

MINUTES

Cherokee County Board of Commissioners

June 18, 2013

Regular Meeting

CHEROKEE HALL 6:00 PM

INVOCATION

Pastor Marc Lawson with NorthGate 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"

Commissioner Poole led the Pledge of Allegiance.

CALL TO ORDER

VICE CHAIRMAN NELMS

Vice Chairman Nelms called the regular meeting to order at 6:07 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Brian Poole; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public. (Chairman Ahrens was out of town with family.)

RATIFY CLOSURE OF EXECUTIVE SESSION

The Vice Chair called for a motion to ratify the closure of Executive Session at 5:32 p.m.

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

PRESENTATIONS/PROCLAMATIONS

AMENDMENTS TO AGENDA

1. Add under Vice Chair Nelms' section: (B) Authorize staff to advertise on June 30 the Millage Rate estimate based on the full rollback of our millage rate with a public presentation at the July 2, 2013 meeting.

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

ANNOUNCEMENTS

APPROVAL OF EXECUTIVE SESSION MINUTES FROM JUNE 4, 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 JUNE 4, 2013.

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

APPROVAL OF REGULAR MEETING MINUTES FROM JUNE 4, 2013.

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

PUBLIC HEARING

Consider changes to the **Impact Fee Ordinance** of Cherokee County, Georgia, Chapter 32, Article II to modify the fees charged in the Impact Fee Schedule. The public is invited to attend.

Commissioner Johnston made a motion to open the Public Hearing at 6:09 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

No one had signed up to speak.

Mr. Cooper explained that the proposed amendment to the Impact Fee Ordinance to reduce the fees to 90% was to encourage business growth. He stated that tonight was the first of two Public Hearings on the topic, with the second one being July 16, 2013.

Commissioner Johnston made a motion to close the Public Hearing at 6:11 p.m.; Commissioner Poole seconded and there was unanimous approval.

PUBLIC COMMENT

1. James Harold had signed up to speak about the Aquatic Center. Mr. Harold said he was speaking on behalf of home owners in the Falls of Cherokee to bring to the attention of the Commissioners the noise being caused by the two Pool Packs at the Aquatic Center which run 24/7, ten minutes on and ten minutes off. He asked the Board to consider finding a solution to the noise. Commissioner Johnston commented that had been made aware of the noise problem and have made progress towards a solution.

ZONING CASES

CASE NUMBER	: 13-05-005
APPLICANT	: Peach Consolidated Properties, LLC
ZONING CHANGE	: NC to GC
LOCATION	: 2333 Cumming Highway
MAP & PARCEL NUMBER	: 14N23A, Part of Parcel 017
ACRES	: 3.5
PROPOSED DEVELOPMENT	: Convenience Store with Gasoline Sales
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Suburban Growth
PLANNING COMMISSION RECOMMENDATION	: Denial

Attorney for the applicant submitted to the Board of Commissioners on June 17, 2013 notification that the applicant has withdrawn the application.

As the District Commissioner, Commissioner Johnston stated that he would move to accept the withdraw request and would also move to make recommendations to the City of Canton if the applicant moves towards annexation.

Commissioner Johnston made a motion to accept the withdraw request; Commissioner Poole seconded and there was unanimous approval.

Commissioner Johnston then made the motion in the event the City of Canton annexes the property at 2333 Cumming Highway (part of parcel 017District 14N23A) the Cherokee County Board of Commissioners respectfully requests that the property remain restricted against heavy commercial uses including fast food, convenience stores with gas pumps, and large retail stores over 10,000 square feet; Commissioner Gunnin seconded and there was unanimous approval.

CASE NUMBER	: 13-06-006
APPLICANT	: James Bartley Williams
ZONING CHANGE	: AG to OI
LOCATION	: 10685 East Cherokee Drive
MAP & PARCEL NUMBER	: 03N11, Part of Parcel 141
ACRES	: 0.50
PROPOSED DEVELOPMENT	: Crematorium
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Community Village Node over Suburban Growth
PLANNING COMMISSION RECOMMENDATION	: Approval

Commissioner Johnston stated that he is the District Commissioner of the case and that he is inclined to deny the request for several reasons. He said a compelling reason is that it is not suffering from lack of economical use currently. He added that he learned today that the state had taken the position that it would be considered a stand-alone crematorium and that they do not intent to issue a license under the 1,000' rule (1,000 feet from residential subdivision). He said that most arguable is the health risk due to emissions. He said that he has heard contrasting arguments as to whether it could pose a risk or not and that it would be best to err on the side of caution, particularly since there is an elementary school downwind of the location.

Commissioner Johnston made a motion to deny the request;

Commissioner Poole then read a statement, 'As many of you know, I work for a funeral home. My employer has no connection to this rezoning request and I have no financial or other interest in the outcome of this rezoning request. Nonetheless, in an abundance of caution, I sought the advice of the County Attorney to ensure that I did not have a conflict of interest that would prevent me from voting on this matter. Based upon advice of the County Attorney, I do not have a conflict of interest under the Cherokee

County Ethics Ordinance. Therefore, I feel it is my duty to my constituents to participate in this matter tonight and I will be casting a vote.'

Commissioner Poole then seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

VICE CHAIR/COMMISSION DISTRICT 4

JASON NELMS

A. RRDA update and notice of meeting.

Commissioner Nelms stated that the next Joint BOC/RRDA meeting will be on July 16, 2013 at 4:00 p.m. He added that the Board's target date to appoint two new members was July 1, 2013 and at this time there aren't any candidates. He announced to the public that they were looking for individuals in the construction industry, banking, or other related industry to serve on the RRDA Board.

- B. Amended: Authorize staff to advertise on June 30 the Millage Rate estimate based on the full rollback.

Commissioner Nelms made a motion to give staff authority to advertise on June 30 the 2013 Millage Rates based on the full rollback; Commissioner Johnston seconded and clarified that they were talking about the full rollback rates as discussed in the presentation made during Work Session at 5.793 mills for the General Fund, 3.370 mills for the Fire Fund and .776 mills for the Park Bond for a total combined rate of 9.939 mills, which is a slight reduction from the current combined rate of 9.999. Vice Chair Nelms called for a vote and there was unanimous approval.

CONSENT AGENDA

- 1.1 Authorize disposal of electronics, file cabinets and chair from District Attorney's office, all items in poor condition.
- 1.2 Approve budget amendment to increase FY2013 budgeted revenues and expenditures in the amount of \$9,000.00 for the Multiple Grant Fund 250 and authorize purchase of Intoxilyzer 9000 for the Sheriff's Office as per the terms and conditions of the grant agreement. This was a no match grant.
- 1.3 Consideration of a right-of-way easement for Sawnee EMC for the installation and maintenance of underground electrical wires for athletic field lighting at Badger Creek Park.

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

COUNTY MANAGER

2.1 Award purchase to low bidder, Breathing Air Systems, in the amount of \$55,967.00 for the acquisition and delivery of an enclosed Air Trailer System.

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

2.2 Approve grant award in the amount of \$141,831.00 for the Blue Ridge Judicial Circuit Drug Accountability Court. This is a no match grant.

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

2.3 Approval of FY 2013 Justice Assistance Grant in the amount of \$10,082.00 for the purchase of two (2) patrol cameras with accessories. This is a no match grant.

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

2.4 Approve submission of continuation application for STOP VAWA Criminal Justice System Improvement (CJSI) Grant. Award amounts for years 2010, 2011, and 2012 were \$80,000.00 per year with a required match of \$26,666.00 which was satisfied with existing personnel. Match funding for new grant will be satisfied with existing personnel and will not require any new county funds.

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

2.5 Approve continuation of Victims of Crime Act (VOCA) Grant in the amount of \$87,397.00 with a required match of \$21,849.00 which is satisfied with existing personnel. Match will not require any new county funds.

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

- 2.6 Consider approval of Intergovernmental Agreement between Cherokee County and Cobb County for improvements to a pipe culvert on Summer Drive.

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

- 2.7 Approval to accept PY 2011 HOME Investment Partnerships Act Grant Funds from the Georgia Urban County Consortium (GUCC) in the amount of \$229,891.00 and to issue a subrecipient agreement to Cherokee County's Community Housing Development Organization (CHDO), North Georgia Community Housing Development Corporation in the amount \$48,399.00 for the development of affordable housing.

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

- 2.8 Consider approving transfer of PY 2009 HOME funds in the amount of \$85,000.00 from the Senior HOME Repair Program to North Georgia Community Housing Development Corp. (NGCHDC).

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

- 2.9 Consideration for approval of modified Standard Construction Agreement and Standard Professional Services Agreement in compliance with legislation passed during the recent legislative session.

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

- 2.10 Approval to award the construction contracts to the lowest responsible bidders, with the most responsive bid proposals for the work of the Three Cities Project for Nelson, Ball Ground and County Park at Waleska.

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

2.11 Approval to submit Juvenile Reinvestment Grant Funds application requesting funding in the amount of \$101,490.00 with \$26,008.00 match for the Cherokee Bridging the Gap Program to address community problem of a lack of coordination and linkage with existing private and public behavior health providers.

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

2.12 Authorize acceptance of the CJCC (Criminal Justice Coordinating Council) grant in the amount of \$103,819.00 to be used in the implementation of the Cherokee County Mental Health Court. This is a no match grant.

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

Commissioner Nelms commented that there were a large number of families and children in attendance tonight due to the zoning case earlier. He said that they were courteous enough to stay for the remainder of the meeting and he complimented on how well-behaved the children were.

COUNTY ATTORNEY

ADJOURN

The Vice Chair asked if there was any further business. Hearing none, Commissioner Poole made a motion to adjourn at 6:45 p.m.; Commissioner Gunnin seconded and the motion received unanimous approval.