



Cherokee County Board of Commissioners WORK SESSION MINUTES

December 3, 2013

3:00 p.m. | Cherokee Hall

The Chairman began at 3:11 p.m. with all Commissioners present, except Commissioner Nelms who was unable to attend due to a business meeting.

The Chairman asked Commissioner Johnston to give an overview of the Town Hall meeting he held the previous evening. Commissioner Johnston shared that it was good to hear both sides. He feels there needs to be more positive incentives for someone who is willing to preserve a historic building and meet the demands of the County. Mr. Jeff Watkins mentioned Cobb County has a tax abatement program in place and he is looking into the different incentives we could provide. He added there is a long list of available funding from various groups but they want to be sure the local government is committed to historic preservation. Commissioner Johnston asked if adopting the resolution would show that the commitment they were looking for. Mr. Watkins replied that it was. The funds come in forms of grants and low interest loans and even forgivable loans. Commissioner Johnston stated it would be good to research the possible use of ad valorem as an incentive.

1. Discussion on Alcohol Beverages Ordinance Revision.

Ms. Davis began by referencing email discussion pointing out the items previously addressed that were either added or taken away. She mentioned the main point of discussion was determining the type of measurement of distance. Ms. Davis said State law says the measurement is the most direct route traveled on the ground. She added that the law was somewhat vague in description as to the means of travel on the ground. Ms. Davis stated that since there is a State law on this type of ordinance there is a preemption issue and they need to follow state law but they can be more stringent. Under State law the general distance requirement is 100 yards. The County applies a minimum of 300 feet but most distances are 600 feet. Ms. Davis suggested they could set up a scheme that would be less of a regulation imposed by State law. She

recommends sticking with State law but signifying the mode of travel as a way to measure. Discussion ensued on the best way to address the most direct route of travel on the ground as close to “as the crow flies” as possible and the issue of fences defeating the ordinance.

Commissioner Johnston referred to “consumption on premises lounge” versus “consumption on premises restaurant”. He added that since lounges are not allowed to be built in unincorporated portions of the County that possibly that part of the language can be removed. Ms. Davis said she would check to be sure that would be allowed before they adopt the amendment. Another suggestion was to leave it in for possible future scenarios.

Chief Collett asked if there would be a problem mirroring State law. Ms. Davis said they could if they choose to do so. Commissioner Johnston asked if the State law was clear in respect to schools. Ms. Davis read that it included the building and grounds of a school, but does not include grounds for churches. Mr. Cooper stated that he and staff would research the ordinance and work on a draft.

2. Discussion of Regular Agenda Items.

Public Hearings

- The Cherokee County Board of Commissioners hold a Public Hearing on December 3, 2013 to consider the full waiver of the one condition of zoning attached to the **1990 Rezone Case Number 90-07-101 Carole Crenshaw**.

Ms. Taylor-Lee provided an overview of the property located at 6615 Hickory Flat Highway which was zoned for use as a daycare/preschool only which shut down. She stated a dentist purchased the property and renovated it to use for an office which is consistent with the land use for that area. Signage was applied for and it was learned that this condition existed. She asked for consideration to remove the condition so the dentist can proceed with opening the office. Ms. Taylor-Lee stated it was posted and advertised.

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

- Consider resolution asking Facebook to protect our teenagers from predators and abuses of privacy.
- CCWSA (Cherokee County Waters and Sewerage Authority) earned Tops in State award of large water systems for “Public Education”.

There were no items to consider under the **Consent Agenda** portion.

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

- Consider acceptance of lease agreement to use Cherokee Charter Academy gymnasium facility for CYB (Cherokee Youth Basketball) practices and games for the 2013-2016 seasons.
- Consider acceptance of lease agreement to use Chris G. Hite Memorial Community Center gymnasium facility for CYB (Cherokee Youth Basketball) practices and games for the 2013-2016 seasons.
- Consideration of a request from the Cherokee County School System to execute a quit-claim deed that adds a portion of Parkbrooke Drive to County maintenance, approximately 275 feet in length.
- Amendment: Consider final acceptance of all public right-of-way, roadways, and appurtenant drainage structures in the Cherokee 75 Corporate Park.
- Amendment: Consider approval of Intergovernmental Agreement (IGA) with City of Woodstock Downtown Development Authority for use of CATS trolley for the month of December 2013.

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

- The Cherokee County Board of Commissioners held 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. By unanimous vote, no action was taken and the Case was moved to the December 3, 2013 meeting.

Ms. Davis deferred the discussion to Ms. Taylor-Lee. Ms. Taylor-Lee stated she and Commissioner Gunnin met with the interested parties including the proposed user and the bank. She referred to the revised list of potential uses and the planned use for the facility. The applicant plans to expand the building by 5,000 additional square feet bringing the maximum up to no more than

10,000 square feet. Commissioner Gunnin stated he had spoken to residents who live next door to the facility and that they are concerned about the possible expansion. He added there are not many people interested in the potential uses for the facility as is. He said Ms. Baker asked for the stipulation on the zoning to be removed so that in the event she was ready to expand, she could. Ms. Taylor-Lee indicated she thinks there is confusion that this property would be up for rezoning which is not the case. Further discussion ensued on potential uses. Commissioners Johnston and Poole expressed their support for Commissioner Gunnin's decision.

The Chairman stated that they would not have a public hearing but if three people signed up for public comment and wanted to discuss it they could. Commissioner Johnston asked if they would be following the Zoning Procedures Act and if so, then they would have to structure it as a public hearing. Ms. Davis interjected that if they were to allow people to discuss as a public hearing without advertising it, then it would be unfair to those who might otherwise come. She said they are not obligated to open another public hearing, but if they were, they would need to provide a 15 day notice.

3. Retreat Topics.

The Chairman asked if anyone had a topic they would like to discuss during the retreat and stated he would work on a packet during the holidays. The Chairman mentioned the following topics:

- The Board of Ethics and changes they would make if they could; who is covered under the Ethics Board; and influence on hiring. The Chairman stated he has both Cobb and Cherokee ordinances as well as an ACCG draft model ordinance.
- Consideration of a basic draft of the County's Strategic Plan as discussed last year, hoping to get a little than last year.
- Discussion of Historic Preservation Ordinance.
- Consideration of whether the elected Board of Commissioners should be party-affiliated. Commissioner Johnston feels it would be an uphill battle to change it.

The Chairman asked if anyone else had suggestions for discussion topics. He reminded everyone the meetings are open to the public and media. Commissioner Johnston stated a possibility would be to discuss fire consolidation with the City of Canton.

Mr. Watkins stepped forward to recognize Mr. Michael Chapman who is now a certified planner. Now all staff in Planning and Zoning are AICP certified planners. Commissioner Johnston congratulated Mr. Chapman on his accomplishment and Mr. Watkins on having an all-certified team.

Commissioner Poole asked Mr. Cooper and Chief Collett about the status of the tag office situation. Chief Collett stated that will be rectified starting the next Monday. He added that Ms. Little set up a meeting with the head of security at the Justice Center for after the first of the year to do a walk-through of both tax campuses and help with developing a security plan. Commissioner Poole asked if there was a kind of security wall to prevent someone from jumping over the counter. Mr. Cooper replied that it is similar to the desks at the Bluffs. Sergeant Killian approached the podium and stated she contacted Deputy Holcomb at Court Security. She said he had gone to Federal Marshal School and has been trained in security evaluations at courthouses and other government buildings. He does evaluations to make sure policies and procedures are up to date and he will be doing the evaluations at both campuses and make recommendations. Commissioner Poole thanked Chief Collett for the update.

The Chairman announced his intent to run for re-election next year.

Hearing no further business, Commissioner Poole made a motion to adjourn to Executive Session at 4:54 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