

# MINUTES

## Cherokee County Board of Commissioners

October 15, 2013  
Regular Meeting  
CHEROKEE HALL 6:00 PM

### INVOCATION

Kendall Jones with MUST Ministries 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"*

Chairman Ahrens led the Pledge of Allegiance.

### CALL TO ORDER

### CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:08 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 5:35 p.m.

Commissioner Johnston made the motion; Commissioner Nelms seconded and there was unanimous approval.

### PRESENTATIONS/PROCLAMATIONS

None Scheduled.

## **AMENDMENTS TO AGENDA**

None.

## **ANNOUNCEMENTS**

Early Voting begins October 14th! Below are the locations and times:

### **October 14 – 18 (M-F) 8:30 a.m. – 5:00 p.m.**

Open to all qualified voters!

One location ONLY: Cherokee County Elections Office

400 E. Main Street, Canton, GA 30114

### **October 21 – 25 (M-F) 8:30 a.m. – 5:00 p.m.**

Open to all qualified voters!

One location ONLY: Cherokee County Elections Office

400 E. Main Street, Canton, GA 30114

### **October 28 – Nov. 1 (M-F) 8:30 a.m. – 5:00 p.m.**

Open to all qualified voters!

Two locations: Cherokee County Elections Office

400 E. Main Street, Canton, GA 30114

Woodstock Public Library

7735 Main Street, Woodstock, GA 30188

### **Nov. 4 (Mon) No voting**

**Nov. 5 (Tues) 7:00 a.m. – 7:00 p.m. at your regular polling locations.**

All City of Canton, City of Woodstock and State Senate District 14 precincts are open for voting on ELECTION DAY (November 5th.)

You must vote at your assigned precinct on ELECTION DAY.

Check your voter precinct card or call the Elections office at 770-479-0407 for your polling location. Voter precinct cards can be looked up at <http://mvp.sos.state.ga.us/>

**APPROVAL OF EXECUTIVE SESSION MINUTES FROM OCTOBER 1, 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 OCTOBER 1, 2013.**

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

**APPROVAL OF REGULAR MEETING MINUTES FROM OCTOBER 1, 2013.**

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

**APPROVAL OF JOINT BOC/RRDA MINUTES FROM SEPTEMBER 3, 2013.**

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

**PUBLIC HEARING**

None Scheduled.

## **PUBLIC COMMENT**

No one signed up to speak.

## **ZONING CASES**

<b>CASE NUMBER</b>	: 13-08-010
<b>APPLICANT</b>	: EAH Investments, LLC
<b>ZONING CHANGE</b>	: R-20 to R-15 with variances
<b>LOCATION</b>	: 295 Hames Road and 2235 Jamerson Road
<b>MAP &amp; PARCEL NUMBER</b>	: 15N18, Parcels 130 and 157
<b>ACRES</b>	: 53.44
<b>PROPOSED DEVELOPMENT</b>	: Single Family Residential Subdivision
<b>COMMISSION DISTRICT</b>	: 2
<b>FUTURE DEVELOPMENT MAP</b>	: Suburban Living
<b>PLANNING COMMISSION RECOMMENDATION</b>	: Approval of R-15

The Chairman gave a little background on the case that has come before them and sometimes has been withdrawn in the past. He said that the effort to present this as a conservation design is really one of the first since that new ordinance was passed. He said that he thinks it's a good product but that there aren't many opportunities to apply it.

Commissioner Gunnin said this case was in his district and that after discussions they've had and after reviewing this he agrees with the recommendation by the Planning Commission that the property be rezoned to R-15; Commissioner Johnston seconded.

Commissioner Johnston asked Commissioner Gunnin for clarification that he specifically was not including in the motion the requested variances. Commissioner Gunnin indicated that that was correct.

Chairman Ahrens commented that he would like to see there be some flexibility in the greenspace target. He added that different sites will have different circumstances to achieve buildable lots and still be economically marketable. He said that in his personal view, consideration for the 5% variance is not unreasonable but more than that would be, so he may be in a position not to support that. Commissioner Johnston commented that from the beginning his number one issue with conservation subdivisions is that they don't become a mechanism by which the same stated zoning produces significantly more homes for an overall higher density. The current ordinance with the provision of 40% greenspace works out about like that. He said that if we relax the greenspace to allow still more lots, we are giving outside the

parameters of what he thinks is appropriate for the conservation ordinance which says it should be substantially density neutral. Chairman Ahrens commented that part of the flexibility is built in where a certain number of lots could be a smaller lot size and still not give more or not give less but still achieve the greenspace. Commissioner Nelms commented that he thinks the demographic of this is a good fit for the product. He added that the demographic that it would attract will be well-suited for that area, although a part of him does agree on the conservation subdivision - the 5% variance is 2.6 acres which is negligible when you're looking at 53.44 acres. Commissioner Johnston agreed that the nature of the development seems appropriate for the area and that he hopes they can make it work. Commissioner Nelms said that he had read through the builder's pamphlet and it was very well done and the finished product is well designed with a \$2 plus million cash flow into the County based on 2,600 to 3,500 square foot homes.

The Chairman stated that there was a motion and a second to approve R-15 and called for a vote; there was 3-2 approval with Chairman Ahrens and Commissioner Poole voting nay.

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## **COMMISSION BUSINESS**

### **CHAIRMAN**

**L. B. AHRENS**

- A. Consideration of Ethics Board Appointment.

Chairman Ahrens advised that the Chair of the Ethics Board, Mark Webb, had resigned and that Debra Frieden was acting Chair in the interim. He said they were looking to fill the vacancy for the remaining term which expires January 2016 if anyone knew of any interested candidates. He said that we will post the vacancy on the County's website.

### **COMMISSION DISTRICT 1**

**HARRY B. JOHNSTON**

- A. Discussion on 2014 Board of Commissioners Meeting Schedule.

Commissioner Johnston restated from Work Session discussion that several dates were looked at for consideration to move due to the timing of County

and/or Federal holidays. It was decided among the Board that the two September meetings would be pushed back a week to September 9 and September 23, and the rest of the meeting dates would remain on the first and third Tuesday of the month. A copy of the meeting schedule is attached as part of these minutes.

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

**COMMISSION DISTRICT 2**

**RAYMOND GUNNIN**

**COMMISSION DISTRICT 3**

**BRIAN POOLE**

**VICE CHAIR/COMMISSION DISTRICT 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Consider final acceptance and right-of-way, roadways and appurtenant drainage structures in the following subdivisions: Wexford, Phase I, Wexford Phase II, and Olde Heritage, Phase I.
- 1.2 Consider approval to surplus and dispose of workstations, servers, computer accessories and small office furniture that are in very poor condition and of no use to the County from various departments.

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

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**COUNTY MANAGER**

- 2.1 Consider authorizing County Manager to execute Amendment 1 to Aging Subgrant Contract with the Atlanta Regional Commission (ARC) and authorize budget amendment to the County FY14 adopted budget in the amount of \$3,497.00.

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

- 2.2 Consider approval of proposal from Strack, Inc., for construction of a pipe culvert replacement on Oakmont Drive in the amount of \$68,400.00.

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

- 2.3 Consider authorizing annual stone purchases from both bidders, Vulcan Materials and Blue Grass Materials for the Roads & Bridges Department.

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

- 2.4 Consider approval of Amendment 1 to State FY2014 Department of Human Services (DHS) annual contract for funding which supports the County's Rural Transportation Program (CATS 5311), and budget amendment to the County's adopted FY14 budget in the total decreased amount of \$6,778.00.

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

- 2.5 Consideration and approval of the Fire Services Automatic Aid and Mutual Aid Agreement between Cherokee County and the City of Milton, including Approval of Waiver of Conflict from Jarrard & Davis, LLP.

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

- 2.6 Consideration of approval of an Agreement between Cherokee County and The Landon Group, Inc. for asphalt surface course installation on the Woodstock Road entrance to the Centennial Lakes Pod 7B subdivision. The Landon Group will pay Cherokee County \$23,250.00, which is the cost for the County to install the asphalt surface course.

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

- 2.7 Consider approval of a Utility Relocation Agreement with Georgia Power Company in the amount of \$75,370.00 to relocate three power poles that are in conflict with the East Rope Mill Road Improvement Project.

Commissioner Nelms made a motion to approve; Commissioner Poole seconded; Commissioner Johnston recused himself from voting because he works for an affiliate company of Georgia Power; the resulting vote was 4-0 approval.

- 2.8 Consider approval of a Professional Services Contract with STV/Ralph Whitehead Associates, for completing design revisions and updates to the SR 20 and East Cherokee Drive intersection improvement project in the amount of \$49,140.00.

Mr. Cooper recalled from Work Session discussion that this project was adding right turn lanes which will result in the four quadrants of the intersection each having a dedicated left turn, right turn and straight lane. Commissioner Johnston commented that this would be a great help. He asked County Engineer Geoff Morton if he knew the construction schedule. Mr. Morton replied that it could be under construction by next year.

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

- 2.9 Consider approval of Fire & Emergency Services Agreement between the County and the City of Waleska.

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

2.10 Consider approval to repay 2013 TAN and not seek a 2014 TAN. This will reduce operating cash by \$1,264,900.00; however, the cash low point will then be at an adequate amount for 2014 at approximately \$4,235,000.00. This action will save the County approximately \$45,000.00 in interest costs budgeted in FY2014.

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

Commissioner Johnston commented that he was glad that the County has been fortunate enough to build up reserves, putting us in the position to be able to pay it off and not keep paying the interest.

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## **COUNTY ATTORNEY**

### 3.1 City of Canton Annexation.

Angie Davis gave a summary of the annexation notice of property located at 2333 Cumming Highway in Canton. The applicant is seeking to build a convenience store with gasoline pumps. She advised that the property is contiguous so the County has no legal objection and that she does not believe we have an infrastructure land use objection available. She said as discussed in Work Session, she believes a diplomatic response to the request would be appropriate.

Commissioner Johnston made the motion:

'The City of Canton has before it a request to annex the parcel located at 2333 Cumming Highway, at the corner of Highway 20 and Brooke Park Drive, and to zone the property as C2 to allow its use for a convenience store with gas pumps. The parcel is currently zoned as Neighborhood Commercial (NC) in the County, which does not allow gas pumps, fast food restaurants, or large stores individually over 10,000 square feet. In recognition of the close proximity of this property to homes within Brooke Park, the Cherokee County Board of Commissioners respectfully asks the City Council to consider one of the following actions:

- a. Decline to annex the property and leave it zoned as NC in the County, or

- b. Restrict the property from heavy commercial uses including convenience store with gas pumps, fast food restaurants, and large stores over 10,000 square feet.

The Board of Commissioners thanks the City Council for its consideration'.

Chairman Ahrens commented that the parcel was within the growth boundary and he hopes that the City would adhere to their streetscapes ordinance.

Commissioner Nelms seconded and there was unanimous approval.

### 3.2 Consideration to pay forensic audit overage amount.

Ms. Davis stated that the County has received invoices from Ms. McClendon in excess of the cap in the amended agreement in respect to the forensic audit in the amount of \$95,673.71.

Chairman Ahrens commented that the agreement had been amended to provide over cap up to \$400,000 and for a date specific deadline which was met. He added that approximately \$75,000 was being written off by Ms. McClendon and the attorney on actual time spent. He said that we don't have the document in hand yet, that it is in the DA's office but we do know it contains some 2,300 pages of documentation. He went on to say that Ms. McClendon will likely be called to testify in this matter with the County's civil case and considering how thorough the report seems to be, that these charges are legitimate.

Commissioner Johnston made a motion to approve paying the invoices in the total amount of \$95,673.71; Commissioner Poole 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 6:54 p.m.; Commissioner Poole seconded and the motion received unanimous approval.