

MINUTES

Cherokee County Board of Commissioners

August 7, 2012 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Commissioner Johnston gave the invocation.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:04 p.m. Those present include Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Vice Chair/Commissioner Karen Bosch; 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 asked for a motion to ratify the closure of Executive Session for August 7, 2012 at 5:55 p.m.

Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

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 Nelms lead the Pledge of Allegiance.

PRESENTATIONS

None scheduled.

The Chairman took a moment to thank the candidates for standing up for what they believed in during the primary election.

AMENDMENTS TO AGENDA

1. Under Chairman's portion – Add re-appointment to Board of Tax Assessors.

2. Under Commissioner Nelms's portion, move proclamation to top of agenda to follow approval of previous minutes.
3. Under County Manager Portion – Add consider adoption of updated EMA ordinance.
4. Under Consent Agenda – Remove item 1.2, purchase of skid-steer loader.

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

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JULY 24, 2012.

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

APPROVAL OF WORK SESSION MINUTES FROM JULY 24, 2012.

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

APPROVAL OF REGULAR MEETING MINUTES FROM JULY 24, 2012.

Chairman Ahrens made a motion to postpone approval due to being out of town and not having had a chance to thoroughly review the minutes; Commissioner Johnston seconded and there was unanimous approval.

COMMISSION POST 4

JASON NELMS

Amended: Moved to top of agenda:

Consider approval of Proclamation for **Youth Sports Champions Day on August 7, 2012** in Cherokee County in recognition of the hard work and determination of players and coaches of Youth Sports Leagues throughout the County.

Commissioner Nelms began by announcing that there were 4 teams this past year that won the Georgia Dizzy Dean State Championship. Also, Twin Creeks Softball fast pitch team won the ASA State Championship and a 13 year old baseball team out of Hobgood Park won the 2012 Grand Slam World Series. As a tribute to these athletes, he read the **Youth Sports Champions Day Proclamation**. He then asked Jay Worley with Parks and Recreation to announce the individual players' names and the coaches and had them come up front for recognition. Commissioner Nelms concluded by thanking the coaches, parents and the community for their support of these young athletes and future leaders of Cherokee County. He gave the proclamation to CRPA Director Bryan Reynolds to display in his office at the South Annex building.

PUBLIC HEARINGS

None Scheduled.

PUBLIC COMMENT

No signed up to speak.

ZONING CASES

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

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

Conditions: (As submitted for July 10, 2012 meeting)

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 and Old Doss Drive frontages.

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

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road – Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before

such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 8, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.

8. County Staff shall have flexibility regarding the implementation of Condition Numbers 1, 2 and 3 on Resolution #2010-R-035/Case #09-05-010.
9. The back future driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Additionally, applicant will manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road.
13. Applicant is not to disturb Old Doss Road turnaround.

Commissioner Johnston made a motion to approve with the thirteen (13) revised conditions as presented tonight by Jeff Watkins and inserted below as part of the minutes, with an additional condition #14 including document "Draft 8/2/2012", also included as part of these minutes:

Conditions: (Presented July 24, 2012)

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy 20 frontage.
2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the curb described in Condition #1, above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy 20 frontage immediately adjacent to the grass-strip described in Condition #2, above.
4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy 20 frontage, immediately adjacent to the sidewalk described in Condition #3, above. The landscape strip described in this condition shall contain at least the following:

- a. Maple trees with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy 20 frontage.
- b. Not less than 2 understory trees from the list attached as Exhibit "A" for each tree required in (a.), above.
- c. Not less than 10% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".

Notwithstanding any provision to the contrary contained in this Zoning Condition Number 4, the landscape strip described herein shall be located no closer than 12.5 feet from the proposed right of way of Georgia Highway 20 as shown in GDOT Project No. CSSTP-0009-00(164); PI No. 0009164 – SR 20 from I-575 to CR 288/Scott Road – Widening 2 to 4 lanes in effect when application is made for development permit approval.

5. The County's sign regulations shall apply, however, the total height of any freestanding sign on the property shall not exceed twelve (12) feet, measured from the crown of the adjacent portion of Georgia Highway 20.
6. The side entrance shall be located as close to the rear of the property as possible, subject to the approval of the Cherokee County Engineering Department.
7. Zoning Condition Numbers 2 and 3 above are intended to create continuity of the streetscape into the City of Canton from the east along Ga. Hwy 20. However, for so long as the owners of the property adjoining this subject parcel to the west are not compelled by the City of Canton to comply with all of the requirements set forth in Condition Numbers 2 and 3 above, then any requirement that was not applied to such adjoining property owner shall likewise not be applied to this property. If the City of Canton ever changes the design and development requirements along Ga. Hwy 20 frontage from those set forth in Condition Numbers 2 and 3 above, the owner may submit a request to the County Planning and Zoning Department for relief from Zoning Condition Numbers 2 and 3 consistent with the changes made by the City of Canton and such relief may not be unreasonably withheld. In the event that the owner develops this parcel before such adjoining parcels are developed, and the City of Canton thereafter requires such adjoining parcels to comply with the equivalent City mandated streetscape requirements, upon written notice to owner from the County, the owner shall thereafter comply with Condition Numbers 2 and 3. The County's delayed enforcement of Zoning Condition Numbers 2 and 3 pursuant to the terms of the Zoning Condition Number 7 shall not create a vested right to the continuation of the development of the property in a manner contrary to Zoning Condition Numbers 2 and 3. This Condition Number 7, expressly does not apply to Condition Numbers 1 and 4, which shall be immediately applicable.
8. County Staff shall have flexibility regarding the implementation of Conditions 1, 2, 3 and 4 where County Staff concludes that compliance with said conditions would conflict with the proposed GDOT improvements. County staff is further authorized to approve an acceptable alternative meeting the intent of such conditions and where utility location may affect their strict implementation.

9. The back driveway that will eventually connect to Old Doss Road will only be graded with no paving or curbing installed, until such time as the intersection of Old Doss Road and SR 20 is improved.
10. After grading, the applicant will cover with top soil and landscape with sod.
11. An L backed curb will be installed at the beginning of this graded future driveway in the north east corner of the proposed building.
12. Applicant must manage drainage from the graded future driveway to ensure that drainage does not flow onto Old Doss Road until such time as the driveway is graded and curbed, at which time, the property shall comply with all County stormwater requirements
13. Applicant is not to disturb Old Doss Road turnaround.
14. Any left-in or left-out site access to GA Hwy 20 prior to reconstruction of that stretch of roadway to substantially conform to revised site plan stamped "Draft 8/2/12".

Commissioner Hubbard seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Re-appointment of Marion Wilson to the Board of Tax Assessors for another six-year term, expiring June 30, 2018.

Chairman Ahrens made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

VICE CHAIR/COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

JASON NELMS

Amended: Presented at beginning of agenda. Consider approval of Proclamation for **Youth Sports Champions Day on August 7, 2012** in Cherokee County in recognition of the hard work and determination of players and coaches of Youth Sports Leagues throughout the County.

CONSENT AGENDA

1.1 Consider acceptance of insurance recovery monies received and budget amendment to increase Fire Fund 270 in the amount of **\$3,336.30**.

1.2 **AMENDED: Removed item 1.2 from Consent Agenda**

~~Consider approval to purchase a replacement John Deere skid-steer loader for the Roads and Bridges Department from Flint Equipment Company in the amount of **\$35,670.70**. This quote came in under the state contract price from Borders Equipment's quote for a Case Loader; the County has several existing pieces of John Deere equipment serviced by Flint Equipment Company.~~

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

COUNTY MANAGER

2.1 Consider approval to award annual contracts for 2012 stone/aggregate purchases to LaFarge Aggregates and Vulcan Materials on an as-needed bases by Roads and Bridges Department.

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

2.2 Consider approval of request to submit list of eight (8) roadways in need of resurfacing to GDOT for funding under the 2013 LMIG (Local Maintenance and Improvement Grant).

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

2.3 Consider acceptance of new state awarded no match DUI grant and budget amendment to increase FY2012 Grant Fund Revenue and Expenditures in the amount of **\$4,895.00** for the quarter (July – September 2012).

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

2.4 Consider approval of the Community Development Block Grant (CDBG) Activities for the additional HUD funding of **\$280,574.00** that was approved by the BOC on May 1, 2012 as follows: MUST Ministries, \$150,000.00; Cherokee Senior Center, \$95,574.00; Cherokee County Administrative, \$35,000.00.)

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

Commissioner Johnston clarified that these were grant funds that must be used for qualifying capital projects related to low to middle income citizens.

2.5 Amended: Consider approval of the updated 2012 Local Ordinance Related to Emergency Management as required every four (4) years by the state.

Mr. Cooper explained that the only changes to the ordinance since the last Board approval were in the formatting of the document and the dates.

Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COUNTY ATTORNEY

3.1 Hear the appeal of a denial by the Zoning Board of Appeals, Case Number 12.06.0015V, regarding the variance request of Michael Jorge.

Jeff Watkins summarized the revised zoning request which had been denied previously by the Zoning Board of Appeals because the request was initially to split the lot in two for two residential structures. Attorney Parks Huff explained that they were asking approval tonight of the modified request for a variance. Angie Davis stated that in reviewing the modified request that it was suitable for the County to make a motion to accept the request as presented tonight.

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

3.2 Notice of annexation from the City of Holly Springs on four (4) properties along Hiram Way.

Angie Davis commented that she didn't see a problem with accepting the annexation which included property located in a commercial area in parts of unincorporated and incorporated Cherokee County and some on an existing island. She added that if the Board was going to oppose the annexation, the deadline for notifying the City of Holly Springs was tomorrow so a decision would have to be made tonight.

Commissioner Bosch made a motion to accept the annexation request; Commissioner Nelms seconded and there was unanimous approval.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Hubbard made the motion to adjourn at 6:55 p.m.; Commissioner Johnston seconded and the motion received unanimous approval.

