



Cherokee County Board of Commissioners MINUTES

September 23, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Bob Alexander with the Pastor Support Network 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 Poole 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 Nelms; County Manager Jerry Cooper; County Attorney Larry Ramsey; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify closure of Executive Session at 5:25 p.m., noting that no action was taken.

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

PRESENTATIONS/PROCLAMATIONS

None Scheduled.

AMENDMENTS TO AGENDA

1. Add item 2.9 under County Manager: Renewal of Excess Workers' Compensation Policy.

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

ANNOUNCEMENTS

1. Road Closure: Roscoe Collett Road

The Cherokee County Roads and Bridges Department announces Roscoe Collett Road will be closed from Monday September 22, 2014 at 7:30 am to Friday October 10, 2014 at 5:30 pm for paving from Yellow Creek Road to the Dawson County Line.

Questions regarding the road closure should be directed to the Roads and Bridges Department at 770-345-5842.

2. Drive-by Flu Shot

North Georgia Health District will be conducting Drive-by Flu Shot Clinics beginning in October. They will offer the 4-in-1 quadrivalent flu vaccine that protects against four different strains of flu, including two influenza A viruses and two influenza B viruses for \$25. For those 65 and older, Fluzone High-Dose influenza vaccine will be available for \$50.

Cherokee County: Tuesday, October 7th, 7:30 A.M. – 6 P.M., Woodstock Health Center: 7545 North Main Street, Woodstock, GA. Call (770) 928-0133 or (770) 345-7371 for details.

Flyers with additional locations and insurance information are available on the table outside Cherokee Hall.

3. Electronics Recycling Day

Saturday October 11th, from 9 a.m. to 1 p.m. at County Administrative Building - 1130 Bluffs Parkway. Most electronic items accepted at no charge. Televisions and CRT Monitors accepted for small fee of \$10 and larger projector TV's a fee of \$25. **Items not accepted:** Wooden Cabinet TV's, Gas Powered Equipment, Tires or Alkaline Batteries. Volunteers will take equipment out of your vehicle. Flyers on table outside Cherokee Hall.

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM SEPTEMBER 9, 2014.

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

PUBLIC HEARINGS

1. The Cherokee County Board of Commissioners will hold a public hearing on **Tuesday, September 23, 2014** at 6:00 P.M. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton at which time the public may comment on the PROPOSED FY2015 BUDGET.

Commissioner Nelms made a motion to open the Public Hearing at 6:10 p.m.; Commissioner Poole seconded and there was unanimous approval.

Ms. Janelle Funk went over the slide presentation of the proposed budget which would be considered for adoption at the October 7th meeting. She noted that a copy of the proposed budget was posted online and that a hardcopy was available in the Clerk's Office in the Cherokee County Administrative Offices. A copy of the presentation is included as part of these minutes.

No one had signed up to speak at the Public Hearing. Chairman Ahrens asked the audience if anyone who had not signed up to comment on the budget would like to do so. Mr. Tom Ware said he would like to speak.

1. Tom Ware spoke about the budget, particularly Fleet Maintenance, commenting that the County had a lot of new vehicles in its fleet. He also commented on the 10% Public Safety raises and said he hopes the top ranking staff did not take the 10% increase.

Commissioner Nelms made a motion to close the Public Hearing at 6:41 p.m.; Commissioner Poole seconded and there was unanimous approval.

2. The Cherokee County Board of Commissioners will hold a public hearing on **Tuesday, September 23, 2014 at 6:00 P.M.** in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton to consider **transmittal of 2014 CIE/STWP Annual Report** to the Georgia Department of Community Affairs (DCA) for their review.

Commissioner Nelms made a motion to open the Public Hearing at 6:42 p.m.; Commissioner Poole seconded and there was unanimous approval.

Ms. Margaret Stallings gave a summary of the Capital Improvement Element and Short Term Work Program (CIE/STWP) annual report that the County is required to

submit annually to the Georgia Department of Community Affairs (DCA) as part of the requirement for maintaining the County's impact fee program. She asked the Board to consider approval of the transmittal resolution.

No one had signed up to speak at the Public Hearing.

Commissioner Nelms made a motion to close the Public Hearing at 6:44 p.m.; Commissioner Poole seconded and there was unanimous approval.

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

PUBLIC COMMENT

No one had signed up to speak.

ZONING CASES

1. CASE NUMBER:	14-09-020
APPLICANT:	Rooker Properties, LLC
ZONING CHANGE:	AG to LI
LOCATION:	Leo Taylor Lane
MAP & PARCEL NUMBER:	03N02, Part of 044A
ACRES:	46 +/-
PROPOSED DEVELOPMENT:	Distribution/Warehousing
COMMISSION DISTRICT:	1
FUTURE DEVELOPMENT MAP:	Workplace Center

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-09-020 Rooker Properties, LLC to rezone from AG (Agricultural) to LI (Light Industrial) on 46 +/- acres for distribution/warehousing.

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

2. CASE NUMBER:	14-09-021
APPLICANT:	Earl and Olene Darby
ZONING CHANGE:	RD-3 to AG
LOCATION:	Heard Road
MAP & PARCEL NUMBER:	14N21, 116, 117, 117A, 117B, 117D, 117E
ACRES:	24.15
PROPOSED DEVELOPMENT:	Residential Family Farm
COMMISSION DISTRICT:	1
FUTURE DEVELOPMENT MAP:	Suburban Growth

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of zoning case 14-09-021 Earl and Olene Darby to rezone from RD-3 (Residential) to AG (Agricultural) on 24.15 acres for a residential family farm.

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

3. CASE NUMBER:	14-09-022
APPLICANT:	Evans Cook Road Fifty, LLC
ZONING CHANGE:	AG and R-40 to R-30
LOCATION:	Evans Cook Road
MAP & PARCEL NUMBER:	03N05, 10A
ACRES:	47.9 +/-
PROPOSED DEVELOPMENT:	Single Family Residential
COMMISSION DISTRICT:	1
FUTURE DEVELOPMENT MAP:	Community Village and Country Estates

As a result of the public hearing held on September 9, 2014, the Cherokee County Planning Commission voted to recommend **APPROVAL** of R-80 of zoning case 14-09-022 Evans Cook Road Fifty, LLC to rezone from AG (Agricultural) and R-40 (Residential) to R-30 (Residential) on 47.9 +/- acres for single family residential.

Commissioner Johnston stated that after much discussion at Work Session and after discussion with the applicant, he feels he has a better understanding of the request. He said that he is leaning towards the Planning Commission's strong recommendation of 7-1 for R-80. He asked the Board for their comments. Commissioner Nelms stated that with the Planning Commission's recommendation of R-80, based on their knowledge of those commercial boundaries, that's where he is. Commissioner Gunnin commented that although there is GC there, it is the church and he feels that R-80 fits the area. Chairman Ahrens stated that in conversation earlier, somewhere between R-60 was discussed. Commissioner Johnston then stated that he had spoken to the applicant about an hour ago, and that he had asked to be allowed to withdraw his application if he couldn't get approved for at least R-40 zoning.

Commissioner Johnston made a motion to allow the applicant to withdraw the request; Commissioner Nelms clarified if that would be without prejudice. Commissioner Johnston confirmed that the motion would be to **allow the applicant to withdraw the request without prejudice**; Commissioners Nelms seconded and there was unanimous approval.

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

CONSENT AGENDA

- 1.1 Consider approval to surplus and recycle defective and/or obsolete electronic equipment from various departments at the Justice Center.
- 1.2 Consider acceptance of ACCG Grant in the amount of \$6,000.00 and authorize Budget Amendment to increase revenue and expenses in the Multiple Grant Fund 250 to allocate the grant monies. There is no County match required.
- 1.3 Consideration of approval of an Agreement between Cherokee County and the Service League of Cherokee County for the County to provide van service for Riverfest.

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

COUNTY MANAGER

- 2.1 Consider approval of Lose & Associates as the Landscape Architect/Engineers for East Park, and approve award of the Professional Services Agreement in the not to exceed amount of \$557,000.00.

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

- 2.2 Consider acceptance of all public rights-of-way, roadways, and appurtenant drainage structure in seven (7) phases of the Centennial Lakes Subdivision in Pods 2, 4-A, 4-B, 7-A, 12-A, 12-B and 16A.

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

- 2.3 Consider acceptance of 2014 VOCA (Victims of Crime Act) Continuation Award in the amount of \$45,814.00 for County FY2015.

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

- 2.4 Consider acceptance of annual GEMA Grant and approval of budget amendment in the amount of \$64,804.00.

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

- 2.5 Consider approval to open a new money market account with East West Bank to earn 0.27% on our cash balance without restrictions. This is greater than the current highest return available with Georgia Fund 1 at 0.1442%.

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

- 2.6 Consider approval of Stop Loss coverage with Anthem (BCBSGA) in the amount of \$817,230.00.

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

- 2.7 Requesting authorization for the County Manager to sign appropriate Insurance Paperwork to renew current coverages in the amount of \$704,467.00 with Insurance Office of America/One Beacon.

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

- 2.8 Approval of second amendment to the Professional Services Agreement and fee schedule for Workers' Compensation claims management to be provided by Key Risk Management Services, LLC for the period 10/1/14 to 9/30/15.

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

- 2.9 Amendment: Consider approval to renew the County's Excess Workers' Compensation Policy provided by Midwest Employers Casualty Company for the period of 10/1/14 to 9/30/15 for the annual premium of \$165,702.00.

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

COUNTY ATTORNEY

- 3.1 Consider approval of resolution authorizing and appointing the County Clerk, the County Manager and the Chairman of the Board of Commissioners to receive service of process for all litigation filed against the County.

Larry Ramsey explained that the resolution did not change how the County handled litigation, but allows for the County Clerk and the County Manager to sign for documents served to the County related to litigation.

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

3.2 Requesting the adoption of a Resolution consenting to the deannexation of properties annexed and rezoned by the City of Woodstock for commercial use by Hennessey Honda.

Larry Ramsey gave an overview of the deannexation request. He added that the resolution before the Board for consideration included the addition of verbiage as suggested by Commissioners Nelms during Work Session, to reflect that any rezoning of the subject properties would return to the R-20 zoning classification which was the classification in effect prior to the 2010 annexation.

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

Commissioner Johnston commented that he would like to thank Hennessey Honda for fixing this problem that caused a lot of controversy.

3.3 Requesting approval of a Temporary Medical Hardship for Mr. and Mrs. Robert Byers of 520 River Lakeside Lane.

Mr. and Mrs. Byers spoke to the Board, asking for the temporary hardship to allow their ex-son-in-law to continue to reside in an RV on their property. Mr. Byers stated that the RV was tied into their septic and that they had wired appropriately for the RV. Mrs. Byers asked for approval of the request, adding that the ex-son-in-law was disabled and would be homeless if he had to move out of the RV.

Commissioner Gunnin stated that this was his district and it was a hard decision to make. He said that as discussed in Work Session at length, the hardship case provides for mobile homes, not RV's. He said that he would make a motion to approve for the one year, but after that, they needed to have a plan. Commissioner Poole expressed concerns no sewer permit. He asked Mr. and Mrs. Byers if they had contacted DFCS or other social services to see if they could find assistance for the ex-son-in-law, adding that otherwise, what would they do at the end of the year? Commissioner Nelms commented that if Commissioner Gunnin wanted to move to allow the variance, he would support it.

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

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:29 p.m.; Commissioner Poole seconded and the motion received unanimous approval.