

# SUMMARY

## Cherokee County Board of Commissioners

FEBRUARY 16, 2010

REGULAR MEETING

6:00 P.M.

### CALL TO ORDER

### CHAIRMAN

Chair called at 6:10 p.m. All members present.

### 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

4 amendments to 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 105<sup>th</sup> 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.

Bosch motion to approve; Hubbard second; unanimous approval.

### ANNOUNCEMENTS

DCA has approved the revised and resubmitted Opportunity Zone for Cherokee County 100%.

**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

Bosch motion to approve; Hubbard second; unanimous approval.

### APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 2, 2010

Bosch motion to approve; Good second; 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.**

Hubbard motion to open public hearing at 6:22 p.m.; Bosch second; 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. Bosch motion to close the public hearing at 6:33 p.m.; Hubbard second; unanimous approval.

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

---

## **ZONING SUMMARY FOR FEBRUARY 2, 2010**

|                        |  |
|------------------------|--|
| <b>CASE NUMBER</b>     | : <b><u>10-02-006</u></b>              |
| 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 | : <u>Suburban Growth</u>               |

### **PLANNING COMMISSION RECOMMENDATION: Approval**

Hubbard motion to approve as recommended; Good second; unanimous approval.

---

|                      |                                |
|----------------------|--------------------------------|
| <b>CASE NUMBER</b>   | : <b><u>10-02-008</u></b>      |
| APPLICANT            | : <u>John B. Sumner</u>        |
| ZONING CHANGE        | : <u>GC to R-40</u>            |
| LOCATION             | : <u>244 Charles Cox Drive</u> |
| MAP & PARCEL NUMBER  | : <u>02N02, Parcel 080</u>     |
| ACRES                | : <u>1.00</u>                  |
| PROPOSED DEVELOPMENT | : <u>Residential</u>           |

COMMISSION DISTRICT : Post 2  
FUTURE DEVELOPMENT MAP : Suburban Growth w/ Community Village Node

**PLANNING COMMISSION RECOMMENDATION: Approval**

Hubbard motion to approve as recommended; Good second; 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.

Johnston 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 Ginkgo 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. Good seconded but asked to clarify condition 6 as Commissioner Johnston had said 40 feet, but the copy he had read as 45 feet. 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.

Hubbard 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. Johnston second; 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.

Johnston motion to postpone until March 2<sup>nd</sup>; Hubbard second; unanimous approval.

---

## **COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

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

Hubbard motion to approve; Johnston second; 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) to use 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*

Johnston will accept 1.00 mile under his portion and 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

Good motion to approve; Bosch second; 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

Hubbard motion to approve; Good and Johnston second; unanimous approval.

---

**COUNTY MANAGER**

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

Hubbard motion to approve; Johnston second; 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

Johnston motion to approve; Hubbard second; 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

Johnston motion to approve; Hubbard second; 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.

Bosch motion to approve; Good second; unanimous approval.

---

**ADJOURN**

Hubbard motion to adjourn at 7:09 p.m.; Johnston second; unanimous approval.