

# MINUTES

## Cherokee County Board of Commissioners

January 22, 2013

Regular Meeting

CHEROKEE HALL 6:00 PM

### INVOCATION

Commissioner Nelms 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 Poole led the Pledge of Allegiance.

### CALL TO ORDER

### CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:02 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 Chris Hamilton; 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 closure of Executive Session at 5:25 p.m.

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

### AMENDMENTS TO AGENDA

1. Under Consent Agenda: Add item 1.4: Approval of budget amendment for Indigent Defense/State Court.
2. Under County Attorney: Add item 3.2: Authorization to proceed with abandonment of certain roads.

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

**ANNOUNCEMENTS**

1. Guns & Hoses 5K, Saturday, February 16 at Hobgood Park. Registration information is available on the table out front or at crpa.net.

**APPROVAL OF EXECUTIVE SESSION MINUTES FROM JANUARY 8, 2013.**

As distributed by the County Manager.

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

**APPROVAL OF WORK SESSION MINUTES FROM JANUARY 8, 2013.**

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

**APPROVAL OF REGULAR MEETING MINUTES FROM JANUARY 8, 2013.**

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

**PUBLIC HEARING**

The Board of Commissioners will hold a Public Hearing on January 22, 2013 at 6:00 p.m. at 1130 Bluffs Parkway, Canton, GA 30114 to hear a request for modification of a zoning condition, specifically condition 2 on rezone case number 00-12-030, Richard and Lori Pope for property located in Arbor Green Subdivision.

Commissioner Nelms made a motion to open the Public Hearing at 6:05 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Vicki Taylor Lee summarized the request by the Popes. She said that the Popes' house was built in 2006 and purchased in May 2009. The adjacent house was built in 2007 and purchased by the Nevilles in November 2009. These are the only two lots impacted by the 50-foot buffer.

Two people had signed up to speak:

1. Lori Pope signed up in support of the request.
2. Richard Pope signed up in support of the request.

Mr. and Mrs. Pope explained that they want to restore the buffer, not encroach. Ms. Pope said the steps they have taken to restore the buffer includes the planting of 15 Leland trees, removal of kudzu, working with HOA and planting additional 20 Lelands. She said that considering these contributions, they are requesting a minimum of 15 feet variance.

Commissioner Johnston asked why they needed the variance if their intentions were only to landscape the area. Ms. Pope replied that they hoped to avoid future confrontation with the neighbors and that there was also the issue of their septic being in the buffer area currently and at some point it could need replacing or to be moved. Commissioner Johnston stated that we're stuck with the septic issue but asked for assurance of no other uses: no parking, no swing-sets, no structures, etc. Ms. Pope replied that their only intention was to restore the buffer with landscaping for privacy.

Rick Pearce, Ms. Neville's husband, asked from the audience if he could speak, stating that he did not know he needed to sign up. Chairman Ahrens allowed him to sign in and to address the Board.

Mr. Pearce stated that he and his wife bought their home specifically for privacy and because they didn't want to live in a subdivision. He added that when they moved in they could not see the Popes' home and now they can see straight to it. He said that although the Popes had planted trees where they had cleared out the natural landscape, the trees were still small with at about 8 feet between them.

Commissioner Nelms made a motion to close the Public Hearing at 6:38 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Commissioner Johnston said he was still curious as to the benefit of reducing the buffer if they were still going to landscape it all. Vicki Taylor Lee added that it might be a benefit to reduce the buffer because the planted landscape could create

a more condensed screen rather than the sporadic screen provided by natural landscape that could be sparse.

Commissioner Gunnin asked Vicki Taylor Lee how to word a modification to enforce no other uses if they granted the variance. She replied that the verbiage could state no structures allowed and a year-round visual screen required. She added that they could require the County Arborist to visit the site. County Attorney Chris Hamilton interjected that they could require a County approved landscape plan and the language could include the requirement of an arborist signing off on the plan. Ms. Taylor Lee expressed concern over the cost to the Popes to hire an arborist.

Commissioner Johnston suggested adding the following verbiage to the existing modification: "With regard to lot 134, the septic system and landscaping will be allowed within the buffer area, so long as there is sufficient vegetation that will grow to provide an effective year-round visual screen."

All parties seemed to agree. Commissioner Johnston asked Mr. Pierce if he approved of this agreement and he replied yes.

Commissioner Johnston then made a motion to approve the modification of the zoning request with the above-described language. Commissioner Gunnin seconded and there was unanimous approval.

## **PUBLIC COMMENT**

One person had signed up to speak:

1. Troy Welker signed up to speak about general topics. He commented about an event held in December by the Cherokee County Child Advocacy Center, thanking County staff and particularly Mr. Cooper and Parks and Recreation in the efforts put forth to pull off such a successful event. He also recognized former Commissioner Hubbard for bringing awareness to the event. He asked if next year the Board could encourage more support from the cities.

## **ZONING CASES**

CASE NUMBER	: 12-12-009
APPLICANT	: Trevor Barnett
ZONING CHANGE	: R-40 to GC
LOCATION	: Hickory Flat Highway

MAP & PARCEL NUMBER : 02N04 - 253  
ACRES : 1.89  
PROPOSED DEVELOPMENT : Commercial Uses  
COMMISSION DISTRICT : 2  
FUTURE DEVELOPMENT MAP : Transitional Corridor over Country  
Estates  
PLANNING COMMISSION RECOMMENDATION : Denial

As discussed in Work Session, Jeff Watkins advised that the applicant is asking the Board to allow them to withdraw the request without prejudice so that the property owner is not encumbered for the next 12 months.

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

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## **COMMISSION BUSINESS**

### **CHAIRMAN**

**L. B. AHRENS**

- A. Vacancy on Region One DBHDD (Department of Behavioral Health, Development Disabilities) Planning Committee. Information is available on the table out front.
- B. Debrief Board of Commissioners Retreat on January 17/18, 2013 at Commissioner Harry Johnston's Lake Lanier Home.

Chairman Ahrens stated that he gave a summary of the retreat at the Work Session but he would wait until the next meeting to discuss in more detail when the minutes would be available.

He then mentioned that the Region One DBHDD Planning Committee still has a vacancy and that applications were out front if anyone was interested.

### **COMMISSION DISTRICT 1**

**HARRY B. JOHNSTON**

**COMMISSION DISTRICT 2**

**RAYMOND GUNNIN**

- A. Appointments to various Boards and Committees.

Commissioner Gunnin made the following appointments:

Animal Control Advisory Board-Brandon Day; Construction Board of Appeals-David Turcotte; Impact Fee Appeals Board-Bonnie Ellis; Planning Commission-Richard Weatherby; Wrecker Service Advisory Board-Jason Daniels; Zoning Board of Appeals-Melissa Range.

He added that he was still looking for a candidate for the Cemetery Preservation Committee.

**COMMISSION DISTRICT 3**

**BRIAN POOLE**

- A. Appointments to various Boards and Committees.

Commissioner Poole stated that he did have one more appointment to make but that he would make that at the next meeting.

**VICE CHAIR/COMMISSION DISTRICT 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Consider approval to accept Georgia Office of Homeland Security Grant and budget amendment in the amount of \$90,578.00 to increase revenues and expenditures for FY2013 the Multiple Grant Fund (Fund 250). There is no match required for this grant.
- 1.2 Consider approval to accept a contribution from Georgia Trauma Care Network Commission for an amount up to \$7,620.15 for the purchase of trauma related equipment and budget amendment to increase Fund 580 (EMS Contributions) revenues and expenditures in same amount.

- 1.3 Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Three Branches Subdivision.
- 1.4 AMENDED: Consider approval of budget amendment reducing Indigent Defense Budget by \$40,000.00 and increasing State Court Budget by \$40,000.00 to allow the creation of a secretary for the third State Court Judge.

Mr. Cooper explained that the new judge was located on the third level, away from the other judges and secretaries, and was in need of support. Commissioner Johnston thank Mr. Cooper for assisting to create this position because when the state says a third judge is warranted and pays for the judge, they don't pay for a secretary.

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

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## **COUNTY MANAGER**

- 2.1 Consider approval to purchase twelve (12) new vehicles for the Cherokee Sheriff's Office from low bidders Cherokee Dodge and Hardy Chevrolet for a total amount of **\$403,161.00**. Cherokee Dodge was the low bidder of the Dodge Charger at \$32,317.00. Hardy Chevrolet (state contract holder) was the low bidder of the Chevrolet Tahoe at \$35,412.00.

Commissioner Johnston asked if the purchase was from the SPLOST budget and Mr. Cooper that it was. Commissioner Johnston and Commissioner Nelms commented that they were glad we were able to select local vendors.

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

2.2 Consider approval of Memorandum of Understanding with the State of Georgia for reimbursement of costs incurred in an amount not to exceed \$700,000.00 for construction of certain law enforcement training center facilities.

Mr. Cooper explained that the agreement was contingent upon bond funding by the state and approval of the County Attorney, though he is not expecting major revisions. He added that with two facilities closing, he feels certain the state will approve this funding.

Chairman Ahrens asked if we are building more than we would have without the contribution. Mr. Cooper replied that we were not and that the contracts were already in place.

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

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## **COUNTY ATTORNEY**

3.1 Consider approval of settlement agreement with Cornerstone Construction related to the Patton mold litigation.

Chris Hamilton explained that this was the last link in resolving the 2005 Patton mold litigation. Chairman Ahrens asked that a summary of closure of the Patton case be prepared and Mr. Cooper replied that he would do that. The Chairman added that the settlement was in the amount of \$50,000.00.

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

3.2 Amended: Authorization to proceed with abandonment of certain roads.

Chris Hamilton stated that out of Work Session came an item that needed to go before the Board regarding abandonment proceedings.

To the extent Cherokee County has any interest, said interest being expressly denied, in that portion of road in between the "end of maintenance" signs on

Garland Mountain Trail and Collins Place, Mr. Hamilton asked for a motion to direct the County Attorney and staff to begin abandonment proceedings.

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

To the extent Cherokee County has any interest in a road known as Revis Road beginning at or near the "end of maintenance sign" on Garland Mountain Trail and ending at or near the Bartow County line, said interest being expressly denied, Mr. Hamilton asked for a motion to direct the County Attorney and staff to begin abandonment proceedings.

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

## **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made the motion to adjourn at 7:07 p.m.; Commissioner Poole seconded and the motion received unanimous approval.