



# Cherokee County Board of Commissioners MINUTES

May 6, 2014  
Regular Meeting  
CHEROKEE HALL 6:00 PM

## **INVOCATION**

Commissioner Nelms led 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"*

Commissioner Johnston led the Pledge of Allegiance.

## **CALL TO ORDER**

## **CHAIRMAN AHRENS**

Chairman Ahrens called the regular meeting to order at 6:12 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 6:05 p.m.

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

## **PRESENTATIONS**

1. "Why it Matters" Presentation, Annual YMCA Campaign by Benny Carter and John Hicks.

Benny Carter and John Hicks with the YMCA gave a brief presentation of the YMCA including this year's 'Why it Matters' Campaign.

### **AMENDMENTS TO AGENDA**

1. Remove item 1.6 from Consent Agenda, Request to set public hearing date, applicant Hester.

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

### **ANNOUNCEMENTS**

Chairman Ahrens stated that early voting has begun and will continue through the weekend before the May 20<sup>th</sup> election. He noted that the main location on Main Street in Canton is open now but that other locations would open beginning next week. He encouraged everyone to exercise their right and privilege to vote.

### **APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM APRIL 15, 2014.**

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

### **PUBLIC HEARING**

None Scheduled.

### **PUBLIC COMMENT**

Thirteen people signed up to speak.

1. Marshall Day of Ball Ground signed up to speak about rezoning of the Crawfis Property.
2. Raleigh Morgan signed up to speak about Ball Ground Ridge.

3. Katie McWaters signed up to speak about the rezoning of Old Alabama Road.
4. Curtis McWaters signed up to speak about the rezoning of Old Alabama Road.
5. Daniel Strey signed up to speak about the rezoning of Old Alabama Road.
6. Jeff Rusbridge signed up to speak about Cherokee 75 rezoning.
7. Carolyn Crosby of Ball Ground signed up to speak about BGR.
8. John Hiland of Woodstock signed up to speak about BGR.
9. Mike Haviland of Nelson signed up to speak about Parks projects.
10. Lisa Barber signed up to speak about rezoning of Old Alabama Road.
11. C.L. White of Canton signed up to speak about government.
12. Betty Cropper signed up to speak about Batesville Road.
13. Steve Marcinko signed up to speak about lies of omission.

## **ZONING CASES**

**(Note: Postponed from April 1, 2014)**

<b>1. CASE NUMBER</b>	<b>: 14-03-002</b>
APPLICANT	: Chatham Neighborhoods, LLC
ZONING CHANGE	: OI, R-40 and AG to R-15
LOCATION	: Batesville Road and Hickory
Flat Highway	
MAP & PARCEL NUMBER	: 02N02 - 101, 75
ACRES	: 67.51
PROPOSED DEVELOPMENT	: Conservation Subdivision
COMMISSION DISTRICT	: 2
FUTURE DEVELOPMENT MAP	: Transitional, Suburban Growth and Country Estates
PLANNING COMMISSION RECOMMENDATION	: Denial

Commissioner Gunnin stated that this was in his district. He said he has been working on this case for about two months. He said he began studying the Land Use Plan which is more than just a map. The verbiage states that there are things to take into consideration to bring it all together, including the different character areas and different corridors. He added that Hwy. 140 is a transitional corridor. He said that in reading the Land Use Plan, it says to look at a quarter mile radius to see what else is in the area. The quarter mile radius of this property contains most any kind of zoning there is. He said that with all this being said he was ready to make a motion before the Board tonight to approve the rezoning.

Commissioner Gunnin made the following motion:

Approval of R20 rezoning with a conservation design with 80 lots. The two parcels connected to Batesville Road will be removed, leaving only the approximately 47 acres owned by the church to be rezoned, and the road will not cut through. The property at the south part of the parcel adjoining Rick and Linda Bells property will maintain an 85 foot undisturbed buffer regardless of the design. If there is not enough vegetation to provide enough of a visual screen, the new tree that Commissioner Nelms described that is a rapid growing tree can be planted. Commissioner Nelms asked if this was a motion not to exceed 80 and Commissioner Gunnin replied that it was. Commissioner Nelms seconded. Commissioner Johnston commented that he respectfully disagrees and would not be able to support this. He added that his interpretation of the land use plan is a little different. Chairman Ahrens commented that he is taking in the criteria the Planning Commission's recommendation of denial. He added that he has concerns about 80 homes entering and exiting on Hwy. 140 and he would actually rather see connectivity from Hwy. 140 to Batesville Road regardless of the outcome here. He noted that the case has been postponed since April 1 and only yesterday did they receive notification of the proposal to consider.

Chairman Ahrens recalled that there was a motion and a second and asked for a vote.

The motion passed 3-2 with Chairman Ahrens and Commissioner Johnston voting nay.

**(Note: Postponed from April 15, 2014)**

**2. 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

: 4

FUTURE DEVELOPMENT MAP

: Suburban Growth

PLANNING COMMISSION RECOMMENDATION : Denial

Jeff Watkins gave an over view of the case. Commissioner Nelms stated that this case was in his district.

Commissioner Nelms made a motion to approve the rezoning to R20 as requested but with the following five conditions:

1. A landscaped earthen berm of a minimum of 4 ft. in height to be installed within the 50 ft. zoning buffer adjacent to residentially zoned property along the southwest, west and northern boundaries of the subject property. Along the northern property boundary, said berm shall extend the length of the boundary except for the area reserved for stream buffers, which shall remain undisturbed. Said berm to be installed concurrent with development site.
2. Landscaping of the berm shall include fast growing evergreen vegetation such as "Green Giant" arborvitae (Thuja Species), or similar species, planted to create a year round visual screen. The County Arborist to determine spacing most appropriate for site conditions.
3. Repair any road damage caused during any and all parts of construction including cracks, potholes or road side edge scuffing or breakage. These Improvements must be computed under standards sanctioned and approved by County Engineer, Geoff Morton.
4. Save River Birch and Crepe Myrtle along northern property line of Ms. Lisa Barber's property to assist with screening.
5. All of this to be completed at time of construction.

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

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## **COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

- A. Consider reappointment of Scott Rule to the Library Board of Trustees for the term of July 1, 2014 to June 30, 2017 as requested by the Library Board.

Chairman Ahrens made a motion to approve; 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**

- A. Discussion on Cherokee County's Sign Ordinance.

Commissioner Poole stated that the issue of political signs was discussed at Work Session and he didn't have anything further to add.

**COMMISSION DISTRICT 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1.1 Consider approval to surplus workstations, servers, printers and miscellaneous computer accessories, all in poor condition, from various County Departments.
- 1.2 Consider approval to surplus vehicles and equipment from various County Departments.
- 1.3 Consider approval to surplus and donate Sheriff's Office truck to Murray County Sheriff's Office.

- 1.4 Consider approval to apply for FY2014 Justice Assistance Grant in the amount of \$11,135.00 for purchase of two patrol cameras with accessories for Sheriff's Office.
- 1.5 Request for Board of Commissioners to set a Public Hearing on June 3, 2014 for a Legacy Lot for applicants Jeffery S. and Sharon M. Lentz, 202 Acacia Lane, Woodstock.
- 1.6 Amended: Removed  
~~Request for Board of Commissioners to set a Public Hearing on June 3, 2014 for a Legacy Lot for applicants Daniel C. and Betty Hester, 920 Hester Drive, Cumming.~~

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

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## **COUNTY MANAGER**

- 2.1 Consider approval of a Change Order to the Professional Services Agreement (PSA) with HDR for additional design & engineering services and compensation for extended construction phase administration services for the new parks at Etowah River Park for the City of Canton and the County Park at the Killian Site, in the not to exceed amount of 40,000.00; to be funded from the City of Canton portion of the Park Bond Program.

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

- 2.2 Award County's standard Professional Services Agreement to lowest bidder, Bobby Tucker Grading and Hauling, Inc. at a price not to exceed \$270,000.00 per fiscal year cost.

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

- 2.3 Consider approval of Professional Services Agreement (PSA) between Cherokee County and In Their Honor Transports to provide transportation to serve the Coroner's Office as recommended by the Coroner in the amount of \$200.00 per transport, and \$2.00 per loaded mile over 50 miles.

Commissioner Poole asked Mr. Cooper had this gone out to bid. Mr. Cooper replied that it had not, that he received this request from Earl Darby. Commissioner Poole asked if the item could be tabled until he had had a chance to speak with Mr. Darby on more cost efficient alternatives such as purchasing a transport vehicle.

Commissioner Nelms made a motion to table the item until the **May 20, 2014 meeting**; Commissioner Gunnin seconded and there was unanimous approval.

- 2.4 Consider approval to update Personnel Policies Manual to comply with current Drug Free Workplace/Drug and Alcohol Program requirements as identified by FTA Triennial Review in December 2013.

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

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## **COUNTY ATTORNEY**

- 3.1 City of Woodstock Annexation Notice for property located on Arnold Mill Road, Tax Parcels 15N17A 184, for applicant Oak Hall Companies, LLC.

Ms. Davis gave an overview of the request for approximately 15.76 acres of property located at the south side of Arnold Mill Road and west of Washington Avenue currently zoned R-40 and Light Industrial, to a proposed zoning of R3-C. Ms. Davis advised that there was not a legal basis regarding congruity to make an objection. She added that she had received no comments from staff regarding an increase in burden upon the County. With that, she said this was for **information purposes only** and no action was needed.

## **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:30 p.m.; Commissioner Johnston seconded and the motion received unanimous approval.