed 15% public service cap.

ATTACHMENT A

FY 2014 CDBG Program Considerations [80% of FY 2013 Grant Amount]

FY 2013 Grant Amount	\$975,232
FY 2014 ESTIMATED Grant Amount	\$780,186
Planning and Administration (20%)	\$156,038
Public Service Projects (12%)	\$95,008
Balance for Remaining CDBG Projects	\$529,140





Cherokee County, Georgia Agenda Request

SUBJECT: 2010 and 2011 Annual Action Plan Amendment MEETING DATE: November 19, 2013

SUBMITTED BY: Marianne Pieper, CDBG Coordinator

COMMISSION ACTION REQUESTED:

Consider approval of the Amendment to the 2010 and 2011 CDBG Annual Action Plan Amendment

FACTS AND ISSUES:

During the planning of the 2009-2013 CDBG Consolidated Plan, the City of Holly Springs was awarded an allocation in 2010 and 2011 CDBG funds totaling \$201,866 for an unidentified public facility. The City has requested that this funding be reallocated to two projects: Palm Street Repair and Resurfacing (\$91,000) and Holly Street Repair and Resurfacing (\$88,163). The remaining \$22,703 would be allocated to a future project.

BUDGET:

Budgeted Amount:	\$201,866	Account Name: CDBG
Amount Encumbered:		Account #:
Amount Spent to Date:	-0	
Amount Requested:	\$179,163	
Remaining Budget:		

Budget Adjustment Necessary: Yes No If yes, please attach budget amendment form.

Contract or Amendment: Yes* No *If yes, a Procurement Summary MUST be attached.

Ordinance/Resolution: Yes No

Note: Contracts (Other than County's Standard Agreements), ordinances & resolutions require prior review by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

Approval of reallocation of CDBG funds for two Holly Springs Infrastructure projects.

REVIEWED BY:

DEPARTMENT HEAD:

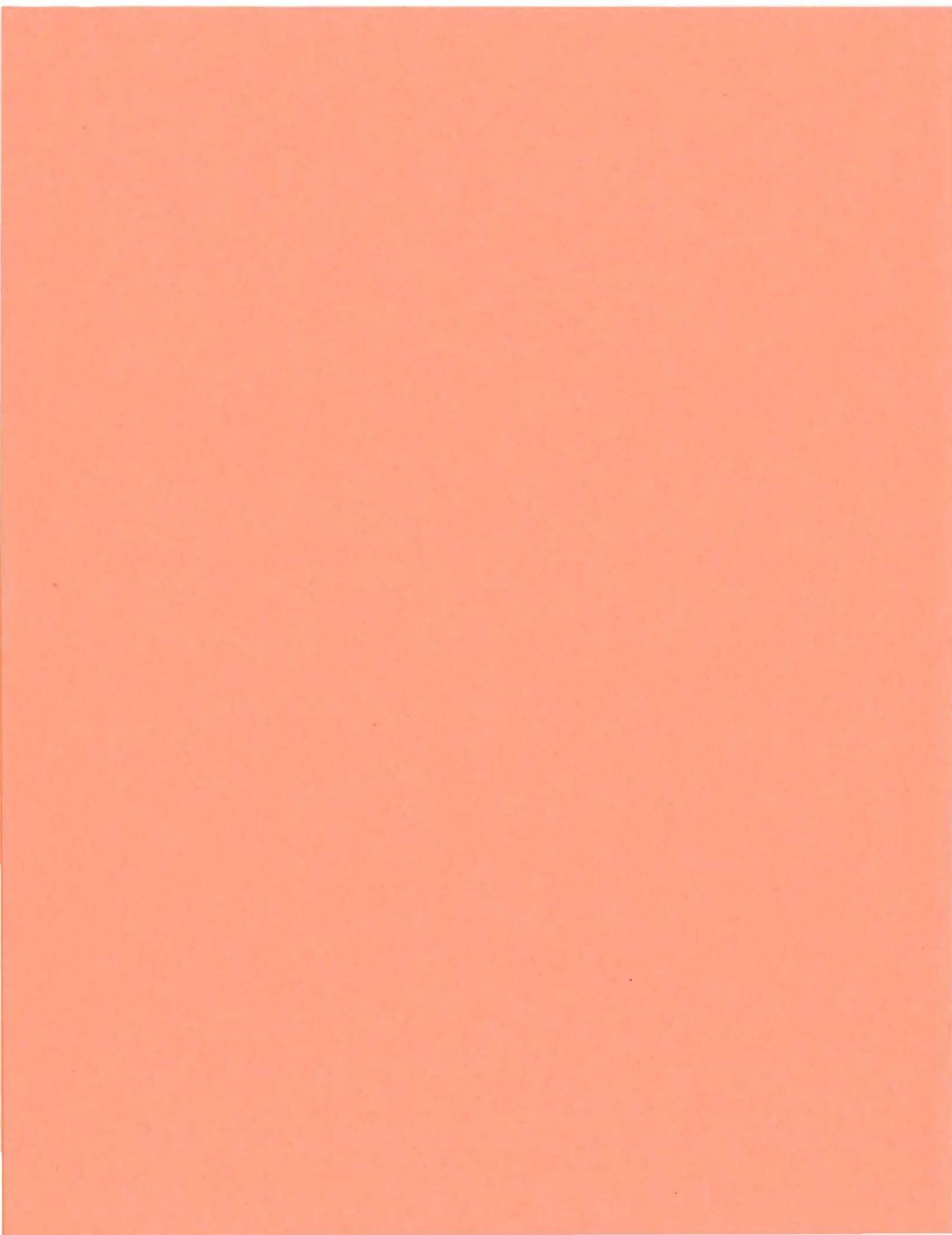
Marianne Pieper

AGENCY DIRECTOR:

Janelle Clark

COUNTY MANAGER

[Signature]





Cherokee County, Georgia Agenda Request

SUBJECT: Wellness - CHN
SUBMITTED BY: Jerry W. Cooper, County Manager

MEETING DATE: November 19, 2013

COMMISSION ACTION REQUESTED:

Consider recommendation of Benefits Committee, as follows: 1) Not renew contract with CHN, and 2) Discontinue the tobacco surcharge effective upon approval by BOC.

FACTS AND ISSUES:

The Wellness Program provided by Communit-Y Health Network (CHN) that began in November, 2011 has not produced desired results and the Benefits Committee recommends not renewing the contract for 2014. An evaluation of the CHN Wellness Program resulted in the following findings (details attached):

- 1) Seven (7) of eight (8) risk factors worsened from 2012 to 2013, including Total Cholesterol, Diastolic Blood Pressure, Systolic Blood Pressure, BMI, Glucose, and Smoking;
- 2) Per Employee per Month costs did not achieve the Target per contract. In 2012, the actual cost was \$587.98 PEPM, compared to the PEPM Target of \$578.54 – an increase of 1.6%. In 2013, the actual cost was \$627.87 PEPM, compared to the PEPM Target of \$614.44 – an increase of 2.2%; and,
- 3) The actual claims cost of Coached Participants increased from 2011 totaling \$617,556.64 to \$1,080,807 in 2013, which represents an increase of 75%. When adjusted for medical inflation, the costs increased from \$617,556.64 to \$812,531.10 – an increase of 31.6%.

The Benefits Committee discussed the value of Wellness Programs but did not believe CHN was the partner that could assist the County in achieving improved results. A plan will be forthcoming for BOC consideration that could include a partnership with Northside Hospital-Cherokee. In 2011, Northside Hospital-Cherokee conducted a Health Fare for employees that measured Blood Pressure, Glucose, BMI, Cholesterol, Weight, and Pulmonary function. Northside Hospital-Cherokee has expressed interest in providing two (2) health fares annually for employees at no cost to the County.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	
Amount Requested:	
Remaining Budget:	

Budget Adjustment Necessary: Yes No Note: If yes, please attach budget amendment form.
 Contract: Yes No Ordinance/Resolution: Yes No
 Note: Contracts, ordinances & resolutions require prior review and approval by County Manager and County Attorney.

ADMINISTRATIVE RECOMMENDATION:

1) Do not renew contract with CHN, and 2) Discontinue the tobacco surcharge.

REVIEWED BY:

DEPARTMENT HEAD: _____
 AGENCY DIRECTOR: _____
 COUNTY MANAGER _____

Jerry Cooper

To: Stacey D. Williams
Subject: RE: Benefits Committee Recommendations

From: Stacey D. Williams
Sent: Friday, November 15, 2013 1:27 PM
To: Jerry Cooper
Subject: Benefits Committee Recommendations

Jerry,

During today's Benefits Committee Meeting there were two recommendations voted on and approved with a unanimous vote of 14-0. There was much discussion on how wellness should continue for county employees which generated some very great ideas, but the Committee did not feel that continuing to use CHN as the county wellness provider was beneficial any longer. The two recommendations made by the Benefits Committee are as follows:

- 1) The recommendation will be to not renew the contract of CHN
- 2) The recommendation will be to discontinue the tobacco surcharge effective upon approval of the BOC

Let me know if you need anything else.

Thanks,

Stacey D. Williams
Director of Administrative Services
Cherokee Sheriff's Office
Office: 678-493-4134
Cell: 678-614-2302

Cherokee County Board of Commissioners

CHN Results

Source: CHN Health Management Aggregate Report & GBS Claims Data from BCBS

Risk Factor - Plan Wide	2012	2013	Improved/Worsened
Total Cholesterol > 200	31.30%	33.80%	Worsened
Diastolic Blood Pressure > 80	41.6%	44.1%	Worsened
Systolic Blood Pressure > 120	56.9%	57.5%	Worsened
BMI > 25	80.9%	81.2%	Worsened
Waist Circumference - Unhealthy	43.8%	43.3%	Improved
Glucose - Prediabetic/Diabetic	28.8%	31.1%	Worsened
Currently Smoke	9.3%	9.4%	Worsened

PEPM Target - Plan Wide	Target	Actual	Met/Did Not Meet
2012	\$578.54	\$587.98	Did Not Meet - 1.6% Over Target
2013	\$614.44	\$627.87	Did Not Meet - 2.2% Over Target
June 2013 YTD	\$614.44	\$597.02	Was meeting (below target until July, August, September)

Claims for 189 Coached Participants * Inflation Adjusted * Oct 1 - Sept 30

	Actual	Inflation Adjusted	Remove 1 Outlier
2011 Baseline	\$617,556.64	\$617,556.64	\$617,556.64
2012 Actual	\$856,404.33	\$807,929.61	\$646,859.29
2013 Actual	\$1,080,807.00	\$975,722.10	\$812,531.10

CHEROKEE COUNTY

PUBLIC HEARINGS AND PARTICIPATION

In accordance with law and policy, the Cherokee County Board of Commissioners frequently conducts Public Hearings on a number of matters and issues. These Public Hearing rules are intended to ensure that the public has the opportunity to participate fairly in the meeting while promoting the orderly, efficient, and effective flow of the meeting.

Policies and Procedures for Conducting Public Hearings

1. The Chairman shall announce the Public Hearing and call for motion and a second to open the Public Hearing; once approved by a vote of the majority, the Chairman will announce that the Public Hearing is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The Chairman shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The Chairman shall also inform the public that comments will only be received from the podium.
2. Members of the public who wish to speak must sign up on the form provided prior to the commencement of the Public Hearing. Members of the public are expected to adhere to the rules of decorum outlined herein and in the Civility Code and should be informed of such at the beginning of the Public Hearing by the Chairman. There should be no vocal or boisterous demonstrations which will disrupt the orderly flow of the meeting. Any person(s) engaging in this type of behavior shall be ruled out of order by the Chairman and shall, at his/her discretion, be removed from the building.
3. **Time.** Proponents and opponents are allowed fifteen (15) minutes per side to present data, evidence, and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. No petition shall be the subject of more than one (1) public hearing before the Board of Commissioners regardless of the number of times final action is deferred by the Board, unless a simple majority of members of the Board of Commissioners vote to conduct such additional public hearings. Speakers will be called as they appear on the sign up form. Additional time may be allotted for either side at the Board's discretion and upon a simple majority of affirmative votes of the Board. Clerk's Note: State Law Mandates that the time be at least 10 minutes per side. (O.C.G.A. § 36-66-5)
4. Once the Public Hearing has concluded, the Chairman shall so announce and call for a motion and a second to close the Public Hearing; after an affirmative vote by a majority of the Board, the Board may convene into regular session to make its decisions.
5. As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, or unless the Board, by a simple majority of affirmative votes, has decided that public participation is necessary in its deliberative process. The Board shall follow its Public Hearing rules when such participation is warranted.
6. Public Hearings will be advertised in the newspaper of general circulation (County's Legal Organ), at least 15 days, but no more than 45 days prior to the date of the hearing.
7. The only exception to this will be public hearings pertaining to the budget or as otherwise governed by State Law. Any amendment to these rules of order by a Commission Member shall be submitted to the Clerk in writing one week before the designated meeting. The proposed amendment shall be included on the agenda for that meeting and distributed to all Board Members. All amendments require a simple majority of affirmative votes by the Board for adoption.
8. Public Hearings are hereby required for Zoning Ordinance modifications; adoption of the annual budget; setting of the millage rate; and other matters as required by State law or at the request of the Cherokee County Board of Commissioners.

STATE OF GEORGIA
COUNTY OF CHEROKEE COUNTY

CHEROKEE COUNTY BOARD OF COMMISSIONERS
POLICY NO. 03- P- 01

PUBLIC COMMENT POLICY

In 1999, the Cherokee County Board of Commissioners established a public input policy, to welcome citizen comment and attendance. The following is a revised edition of that policy. The original Policy No. 99-P-1 is hereby rescinded.

(1)

The Cherokee County Board of Commissioners does hereby establish a policy that “**Public Comment**” is invited and encouraged. However it must be made known that the Cherokee County Board of Commissioners will not participate in a public debate regarding any item of public comment.

(2)

Therefore, it is the policy of Cherokee County that time for public comment will be set aside for each regularly scheduled meeting. **If the item you wish to speak about is on the agenda, it will be at the discretion of the Board as to whether you will be allowed to speak.**

(3)

At both regular meetings, a fifteen (15) minute period, after the approval of the minutes of the previous meeting, will be set aside for public comment. Persons wishing to address the Board of Commissioners shall be required to sign up at a designated area on a sign up sheet provided before the meeting, giving their name and the topic of interest; the number of citizens appearing will be limited to five (5) on a first come first-served basis and will be limited to three (3) minutes per presentation. Their comments must be limited to their chosen topic. Only items pertaining to County business may be brought before the Board. The speaker is required to state their name and location in the County and whether he/she is speaking for himself/herself or for another.

(4)

Any person or persons, organization or group wishing to be put on the agenda and address the Board of Commissioners during a public appearance at which either official action will be considered or requested are required to submit a written request to their Post Commissioner, and the County Clerk, explaining the nature of the request, at least seventy-two (72) hours prior to said meeting.

(5)

Members of the public shall not make inappropriate, offensive, insulting or malicious remarks while addressing the Commissioners during public comment. All remarks shall be made to the Commission as a body and addressed through the Chair. Remarks shall not be made to a particular Commissioner.

(6)

A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed out of order; a person, once barred for improper conduct, shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows; in the event a speaker thus barred fails to obey the ruling, the Chair may take such action as is deemed appropriate. The Chairman may bar a person from addressing Commission meetings for up to thirty (30) days for improper conduct

As revised this 6th day of May, 2003.

STATE OF GEORGIA)
COUNTY OF CHEROKEE)

RESOLUTION NO. 2013-R-033

A RESOLUTION ADOPTING RULES OF PROCEDURE

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Cherokee County Board of Commissioners desires to adopt a set of rules to govern the conduct of the Board of Commissioners with respect to scheduling and conducting its meetings;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

I. ADOPTION OF RULES OF PROCEDURE

The Cherokee County Board of Commissioners hereby adopts the Rules of Procedure, which is attached hereto as Exhibit "A" (the "Rules of Procedure") and incorporated herein.

II. SEVERABILITY

If any portion of this Resolution shall be held invalid or unconstitutional, the other provisions of this Resolution shall not be affected, and thus, the provisions of this Resolution are declared severable.

III. REPEALER

Any other Cherokee County Ordinance, Resolution, policy, rule, or local law, or portion thereof, now in effect, that is in conflict with any of the provisions of this Resolution, is hereby repealed.

IV. EFFECTIVE DATE

This Resolution shall become effective on the date it is passed by the Board of Commissioners.

SO RESOLVED this ____ day of November, 2013.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

ATTEST:

Christy Black, County Clerk
(SEAL)

**CHEROKEE COUNTY BOARD OF COMMISSIONERS
2013 RULES OF PROCEDURE**

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Parliamentary Definitions

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Cherokee County Boards and Committees List

1.0 OPERATIONAL PROCEDURE

SECTION 1.01 MEETINGS

1.01.01 Regular Meeting/Public Hearings, Work Sessions and Special Called Meetings of the Cherokee County Commission (also referred herein as the "Commission," the "Commissioners" or the "Board"). Regular Meeting/Public Hearings and Work Sessions are scheduled recurring meetings of the Commission to conduct or discuss the ongoing business of the County. Special Called Meetings are to conduct emergency business and the Chairman, a majority of the Board, the County Manager, or the County Attorney may call for a Special Called Meeting.

1.01.02 An **Adjourned Meeting** is a continuation of the meeting immediately preceding, whether a regular or special meeting:

- a. If the scheduled business of the Commission is not completed due to time constraints or emergency, the meeting shall be adjourned to the following day or a specific day scheduled by the Commission to allow for the completion of pending business;
- b. In an adjourned meeting (regular or special), only business which would have been proper to consider at that meeting may be considered and acted upon at the adjourned meeting;
- c. Adjourned meetings resume business under the same rules, limitations and rights as the original meeting from which it was adjourned;
- d. The continuation of a public hearing will be allowed provided it is postponed to a certain date.

1.01.03 Executive session meetings shall be conducted in accordance with O.C.G.A. Section 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time.

SECTION 1.02 QUORUM

Any three (3) of the district Commissioners shall constitute a quorum for any meeting of the Cherokee County Commission.

1.02.01 If a quorum is not present thirty (30) minutes following the scheduled hour for convening, the chairman or the vice-chairman, or in their absence, the second vice-chairman (or his/her designee), may adjourn the meeting. By unanimous consent, those present may select another hour and day for the meeting.

- 1.02.02** If during the meeting there ceases to be a quorum, all business must stop, except that the Board, by majority, votes to be recorded in the minutes (naming those present at the time of the vote) may:
- a. Set another day at which to reconvene;
 - b. Adjourn and return at the next regular meeting; and
 - c. Recess to determine if a quorum will be present within a short period of time.

SECTION 1.03 CHAIRMAN

1.03.01 The chairman shall have the same rights and privileges of the other Commissioners and no other authority above and beyond any other commissioner, except as described below.

As a facilitator and guide to the Board, the chairman, in conjunction with the Board, should work to establish and implement the vision, mission, and values of the community.

The chairman's primary responsibility is to insure efficient and productive meetings of the Board with his/her duties to include:

- a. Presiding over meetings of the Commission;
- b. Calling the meeting to order at the scheduled hour;
- c. Determining that a quorum is present;
- d. Preserving decorum and order at all meetings;
- e. Making the Commissioners aware of the substance of each motion;
- f. Calling for the vote;
- g. Announcing the results of each vote; and
- h. Calling for a recess at such times as deemed advisable.

1.03.02 The chairman, upon approval of a simple majority vote, may appoint representatives from the Board to serve on various committees and as liaison to various departments.

The chairman, or his/her designee, may serve as a representative of the Board of Commissioners at various local, regional or state groups, boards or events.

The chairman may succeed himself/herself. The chairman can make motions, debate, and vote or abstain on motions.

1.03.03 The chairman shall exercise other duties as prescribed under Georgia law.

SECTION 1.04 VICE-CHAIRMAN

By tradition, the vice-chairman rotates among the district commissioners. Officially, he or she shall be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The vice-chairman shall serve for a period of one year and shall assume the duties of the chair in the absence of the chair.

The vice-chairman shall have the same rights and privileges of any other commissioner and no other authority above and beyond any other commissioner.

SECTION 1.05 SECOND VICE-CHAIRMAN

By tradition, the second vice-chairman position rotates among the district commissioners, with the second vice-chairman becoming the vice-chairman in the subsequent year. Officially, he or she shall be elected by a majority of the Board no sooner than the first meeting in January of each year and no later than the second meeting in January of each year. The second vice-chairman shall serve for a period of one year and shall assume the duties of the chair in the absence of the chair and the vice-chair.

The second vice-chairman shall have the same rights and privileges of any other commissioner and no other authority above and beyond any other commissioner.

SECTION 1.06 MINUTES

1.06.01 All actions of the Commission, except for actions described in the O.C.G.A., Section 50-14-3 and Section 50-14-4, or as these sections may be amended from time to time, shall be accurately recorded by the clerk (or his/her designee) in the minutes which shall include:

- a. All main motions, exactly as worded when adopted (including amendments or stipulations);
- b. The name of the maker of all important motions.
- c. Disposition of all main motions, whether
 - 1) Adopted;

- 2) Defeated;
 - 3) Referred to committee or to staff for further information or recommendation; and
 - 4) Held until _____ (a definite time/date).
- d. How each commissioner voted.
 - e. Commissioner's comments (these are only printed in the minutes if, when requested by the commissioner, the majority votes to have the remarks included).

1.06.02 The responsibility for correcting and approving the minutes shall be vested only in the members of the Commission. The minutes shall be adopted at the next regular meeting of the Board. The minutes of each meeting shall indicate their subsequent approval/correction. The minutes may be corrected whenever an error is noticed regardless of the time which has elapsed. The Board may correct the minutes of a previous meeting prior to the adoption with a majority approval of the Board. The Board may otherwise correct errors in minutes that have been adopted with a majority approval of the Board.

1.06.03 The County Clerk or the Deputy County Clerk shall attest to the Minutes.

SECTION 1.07 AGENDA

- a. An agenda for the Regular Meetings/Public Hearings will be prepared by the County Manager with the advice of the Commissioners. Drafts of the agendas will be available to the Commissioners no later than noon of the Friday preceding the Regular Meeting. Any Commissioner may place an item, including providing all backup and supporting documentation, on the agenda by cutoff time which is 4:00 PM on the Friday preceding the Regular Meeting.
- b. An agenda for the Work Session will be prepared by the County Manager with the advice of the Commissioners. Drafts of the Work Session agenda will be available to the Commissioners no later than noon of the Friday preceding the Work Session. Any Commissioner may place an item, including providing all backup and supporting documentation, on the agenda by cutoff time which is 4:00 PM on the Friday preceding the Work Session.
- c. While it is usual for unfinished business (that referred or held from another meeting) to be considered prior to new business, the order of business listed in any published agenda may be changed when it seems advisable to a majority of the Commission.

d. After the cutoff time for either Regular Meetings or Work Sessions, no additional items shall be added to the agenda other than those deemed necessary for the operation or functioning of the County as recommended by the County Manager, County Attorney, or any two Commissioners. Any item added to the agenda after the cutoff time but prior to formal publication of the agenda will be included in the published agenda, but support and backup documentation will only be inserted into the Commissioners' agenda books if the County Clerk has adequate time to make such additions. If backup documentation is not included in the agenda books due to time constraints, the party(ies) seeking the late addition shall be required to utilize best efforts to distribute backup documentation to Board members. An item that is proposed to be placed on the agenda after the publication of the agenda, may be so placed only if in conformance with Section 1.07.02.

1.07.01 All items contained in the **consent agenda** may be voted on en gross. The County Manager shall determine suitable items for the consent agenda. Prior to voting on the consent agenda, any commissioner may remove an item from the consent agenda and place it on the regular agenda for discussion.

1.07.02 A **non-agenda item** shall be defined as that which is deemed by a Commissioner to require urgent attention but has not been placed on the published agenda. Such a non-agenda item may be added to any Regular Meeting/Public Hearing or Work Session meeting agenda subject to the following conditions:

a. Adequate information, including the specific topic, shall be given on any items requested to be added as non-agenda items.

b. A majority shall be required to add a non-agenda item.

1.07.03 A majority vote shall be required to postpone or remove any published agenda item, except as otherwise provided in Sections 1.07(a) and (b) of these rules.

1.07.04 Subject to the priority of Motions set forth in Section 3.01, at any time during a Regular Meeting/Public Hearing an agenda item may be postponed, tabled, or moved to a future Regular Meeting/Public Hearing or Work Session agenda by a majority vote.

SECTION 1.08 VOTING

1.08.01 Formal voting on Board matters will ordinarily occur only during a **Regular Meeting/Public Hearing** or during a **Special Called Meeting**. Any votes taken during a **Work Session** will ordinarily be for procedural purposes, such as authorizing placement of such item to the agenda of a Regular meeting/Public Hearing.

- 1.08.02** All votes shall be taken by voice vote or show of hands. An affirmative vote of a majority of the members of the Board in attendance shall be required to adopt a motion unless otherwise noted in this document.
- 1.08.03** A tie vote shall cause all **procedural motions** to be defeated. A tie vote on a **main motion** shall keep the motion as pending before the Board and the motion shall be rescheduled for another time.
- 1.08.04** No commissioner who is present at any meeting of the Commission at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting in regard to any decision, ruling or act except when, with respect to any such commissioner, there is or appears to be a possible conflict of interest as described in the Cherokee County Ethics Ordinance. In such cases, the abstaining commissioner shall give his/her reason for abstaining.
- 1.08.05** Any vote taken on an intergovernmental agreement shall require two readings prior to a vote by the Board of Commissioners, and a super-majority vote for passage of the intergovernmental agreement.
- 1.08.06** A County-initiated rezoning of land shall be permissible. However, prior to placement of the legal advertisement for such a rezoning in the legal organ, a majority of the Board of Commissioners shall be required to authorize placement of such legal advertisement. A vote in favor of placement of the legal advertisement for a County-initiated rezoning shall not be deemed nor construed as a vote in favor of the rezoning itself. If a proposed County-initiated rezoning is related to an item that is otherwise a permissible topic for Board discussion during a closed meeting, the requisite authority to commence the legal advertisement may be provided in closed session without the requirement of a formal vote in open session.

SECTION 1.09 PUBLIC PARTICIPATION IN BOARD MEETING

The Cherokee County Board of Commissioners welcomes visitors to board meetings and is willing to hear any person or persons desiring to appear before the Board who is not currently an announced candidate for public office or a salaried member of the county staff. However it must be made known that the Cherokee County Board of Commissioners will not participate in a public debate regarding any item of public comment.

- 1.09.01** Persons wishing to address the Board shall do so during the **Public Comment Portion** of the agenda.
- a. At each regular meeting of the Commission, a fifteen (15) minute period, will be set aside for public comment. Persons wishing to address the Board of Commissioners shall be required to sign up at a designated

area on a sign-up sheet provided before the meeting, giving their name and the topic of interest; the number of citizens appearing will be limited to five (5) on a first come first-served basis and will be limited to three (3) minutes per presentation. Comments must be limited to chosen topic and must pertain to County business. The speaker is required to state their name and location in the County and whether he/she is speaking for himself/herself or for another.

- b. Any person or persons, organization or group wishing to be put on the agenda and address the Board of Commissioners during a public appearance at which either official action will be considered or requested are required to submit a written request to their District Commissioner, and the County Clerk, explaining the nature of the request, at least seventy-two (72) hours prior to said meeting.
- c. Members of the public shall not make inappropriate, offensive, insulting or malicious remarks while addressing the Commissioners during public comment. All remarks shall be made to the Commission as a body and addressed through the Chair. Remarks shall not be made to a particular Commissioner.
- d. A person may be barred from further speaking before the Commission in that meeting if his/her conduct is deemed out of order; a person, once barred for improper conduct, shall not be permitted to continue or again address the Commission in that meeting unless a majority vote of the Commission allows; in the event a speaker thus barred fails to obey the ruling, the Chair may take such action as is deemed appropriate. The Chairman may bar a person from addressing Commission meetings for up to thirty (30) days for improper conduct.

1.09.02 Persons wishing to address the Board in duly advertised Public Hearings shall do so in the Public Hearing portion of the agenda.

- a. The Chairman shall announce the Public Hearing and call for motion and a second to open the Public Hearing; once approved by a vote of the majority, the Chairman will announce that the Public Hearing is now open and should call forth those persons who wish to speak in favor, against, or otherwise on the particular issue. The Chairman shall inform the public that all comments by proponents, opponents, or the public shall be made from the podium and that any individual making a comment should first give their name and address. The Chairman shall also inform the public that comments will only be received from the podium.
- b. Members of the public who wish to speak must sign up on the form provided prior to the commencement of the Public Hearing. Members of

the public are expected to adhere to the rules of decorum outlined in these Rules of Procedure and should be informed of such at the beginning of the Public Hearing by the Chairman. There should be no vocal or boisterous demonstrations which will disrupt the orderly flow of the meeting. Any person(s) engaging in this type of behavior shall be ruled out of order by the Chairman and shall, at his/her discretion, be removed from the building.

- c. Time. Proponents and opponents are allowed fifteen (15) minutes per side to present data, evidence, and opinions. Each side's time period may be divided among multiple speakers in whatever manner desired. No petition shall be the subject of more than one (1) public hearing before the Board of Commissioners regardless of the number of times final action is deferred by the Board, unless a simple majority of members of the Board of Commissioners vote to conduct such additional public hearings. Speakers will be called as they appear on the sign up form. Additional time may be allotted for either side at the Board's discretion and upon a simple majority of affirmative votes of the Board. Clerk's Note: State Law Mandates that the time be at least 10 minutes per side. (O.C.G.A. § 36-66-5).
- d. Once the Public Hearing has concluded, the Chairman shall so announce and call for a motion and a second to close the Public Hearing; after an affirmative vote by a majority of the Board, the Board may convene into regular session to make its decisions.
- e. As a general rule, members of the public do not speak on agenda items unless those items have been advertised for public hearing, or unless the Board, by a simple majority of affirmative votes, has decided that public participation is necessary in its deliberative process. The Board shall follow its Public Hearing rules when such participation is warranted.
- f. Public Hearings will be advertised in the newspaper of general circulation (County's Legal Organ), at least 15 days, but no more than 45 days prior to the date of the hearing.
- g. The only exception to this will be public hearings pertaining to the budget or as otherwise governed by State Law.
- h. Public Hearings are hereby required for Zoning Ordinance modifications; adoption of the annual budget; setting of the millage rate; and other matters as required by State law or at the request of the Cherokee County Board of Commissioners.

SECTION 1.10 APPOINTMENTS OF THE BOARD

1.10.01 Appointments by the Board of Commissioners are made by one of the following:

- a. Individual Commissioner appointment: such candidate is appointed by the District Commissioner and requires no vote; or
- b. Board of Commissioners appointment: such candidate must be elected by a majority of the Board.

1.10.02 Cherokee County's Boards and Committees List, outlining appointment type and term information is attached as Appendix "B".

2.0 DECORUM OF DEBATE

The following practices shall be followed in the discussions (debate) on motions and matters presented to the Board of Commissioners.

SECTION 2.01 ADHERENCE TO AGENDA

In discussion, the remarks made by the Commissioners shall be confined to the motion or matters immediately before the body.

SECTION 2.02 DISCUSSION OF THE ISSUE

In discussion, a commissioner may condemn the nature or likely consequences of the proposed measure in strong terms, but must avoid personalities, and under no circumstances may he/she attack or question the motives of another commissioner or staff. The issue, and not a person shall be the item under discussion.

SECTION 2.03 CALL TO ORDER, REMARKS

The chair shall immediately call as “out of order” any remarks made in regards to comments outside the issue being addressed; or another commissioner may call this breach of procedure to the attention of the chair and other Commissioners. In either case, the errant commissioner shall immediately cease the breach of decorum and continue with his/her remarks confined to the remarks confined to the issue.

SECTION 2.04 DISCUSSION THROUGH THE CHAIR

All discussion shall be made through the chair, and one commissioner may not interrogate another commissioner or person speaking from the public except through the chair (or with the permission of the chair).

SECTION 2.05 EQUAL OPPORTUNITY

After a commissioner has spoken or asked questions on a matter before the Commission, other commissioners shall be given the opportunity to speak. If no other commissioner wishes to speak to the issue, the commissioner may continue speaking to the issue.

SECTION 2.06 DISRUPTIONS

During discussion or voting, a commissioner shall not disturb the other Commissioners in any way that may be considered disruptive to the proceedings or hamper the transaction of business.

SECTION 2.07 CALL TO ORDER, ACTION

The chair may rule as “out of order” any action deemed inappropriate or dilatory and may interrupt a speaker for reasons deemed necessary by the chair. The chairman shall say, something to the effect of, “Commissioner, those remarks are out of order. Please cease this line of comments and restrict your comments to the inquiry and the merits of the agenda item.”

3.0 PROCEDURE IN MEETINGS

SECTION 3.00 MOTIONS

Prior to taking the vote, the chair, or at his/her request the clerk, should re-state the motion (or resolution) or its substance.

SECTION 3.01 RANKING MOTIONS

These motions shall take precedence in order in which they are listed below:

- a. Adjourn;
- b. Recess;
- c. Motions of privilege;
- d. Call the question;
- e. Limit discussion or debate by the Commission;
- f. Hold until a time certain;
- g. Refer back to staff/committee; or refer to staff/committee;
- h. Amend;
- i. Main motion.

3.01.01 A **main motion** shall be a motion whose introduction brings business before the Commission. Main motions require a second and will fail in the absence of a second.

- a. Possible **dispositions** of a main motion include:
 - 1) Adopt;
 - 2) Amend and adopt with amendments (or stipulations);
 - 3) Defeat;
 - 4) Refer to staff/committee;
 - 5) Hold until (a definite time).
- b. Incidental motions such as consider en gross, consider by paragraph, or divide the motion (each described in Section 3.03) may also be applied to main motions.

3.01.02 Concerning the **amending** of particular motions:

- a. If a commissioner feels that the main motion might be more acceptable in a way other than the way presented, the commissioner may amend through substitution, insertion of stipulations, striking out portions, or striking out and inserting portions. Such proposed amendments shall require a second, allow for discussion, and require a majority vote on the proposed amendment.
- b. If a proposed amendment fails to obtain a majority vote, the main motion considered shall be the one originally presented.
- c. An amendment must be germane (relating to the substance of the main motion) and may not introduce an independent question.
- d. Improper amendments shall be:
 - 1) one which is not germane;
 - 2) one which would make the adoption of the amended motion equivalent to a rejection of the motion;
 - 3) one which is frivolous or absurd.

3.01.03 If the Commissioners feel that adequate information has not been given, the Board may, by majority vote, **refer** the motion to staff (or an agency, committee, etc.) for more information. A date may be set for hearing the additional information or it may be open-ended. This motion shall require a second and shall be debatable only as to whether or not it shall be referred to whom it shall be referred, or when the person to whom it is referred shall report back. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to refer.

3.01.04 A motion to **hold to a time certain (postpone)** may be used if a majority of the Commission feels that the motion before them should be considered at a more convenient time or if the discussion shows that a final decision should be made at a later time or date. This motion shall be used if the Commissioners themselves feel that they may obtain information that is needed or that the facts as presented are not adequate for their final vote. A second shall be required and discussion shall be limited to the reason for holding the motion or the time to which it is to be held. If the motion fails, the motion to be considered shall be that motion which was on the floor prior to the motion to hold.

The continuation of a public hearing will be allowed provided it is postponed to a certain date.

- 3.01.05** If a commissioner feels that a set period of time for discussion of a motion should be adopted as to time for the motion as a whole, or as to individual time given, the commissioner may move to “**limit discussion (or debate)** to minutes.” This motion shall require a second and no discussion on the motion shall be allowed. It shall require a super-majority vote to adopt.
- 3.01.06** A commissioner may “**call the question**” (a motion to end discussion) when it is clear that further discussion is unnecessary or that discussion is becoming repetitive. This motion shall require a second and no discussion on the motion shall be allowed. It shall require a super-majority vote to adopt.
- 3.01.07** If any matters occur such as to impede a commissioner in attending to the business, e.g., too much noise, the microphone not working, matters that affect the safety, orderliness, or comfort of the Commissioners, or affects the honor of an individual commissioner, such commissioner may state to the chairman that he/she has a **question of privilege** and the matter must be addressed before the pending business of the Commission continues. No vote is required unless a motion arises out of the privilege.
- 3.01.08** A **recess** may be taken as it appears on the agenda or declared by the chair when he/she deems it advisable or by a motion from a commissioner. If the motion is made by a Commissioner, a second and an affirmative majority vote shall be required to recess.
- 3.01.09** The highest-ranking motion shall be the motion to **adjourn**, requiring a second and majority vote with no discussion allowed, except that the motion shall contain a time to hear any non-completed items on the agenda, if such exist. If all business on the agenda has been completed, the chair may assume the motion and, without a second, obtain unanimous consent to adjourn.

SECTION 3.02 MOTIONS USED TO BRING BACK AN ISSUE

Except as otherwise provided by law, if a commissioner wishes to bring back to the Board a matter which has been adopted, he/she may do so through the motions to reconsider, rescind and amend something previously adopted. These shall have the same rank as a main motion.

- 3.02.01** If a commissioner wishes to amend an action taken at a previous meeting, the **Motion to Amend Something Previously Adopted** shall be followed and may be used by any commissioner regardless of how he/she originally voted. This motion shall be used when the Commission desires to change only a part of the text or to substitute a different version for a matter that was previously adopted. A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A super-majority vote shall be required if the item is not on the official agenda

A Motion to Amend cannot be used when something has been done as a result of the vote to implement the earlier action adopted that is impossible to undo. (The unexecuted part of an order, however, can be amended.)

3.02.02 If in the same meeting, new information or changed situations make it appear that a different result might reflect the will of the Board, any commissioner (regardless of how he/she originally voted on the matter) may move to **Reconsider the Vote**. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision but simply shall propose that the motion be reopened for discussion and another vote taken. A second shall be required to this motion and discussion shall be allowed as to the reasons for wishing to reconsider the vote. A majority vote shall be required to adopt the motion to reconsider.

3.02.03 If a Commissioner wishes to annul an action taken at a previous meeting, the motion to **Rescind** may be used by any commissioner regardless of how he/she originally voted on the matter. The motion to rescind shall require prior notice at a regularly scheduled meeting of the intent to rescind a motion at the next scheduled meeting. The motion to rescind shall not be in order if:

- a. the motion to reconsider has already been made and defeated at the same meeting;
- b. the matter is routine and only part of the action needs to be changed, in which case the motion to “amend something previously adopted” shall be used;
- c. something has been done as a result of the vote to implement the earlier action adopted that is impossible to undo. (The unexecuted part of an order, however, can be rescinded.).

A second shall be required and full discussion shall be allowed. If the item has been listed on the published agenda, a majority vote shall be required for adoption. A super-majority vote shall be required if the item is not on the official agenda

SECTION 3.03 INCIDENTAL MOTIONS

Incidental motions have no rank but shall be decided immediately before business may proceed and may be used throughout the meeting as follows:

3.03.01 Point of Information is a request, directed to or through the chair, for information relevant to the business at hand, but not related to parliamentary procedure.

3.03.02 A commissioner may call for a **Point of Order** if he/she believes that the chair has failed to notice a breach in the rules. The point of order shall require the chair to make a ruling on the question involved.

3.03.03 Whenever a commissioner believes that the chair is mistaken in his/her ruling, a commissioner may **Appeal the Chair's Decision**. An appeal shall require a second and shall be debatable with the chair speaking first to explain his/her ruling. The chair may also close out the debate with a statement defending the ruling. An appeal may be made only on a ruling and may not be made:

- a. in response to a parliamentary inquiry or point of information.
- b. in areas that challenge verifiable rulings of factual nature.

The chair shall state the motion as "Shall the chair's decision be sustained?" A tie vote shall sustain the chair because a majority of those voting shall be required to overturn the chair's ruling.

3.03.04 A **Parliamentary Inquiry** is a question directed to the chair to obtain information on a matter of parliamentary law or the rules of the Commission. The chair will answer such questions or may ask the county attorney or parliamentarian for an opinion. The chair's reply, whether or not he/she has requested advice from the county attorney or parliamentarian, is an opinion, not a ruling. If a commissioner does not agree with the chair's opinion, he/she may act in a way contrary to this opinion and if ruled out of order may then appeal the chair's ruling. The chair is not obligated to respond to hypothetical questions.

3.03.05 If the motion presented contains two (2) or more parts capable of standing as separate motions, a commissioner may move to **"Divide the Motion."** This motion shall require a second and discussion shall be allowed only on why it should or should not be divided. A majority vote shall be required to adopt the motion to "divide the motion."

3.03.06 If a main motion is in the form of a resolution or document containing several paragraphs or sections which are not separate motions but could be discussed more efficiently if discussed in sections, a motion to **Discuss by Paragraphs, Sections, or Numbered Agenda Items under a "tab"** may be made. A second shall be required and discussion shall be brief as to the necessity for the action. A majority vote shall be required to "consider by paragraphs, Sections, or numbered agenda items under a 'tab'."

3.03.07 Once a motion has been moved and seconded, the maker of the motion has the right to withdraw the motion, in which case, the second is deemed automatically withdrawn.

3.03.08 If a commissioner feels that time could be saved by acting on all of the agenda items under a "tab," he/she may move that it be "**Considered en Gross.**"

4.0 PARLIAMENTARIAN

The county attorney or his/her designee shall serve as parliamentarian and shall advise and assist the chair and the Commission in matters of parliamentary law. A professional parliamentarian may be consulted as deemed necessary.

5.0 PARLIAMENTARY AUTHORITY

The latest edition of **ROBERT'S RULES OF ORDER NEWLY REVISED** shall govern meetings of the Cherokee County Board of Commissioners in all areas in which it is applicable and in which it is not inconsistent with these rules adopted by the Commissioners or higher law.

6.0 AMENDMENTS

These rules may be amended by a super-majority vote of the entire Commission at a regular meeting or special meeting of the Cherokee County Board of Commissioners, provided notice has been given of the amendment(s) at the meeting prior to the vote on the amendment(s).

APPENDIX “A”

Parliamentary Definitions

The following parliamentary definitions apply to the **RULES OF PROCEDURE FOR THE CHEROKEE COUNTY BOARD OF COMMISSIONERS**.

Adjourn – to officially terminate a meeting

Adjourned meeting – a meeting that is a continuation at a later time of a regular or special meeting

Adopt – to approve or pass by whatever vote is required for the motion

Affirmative vote – a vote in favor of the motion as stated

Agenda – the official list of items of business planned for consideration during the meeting

Approval of minutes – formal acceptance of the record of a meeting, thus making this record the official minutes of the Commission

Board – the Cherokee County Board of Commissioners

Chair – the presiding commissioner

Clerk – the duly appointed County Clerk or Assistant Clerk

Commission – the Cherokee County Board of Commissioners

Commissioner – any person elected to that position

Common parliamentary law – the body of rules and principles that is applied by the courts in deciding litigation involving the procedure of any organization; does not include statutory law or particular rules adopted by any organization or board

Convene – to open a meeting

Debate – formal discussion of a motion under the rules of parliamentary law and more often herein referred to as discussion

Defer or hold – to delay action by referring the motion to staff (or an agency, committee, etc) for more information, or by postponing a vote to a certain time

Demand – an assertion of a parliamentary right by a commissioner

Dilatory motions or tactics – misuse of procedures or motions that are out of order or would delay or prevent progress in a meeting

Floor – when a person received formal recognition from the chair, he/she “has the floor” and is the only person entitled to speak

Germane amendment – an amendment relating directly to the motion to which it is applied

Germane discussion – discussion relating directly to the matter involved

Hearing – a meeting for the purpose of listening to the views of an individual or of a particular group on a particular subject

In order – permissible and right from a parliamentary standpoint

Majority vote – an affirmation vote of at least three (3) Commissioners, one of which may be the chair

Minutes – the legal record of the action of the Commission after the record has been approved by vote of the body

Motion – a proposal submitted to the Commission for its consideration and decision; it is introduced by the body

Objection – the formal expression of opposition to a proposed action

Order of business – the adopted order in which the business is presented to the meeting of the Commission

Out of order – not correct, from a parliamentary standpoint, at the particular time

Pending motion- sometimes referred to as pending question; a motion that has been proposed and stated by the chair for the Commission’s consideration and that is awaiting decision by vote

Precedence – the rank or priority governing the motion

Precedent – a course of action that may serve as guide or rule for future similar situations

Procedural motion – motion to assist the Commission in treating or disposing of a main motion; or motion relating to the pending business otherwise at hand

Proposal or proposition – a statement of a motion of any kind for consideration and action

OCGA – Official Code of Georgia Annotated

Quorum – the number of persons that must be present at a meeting of the Commission to enable it to act legally on business; any three (3) of the district commissioners, one of which may be the chair, shall constitute a quorum for any meeting of the Board of the Cherokee County Commission

Recognition - acknowledgement by the chair, giving a person sole right to speak

Reconsider – to review again a matter previously disposed of and to vote on it again; must be made on the same day of business

Regular Meeting/Public Hearing – the scheduled meetings of the Board of Commissioners held on the first and third Thursday of each month

Request – a statement to the chair asking a question or some “right”

Rescind – to nullify or cancel out a previous action; cannot be made if action has already been taken to implement the motion it wishes to rescind

Resolution – a formal motion, usually in writing, and introduced by the word “resolved” that is presented to the Commission for a decision

Ruling – the chair’s decision as it relates to the procedure of the Board

Second – a commissioner’s statement that he/she is willing to have the motion considered

Seriatim – consideration by sections or paragraphs

Special Called Meetings – a meeting called by the Chairman, a majority of the Board, the County Manager, or the County Attorney to conduct emergency business of the County

Statute – a law passed by the Georgia legislature

Super-Majority Vote – A vote of four (4) commissioners.

Technical inquiry – request for information relevant to the business at hand

Tie vote – vote in which the affirmative and negative votes are equal on a motion

Unanimous consent – deciding on a motion without voting on it but where no commissioner voices objection; with single objection a vote must be taken

Unfinished business – any business that is postponed definitely to a time certain

Work Session – the scheduled work sessions of the Board of Commissioners and staff - typically held in the afternoon before the normally scheduled regular meetings.

SO ADOPTED this ____ day of _____, 2013.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L. B. Ahrens, Chairman

Jason Nelms, Vice Chairman

Harry Johnston, Commissioner

Raymond Gunnin, Commissioner

Brian Poole, Commissioner

Cherokee County Boards & Committees Appendix "B"

Board/Committee	Term	# of Members	Appointment	Purpose
Airport Authority	4 years	6	2-Board of Commissioners; 4-Grand Jury	Established for the purpose of overseeing the daily operations and functions of the airport and to ensure its expansion to enhance and promote growth in Cherokee County
Animal Control Advisory Board	4 Years	5	Individual; Concurrent w/appointment Commissioner	To conduct hearings and determine matters as required in section 10-96. The board is further authorized and shall have jurisdiction to conduct such hearings and determine matter provided for in section 10-96 of the Cherokee County Code.
Board of Ethics	7 Years	7	2-Chairman 5-Board of Commissioners	Established for the purpose of a "guardian" for the Board of Commissioners and other government officials within Cherokee County.
Board of Health	Varies	7	2-Board of Commissioners; 5-Serves While in Office	Established by the Georgia Legislature for the purpose of overseeing the operations and functions of the departments of Environmental Health and the Health Department.
Board of Tax Assessors	6 Years	5	Board of Commissioners	Governing body for the determination of property values through out the county and established the tax digest.
Board of Equalization	3 Years	12	Grand Jury	Established as the Appellate level of the Board of Tax Assessors.
Cemetery Preservation Committee	4 Years	5	Individual; Concurrent w/appointment Commissioner	Re-established December 7, 2010. Established for the purpose of providing for the preservation, protection, and maintenance of all such family and community cemeteries, graveyards, and burial grounds.
Cherokee County Development Authority		7	2-Board of Commissioiners; 5-Cities	

Department of Family and Children Services	5 Years	7	Board of Commissioners	Established for the purpose of ensuring that the best interest of the children within this State Agency are adhered to.	
Cherokee Parks & Recreation Advisory Board	4 years	5	Individual; Concurrent w/appointment Commissioner	Established by the Board of Commissioners to oversee all recreation issues through out Cherokee County.	
Development Authority of Cherokee County	4 Years	8	Board of Commissioners	Established by the Georgia Legislature for the purpose of developing business in Cherokee County. The Development Authority is called a "statutory authority" because they were established by constitutional amendment to the Georgia Constitution.	
Joint Development Authority of Cherokee & Cobb	6 Years	5	3-Board of Commissioners; 2-Other	Established for the purpose of a "conduit" for State tax breaks in both counties for business and industry.	
Construction Board of Appeals	4 Years	5	Individual; Concurrent w/appointment Commissioner	Established for the purpose of ensuring that all building code procedures have been adhered to if an appeal is sought over and above the direction of the Building Inspection Department.	
Region 1 DBHDD	3 Years	4	Board of Commisones	Established by the State Legislature	
Fire Code Appeals Board	4 years	5	Individual; Concurrent w/appointment Commissioner	Established for the purpose of providing an individual who wishes another level of review to appeal the decision of the Fire Chief.	
Highland Rivers Community Service Board	2 Years	2	Board of Commissioners	Established for the purpose of overseeing the operation of the Highland Rivers Community Center.	
Impact Fee Appeals Board	4 Years	5	Individual; Concurrent w/appointment Commissioner	Established as the Appellate board governing Building Inspection's administration of the Impact Fee Ordinance.	

Lanier Joint Development Authority		3	Board of Commissionoers; Other Counties	Established for the purpose of encouraging cooperation among participating counties in the promotion of quality economic development.	
Lake Allatoona Preservation Authority	4 Years	9	Legislation	Established by the Georgia Legislature to ensure against abuse to the lake.	
Planning Commission	4 Years	9	5-Individual; Concurrent w/appointment Commissioner; 2- Cities; 2-At Large	Established for the purpose of hearing all re-zoning applications and making recommendations to the Board of Commissioners.	
Region 1 EMS Advisory Board	2 Years	2	Board of Commissioners	Established for the purpose of hearing all re-zoning applications and making recommendations to the Board of Commissioners.	
Resource Recovery Development Authority (RRDA)	4 Years	5	Board of Commissioners	Established for the purpose of developing and promoting for the public good and general welfare trade, commerce, industry, and employment opportunities in the County by recovering and utilizing resources contained in sewage, sludge, solid waste, and water resources.	
Sequoyah Regional Library System	3 Years	11	6-Board of Commissioners; 5-Cities	Established for the purpose of overseeing the general operations and functions of the libraries through out the county.	
Wrecker Service Advisory Board	4 years	5	Individual; Concurrent w/appointment Commissioner	Established for the purpose of overseeing the operation of the wrecker service companies through out Cherokee County and is the administrator of the wrecker ordinance on behalf of the Board of Commissioners.	
Zoning Board of Appeals	4 years	5	Individual; Concurrent w/appointment Commissioner	Established for the purpose of hearing appeals concerning provisions of the zoning ordinances.	

MISSION STATEMENT



The CHEROKEE COUNTY Board of Commissioners is dedicated to providing a " Superior Quality of Life " for its residents.

OUR GOAL:

To preserve the Beauty, Unique Character, and Desirability of the Community where we live, work, and play.

OUR PROMISE:

Listen to you; Respect your Rights; & Represent you with the highest standards of Ethics and Integrity.

OUR COMMITMENT:

Service Excellence & Continuous Improvement;

Accelerate Infrastructure Improvements;

State-of-the-art Public Safety facilities, training, and personnel;

Fiscal Responsibility & Conservative Planning to maintain lowest tax rates in ARC - Metro Atlanta.



Cherokee County Board of Commissioners

2013 Meeting Schedule

Meetings are held the first and third **Tuesday** of each month, with the exception noted below in January. **Regular meetings are held at 6:00 p.m.** at the Cherokee County Administrative Complex located at 1130 Bluffs Parkway, Canton, GA 30114 in Cherokee Hall. Work Session begins at 3:00 p.m.

January	8th	22nd
February	5th	19 th
March	5th	19th
April	2nd	16th
May	7th	21st
June	4th	18th
July	2nd	16th
August	6th	20th
September	3rd	17th
October	1st	15th
November	5th	19th
December	3rd	17 th

Cherokee County Holidays

Jan 1 – New Year’s Day
Jan 21 – Martin Luther King Day
May 27 – Memorial Day
July 4 – Independence Day
September 2 – Labor Day

November 11 – Veterans Day
November 28 – 29 Thanksgiving
December 24 – 26 – Christmas
Birthday - Floating



Cherokee County Board of Commissioners

2014 Meeting Schedule

Meetings are held the first and third **Tuesday** of each month, with the exception noted below in September. **Regular meetings are held at 6:00 p.m.** at the Cherokee County Administrative Complex located at 1130 Bluffs Parkway, Canton, GA 30114 in Cherokee Hall. Work Session begins at 3:00 p.m.

January	7th	21st
February	4th	18th
March	4th	18th
April	1st	15th
May	6th	20th
June	3rd	17th
July	1st	15th
August	5th	19th
September	9th	23rd
October	7th	21st
November	4th	18th
December	2nd	16th

Cherokee County Holidays

Jan 1 – New Year’s Day
Jan 20 – Martin Luther King Day
May 26 – Memorial Day
July 4 – Independence Day
September 1 – Labor Day

November 11 – Veterans Day
November 27 – 28 Thanksgiving
December 24, 25, 26 Christmas
Birthday - Floating