



Cherokee County Board of Commissioners

MINUTES

October 21, 2014
Regular Meeting
CHEROKEE HALL 6:00 PM

INVOCATION

Lynn Eynon with Woodstock Christian Church 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 6:05 p.m. Those present included Commissioner Harry B. Johnston; Commissioner Raymond Gunnin; Commissioner Poole; Commissioner Nelms; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

Chairman Ahrens commented that the County Manager, Jerry Cooper, was out on sick leave and that this was the first meeting in eight years that Mr. Cooper had missed.

RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify closure of Executive Session at 6:00 p.m.

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

PROCLAMATION

1. Red Ribbon Week.

Chairman Ahrens read the proclamation and presented it to representatives who present from the Young Marines Program, The Council for Alcohol and Drugs, Cherokee FOCUS and the Solicitor's Office.

PRESENTATION

1. Sheriff's Office Quarterly Awards.

Sheriff Garrison turned the presentation over to Captain Brad Hill who gave a brief description of each of the awards.

There were five 'Life Saving' Awards: Deputy Bryan Ledford, Deputy Matthew Butler, Deputy Jeffrey Hensley, Deputy Jordan Strong and Deputy Lance Wright along with Bryan Ledford.

There were seven 'Sheriff's Commendation' Awards: Deputies George Green and Sergeant David Barone, Deputy Charles Vincent, Deputy Jeff Hardt, Deputy Thomas Hult, Deputy Lauren Denson, Deputy Richard Pike and Deputy Wayne Turner.

Sheriff Garrison thanked the Board for allowing the Sheriff's Office to recognize some of their employees.

Chairman Ahrens thanked the officers for their hard work in protecting the citizens and their property and thanked Sheriff Garrison for his leadership.

AMENDMENTS TO AGENDA

None.

ANNOUNCEMENTS

1. Early voting continues at the Elections Office through 10/24. Saturday voting on October 25 at all five locations. Advance voting 10/27 to 10/31 at all five locations. Election day is November 4, from 7 a.m. to 7 p.m. all precincts.

APPROVAL OF EXECUTIVE SESSION, WORK SESSION AND REGULAR MEETING MINUTES FROM OCTOBER 7, 2014.

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

PUBLIC HEARING

The Cherokee County Board of Commissioners will consider a petition by CTL of Cherokee, LLC to modify two conditions of zoning Case No. 03-11-055, Centennial Lakes Partners, LLC.

Commissioner Nelms made a motion to open the Public Hearing at 6:24 p.m.; Commissioner Poole seconded and there was unanimous approval.

The Public Hearing was called to order and Mr. Jeff Watkins gave a summary of the application to modify the zoning conditions of the case. He stated that the first condition of that zoning required that they construct a road between Priest Road and Woodstock Road. He said that the applicant is asking that the partial roadway as constructed be accepted in lieu of a full connection. He said the applicant is also asking that the amount stipulated to be paid to Cherokee Recreation and Parks Authority be reduced to \$100,000.

Chairman Ahrens commented that five people had signed up to speak. Commissioner Johnston asked for Don Hausfeld to come to the podium to make his case.

Mr. Hausfeld from Centennial Lakes began his presentation by going over a drawing that showed the lines from Priest Road to Woodstock Road. He went through the history of the project up to where it is now. He said there have been many meetings with the homeowners to get the community involved and when they asked him about that piece of property and he explained to them about the proposed road, they had grave concerns over the increase in traffic that it would cause. So based on that, he said he was here tonight asking for the elimination of that connecting road. He said regarding the adjustment to the condition of the amount paid to Parks and Recreation, after learning about Patriots Park, he would like to leave the condition as it is stipulated in the amount of \$250,000 to be designated to Patriots Park. He added that it is a much bigger park, with Priest Park being only 11 acres. He further added that it would be a good idea to memorialize this in an agreement between now and January 1 so that there would be no question as this is stronger than a zoning condition. He did ask for the latitude to

allow for \$100,000 to be paid no later than January 1, 2015, and for the remaining balance, \$150,000, to be paid no later than January 1, 2016.

Six people had signed up to speak and three others asked to sign up late to speak:

1. Robert Billings spoke up in opposition of changing the modifications.
2. Lavone Durham said she agrees with Mr. Billings, the road should be completed as agreed.
3. Rex McElrath signed up to speak in opposition of the request stopping the road from being completed.
4. Charles Benson to support the modification deleting the road be completed.
5. Richard Williams spoke in support of the modification not to have the road completed.
6. Colin (Did not get last name) spoke in support of the modification, he does not want the through road.
7. (Did not get name) spoke in opposition of the modification, says the road was on the maps when they bought their home.
8. Jeannette Washington supports the modification, does not want the through road because of noise pollution.
9. Dave Bagwell opposes the modification, does not want the road extension.

Don Hausfeld addressed some concerns that came up regarding the non-functioning roundabout. He said he would speak with the advisory committee on alternatives to reconfigure the roundabout while keeping it attractive.

Commissioner Nelms made a motion to close the Public Hearing at 6:54 p.m.; Commissioner Poole seconded and there was unanimous approval.

Commissioner Nelms made a motion to modify the existing zoning conditions as follows:

1. The condition related to the Connecting Roadway – CTL of Cherokee, LLC (CTL), shall dedicate to Cherokee County by January 1, 2015 the right-of-way necessary for the construction of the connecting roadway between Woodstock Road and the existing round-a-bout within the Centennial Lakes Development as shown on the plans attached as Exhibit "A".

CTL shall provide to Cherokee County any design construction plans that are in its possession. This condition shall be fulfilled at no cost to the County. Upon Cherokee County deciding to build said connector roadway, Cherokee County shall contact either CTL or the Centennial Lakes Homeowners Association (HOA), whoever is the Declarant of the HOA, to notify the HOA of its intention to commence construction.

2. The condition related to Parks Donation Change – CTL of Cherokee, LLC (CTL), shall pay the sum of \$100,000 no later than December 31, 2014 and the sum of \$150,000 no later than December 31, 2015 to Cherokee County to be designated specifically for the construction of Patriot's Park.

All other conditions of zoning remain in full force and effect. These zoning conditions shall be further memorialized in a written agreement between the parties per the applicant's suggestion.

Commissioner Johnston seconded. Chairman Ahrens called for any comments.

Commissioner Johnson commented that he supports the motion and it is a very good solution to a somewhat thorny problem. He stated that he was on the Board back in 2004 when the zoning was approved with these conditions, and, in truth, I envisioned that the through-road would be a little more integral to the neighborhood rather than really at the edge of it, not even truly a part of the neighborhood. He said the key question about the road is: a. is it truly needed, and there's been some discussion on that with arguments on both sides; and b. if it is needed, who should pay for it. He said that as for being needed, he thinks they've come to agree that while there may be some benefit to the road today, there would also be some drawbacks. He stated that on the advice of the County Engineer that it may be needed in the future, he feels that it is a prudent and fair solution to obtain the right-of-way so that it can be built if needed at some point in the future. As to the question of who should pay for it, the County should because we charge impact fees. We can't demand that a development pay for improvements to infrastructure that do more than just provide the needs

for that development, if it's what's called a system improvement that primarily benefits others besides the neighborhood, then all the taxpayers have to pay.

Chairman Ahrens commented that by dedicating the right-of-way, it also says that the subdivision will have no other use for that property so basically it remains the way it is until such time in the future there is a need determined.

With that he recalled the motion and second and called the question. The resulting vote was for unanimous approval.

PUBLIC COMMENT

Two people signed up to speak:

1. Channing Ruskell signed up to speak about Right of Redemption and Forensic Audit documents.
2. Joyce Hanzlik signed up to speak about the Dangerous Dog Ordinance.

ZONING CASES

None Scheduled.

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 acceptance of ASPCA grant award and budget amendment for the Animal Shelter in the amount of \$7,000.00 for expenses incurred during the Puppy Mill Case.
- 1.2 Consider transfer of property for necessary roadway right-of-way and easements required for construction of the Burch Lane Project.
- 1.3 Consider submission of continuation application for STOP VAWA Criminal Justice System Improvement in the amount of \$70,000.00. Match funding is satisfied with existing personnel, no new County funds required.
- 1.4 Consider approval to surplus and recycle old printers in poor condition at the Tax Commissioner's Office.

Mr. Morton presented the items on the Consent Agenda.

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

COUNTY MANAGER

Geoff Morton presented the County Manager Items.

2.1 Consider request to submit list of nine (9) roadways in need of resurfacing to GDOT for funding under the 2015 LMIG (Local Maintenance and Improvement Grant).

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

2.2 Consider approval to purchase one (1) 2015 Ford Interceptor from Wade Ford for the state contract amount of \$30,531.00 from Animal Control SPLOST funding. This amount is also the lowest of three quotes received.

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

2.3 Consider awarding standard construction agreement to the most responsive, responsible proposer, Country Carpet, in the amount of \$98,461.00 for the removal and replacement of the kitchen flooring at the Adult Detention Center and authorization of budget amendment.

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

COUNTY ATTORNEY

ADJOURN

The Chairman asked if there was any further business. Hearing none, Commissioner Nelms made a motion to adjourn at 7:22 p.m.; Commissioner Gunnin seconded and the motion received unanimous approval.