

**CHEROKEE COUNTY**  
**BOARD OF COMMISSIONERS**

**Work Session**

**November 19, 2013**

**3:00 p.m.**

**Cherokee Hall**

**MINUTES**

The Chairman began at 3:10 p.m. with all Commissioners present. The Chairman read quotes on various topics he obtained from despair.com.

The Chairman asked if anyone attended the Jingle Bell Shop and the tasting. He commented on how great the turnout was.

The Chairman went over the year-to-date results from the Pension Board of Trustees Defined Benefit Plan and future projections. For the latest quarter, the plan is up five percent which is exactly equal to the index. It is up 12.8% for year-to-date. One-year is 15% growth; three-year is 11.2%; and five-year is 9.87%. The Chairman stated there was a lot of discussion on what will happen in the next four or five years. The projection for fixed income over the next seven years is in the three percent range.

**1. Discussion on Alcohol Beverages Ordinance Revision.**

Ms. Davis began by stating this item is for informational purposes and if it meets with the Board's approval, they will move forward with calling a Public Hearing. The proposed revision is an amendment to the alcohol beverage ordinance mainly for clarification and some housekeeping. It primarily consists of some definitions not previously defined and/or some definitions that have

been reformulated to adjust to changing developments. Ms. Davis believes the initial issue is that the chart is not clear on how the measurements for residential would be accomplished. She added that how a distance is measured can determine what is and is not acceptable. Ms. Davis then asked if there were any questions. Commissioner Johnston asked how the distances compare to the current ordinance. Ms. Davis stated they are the same with one exception of a provision indicating distance allowed between "consumption on premises/lounge" and a hospital or nursing home is 1,000 feet. She stated it is inconsistent with the other provisions and that is the purpose for a revision.

The Chairman asked about measurement of businesses and the definition of "straight line." Mr. Watkins stated that he believes the term indicates the actual route a person would travel. Ms. Davis suggested possibly deleting the "straight line" term. Mr. Watkins stated he thinks the whole sentence needs to be reworded. Further discussion ensued regarding the type of terminology that would better clarify the measurements as well as the best method to measure. Examples discussed were straight line, as the crow flies and route traveled. Regarding the method of measurement, it was determined during discussion among the Board and the Marshal that the easiest way to measure would be as the crow flies. Mr. Watkins asked that measurements for government-owned treatment centers be added to the chart and clarify that they are inpatient facilities.

Ms. Davis said she would send out an informational email that highlights the issues and questions that have come up and clarify those and will then send out a draft ordinance. Ms. Davis stated they could go ahead and call a Public Hearing or they can wait and discuss again at the next meeting. The Chairman commented that would be his preference to discuss at the next meeting and they could call for a Public Hearing then.

## **2. Facebook Resolution.**

The Chairman began by referencing Fayette County's Board of Commissioners' passing of a resolution asking Facebook not to change the policy to allow teenagers more choices for posting to everyone rather than just friends. He is asking for the Board to consider adding a similar resolution to their next agenda. He believes the ARC will be voting on it on December 4 to consider a metro-wide resolution. The Chairman stated Facebook is making it wide open for intruders to obtain private information. He asked the Board to take a look at resolution and think about it and maybe talk to other people to see what they think about it.

### 3. Discussion of Regular Agenda Items.

#### Public Hearings

- 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.

Mr. Morton stated the request came from the Church of the Messiah who wanted to place a sign in the space, but it was encroaching on a County right-of-way. He added that after discussing it with them, the idea of abandonment came up and made the most sense.

- 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 NC (Commercial) on January 14, 1986, Case No. 85-10-79.

Ms. Taylor-Lee gave a brief overview of the conditions placed on the property in 1995. She stated she and Commissioner Gunnin discussed several possible uses that are consistent within the zoning and not so invasive to the residential community. The Chairman asked if they were to be considering adding categories. Ms. Taylor-Lee said they would be looking for uses according to code instead of just a bunch of different uses. Commissioner Gunnin said he spoke with Next Step Ministries who would like to purchase the property and building. He also spoke with neighbors who had concerns about the type of business that would be there. Commissioner Johnston expressed concern for the expansion to 20,000 square feet. Ms. Taylor-Lee explained she understood the building would be used more for a school day facility. She added she wanted to go over the discussed list before any kind of decision is made.

#### Zoning Cases

Mr. Watkins gave an overview of the zoning case and stated the Planning Commission's recommendation is to approve. Commissioner Johnston expressed concern and had at one point thought the new development could somehow be connected to an existing neighborhood on Butterworth Road to create another route for current residents to be able to exit their neighborhood

due to high traffic volume on Butterworth Road; but due to the new community being gated, he doesn't see it happening.

The Chairman went over items under the **Chairman's** portion:

- Amendment: Update on Ethics Board Vacancy.

The Chairman stated he has a total of 11 applicants for the vacancy on the Ethics Board. He added he reached out to them in a blanket email so all will have the same information and a copy of the ordinance.

- Amendment: Nomination for ARC Citizen Member.

The Chairman stated that on December 4, the ARC will vote and nominate citizen members. Several are up for renewal or replacement. He said his intention is to nominate our current representative, Mr. Dennis Burnette for another term.

Commissioner Johnston went over items under the **Commission District 1** portion:

- Discussion on Historical Preservation Ordinance and Possible Moratorium.

Commissioner Johnston began by recalling the threat to demolish the historic Bell's Store at the corner of Union Hill Road and Highway 20. He stated that was the catalyst to the thought of what, if anything, the County should do to try and preserve historical buildings. The Cherokee Historical Society compiled a list of significant historic resources going back to 1988 and more recently updated 2005. Commissioner Johnston stated the question is whether or not to consider the adoption of a historic preservation ordinance that would provide incentives and deterrents to the destruction of a listed historic structure. He isn't sure the County has the power to prohibit the demolition of a historic structure. Commissioner Johnston gave an overview of the process to preserve such structures. He spoke about the possibility of the enactment of a moratorium on the non-residential structures that are currently on the Historical Society's list of historical resources in unincorporated Cherokee County. Commissioner Johnston asked Mr. Watkins for his feedback.

Mr. Watkins stated there is a model ordinance by the State Office of Historic Preservation which is based on the State code related to the Georgia Historic Preservation Act. It indicates that the Board would have to establish a Historic Preservation Commission. It requires that some of the members be specifically

qualified. Commissioner Johnston asked if it was an actual requirement or just a suggestion. Mr. Watkins replied that it is required. He made reference to Cobb County's ordinance and how it compares to the State ordinance. Mr. Watkins stated the ordinance establishes the preservation process by which you would be able to designate properties or districts as historic. It doesn't require adoption of design guidelines. A district would have some design criteria. Historical Society Executive Director, Ms. Stefanie Joyner, added getting a stay of demolition is as far as it can go. She stated they are looking to preserve buildings throughout that define the County and serve as landmarks. The Chairman asked if they make those judgments that those are historic buildings. Ms. Joyner responded that the survey they have is approved by the State. She added if the County goes the route of the HPC (Historic Planning Commission), she would like to see some modifications to the ordinance.

Commissioner Nelms recalled the State Department of Natural Resources having a Historic Preservation Division and asked if that was still the case. Ms. Joyner replied that it was and that's where Mr. Watkins obtained his information. Commissioner Nelms asked if they are deemed by the Governor to declare whether or not a house or building would be historic. Ms. Joyner replied that is not the case. They give guidelines and the general guidelines are 50 years. That State division approves things on the national register for historic places. Commissioner Nelms asked how they can get homes deemed historical references in the County on the State list. Ms. Joyner responded that they use the State approved list to give them a start. The State doesn't have to approve it. The County HPC can deem it historic. Further discussion ensued regarding State approved lists and the national register.

Commissioner Poole expressed concern of infringing on property rights of the owner looking to sell the property. Ms. Joyner explained that they could try and ask the potential buyer to incorporate the building into their plans. If not, then they can put a stay of demolition for a certain time frame to look for another potential buyer and if that is not the case, then the building can be demolished. Discussion continued on property rights of the owner and process for appeal. Mr. Watkins stated a Public Hearing would be required.

Commissioner Nelms mentioned the aspect of illegal digging of Native American artifacts as established by DNR and how the County has been a big part of that culture. He added that there was a law put in place that required permission to dig on someone else's property. He suggested a tie-in to the historic preservation ordinance for large archeological digs. Ms. Joyner said she can research how artifact digging relates to historical preservation.

Commissioner Johnston asked if there was any interest in moving forward with the historic preservation ordinance and if they should proceed with a 90-day

moratorium. He feels they should move forward with the ordinance with the possible sacrifice of Bell's Store. Commissioner Nelms agreed and added he felt the Planning Commission would be sufficient to make such decisions as long as a member of the Historical Society is present and able to be a voice in decisions. Mr. Watkins stated the State ordinance does require actual members to be qualified in historical preservation. Commissioner Nelms asked if they could ask the State for an amendment or proclamation declaring that Cherokee County deems the store as a historical site. Ms. Joyner stated she thought that it was reasonable.

Commissioner Nelms asked the opinion of the Board. The Chairman stated he was fine with moving forward with the moratorium considering the timeliness; and he would like to know a little more about the ordinance before moving forward. He added it is appropriate for the County. Commissioner Johnston agreed time is a factor and if they could postpone demolition for a year that would buy them time to figure out what to do about the store. Commissioner Nelms asked if there was a developer looking to do something with the store. Commissioner Johnston replied there is a potential buyer looking at the property and may have a contract at this point.

Ms. Davis went over a rough draft of the resolution for the moratorium. She mentioned that if they were ever challenged by infringement on property rights, the court would look at is the reasonableness of the time period and if it's the least restrictive means. She stated they would need to attach the State recognized list as "Exhibit A" and that the 90 days is an appropriate time frame to start. An appeal right must also be included. In regards to the ordinance, Ms. Davis suggested the Board begin reviewing the State model as well as other county ordinances.

Commissioner Johnston mentioned a portion of the moratorium referring to all demolition permits and suggested a clause be added in regards to non-residential structures listed with the Cherokee Historical Society. Ms. Davis agreed.

The Chairman moved on to the remainder of the agenda and asked Ms. Davis if the Board could include the ratification of the Executive Session and adoption of Work Session and Regular Meeting minutes in one vote. Ms. Davis said that would be fine as long as the motion includes all three.

Mr. Cooper went over items under the **Consent Agenda** portion:

- Consider final acceptance of all public right-of-way, roadways and appurtenant drainage structures in the Blue Valley Subdivision.
- 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.

Mr. Cooper went over items under the **County Manager's** portion:

- 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.
- Consider approval of multi-way stop at the intersection of Hembridge Drive and Mountain View Circle (western intersection) in the Hembridge Hills Subdivision.
- 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).
- Consider approval of the amendment to the 2010 and 2011 CDBG Annual Action Plan.
- Consider the following Benefits Committee recommendations: 1) Not renew contract with CHN, and 2) Discontinue the tobacco surcharge effective upon approval of BOC.

Mr. Cooper stated the analysis provided from CHN based on various risk factors showed that they had worsened. Another factor they looked at was a cost per month target that was not met both years and the cost per employee increased, as well. A third factor they discussed was the coaching and whether or not it has been successful and it suffered a cost increase. Mr. Cooper mentioned Northside Hospital would be willing to offer similar testing at no cost and the County may want to look at hiring a wellness expert to assist with monitoring and coordinating the program. He added that it would be brought before the Board by the end of the year and he anticipates the program will start in January.

Ms. Davis went over items under the **County Attorney's** portion:

- Rules of Procedure

Ms. Davis briefly reviewed all that had been discussed by the Board for the Rules of Procedure including a final draft ready for adoption at the Regular Meeting.

Hearing no further business, Commissioner Nelms made a motion to adjourn to Executive Session at 5:07 p.m. to discuss property acquisition, personnel matters and pending or threatened litigation; Commissioner Gunnin seconded and the motion was unanimously approved.

Executive Session followed.