



# Cherokee County Board of Commissioners SUMMARY

**August 19, 2014  
Regular Meeting  
CHEROKEE HALL 6:00 PM**

## **INVOCATION**

Commissioner Johnston 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 6:07 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 Nelms made a motion to ratify closure of Executive Session at 6:00 p.m.; Commissioner Gunnin seconded and there was unanimous approval.

## **PROCLAMATIONS**

Youth Sports Champions Day 2014.

Commissioner Nelms read the proclamation, then turned the presentation over to Jay Worley who called out each team name and their respective accomplishment as follows: 7 Year Old - Hobgood Heat All Star Baseball

Team won the 2014 Dizzy Dean World Series; 12 Year Old - Hobgood Heat All Star Baseball Team won the 2014 Georgia Dizzy Dean State Championship; 12 & Under Twin Creeks Twisters All Star Fast Pitch Softball won the 2014 Georgia ASA State Championship; Cherokee Youth Lacrosse Association Senior Girls Team won the 2014 MAYLA Cup and finished with an Undefeated Season; Cherokee Cyclones Swimmers won 2014 Gold Medals at the 2014 GRPA State Championships; Cherokee County Special Olympic Athletes won Gold Medals in the 2014 Winter and Summer Games.

Mr. Worley then called out each athlete's name individually. Upon closing, he congratulated them on their accomplishments and thanked the parents, the siblings, coaches, volunteers, the community and everyone who made this possible. He also thanked the Commissioners for the opportunity to recognize these athletes. Commissioner Nelms congratulated the athletes, remarking on how Cherokee County is a place to raise champions and that Cherokee County is very proud of what they've done. Chairman Ahrens stated that he could only echo Commissioner Nelms' remarks.

### **AMENDMENTS TO AGENDA**

Chairman Ahrens stated that out of Executive Session comes two action items under the County Attorney Section as amendments:

1. Settlement Agreement related to the puppy mill and custody of animals.
2. Purchase of property.

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

### **ANNOUNCEMENTS**

Chairman Ahrens commented on the Cabela's pre-opening event that he attended the night before. He said there were a thousand to fifteen hundred people there. He said it was indescribable and worth a visit. He added that they open at 11:00 Thursday.

### **APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM AUGUST 5, 2014.**

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

### **PUBLIC HEARING**

None Scheduled.

### **PUBLIC COMMENT**

No one had signed up to speak.

### **ZONING CASES / UNFINISHED BUSINESS**

1. Consider amendments to the **Cherokee County Zoning Ordinance, Article 23 Conservation Design Community.**

(Note: From Public Hearing on August 5, 2014; Commissioners approved to defer action until the August 19, 2014 meeting.)

Jeff Watkins gave an overview of the case and discussion from the Work Session earlier and went over the particular proposed changes to Table 23-2-Setback requirements, 23.5-Conservation Community Design Standards (B) (4) and Table 23-3; of the 1992 Zoning Ordinance of Cherokee County.

Commissioner Johnston stated that he felt each Commissioner probably had a few modifications to recommend from the original proposal. He recommended leaving the sliding scale table in place regarding perimeter buffers rather than going to the 50' buffer in all cases. One change is that the sliding scale table would be applied based on required average lot size for the conservation development as opposed to each individual lot size. The benefit there is that it would allow more consistent buffers all the way around, while respecting the idea of smaller lots against larger lots should result in larger buffers.

Commissioner Nelms recommended retaining the language related to the 75' requirement regarding cropland and pastureland. He said that although it is a moot point as the 75' requirement is already established, keeping it there in black and white so everyone can read it would add clarity. He said with that change and the recommendations from Commissioner Johnston he was good with it.

Commissioner Gunnin recommended that on section 23.8 related to redaction and the setback at house sites primary conservation and secondary conservation areas, to just leave as they are.

Chairman Ahrens asked if there was another piece that has to do with front setbacks. Commissioner Johnston stated that with some reservation he has accepted the 35' front setbacks with the rationale that it's hard to argue that the acknowledged smaller conservations lots should have larger setbacks than the conventional development setback.

Commissioner Johnston made a motion to approve as recommended with the three changes as discussed and briefly described below:

1. Perimeter buffers - retaining the sliding scale based on average lot size.
2. Retain buffers/setback from cropland/pastureland.
3. Setback of house sites from primary and secondary conservation areas, leaving those as is.

Commissioner Nelms seconded and there was unanimous approval.

### **ZONING CASES / NEW**

<b>1. CASE NUMBER:</b>	<b>14-08-017</b>
<b>APPLICANT:</b>	James H. and Kelly S. Cook
<b>ZONING CHANGE:</b>	RA to R-40
<b>LOCATION:</b>	298 Steels Bridge Road
<b>MAP &amp; PARCEL NUMBER :</b>	15N02, 071
<b>ACRES:</b>	1.73
<b>PROPOSED DEVELOPMENT:</b>	Single Family Residence
<b>COMMISSION DISTRICT:</b>	3
<b>FUTURE DEVELOPMENT MAP:</b>	Suburban Living

As a result of the public hearing held on August 5, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-08-017 James and Kelly Cook to rezone from RA (Residential-Attached) to R-40 (Single Family Residential) on 1.73 acres for a new residence.

Commissioner Poole stated that this case was in his district. He said he had heard the case at the Planning Commission Public Hearing and sees no reason to oppose.

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

<b>2. CASE NUMBER:</b>	14-08-018
<b>APPLICANT:</b>	SF Capital, LLC.
<b>ZONING CHANGE:</b>	R-40 to R-15
<b>LOCATION:</b>	Taymack Farm Rd./Rocky Creek Farm Dr.
<b>MAP &amp; PARCEL NUMBER:</b>	15N30, 230, 230B, 230C, and 230D
<b>ACRES:</b>	18.5
<b>PROPOSED DEVELOPMENT:</b>	Single Family Residential
<b>COMMISSION DISTRICT:</b>	2
<b>FUTURE DEVELOPMENT MAP:</b>	Suburban Living

As a result of the public hearing held on August 5, 2014, the Cherokee County Planning Commission sends zoning case 14-08-019 SF Capital, LLC. to the Board of Commissioners without a recommendation from the Planning Commission.

Jeff Watkins gave an overview of the case. Commissioner Gunnin stated that this was in his district and that he had worked with staff and the developer for a couple of weeks and has decided not to recommend R-15, but to recommend R-30 which is in compliance with the surrounding subdivision.

Commissioner Gunnin made a motion to approve zoning of R-30 with the following conditions:

1. The subject property shall be developed as part of the Estates of Fernwood Creek.
2. The proposed lots included in this zoning request shall be subject to the same covenants, restrictions and associated fees as residents and homes currently in the Estates of Fernwood Creek.
3. The 18.5 acres shall be developed utilizing the same regulations and conditions of zoning as the Estates of Fernwood Creek, zoning case 03-03-019 (Resolution No. 2003-R-044).
4. SF Capital will assure that roads currently in place within the Estates of Fernwood Creek, the Fernwood Creek Subdivision and the above proposed development meet all county standards upon completion.

Commissioner Johnston seconded; Chairman Ahrens thanked the residents for their communication with the Board. Commissioner Nelms said he agreed with Commissioner Gunnin's recommendation and that the 30% greens space requirement would be in order and protect home value there.

Chairman Ahrens recalled the motion and second, the resulting vote was for unanimous approval.

<b>3. CASE NUMBER:</b>	14-08-019
<b>APPLICANT:</b>	Danny and Dena Milner
<b>ZONING CHANGE:</b>	R-80 to AG
<b>LOCATION:</b>	2181 Lower Burris Road
<b>MAP &amp; PARCEL NUMBER:</b>	14N14, 063D and 063F
<b>ACRES:</b>	10.6
<b>PROPOSED DEVELOPMENT:</b>	AG and Special Events
<b>COMMISSION DISTRICT:</b>	1
<b>FUTURE DEVELOPMENT MAP:</b>	Country Estates

As a result of the public hearing held on August 5, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-08-019 Danny and Dena Milner to rezone from R-80 (Single Family Residential) to AG (Agricultural) on 10.6 acres for a Special Events Facility and continued Agricultural use.

Jeff Watkins gave an overview of the case which included a condition recommended the Planning Commission which was for the applicant to install a privacy fence at the northern boundary, approximately 115 feet long, west of the existing Leyland cypress trees on the boundary with parcel # 14n14 063C at 2235 Lower Burris Road.

Commissioner Johnston stated that this was his district.

He said given the unanimous recommendation from the Planning Commission and very little opposition from neighbors, he would move to approve the Planning Commission's Recommendation with the condition as stated by Mr. Watkins; Commissioner Nelms seconded and there was unanimous approval.

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## **COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

**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**

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**COUNTY MANAGER**

2.1 Consider authorizing annual stone purchases from both bidders, Vulcan Materials and Bluegrass Materials, for Roads and Bridges Department.

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

- 2.2 Consider approval of SFY 2015 Department of Human Services (DHS) annual contract for funding in the amount of \$273,738.00 which supports the County's Rural Transportation Program (CATS 5311) for the period of July 1, 2014 to June 30, 2015.

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

- 2.3 Consider approval of Professional Services Agreement with RouteMatch Software, Inc., for implementation of an Auto Vehicle Location and Mobile Data Tablet Management System for the CATS Fixed Route bus service in the amount of \$53,080.00.

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

- 2.4 Consider approval of Professional Services Agreement with Evidence Based Associates, LLC, in the amount of \$95,553.60 for the continuation of grant required Functional Family Therapy for the Juvenile Court.

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

- 2.5 Consider approval to purchase sixteen (16) new vehicles for the Cherokee Sheriff's Office from Akins Dodge in the total amount of \$375, 856.00.

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

- 2.6 Consider approval to add scope to existing agreement with LifeQuest to perform secondary collections on cases for six months. LifeQuest currently performs the primary ambulance billing for EMS.

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

2.7 Consider authorization for County Manager to sign and issue Addendums to the current Ricoh Professional Services Agreement for multi-functional copiers contract that was approved in November 2013 in the amount of \$96,227.00.

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

2.8 Consider approval of Professional Services Agreement for the performance of construction management services to Michael Owen in the amount of \$184,500.10 over two years.

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

2.9 Consider awarding Professional Services Agreement for the performance of telephone bill audit services to the lowest evaluated proposer, S2K Consulting, Inc., in an amount not to exceed 35% of realized savings.

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

2.10 Consider approving Purchase and Sale Agreement between Cherokee County and CASA for Children Inc., for property located at 1083 Marietta Highway, Canton, GA, Tax Parcel No. 14N17-004.

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

2.11 Consider approval of Professional Services Agreement with National Center for State Courts to perform a workflow/space needs assessment for future planning in the amount of \$80,000.00.

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

2.12 Consider approval of Professional Services Agreement with Unum to update rates for Life, AD&D, Short Term Disability and Long Term

Disability as recommended by the Benefits Committee for savings equal to \$185,156.00 annually over current agreement.

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

2.13 Consider approval of new provider, Admin America, for Flexible Spending as recommended by the Benefits Committee for a cost savings of \$.25 per participant per month.

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

2.14 Consider renewal of Cherokee County's Group Medical Plan with Blue Cross Blue Shield with employee premiums remaining the same for 2014-2015 as recommended by the Benefits Committee.

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

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## **COUNTY ATTORNEY**

3.1 City of Ball Ground Annexation Notice for 6.14 acres of property located at 454 Cartersville Street.

Ms. Davis stated that there is no potential objection under the land dispute resolution statute and she received no objections from staff, so with that, she provides this for informational purposes and no action is needed by the Board.

3.2 City of Woodstock Annexation Notice for 10.88 acres of property located at 12455 Highway 92.

Ms. Davis stated that if there is no potential objection under the land dispute resolution statute, she will just provide this for information and no action will be needed by the Board.

### 3.3 Amendment: Consideration of Settlement Agreement for voluntary and permanent surrender of animals to Cherokee County.

Ms. Davis stated that this item concerns the seizure of animals from property located on Cumming Hwy. in Cumming, Cherokee County, Georgia, owned by Joy Wise. The settlement agreement is between Joy Wise and her husband Guerry Wise. It surrenders 359 dogs and 7 rabbits that were seized and have been held at the animal shelter. Since the time they were seized, there have been 50 to 60 new births of puppies, so that number has increased. This agreement provides for the surrender of the animals without having to go through a formal hearing and disposition before a court for custody of the animals. This is beneficial to the County because it allows the County Shelter Staff to then be able to prepare these animals for adoption to get them placed in good homes to relieve the burden on the Shelter Staff which has been immense in these recent weeks with caring for this many animals. This also provides for the right for the County to recover lien costs in the amount of \$50,000 that will reimburse the County for costs that were incurred in caring for these animals during this interim period of time. That lien would be placed on all property owned by the Wises for recovery at some time in the future upon their attempt to sell the property.

She added that it is important to note that this settlement agreement has absolutely nothing to do with the ongoing criminal proceeding that is being handled by the Solicitor General's Office. This deals simply with a civil issue associated with regarding the disposition of these animals that were seized.

She stated that what is being requested is authorization for the chairman to sign the settlement agreement and the claim of lien document. This will also be consisted to and signed by the Solicitor General, Jessica Moss, who has reviewed and approved these documents.

Commissioner Johnston made a motion to authorize the Chairman to sign the settlement agreement and claim of lien as presented; Commissioner Nelms seconded; Chairman Ahrens commented that he would like to thank Susan Garcia and her team for all the hard work they have put into this. The resulting vote was unanimous approval.

### 3.4 Amendment: Consideration of a Purchase Agreement

Mrs. Davis stated that this item is related to the potential purchase of property from H & R Enterprises LLC, for an approximate 1.86 acre tract with existing house. The property is adjacent to Kenney Askew Park. The purpose of the acquisition of this property is for use as permanent detention for storm water as well as potentially parking or other uses associated with its adjacency of the park.

The basic terms of this acquisition would be a purchase price of \$120,000, a full release of all claims, and indemnification against tenant claims, the current tenant will be allowed to continue to lease the property for up to 90 days in exchange for a release. This will be memorialized in a lease agreement that is contingent to closing on the ultimate sale. The completion of the sale and closing is expected to occur within 60 days.

She stated that document including exhibits was before the Board for consideration.

Commissioner Gunnin made a motion to approve; Commissioner Nelms seconded. The vote was 4-0. Commissioner Johnston stated that he was recusing himself from negotiation and voting due to a relationship with one of the owners. The Chairman called for the vote again; the resulting vote was approval 4-0, with Commissioner Johnston recusing.

## **ADJOURN**

The Chairman asked if there was any further business. Hearing none, Commissioner Johnston made a motion to adjourn at 7:11 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.