

# MINUTES

## Cherokee County Board of Commissioners

April 16, 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 Gunnin led the Pledge of Allegiance.

### CALL TO ORDER

### CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:06 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

Chairman Ahrens called for a motion to ratify closure of Executive Session at 5:55 p.m.

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

### PROCLAMATIONS(S)

1. Proclaiming **April 2013 as "Donate Life Month"** to honor those who made the decision to give the gift of life through organ, eye and tissue donation.

Kristi Howard was in attendance on behalf of Lifelink to accept the proclamation. After the Chairman read the proclamation, Ms. Howard spoke about her daughter who had died in a boating accident. She had been registered to be an organ donor and as a result, four lives were saved.

2. Proclaiming **May 2013 to be Older Americans Month.**

Senior Services Director Nathan Brandon and Parks and Recreation Director Bryan Reynolds were in attendance. Also in attendance were Silver Roamers members Dave and Fran Perky and Senior Center member Ruth Musgrove.

**AMENDMENTS TO AGENDA**

1. Add under Consent Agenda:

- 1.3 Consider approval of Resolution authorizing County Manager to execute agreement with the Georgia Department of Natural Resources for reimbursement of funds from the Hazardous Waste Trust Fund for work performed at the Blalock Landfill in the amount of \$31,880.00.

2. Add Under Chairman's Section:

- A. Discussion on City of Ball Ground Annexation Notice.

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

**ANNOUNCEMENTS**

1. Earth Day Recycling Event sponsored by the Chamber of Commerce

Wednesday, April 17 from 9:30 a.m. to 2:00 p.m.  
Chamber of Commerce-Upper Parking Lot / 3605 Marietta Hwy, Canton

2. CHEROKEE COUNTY RABIES CLINIC

Cherokee County 4-H Rabies Clinic is taking place at various schools in the county on **Saturday, April 20th**. This is an opportunity for residents to protect their pets against the deadly disease at the reduced cost of \$8 per animal. More information can be found on the flyers located on the table outside of Cherokee Hall or by calling 770-479-0444.

- 9:00 a.m.** R.M. Moore, Hickory Flat Elementary, Oak Grove Elementary
- 11:15 a.m.** Clayton Elementary, Woodstock Elementary, Sixes Elementary
- 2:00 p.m.** Ball Ground Elementary, Holly Springs Elementary, Canton Elementary

**APPROVAL OF EXECUTIVE SESSION MINUTES FROM APRIL 2, 2013.**

As distributed by the County Manager.

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

**APPROVAL OF WORK SESSION MINUTES FROM APRIL 2, 2013.**

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

**APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 2, 2013.**

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

**PUBLIC HEARING**

None Scheduled.

**PUBLIC COMMENT**

- 1. Steve Brooks signed up to speak in support of the speed hump petition on Dock Lathem Trail.

**ZONING CASES**

**CASE NUMBER** : **13-01-001**  
**APPLICANT** : Stonetrust Investors, Inc.  
**ZONING CHANGE** : R-80 to GC  
**LOCATION** : 3171 Cumming Highway  
**MAP & PARCEL NUMBER** : 14N29, Parcel 036  
**ACRES** : 4.0  
**PROPOSED DEVELOPMENT** : Office/Service  
**COMMISSION DISTRICT** : 1  
**FUTURE DEVELOPMENT MAP** : Transitional Corridor/Country Estates

**PLANNING COMMISSION RECOMMENDATION : Denial**

Note: This case was discussed at the **March 19, 2013** meeting and was postponed to April 16, 2013.

Jeff Watkins gave a summary on the case. He said that he had spoken to the applicant who was willing to amend the application and be heard as O&I. He added that the action needed tonight was a vote to allow or deny the applicant to reapply. He added that they were prepared for the case to be heard at the next Planning Commission meeting upon Board approval. Commissioner Johnston, who is the District Commissioner, stated that it was his suggestion to see if the applicant was willing to accept O&I. He said he wasn't suggesting that he would approve O&I if the Planning Commission denied O&I, if he would app he'd like to remand the case back to the Planning Commission to at least hear the case again with no bias one way or the other.

Commissioner Johnston made a motion to allow the case to go back to the Planning Commission; Commissioner Nelms seconded and there was unanimous approval.

**CASE NUMBER** : **13-04-003**  
 APPLICANT : Homer and Jo Anne Whitmore  
 ZONING CHANGE : RA and R-15 to AG  
 LOCATION : 278 and 288 Steels Bridge Road  
 MAP & PARCEL NUMBER : 15N02, 069 and 070  
 ACRES : 5.123 +/-  
 PROPOSED DEVELOPMENT : Residential Uses  
 COMMISSION DISTRICT : 3  
 FUTURE DEVELOPMENT MAP : Suburban Living  
**PLANNING COMMISSION RECOMMENDATION** : **Approval**

Jeff Watkins gave a summary of the case. Commissioner Poole who is the District Commissioner for the property said that he was in approval to rezone the property back to AG as requested.

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

**CASE NUMBER** : **13-03-002**  
 APPLICANT : Jimmy Waldrop  
 ZONING CHANGE : RA and R-15 to AG  
 LOCATION : 226 and 258 Steels Bridge Road  
 MAP & PARCEL NUMBER : 15N02, 067 and 068  
 ACRES : 7.5 +/-  
 PROPOSED DEVELOPMENT : Residential Uses  
 COMMISSION DISTRICT : 3  
 FUTURE DEVELOPMENT MAP : Suburban Living  
**PLANNING COMMISSION RECOMMENDATION** : **Approval**

Jeff Watkins gave a summary of the case. Commissioner Poole who is the District Commissioner for the property said that as the case before, he was in approval to rezone the property back to AG as requested.

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

**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

The Chairman stated that he wanted to add a comment prior to his amended item. He said that since the last meeting Commissioner Poole had put forth a candidate for the Board of Ethics. He added that he had also received a call today on another candidate. Commissioner Johnston asked if the candidate was Philip Dodge because he had also received the same recommendation. The Chairman confirmed that it was. The Chairman said as a side note that he had distributed to the Ethics Board all of the ordinance information for them to take a look at including the County's ordinance, the combined one and the draft from ACCG.

A. Amended: Discussion on City of Ball Ground Annexation Notice.

Chairman Ahrens stated that this annexation request of approximately 23 acres with no change in zoning, thus no increase in density, was discussed at the last meeting. He added that their intention is to have a winery. Also discussed at the last meeting was the question of why not just leave it in the County. He said that he had since spoken with Ball Ground City Manager Eric Wilmarth who explained that the City has had a long relationship with the requestors and that they have an existing business in the City, Wild Cat on a Wing. The Chairman said that it is a quality and unique idea with a real value to what they propose to provide. The Chairman said this item was actually planned for the next meeting date agenda, but he had spoken with City Manager Eric Wilmarth and with a better understanding now of the annexation request, he told him he would recommend a motion tonight that the County not oppose the annexation request. He asked Angie Davis her thoughts on this decision. Ms. Davis replied that there's really no objection we could make based on statutory criteria. Commissioner Johnston stated that their questions had really been only a matter of curiosity and that we didn't have a legal basis to oppose. He added that it truly makes no difference to the County whatsoever as far as taxes were concerned.

The Chairman restated as a motion that the County did not oppose the annexation request; Commissioner Johnston 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**

---

**CONSENT AGENDA**

- 1.1 Consider request to surplus non-functioning computers and printers from the Tax Commissioner's Office and dispose of at Electronics Recycling Day.
- 1.2 Consider request to surplus non-functioning computers and printers from the Justice Center and dispose of at Electronics Recycling Day.
- 1.3 Amended: Consider approval of Resolution authorizing County Manager to execute agreement with the Georgia Department of Natural Resources for reimbursement of funds from the Hazardous Waste Trust Fund for work performed at the Blalock Landfill in the amount of \$31,880.00.

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

---

**COUNTY MANAGER**

- 2.1 Consider awarding Professional Services Agreement (PSA) to most responsive, responsible proposer, LifeQuest Services, for Ambulance Transport Billing Services, at a fee not to exceed 6.5% of total net billings per month. Thirteen proposals were received and the top three scored as follows (out of a possible 100): LifeQuest - 94.74%; Emergency Medical – 90.31%; Metro – 89.33%.

Commissioner Gunnin made a motion to approve; Commissioner Poole seconded and there was unanimous approval 4-0. (Chairman Ahrens had stepped out of the meeting momentarily for a phone call.)

Commissioner Johnston asked Danny West if they were basing numbers on the PSA from net collections or net billing. Chief West replied that it was net collections.

2.2 Consider approval of Professional Services Agreements with Real Estate Acquisition Consultants, Inc. and Moreland Altobelli Associates, Inc. to perform appraisal and data book preparation for County roadway construction projects. Two proposals were received and both were within \$50 of each other for various tasks.

Commissioner Johnston made a motion to approve; Commissioner Gunnin seconded and there was unanimous approval 4-0. (Chairman Ahrens had stepped out of the meeting momentarily for a phone call.)

2.3 Consider approval of the Lake Allatoona/Upper Etowah River Watershed Study-Watershed Protection Plan. Long term monitoring required under the plan will be the responsibility of Cherokee County Water and Sewerage Authority.

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

2.4 Consider request to transfer \$117,781 from the DATE Fund reserves to the Drug Accountability Court.

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

2.5 Consider accepting donation of funds in the amount of \$10,000 for the care, maintenance and comfort of the dogs and cats at the Shelter, and budget amendment for said purpose.

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

2.6 Consideration of petition for the installation of multiple speed humps along Dock Lathem Trail between State Route 20 and Henry Scott Road. Petition submitted showed 84% approval of residents within the defined service area.

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

2.7 Consider acceptance of \$75,000 purchase price from buyer for property located 824 Santa Fe Trail and payment of 5% for real estate commission.

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

---

### **COUNTY ATTORNEY**

3.1 Consider approval to execute Waiver of Conflict in the bankruptcy case involving Manor Subdivision.

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

3.2 Amend Professional Services Agreement with McClendon and Associates regarding Forensic Audit.

Ms. Davis went over the details for the proposed Amendment One to the PSA for the forensic audit related to Ball Ground Recycling and RRDA. She said that there were three sections to consider: Section 1 set a new 'not to exceed' amount of \$269,000 which is \$169,000 more than the original amount not to exceed; Section 2 is related to the delivery of the final audit which is now saying that it will be presented the District Attorney prior to being delivered to the Board; and Section

3 addresses Ms. McClendon's request to retain an attorney with a \$25,000 retainer and \$50,000 Cap including the retainer.

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

## **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:26 p.m.; Commissioner Poole seconded and the motion received unanimous approval.