

MINUTES

Cherokee County Board of Commissioners

March 5, 2013

Regular Meeting

CHEROKEE HALL 6:00 PM

INVOCATION

Lynn Eynon with Woodstock Christian Church 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"

Cherokee Fire/EMS Explorers Honor Guard performed the presentation of colors. Cadet Captain Josh Germon led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:03 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 5:20 p.m.

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

PRESENTATION

Cherokee Fire / EMS Recognition of Explorer Post 469 / Winterfest Competition awards.

Chief Prather spoke about the hard work and number of hours that goes into the program including the participation in community projects. He added that approximately 275 youths have gone through the program and four of those have joined the Marines, three are soldiers, one has joined the Air Force, another is a police officer and several have gone into Fire Science Degree programs and eleven are Cherokee County Fire Fighters. He said that he was very proud that statistically about two participants per year have gone into public service.

He then spoke about the Winterfest Competition recently in Gatlinburg and said that once again the group beat the bar raised from the previous year. Last year's group one six awards while this year's group also won six awards with four of them being first place.

He then showed a video presentation of the group with random photos of activities throughout the competition.

After the video he introduced a mother whose two children participated in the program. Ms. Sweeny spoke about the positive impact that the program has had on her family. She said her son has joined the military and is doing quite well while her daughter, who is still in the program, has chosen to become a Cherokee County Fire Fighter. She added that the 'brotherhood' experienced in the program is something that all teens do not get to experience.

PROCLAMATIONS

In recognition of Georgia Agriculture Awareness Week, proclaiming March 14, 2013 as "Agriculture Day".

The Chairman read through the metrics that are updated every year on the proclamation for the Farm Bureau. The proclamation will be presented to the Farm Bureau at an event on Thursday March 14.

The Chairman then read through the proclamation for the Master Gardeners which would be presented at an event next Saturday.

AMENDMENTS TO AGENDA

1. Under County Manager Portion: Remove item 2.4 – City of Waleska Agreement.
2. Under Post 4 Commissioner Nelms' portion: Benny Carter to speak about Cherokee County YMCA. The Chairman commented that this can be removed as an amendment because it is being moved to the Public Comment section.
3. Under Chairman Ahrens' portion: Add Consider Appointment to the Ethics Board.
4. Under Chairman Ahrens' portion: Add Reading a portion of the proclamation for the Master Gardeners Week coming up.

5. Under County Attorney's portion: Add Consent Agreement with Fourstar.
6. Under County Attorney's portion: Add Letter to City of Holly Springs regarding a current rezoning.

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

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM FEBRUARY 19, 2013.

As distributed by the County Manager.

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

APPROVAL OF WORK SESSION MINUTES FROM FEBRUARY 19, 2013.

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

APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 19, 2013.

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

PUBLIC HEARING

None Scheduled.

PUBLIC COMMENT

1. Benny Carter, a YMCA Board member, signed up to speak about the YMCA and was accompanied by John Hicks, also with the YMCA. Mr. Carter commented that the County is blessed to have two YMCA facilities, the traditional one in Canton and the Outdoor YMCA off Bells Ferry Road in Woodstock. He said that they were

currently in the 2013 Giving Campaign “Why it Matters” and those funds are used to assist families in sending children to summer camp based on needs. Mr. Hicks added that donation forms were available at the YMCA facility or online at: <http://www.ymcaatlanta.org>, go the ‘Donate Now’ button and select the program designation (G. Cecil Pruett or Cherokee Outdoor Family YMCA).

Mr. Carter mentioned that similar to the Explorer presentation earlier, Mr. Hicks could relay those same types of stories about the impact of the program and that this is also a leadership program.

Mr. Carter ended by thanking the Board for allowing him to serve on the Atlanta Regional Commission Workforce Board representing Cherokee County.

2. Roy Taylor signed up to speak about the County’s zoning ordinance permitted uses changes and the new e-file system. He commented that perhaps it was an oversight but when the documented was expanded, particularly related to Farmer’s Markets, it is making it hard on those with small-scale Farmer’s Markets. He said that while he is in support of electronic filing, the format in which the County is asking for is costly for small businesses. He asked the Board for consideration to change both of these items to make it easier on small businesses.

Commissioner Johnston commented that the changes related to Farmer’s Markets were intended to stop the larger whole foods Farmer’s Markets such as Harry’s from opening up. He then asked Mr. Taylor to send him a written proposal on what he had in mind in defining the ordinance to limit this from happening without hurting the local Farmer’s Markets. Mr. Taylor commented from the audience that perhaps it could be determined by square footage.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Joint RRDA / BOC Meeting on March 19, 2013 at 4:00 p.m.

The Chairman stated that the RRDA meeting would take place during an hour of the Work Session at the next meeting. He said the purpose of the meeting was to welcome the two new members and to give a general update on the RRDA, talk about some specific duties and responsibilities and to adjourn to Executive Session if needed and reconvene. He said that appropriate notice to the media would be given.

Chairman Ahrens made a motion to approve the joint meeting; Commissioner Nelms seconded and there was unanimous approval.

- B. Amended: Proclamation for Master Gardener Extension Volunteer Appreciation Day.

Chairman Ahrens explained that this is something we do annually for the Master Gardeners and that the proclamation would be presented at the Master Gardener Extension Volunteer Appreciation Day on Saturday March 16

- C. Amended: Board of Ethics Appointment.

Chairman Ahrens discussed the vacancy on the Ethics Board due to the resignation of Sheila Auffrey whose term was through January 2015. He said that he and the Chairman of the Ethics Board had met with the candidate Stacey Vyneman who was recommended by a current Ethics Board member. He stated that he was prepared to move forward with the appointment, but that he would leave it up to the discretion of the two new Board Members if they would prefer to wait until a later meeting if they had any suggestions. Commissioners Gunnin and Poole expressed that they were in agreement with the Chairman to proceed with the appointment of Ms. Vyneman.

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

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

- A. Amended: Benny Carter to speak about Cherokee County YMCA. Note: This item was removed and was discussed during the Public Comment Section.
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CONSENT AGENDA

COUNTY MANAGER

- 2.1 Consider approval of the naming of the Aquatic Center outdoor leisure pool and mascot as chosen by contest winner Mountain Road Elementary students and recommended by the Cherokee Recreation and Parks Advisory Board.

Mr. Cooper asked Parks Director Bryan Reynolds to the podium to speak about the contest and the proclamation and naming of the outdoor leisure pool as the Oasis and the mascot Paradise the Pelican. Mr. Reynolds stated that the School District assisted in the contest and they received eleven entries. He then asked Mountain Road Elementary Principal, Tammy Sandell, to introduce her staff involved with the project who were in attendance tonight and the student council members who were also in attendance.

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

- 2.2 Consider request by Siemens for approval of Letter of Interest to be submitted to Georgia Power in support of Siemens application for installation of solar panels at the landfill and County Recycling sites on Blalock Road.

Commissioner Nelms made a motion to approve; Commissioner Gunnin seconded and the resulting vote was approval 4-0 with Commissioner Johnston abstaining due to being employed by an affiliated company of Georgia Power.

- 2.3 Consider approval to award Purchase Order in the amount not to exceed \$52,000.00 to low bidder, Upbeat Site Furnishings, for outdoor furnishings and award Purchase Order in the amount not to exceed \$27,500.00 to low bidder, Recreonics, for the program equipment. Quotes to be submitted to County Manager for review and final approval by the Board for other equipment and furniture.

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

2.4 **Amended: Removed** (Municipal Services Agreement with City of Waleska.)

COUNTY ATTORNEY

3.1 City of Holly Springs Annexation Notice related to Marble Quarry Road.

County Attorney Angie Davis that this item was discussed at the previous meeting and out of discussion at Work Session today was a suggestion to adopt a resolution in response to the annexation notice. Commissioner Poole read the proclamation. Ms. Davis said that if it meets with the Board's approval she would suggest adopting the resolution. The resolution is attached and included as part of these minutes.

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

Ms. Davis added from earlier discussion at Work Session that the reason we are going with this type of procedure is that under the land dispute resolution statutes the County is limited in its legal ability to do anything that would effectively stop or hinder this annexation. Therefore, we are proceeding with this resolution with the idea of expressing our concerns with this particular annexation and requesting that Holly Springs honor our concerns and our land use plans as well as the recommendations of their Planning Commission. Commissioner Nelms commented that the County was basically asking the Holly Spring City Council to honor their own Planning Commission's recommendation to retain the OI zoning.

3.2 Amended: Consent Order related to Fourstar and Garland Mountain Trail.

Ms. Davis stated that the purpose of the lawsuit was to determine the classification of Garland Mountain Trail also known as Garland Mountain Road. She stated that for the Consent Order, the County would indicate the uncertainty of whether it is a public roadway and would not object to it being a public roadway provided it had no construction or maintenance responsibility and that the County would incur no expenses. She said if it met with the Board's approval, she would call for a motion to authorize the Consent Order which will then be presented to the court.

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

3.3 Amended: Potential Rezoning Case / Sixes Road and I-575 Area.

Ms. Davis said that based on discussion at Work Session, there is an interest by the Board to express their concerns and opposition to the proposed rezoning in a somewhat formal manner but also mindful that we have no authority over the rezoning in a city. She said it was discussed that we would do this by way of a motion and a letter authored by the Chairman conveying the results of that motion.

The Chairman said that adding onto Ms. Davis' reference, he suggested approving the letter signed by himself to the City of Holly Springs' Mayor and City Council, with the subject being 'Concerns regarding rezoning and land use at Sixes Road and I-575'. He said that what we're looking for tonight is to identify 4 or 5 key topics, or scope, that would be put into proper form later. The suggested list of topics as discussed is: residential corridor and future commercial use, extent in density, traffic peak and non-peak considering the addition of the Aquatic Center and proposed uses at that 60 acre site, financial impact of potential tax exempt usage build-out on a major portion of that 60 acre parcel (Parenthetically that could mean \$400,000 a year in property taxes just for the County. The School District could be another \$800,000 and the City would be whatever their millage rate is times a \$40 million dollar figure), the lack of absolute clarity in Holly Springs ordinances regarding some of the proposed uses, uncertainty of the ability of a potential owner to obtain a Certificate of Need up to and beyond a ten-year period of time and lastly, the need for an update of the DRI (Development Regional Impact).

Ms. Davis stated that she is in agreement with a motion approving the letter based on those points. Commissioner Nelms commented that this seems to be the most professional way to deliver the County's concerns to them.

Chairman Ahrens made a motion to approve; Commissioner Nelms 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.