

# MINUTES

## Cherokee County Board of Commissioners

November 19, 2013  
Regular Meeting  
CHEROKEE HALL 6:00 PM

### INVOCATION

Pastor Keith Montgomery of Kingdom Come Church in Woodstock 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 6:09 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 5:55 p.m.

Commissioner Nelms made the motion to approve; Commissioner Poole seconded.

### PROCLAMATION

Proclaiming November 19, 2013 as **Premature Birth Awareness Day** in Cherokee County in recognition of the national efforts led by the March of Dimes to save babies from premature birth by funding research.

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Commissioner Poole spoke about this topic which was very personal to him. His daughter, now seven, was born prematurely. She was so tiny that his wedding ring fit her arm up to the shoulder. He read the proclamation and presented it to Ms. Michele Beal and some volunteers with the March of Dimes and thanked them for all they do for babies. Chairman Ahrens also thanked them for that incentive.

### **AMENDMENTS TO AGENDA**

1. Add item "A" Under Chairman's Portion-Update on Ethics Board Vacancy.
2. Add item "B" Under Chairman's Portion-Nomination for ARC Citizen Member.

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

### **ANNOUNCEMENTS**

Chairman Ahrens added the announcement to commend the great initiative of the Chamber of Commerce for the Taster event and Jingle Bell Shop held at the Conference Center last week. He said that it had a fantastic turnout and he thanked those who came out, even in the nasty weather, to make the event a success.

Chairman Ahrens stated that he would combine the approval of all minutes from November 5<sup>th</sup> into one motion.

### **APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM NOVEMBER 5, 2013.**

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

## **PUBLIC HEARINGS**

1. The Cherokee County Board of Commissioners will hold a Public Hearing on November 19, 2013 at 6:00 p.m. regarding the **abandonment of a portion of Old Batesville Road** located in Land Lot 289 of the 2<sup>nd</sup> District, 2<sup>nd</sup> Section of Cherokee County.

Geoff Morton gave an overview of the request involving the property on Old Batesville Road near the intersection with SR 140. He said the Public Hearing had been advertised and has received no feedback.

Commissioner Nelms made a motion to open the Public Hearing at 6:16 p.m.; Commissioner Poole seconded and there was unanimous approval.

No one had signed up to speak in support or opposition of the request.

Commissioner Nelms made a motion to close the Public Hearing at 6:16 p.m.; Commissioner Poole seconded and there was unanimous approval.

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

2. The Cherokee County Board of Commissioners will hold a Public Hearing on November 19, 2013 at 6:00 p.m. to consider approval to remove conditions placed upon **property located at 7709 Turner Road** at the time of rezoning of property from R-1A (Residential) to CN (Commercial) on January 14, 1986, Case No. 85-10-79.

Commissioner Nelms made a motion to open the Public Hearing at 6:17 p.m.; Commissioner Poole seconded and there was unanimous approval.

Vicki Taylor Lee gave an overview of the request involving the 1995 rezoning case to CN (Neighborhood Commercial). At the time, zoning conditions were placed upon the property restricting its use to a music school and drapery shop for family-run business. She said the applicant is requesting to expand the uses for a Therapeutic Clinic for Special Needs Clients.

Three citizens signed up to speak about the matter. Chairman Ahrens called them to the podium to speak in the order of sign-up.

1. Joe Porter of Arnold Mill Road, who has owned property along the subject property for 9 years, spoke of concerns about removing all the conditions that were placed upon the property. He said that he and several neighbors (who were in attendance tonight) had concerns including increased traffic, the potential increase to building size to approximately 20,000 sq. ft., keeping site plan consistent with surrounding property, and lack of environmental survey. He added that he is not opposed to the applicant's intended use, just the matter of expansion.
2. Rob Martoncik of Glen Trail, who owns property across the street, said that he shares the same sentiments as Mr. Porter. He said having recently found out about the request, he had not had time for much research but he wanted the zoning of the subject property to make sense in a neighborhood. He said he didn't know the intended hours of operation for example.
3. Mark Coffin of Glen Trail, who owns property adjoining the subject property, said he also shared sentiments with Mr. Porter and Mr. Martoncik. He added that it was a terrific neighborhood environment that maybe gets 20 to 25 cars per day and that if all the restrictions were lifted, rather than specific restrictions to meet the applicant's needs, it is very concerning to think about the possible results.

Applicant Lori Baker, Executive Director for Next-Step Ministries, spoke about the intended use of the property and the potential need for expansion. She stated that they served 63 families in 2012 and have outgrown their current location in Woodstock. She said that she loves the location of the property for the very reasons the neighboring residents spoke about; it is a quiet, peaceful, wooded area with little traffic. She expressed that this is the environment her special needs clients, who are mostly young adults, need. Ms. Baker stated they desired to be good neighbors and an integrated part of Cherokee County as they grow. She added that they were considering making changes after receiving input from neighbors, including the location of bus parking and the canopy.

Chairman Ahrens asked Ms. Baker how many clients they see in a 24-hour period. She replied about 15 per day, but that it would increase to about 25 per day over summer break when school gets out. Chairman Ahrens asked the hours of operation and she replied Monday – Friday, 8 a.m. to 6 p.m., Saturday 10 a.m. to 3 p.m. and closed on Sunday.

Commissioner Johnston stated that he had some objections to expansion but not with the proposed use. He mentioned the possibility of adding the use limited to the actual square footage of the building, which is actually a little over what is allowed already. Ms. Baker replied that they are growing, and would require expansion. Commissioner Johnston asked what the minimal square footage she could accept would be. She replied that her guess would be an additional 10,000 sq. ft. She commented that the bank required removal of all restrictions.

Commissioner Nelms commented on the driveway of Mr. Porter. Mr. Porter replied that he felt, according to the 7 year rule, and the fact that he maintained the driveway area, built pillars, etc. that he had vested rights. Ms. Baker replied that with having special needs clients, the driveway could not be used for in and out traffic. She added that Mr. Porter had another area of access.

Mr. Brian Stevenson with the Bank spoke about the bank's requirement of all conditions lifted. He said that they are cognizant of the concerns of neighbors looking down the road, but at the same time, they do not want to be back in front of the Board in the future. He said he had spoken with the bank again and they would agree to consider a list of acceptable uses that meets these particular needs without narrowing down to one use.

Commissioner Nelms made a motion to close the Public Hearing at 6:43 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Commissioner Johnston expressed concern of the potential building size and the need for a finite list of acceptable and non-acceptable uses. Commissioner Nelms also expressed concern of the large footprint of the proposed building expansion. Ms. Taylor Lee stated that she would put together the list if they would like to delay action for two weeks, and have Ms. Baker, Mr. Porter and other residents come back before the Board with the list and go from there. Commissioner Gunnin and Chairman Ahrens agreed that it would be best to delay to the next meeting.

Commissioner Gunnin made the motion to approve moving the matter to the December 3, 2013 meeting; Commissioner Nelms seconded and there was unanimous approval.

## **PUBLIC COMMENT**

Three people signed up to speak.

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1. Patti Hart of Governor's Preserve signed up to speak about the placement of a Flashfoods at the site of one of the very few historic buildings, currently known as Bells Store. She said that she and other residents were concerned about a 24-hour convenience store with gasoline pumps and selling alcohol would bring in a different element to the area as well as a nightmare of congestion. She brought with her a petition signed by 1,500 residents to submit to the Board. Commissioner Johnston accepted the petition.
  
2. Lisa Meyers, who lives across the street and runs Bells Store, signed up to speak about trying to save the building and history. She said that it could be used as museum or similar use, but that the area does not need another gas station.
  
3. Gene Carter of Governor's Preserve also signed up to speak about the Bells Store site. He said that the area does not need another cookie cutter gas station and that history shouldn't be traded for convenience.

## **ZONING CASES**

<b>CASE NUMBER</b>	: 13-08-011
<b>APPLICANT</b>	: John H. Pruett, Jr.
<b>ZONING CHANGE</b>	: R-40 to R-20
<b>LOCATION</b>	: Bells Ferry Road
<b>MAP &amp; PARCEL NUMBER</b>	: 14N12A, Parcels 079, 092, 094 and part of 046 and 093
<b>ACRES</b>	: 25.65
<b>PROPOSED DEVELOPMENT</b>	: Single Family Residential Subdivision
<b>COMMISSION DISTRICT</b>	: 1
<b>FUTURE DEVELOPMENT MAP</b>	: Suburban Living
<b>PLANNING COMMISSION RECOMMENDATION</b>	: Approval

Jeff Watkins gave an overview of the case which the Planning Committee had recommended approval. Commissioner Johnston stated that this was in his district and he felt this would fit well with the County and he would agree with the Planning Commission's recommendation.

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

## **COMMISSION BUSINESS**

### **CHAIRMAN**

### **L. B. AHRENS**

- A. (Amendment) Update on Ethics Board Vacancy.

Chairman Ahrens said that the list of candidates continues to grow and that he received two additional candidates today for a total of 11. He said that normally they struggle to get a name or two, but apparently due to two articles in the AJC, they received more candidates. He said that he had made contact by email to the candidates, sending them a current copy of the Ethics Ordinance. He said a couple of candidates had dropped out. He said that this is still open for candidates and he will begin making phone calls and get information out to the Board.

- B. (Amendment) Nomination for ARC Citizen Member.

Chairman Ahrens noted that he was serving as Vice-Chair for the ARC. He stated that on December 4 the ARC will vote to renew or replace 7 Citizen Representatives. He said that our current representative is Mr. Dennis Burnette, President of Cherokee Bank. He added that Mr. Burnette is serving the role very effectively. He said that he reached out to all the mayors and the Board and received unanimous support to re-appoint Mr. Burnette.

### **COMMISSION DISTRICT 1**

### **HARRY B. JOHNSTON**

- A. Discussion on Historical Preservation Ordinance and Possible Moratorium.

Commissioner Johnston began the discussion by stating it would be a tragedy to demolish the Bells Store structure, but that the GC zoning does allow for a gas station. He asked for a 90-Moratorium that would delay demolition of historical commercial properties in unincorporated Cherokee County as listed in the 1988/2005 Cherokee County Historic Resources Survey as provided by Stephanie Joyner, Executive Director of the Cherokee County Historical Society. He said the moratorium would allow the County time to develop a Historical Preservation Ordinance. Commissioner Johnston explained that the ordinance would outline a process for those 24 structures listed to begin with the owner applying for a permit for exterior remodeling or demolition. A Historical Preservation Committee would hear the case and make a recommendation to the Board of Commissioners. If the BOC denied the permit, at the end of the one-year waiting period, the BOC would not

have the power to stop it. He said that while this would not prevent a building from ever being torn down, it would provide a delay to allow time to find a way to preserve the building. He said that this was the best plan he could think of in attempt to save the Bells Store structure. He said that if it was too late to save that building, it might serve as a catalyst to preserve others. Ms. Angie Davis said the moratorium would basically serve as a 90-day timeout while the Board does the research necessary to provide the ordinance. She advised that the resolution to impose the moratorium should include the list of structures described as the 1988-2005 Cherokee County Historic Resources Survey as exhibit 'A'. She said the date of passage would be the adoption date.

Commissioner Johnston made a motion to adopt the resolution and moratorium as outlined by the County Attorney; Commissioner Nelms seconded. The Board voted and County Clerk, Christy Black, stated that she had been unable to hear all the votes and asked for clarification. The resulting vote was unanimous approval.

**COMMISSION DISTRICT 2**

**RAYMOND GUNNIN**

- A. Appointment to the Cemetery Preservation Committee.

Commissioner Gunnin began by apologizing to Ms. Loriann White for misplacing her resume and the resulting delay in making the appointment. He read through her resume and commented that she was well versed in history and had already given him some advice. He thanked her for her patience and for her attendance at tonight's meeting. He then appointed Ms. White to the Cemetery Preservation Committee for a term expiring December 31, 2016.

**COMMISSION DISTRICT 3**

**BRIAN POOLE**

- A. Consider acceptance of 0.21 miles of Haynes Lane, in as-is condition, for County Maintenance.

Commissioner Poole made a motion to approve; Commissioner Nelms seconded. Commissioner Johnston called for Point of Order due to a policy that has been used in the past that allows each Commissioner so many miles per year to designate for County maintenance without voting. As no one could recall where the policy originated, Ms. Davis advised for now to vote. Commissioner Johnston withdrew the Point of

Order. The Chairman recalled the motion and second and the vote was for unanimous approval.

**VICE CHAIR/COMMISSION DISTRICT 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Consider final acceptance of all public rights-of-way, roadways and appurtenant drainage structures in the Blue Valley subdivision.
- 1.2 Consider approval of budget amendment for the use of TAVT Reserves to construct new ADA counters at Tag office in Woodstock, purchase security cameras for Canton and Woodstock, and other future security requirements in the total amount of \$46,374.00.

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

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**COUNTY MANAGER**

- 2.1 Consider approval to submit grant application to the Joey Pizzano Memorial Fund for non-matching grant in the amount of \$5,600.00 for implementation of an adaptive swim lesson program at the Aquatic Center.

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

- 2.2 Consider approval of multi-way stop at the intersection of Hembridge Drive and Mountain View Circle (western intersection) in the Hembridge Hills Subdivision.

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

- 2.3 Consider approval of the CDBG 2014-2018 Consolidated Plan and 2014 Annual Action Plan (Grant Application) in the amount of \$780,000.00 for submission to the U.S. Department of Housing and Urban Development (HUD).

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

- 2.4 Consider approval of the amendment to the 2010 and 2011 CDBG Annual Action Plan.

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

- 2.5 Consider the following Benefits Committee recommendations:  
1) Not renew contract with CHN, and 2) Discontinue the tobacco surcharge effective upon approval of BOC.

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

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## **COUNTY ATTORNEY**

- 3.1 Rules of Procedure.

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 Johnston made a motion to adjourn at 7:40 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.

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