



Cherokee County Board of Commissioners

MINUTES

August 5, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Jacob Nels with Justice for All, Canton, 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"

Commissioner Nelms led the Pledge of Allegiance.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:02 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; Commissioner 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

Commissioner Gunnin made a motion to ratify closure of Executive Session at 5:45 p.m.; Commissioner Poole seconded and there was unanimous approval.

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

ANNOUNCEMENTS

Chairman Ahrens recalled a couple of meetings back when the Creek View High School Rocketry Club received the proclamation for coming in first place in the US. He said the team went on to London to compete nationally where they took second place in the world. He added that that was a very big accomplishment considering all the criteria involved in the contest.

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM JULY 15, 2014.

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

APPROVAL OF SPECIAL CALLED MEETING MINUTES FROM JULY 24, 2014 at 11:00 AM and 6:00 PM.

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

PUBLIC HEARINGS

1. A Public Hearing will be held at the Cherokee County Administrative Complex, Cherokee Hall, 1130 Bluffs Parkway, Canton, GA 30114 at 6:00 p.m. on August 5, 2014 to consider amendments to the **Cherokee County Zoning Ordinance, Article 23 Conservation Design Community.**

Commissioner Nelms made a motion to open the Public Hearing at 6:05 p.m.; Commissioner Poole seconded and there was unanimous approval.

Mr. Jeff Watkins explained the purpose of the Conservation Design and went over some of the differences to conventional development standards. He said that in 2009 some changes were brought forth for the Conservation Design Community, but with the economy tanking, until this past year they had not really considered them. He then presented the suggested amendments which included changing the front setback to be uniform 30' and to leave the rear setback alone. The next changes are regarding design standards to eliminate building setbacks to cropland and pastureland, and

language qualifying "cropland" and "pastureland"; establish "75 ft." as setback from "buildings or barnyards housing livestock"; delete "per Health Dept. requirements"; and renumbering the section. The next change is the size of the buffer, deleting the table showing the minimum exterior boundary buffer and going back to a uniform minimum 50' buffer. The last change is part of the four step design process distance from Primary Conservation Areas as 75' and 25' from Secondary Conservation Areas.

Two people signed up to speak:

1. Ursula Cox spoke in opposition, stating that she had concerns regarding buffers.
2. Parks Huff, attorney for the applicant, spoke in support.

Commissioner Nelms made a close to open the Public Hearing at 6:22 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

Chairman Ahrens commented that a lot of time and effort was put into redesigning this conservation ordinance and timing was not in our favor, so we haven't had a lot of experience before, but we are seeing it now. He added that there are genuine market-driven comments coming to us, as opposed to us drafting something, so there is genuine validity to that coming from both sides.

Commissioner Johnston recalled the couple of issues he raised during Work Session. He said that in the end, he might be okay with this because the buffer is kind of splitting the difference – with 50', we are taking the middle of the road there, and he feels more is always better. He said his bigger concern had been the front setbacks, turning to the low end of the range, but that as was pointed out to him, the 35' required setback is more than required under the conventional development standards, so it is hard to argue that.

Chairman Ahrens said he shares the views of Commissioner Johnston.

Commissioner Gunnin said he had a similar outlook, preferring bigger buffers, especially against AG; but he can also see that if they have a conventional development using these buffers maybe it works here. He said although he has concerns, he can go along with it the way it is and if it doesn't work, they can re-address it.

Chairman Ahrens added that a lot of this comes from what the industry wants, and that the conservation design has flexibility built in.

Chairman asked if anyone was prepared to make a motion. Commissioner Johnston stated although he could live this, he was not making the motion. Chairman Ahrens then stated that they could always defer action to the next meeting.

Commissioner Nelms made a motion to **defer action until the August 19th** meeting; Commissioner Gunnin seconded and there was unanimous approval.

2. The Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the **abandonment of a portion of Rosewood Circle** on August 5, 2014 at 6:00 p.m. in the Cherokee County Administrative Complex at 1130 Bluffs Parkway, Canton, GA 30114.

Commissioner Nelms made a motion to open the Public Hearing at 6:32 p.m.; Commissioner Poole seconded and there was unanimous approval.

Geoff Morton gave an overview of the request related to the platted right-of-way that was never developed. The property bisects property recently purchased by Joseph and Janet Kincaid who have requested that the County abandon that section of the Rosewood Circle right-of-way. He added that this is a straight-forward request and that he sees no issues with approving the request.

One person had signed up to speak:

1. Rick Dredger, attorney for the applicant, signed up to speak in support of the request.

Commissioner Nelms made a motion to close the Public Hearing at 6:34 p.m.; Commissioner Poole seconded and there was unanimous approval.

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

3. The Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the **abandonment of a portion of Trinity Overlook** on August 5, 2014 at 6:00 p.m. in the Cherokee County Administrative Complex at 1130 Bluffs Parkway, Canton, Georgia 30114.

Commissioner Nelms made a motion to open the Public Hearing at 6:34 p.m.; Commissioner Poole seconded and there was unanimous approval.

Mr. Morton gave a summary of the request related to the platted right-of-way that was never developed by Trinity Creek, LLC. Trinity Creek has requested that the County abandon this section of the Trinity Overlook Right-of-way. He added that again, as with the case above, this is a pretty straight forward request and he sees no issues with it.

No one had signed up to speak.

Commissioner Nelms made a motion to close the Public Hearing at 6:35 p.m.; Commissioner Poole seconded and there was unanimous approval.

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

PUBLIC COMMENT

1. Juanita Stranger signed up to speak about undisturbed buffers at Patriot's Park.
2. Tom Ware signed up to speak about the raises for Public Safety Officers, stating that he was in support of it, but wondered if exit interviews were checked for other reasons officers were leaving other than pay.

ZONING CASES

None Scheduled.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Chairman Ahrens stated that he wanted to make a comment to include in the minutes regarding what seems to be an abuse of the system where open records requests are concerned. He said the County receives many that are never paid for or picked up. He recalled one just recently where 8 man-hours were spent on a request that has still not been paid for, nor picked up.

VICE CHAIR/COMMISSION DISTRICT 1

HARRY B. JOHNSTON

COMMISSION DISTRICT 2

RAYMOND GUNNIN

COMMISSION DISTRICT 3

BRIAN POOLE

COMMISSION DISTRICT 4

JASON NELMS

CONSENT AGENDA

- 1.1 Requesting to advertise and set Public Hearing date for September 9, 2014 to consider corrections to Table 7.2 – Permitted Uses from the Zoning Ordinance. (Note, original agenda had scrivener’s error, stating to set the date for September 2 rather than September 9.)
- 1.2 Approve acceptance of Juvenile Court sub-grant Agreement in the total amount of \$117,534.00 and approve budget amendment increasing Multiple Grant Fund 250 revenues and expenses.
- 1.3 Requesting approval to accept ACCG Summer & Fall Intern grant funds in the total amount of \$4,346.00 for reimbursement to the County for

costs incurred for implementation of a document/content management program; there is no cost to the County.

- 1.4 Consider Sign Monument Indemnity Agreement for locating subdivision sign in the right-of-way between Cherokee County and the Creek View Manor Owners Association, Inc.
- 1.5 Consider budget amendment in the amount of \$27,747.93 allocating insurance recovery monies for purchase of replacement patrol unit.

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

COUNTY MANAGER

- 2.1 Consider formal acceptance and authorize execution of SFY14 Sub-grant Agreement Amendments 2 and 3 for Senior Services in the amount of \$695,230.00, and SFY15 Sub-grant Agreement with Atlanta Regional Commission (ARC) in the amount of \$706,085.00.

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

- 2.2 Consider a Development Agreement with Oak Hall Companies, LLC, for improvements to Trickum Road, north of Arnold Mill.

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

- 2.3 Consider approval of proposal from River Sand, Inc., to perform lake dredging operations at Crabapple Falls Lake in the amount of \$97,990.00.

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

2.4 Consider Design Services Contract with Southeastern Engineering, Inc., for redesign of the Kellogg Creek Road at Woodstock Road Intersection Improvement Project in the amount of \$31,500.00.

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

2.5 Consider Design Services Contract with BM&K Construction and Engineering, the lowest qualified proposal, for design of the Wyngate Parkway at Bascomb Elementary School Intersection Improvement Project in the amount of \$23,000.00.

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

2.6 Consider Design Services Contract with Pond & Company, the lowest qualified proposal, for design of the East Cherokee Drive at New Dean Rusk Middle School Intersection Improvement Project in the amount of \$56,850.00.

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

2.7 Consider approval of amendment to Professional Services Agreement with LAI Engineering for additional design services for the Hames Road Improvement Project in the amount of \$49,150.00.

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

2.8 Consider approval of Agreement for Transportation Enhancement Activities between Cherokee County and the Georgia Department of Transportation in the amount of \$300,000.00 for the SR 92 and Robin Road Enhancement Project.

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

- 2.9 Consider approval of lease agreement with Goodwill of North Georgia for operation of the Hobgood Park Recycling Center. Goodwill will pay the County an amount of \$6,500.00 per month / \$78,000.00 annually.

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

- 2.10 It is requested that the Board of Commissioners approve the proposed revised new design concepts for Patriots Park and Hobgood Park, and approve a Change Order to the Professional Services Agreement (PSA) with Smith Planning Group for additional design and engineering services for the revised new Patriots Park; including the multipurpose field at Hobgood Park, in the not to exceed amount of \$75,000.00.

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

COUNTY ATTORNEY

- 3.1 Notice of Annexation from City of Ball Ground for 5.85 acres of property located at 106 Sharp Mountain Church Lane.

Ms. Davis stated the property is owned by Sharp Mountain Church, the applicant. There is no change in zoning or in use. It will continue to be church and cemetery use. They are simply seeking annexation into the City. Ms. Davis said her staff saw no reason to object. She added that the letter requesting the annexation stated the only reason the applicant gave was they wanted more police protection. Ms. Davis stated that if there be no potential objection under the land dispute resolution statute, she will just provide that for information and no action will be needed by the Board.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:07 p.m.; Commissioner Poole seconded and the motion received unanimous approval.