



# Cherokee County Board of Commissioners

## MINUTES

April 15, 2014  
Regular Meeting  
CHEROKEE HALL 6:00 PM

### **INVOCATION**

Fritz Lovelace with Mt. Paran United Methodist 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 6:06 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; 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 5:15 p.m.

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

### **PROCLAMATIONS**

1. Designating April as **Donate Life Month** in Cherokee County.

The Chairman read the proclamation and said he would get the proclamation to Kaysha Cranon with LifeLink of Georgia.

### **PRESENTATIONS**

1. Amended: Item was postponed to June 3, 2014 meeting.  
~~Sheriff's Office Quarterly Awards and Special Award Presentation by Bartow County EMS.~~

### **AMENDMENTS TO AGENDA**

1. Remove Presentation by Sheriff's Office and move to June 3, 2014 meeting.
2. Remove item 1.1 from Consent Agenda, Revision of Personnel Policies Manual.

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

### **ANNOUNCEMENTS**

### **APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM APRIL 1, 2014.**

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

### **PUBLIC HEARING**

None Scheduled.

## **PUBLIC COMMENT**

Five people signed up to speak:

1. Darlene Schoals signed up to speak about the rezoning of Scott Road.
2. Constance Schible signed up to speak about the rezoning of Scott Road.
3. Joe Roberts signed up to speak about misinformation.
4. Steve Marcinko signed up to speak about corruption.
5. Tom Ware signed up to speak about Public Comment at meetings.

A couple of citizens from the audience asked to speak, not knowing about the sign up procedure. The Chairman allowed them to come up front and sign in to speak.

6. Katie McWaters signed up to speak about zoning of property at Hwy. 92.
7. David Cleghorn signed up to speak about GIS and Garland Mountain Court.
8. Lisa Barber signed up to speak about rezoning of property at Hwy. 92.

## **ZONING CASES**

### **1. CASE NUMBER**

APPLICANT

ZONING CHANGE

LOCATION

MAP & PARCEL NUMBER

ACRES

PROPOSED DEVELOPMENT

COMMISSION DISTRICT

FUTURE DEVELOPMENT MAP

PLANNING COMMISSION RECOMMENDATION

**: 14-04-004**

: William R. Morris

: R-40 to R-20 and AG

: Wiley Bridge Road and Cox Road

: 15N30 – 197, 197A, 198, 198A

: 12.06

: Residential Uses

: 2

: Suburban Living

: Approval

Jeff Watkins gave a summary of the case. Commissioner Gunnin stated that he was the District Commissioner for this property. He said that he would recommend proceeding with the Planning Commission's recommendation for approval, adding that it was a good fit for the surrounding area.

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

<b>2. CASE NUMBER</b>	<b>: 14-04-005</b>
APPLICANT	: CCL Associates
ZONING CHANGE	: R-40 to OI
LOCATION	: Hickory Flat Hwy and Scott R
MAP & PARCEL NUMBER	: 14N24 - 133
ACRES	: 4.31
PROPOSED DEVELOPMENT	: Commercial-medical office
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Transitional Corridor over Country Estates
PLANNING COMMISSION RECOMMENDATION	: No Recommendation

Jeff Watkins gave a summary of the case. Commissioner Johnston stated that he was the District Commissioner for this property. He said this was a difficult case and the Planning Commission had a 4/4 split vote. He said that the proposed use conformed to the land use plans in that Highway 140 is defined as a transition corridor. He said that the property was located in an area where commercial was anticipated and that a medical office was probably one of the better if not the best use they could hope for. He added that a neighbor in the area had made the astute observation that if we don't go with this, then down the road there could be a demand for a convenience store or something even less desirable to the surrounding neighbors. He said he was sympathetic to neighboring property owners and with significant reservations, he would recommend approving the rezoning to O&I for the purposes of the medical office as requested.

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

<b>3. CASE NUMBER</b>	<b>: 14-04-006</b>
APPLICANT	: Lisa Meyer
ZONING CHANGE	: LI and R-20 to GC
LOCATION	: Cumming Highway
MAP & PARCEL NUMBER	: 03N23A - 37, 38

ACRES	: 1.2 +/-
PROPOSED DEVELOPMENT	: Retail Store
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Neighborhood Village
PLANNING COMMISSION RECOMMENDATION	: Approval

Jeff Watkins gave a summary of the case. Commissioner Johnston stated that he was the District Commissioner for this property also. He said that after much discussion at Work Session, he would recommend approval but with a couple of conditions to meet concerns of surrounding property owners.

Commissioner Johnston made the following motions:

Regarding the parcel currently zoned LI, approval to GC as requested with the **one condition** that outdoor cooking be only on an occasional basis which is defined as no more than one day per calendar month. Regarding the parcel currently zoned R20, approve rezoning to O&I with the **condition** that it may continue to be used as a residence to allow for either office or residential use; Commissioner Nelms seconded and there was **unanimous approval**.

**4. CASE NUMBER**

**: 14-04-007**

APPLICANT	: John H. Pruett, Jr.
ZONING CHANGE	: R-40 and R-20 to R-20
LOCATION	: Bells Ferry Road
MAP & PARCEL NUMBER	: 14N12A - 093
ACRES	: 2.65
PROPOSED DEVELOPMENT	: Residential Use
COMMISSION DISTRICT	: 1
FUTURE DEVELOPMENT MAP	: Suburban Living
PLANNING COMMISSION RECOMMENDATION	: Approval

Commissioner Johnston stated that this property was in in district and he that he supports the Planning Commission's recommendation.

Commissioner Johnston made a motion for approval; Commissioner Gunnin seconded and there was **unanimous approval**.

**5. CASE NUMBER**

**: 14-04-008**

APPLICANT	: Development Auth. Cherokee Co.
ZONING CHANGE	: R-20 to LI
LOCATION	: Old Alabama Road

MAP & PARCEL NUMBER	: 21N05 – 247, 248A
ACRES	: 35.28
PROPOSED DEVELOPMENT	: Business Park
COMMISSION DISTRICT	: 3
FUTURE DEVELOPMENT MAP	: Suburban Growth
PLANNING COMMISSION RECOMMENDATION	: Denial

Jeff Watkins gave a summary of the case. Commissioner Nelms stated that this property was in his District. He said that there has been a lot of discussion regarding the rezoning and he has spoken with surrounding neighbors. He said that he would recommend postponing a decision until the May 6, 2014 meeting and requested that neighbors in attendance tonight stay after the meeting to talk to him about their concerns. He said that feedback he has heard is that they would like to have the Development Authority meet the following criteria: earthen berm, visual screen buffer with specific trees planted.

Commissioner Nelms made a motion to postpone to May 6, 2014; Commissioner Poole seconded and there was unanimous approval.

<b>6. CASE NUMBER</b>	<b>: 14-04-010</b>
APPLICANT	: Tricia Breckenridge
ZONING CHANGE	: R-40 to GC
LOCATION	: Highway 92 and Justin Drive
MAP & PARCEL NUMBER	: 15N18 - 109
ACRES	: 2.13
PROPOSED DEVELOPMENT	: Retail Use
COMMISSION DISTRICT	: 4
FUTURE DEVELOPMENT MAP	: Suburban Living
PLANNING COMMISSION RECOMMENDATION	: Approval of NC

Jeff Watkins gave a summary of the case. Commissioner Nelms stated that this case was also in his district that he would recommend following the Planning Commission’s recommendation.

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

**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

A. Ethics Board Vacancy.

Chairman Ahrens spoke about the candidate Natalie Bergeron who was the runner up candidate from the last time they received resumes for a vacancy on the Ethics Board at which time they received 15 resumes. He added that after Work Session discussion, he contacted Ms. Bergeron and she was willing to serve.

Chairman Ahrens made a motion to appoint Natalie Bergeron to fill the unexpired term of Stacey Vyneman from May 1, 2014 to January 1, 2015; Commissioner Nelms seconded and there was unanimous approval.

**VICE CHAIR/COMMISSION DISTRICT 1**      **HARRY B. JOHNSTON**

**COMMISSION DISTRICT 2**      **RAYMOND GUNNIN**

**COMMISSION DISTRICT 3**      **BRIAN POOLE**

**COMMISSION DISTRICT 4**      **JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Amended: Removed  
~~Consider approval of update to Personnel Policies Manual to comply with current Drug Free Workplace/Drug and Alcohol Program requirements as identified by FTA Triennial Review in December 2013.~~
- 1.2 Consider approval of Release Agreement between Cherokee County Board of Commissioners and the Holly Springs Downtown Development Authority allowing Cherokee Fire & Emergency Services to demolish/burn an acquired structure for training purposes.

- 1.3 Consider approval of new part-time position for DUI/Drug Court Case Worker and budget transfer of 2014 funds in the amount of \$8,100.00 from Professional Services to Personal Services.
- 1.4 Consider approval of FY2013 Homeland Security Grant Program – State Homeland Security Grant Program funds and budget amendment in the amount of \$9,000.00 for grant period September 1, 2013 to December 31, 2014.

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

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### **COUNTY MANAGER**

- 2.1 Consider approval of amendment to the Professional Services Agreement with AMEC Environment & Infrastructures, Inc., for additional design revisions and updates to the SR 140 and East Cherokee Drive intersection improvement project in the amount of \$33,264.00.

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

- 2.2 Accept bid and approve contract to lowest bidder, Summit Construction and Development, LLC, for construction of a pipe culvert replacement on Dudley Drive in the amount of \$97,898.69.

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

- 2.3 Consider awarding Professional Services Agreement for the printing and mailing of the County's Tax Assessment Notices to the highest evaluated proposer and lowest bidder, SouthData, Inc., in an amount not-to-exceed \$42,320.00.

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

- 2.4 Consider approval of grant application for State Accountability Court in the amount of \$215,949.00 grant funds. A 10% required match is satisfied with existing budget, no additional funds requested.

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

- 2.5 Consider proposal to amend current Professional Services Agreement with Top Tennis Group to include management of tennis courts at Hobgood and Kenney Askew Parks as recommended by the Recreation & Parks Advisory Board.

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

- 2.6 Approve the demolition of the old Fire Tower currently located at the former Georgia Forestry located on Hwy 20 East of Canton.

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

- 2.7 Consider approval of a 50% exemption of impact fees for the 45,000 square foot addition to Inalfa Roof Systems building. This exemption would be equal to \$12,973.63.

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

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### **COUNTY ATTORNEY**

- 3.1 City of Ball Ground Annexation Notice, Robert Bitz, 2.00 acres, Tax Parcel 03N01 065B.

Angie Davis gave a brief summary of the annexation notice. She stated that staff found no issues for objection under the land use statute. She said that this was for information purposes only and no action was needed on the matter.

3.2 City of Ball Ground Annexation Notice, Marion Spence 72 acres, Tax Parcels 04N02050; 04N01A, 071, 072, 073, 074, 075, Heritage Court.

Angie Davis gave a brief summary of the annexation notice. She stated that staff found no issues with the annexation for objection under the land use statute. She added that this was for information purposes only and no action was needed on the matter.

3.3 City of Ball Ground Annexation Notice, Jeff Banks, 98 acres, Land Lot 270 of the 4<sup>th</sup> District, 2<sup>nd</sup> Section, Heritage Woods Subdivision.

Ms. Davis gave a brief summary of the third annexation notice from Ball Ground, adding that as with the others, staff had found no issues for objection under the land use statute and that no action was needed on the matter.

### **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Johnston made a motion to adjourn at 7:08 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.