

MINUTES

Cherokee County Board of Commissioners

FEBRUARY 16, 2010

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:10 p.m. on Tuesday, February 16, 2010. Those in attendance were Vice Chair/Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Commissioner Derek V. Good; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public.

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"

AMENDMENTS TO AGENDA

There were 4 amendments to the agenda: (1) Under County Attorney- Request to extend moratorium on permits and licenses for Adult Entertainment Establishments; amendments not ready. (2) Under the Chairman's portion, add Request for Proclamation to recognize the Rotary Club's 105th anniversary. (3) Under Commissioner Good – add Request to remove objections to Hennessy Honda annexation request. (4) Under Announcements – add Chairman to announce prestigious honor for Upper Etowah River Alliance. After the Chairman read the amendments, Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and the vote was for unanimous approval.

ANNOUNCEMENTS

Chairman Ahrens announced that the Department of Community Affairs has approved the revised and resubmitted Opportunity Zone for Cherokee County.

AMENDMENT – Upper Etowah River Alliance has received a prestigious honor by having their headquarters pictured in a publicity poster by the World Wildlife Federation and Coca Cola that will be shown globally.

PUBLIC COMMENT

Tom Ware was the only one to sign up to speak saying he wanted to comment on Professional Conduct; he said that he recently had the opportunity to attend a Commission meeting in St. John's County, FL, where there was uncontrolled chaos and a total lack of civility. And he just wanted to thank the current Cherokee County Commissioners for their professionalism and dedication.

APPROVAL OF WORK SESSION MINUTES FROM FEBRUARY 2, 2010

When Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk, Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded and the motion received unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 2, 2010

When Chairman Ahrens asked for a motion to approve the Regular Meeting Minutes as submitted by the Clerk, Commissioner Bosch made a motion to approve; Commissioner Good seconded and the motion received unanimous approval.

PUBLIC HEARING

Danielle Ruggiero requests the Board of Commissioners consider a request to remove the conditions of Rezone Case Number 05-08-037 – Linda Chandler and grant other variances as may be necessary in order to construct a residence on the subject parcel Map Number 03N23, 047.

Commissioner Hubbard made a motion to open the public hearing at 6:22 p.m.; Commissioner Bosch seconded and there was unanimous approval. Jeff Watkins explained the request and then asked Danielle Ruggiero to come up and explain further. Ms. Ruggiero said that in order to be able to build a house on this property, especially since the septic fields had just been placed and marked, she needed the condition that the dwelling must be 2500 square feet removed along with the R-80 setbacks. She also needed a variance to encroach into the impervious creek buffers. This would provide the area necessary to place the house, deck, septic system, driveway and garage on the property. After some questioning by the board members, Chairman Ahrens said that no one had signed up to speak either for or against. Commissioner Bosch made the motion to close the public hearing at 6:33 p.m.; Commissioner Hubbard seconded and there was unanimous approval.

Vice Chair/Commissioner Johnston made a motion to remove the conditions of the R-80 setbacks and the minimum 2500 square foot dwelling; to allow a 15 foot front set back variance and allow up to 15 foot variance into the impervious stream buffer. Commissioner Bosch seconded and the motion received unanimous approval.

ZONING SUMMARY FOR FEBRUARY 2, 2010

CASE NUMBER	: <u>10-02-006</u>
APPLICANT	: <u>Chris Comer</u>
ZONING CHANGE	: <u>R-80 to R-40</u>
LOCATION	: <u>3219 Holbrook Campground Road</u>
MAP & PARCEL NUMBER	: <u>02N13, Parcel 116</u>
ACRES	: <u>4.65</u>
PROPOSED DEVELOPMENT	: <u>Residential</u>
COMMISSION DISTRICT	: <u>Post 2</u>

FUTURE DEVELOPMENT MAP : Suburban Growth

PLANNING COMMISSION RECOMMENDATION: Approval

Commissioner Hubbard made a motion to approve as recommended; Commissioner Good second and there was unanimous approval.

CASE NUMBER : 10-02-008
APPLICANT : John B. Sumner
ZONING CHANGE : GC to R-40
LOCATION : 244 Charles Cox Drive
MAP & PARCEL NUMBER : 02N02, Parcel 080
ACRES : 1.00
PROPOSED DEVELOPMENT : Residential
COMMISSION DISTRICT : Post 2
FUTURE DEVELOPMENT MAP : Suburban Growth w/ Community Village Node

PLANNING COMMISSION RECOMMENDATION: Approval

Commissioner Hubbard made the motion to approve as recommended; Commissioner Good seconded and the motion received unanimous approval.

CASE NUMBER : 10-02-009
APPLICANT : Randall Page.
ZONING CHANGE : R-40 to GC
LOCATION : Corner of Hwy 20 and Butterworth Road
MAP & PARCEL NUMBER : 14N23B, Parcel 019 and 020
ACRES : 4.94
PROPOSED DEVELOPMENT : Commercial
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Neighborhood Village

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

- Comply with the City of Canton's Overlay Zone Community Standards Ordinance.
- If the applicant desires access to Pope Circle the applicant would be required to make significant upgrades to Pope Circle in order to accommodate the additional traffic per Cherokee County Engineering's Staff Comment.

Vice Chair/Commissioner Johnston made the motion to approve with changes to the conditions recommended by the Planning Commission, specifically regarding compliance with the City of Canton's Overlay Zone Community Standards, in order to clarify as follows: (1) Thirty (30) inch curb and gutter along Knox Bridge Highway and Butterworth Road. (2) Ten (10) foot landscape strip requirement containing a four (4) foot grassed and planted strip and a six (6) foot sidewalk with twenty (20) foot expansion joints along Knox Bridge Highway. (3) An additional twenty (20) foot grass or landscaped strip (for a total of 24 feet) between the existing Butterworth Road right-of-way and the six (6) foot sidewalk, to allow for eventual widening of Butterworth Road.

(4) A year round visually opaque vegetative buffer for a streetscape on those sections of Pope Circle more than fifty (50) feet beyond any access point to the property, as measured from the nearest end of Pope Circle. Such vegetative buffer should be set back at least ten (10) feet from the existing right-of-way to allow for the eventual widening of the road. (5) Access to Pope Circle will be contingent upon roadway improvements at the direction of the County Engineer from the point of access to either Knox Bridge Highway or Butterworth Road. (6) Street trees of Male Gingko or approved equivalent planted 45 feet apart within the ten (10) foot Landscape Strip along Knox Bridge Highway and Butterworth Road. (7) Evergreen shrubs of holly, nandina or approved equivalent under 36 inches in height at maturity at 40% coverage within the ten (10) foot Landscape Strip. (8) Freestanding sign must be monument style with a brick base (or approved requested alternate material) 18-24 inches high. The total height of the sign (including the base) cannot exceed 10 feet. The maximum sign area allowed is 50 square feet per side with a maximum of two sides. All signs must be interior illuminated. Commissioner Good seconded but asked to clarify condition 6 as Commissioner Johnston had said 40 feet, but the copy he had read as 45 feet. Vice Chair/Commissioner Johnston affirmed that it should be 45 feet. The vote was unanimous to approve.

CASE NUMBER : 10-02-010
APPLICANT : Kirk Smith.
ZONING CHANGE : R-80 to GC
LOCATION : 8167 Hickory Flat Hwy
MAP & PARCEL NUMBER : 02N03, Parcel 126
ACRES : 1.7
PROPOSED DEVELOPMENT : Operate Business
COMMISSION DISTRICT : Post 2
FUTURE DEVELOPMENT MAP : Transition Corridor / Suburban Growth

PLANNING COMMISSION RECOMMENDATION: Approval of NC with conditions:

- No encroachment into the required buffer other than the existing garage.
- Existing buffer must maintain a visual screening.

Commissioner Hubbard made a motion to approve as recommended with the addition of 3 other conditions making a total of 5 conditions. The 3 new conditions are (1) Outside storage limited to plant material or packaged materials. (2) No outside storage of mulch, seed, pebbles, gravel, sand or similar materials. (3) Any bulk materials must be stored indoors. Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

CASE NUMBER : 10-01-001
APPLICANT : Dean Woodall Investments, LLC.
ZONING CHANGE : AG to GC
LOCATION : Hwy 20
MAP & PARCEL NUMBER : 22N12, Parcel 036
ACRES : 55.66
PROPOSED DEVELOPMENT : Business Commercial
COMMISSION DISTRICT : Post 3
FUTURE DEVELOPMENT MAP : Suburban Growth/ Neighborhood Village/ Scenic Corridor

PLANNING COMMISSION RECOMMENDATION: Motion for approval failed to pass.

Vice Chair/Commissioner Johnston made the motion to postpone until March 2nd;
Commissioner Hubbard seconded and the motion received unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

AMENDMENT – *Request approval for Proclamation recognizing 105th Anniversary of Canton Rotary Club on February 23*

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

Legislative Update

Chairman said that he was just going to continue asking the legislators to give us (the County) this tool (a new Sales and Use Tax) the ability to fund projects, especially roads that will not be funded in the near future.

VICE CHAIR/COMMISSION POST 1

HARRY B. JOHNSTON

Consider acceptance of a 1.25 mile portion of Cherokee Gold Trail for County Maintenance

Vice Chair/Commissioner Johnston will accept 1.00 mile under his portion and Chairman Ahrens has agreed to designate .25 mile under his portion. No other action necessary.

COMMISSION POST 2

JIM HUBBARD

COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

DEREK V. GOOD

AMENDMENT – Request to remove objection to Hennessy Honda annexation and approve based on the implementation of the agreed upon conditions by the City of Woodstock

Commissioner Good made a motion to approve after saying that he was satisfied with the terms and conditions he and the city had worked out; Commissioner Bosch seconded and the motion received unanimous approval.

CONSENT AGENDA

1. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Grantham Park** Subdivision for County maintenance, including all or part of: Linton Drive and Derby Court
- 1a. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **The Villas at Bethany Manor** Subdivision for County maintenance, including all or part of: Bethany Manor and Bethany Manor Drive
- 1b. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Amberleigh at Haynes Crossing** Subdivision for County maintenance, including all or part of: Amberleigh Drive, Amberleigh Circle and Amberleigh Court
2. Consider approval of budget amendment in the amount of \$23,260 from insurance recovery account for replacement of patrol vehicle for Sheriff's Office
3. Consider approval for Cherokee County to continue as fiscal agent for FOCUS for the period of July 1, 2010 to June 30, 2011

Commissioner Hubbard made the motion to approve; both Commissioners Good and Johnston seconded and the motion received unanimous approval.

COUNTY MANAGER

4. Renew standard GDOT 5311-Public Transportation application for grant submittal for 2011-2012

Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

5. Consider approval of Intergovernmental Agreement with the City of Waleska for Cherokee County to serve as the floodplain administrator for the City of Waleska

Vice Chair/Commissioner Johnston made the motion to approve; Commissioner Hubbard seconded and the motion received unanimous approval.

6. Consider approval of a supplemental agreement with Parsons for additional design services for the Howell Bridge Road Bridge Replacement Project at a not to exceed cost of \$27,645.00

Vice Chair/Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COUNTY ATTORNEY

AMENDMENT – Request to extend moratorium additional 90 days and approve a Resolution for the same regarding the acceptance of application for permit and/or license for Adult Entertainment Establishment

Commissioner Bosch made the motion to approve the extension; Commissioner Good seconded and there was unanimous approval.

ADJOURN

After the Chairman verified there was no other business, Commissioner Hubbard made a motion to adjourn at 7:09 p.m.; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

These Minutes were approved at the regular meeting on March 16, 2010. The meeting on March 2, 2010 was postponed due to inclement weather and then combined with March 16, 2010.