



Cherokee County Board of Commissioners AGENDA

June 16, 2015

Regular Meeting

Cherokee Hall, 1130 Bluffs Parkway, Canton, GA 30114 6:00 PM

AMENDED

INVOCATION

Kendall Jones with MUST Ministries in Canton will give 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"

1. CALL TO ORDER

2. RATIFY CLOSURE OF EXECUTIVE SESSION

3. PRESENTATIONS / PROCLAMATIONS

3.1. Marshal's Office Quarterly Awards.

3.2. Overview of the Grand Opening of the Fire Training Center by Chief Prather and Chief Robinson.

3.3. Amendment-Naming of Fire Training Center.

In recognition of his dedication and service, naming the new fire training center the Chief Eddie Robinson Fire & EMS Training Center.

4. AMENDMENTS TO AGENDA

4.1. Add Proclamation and Resolution to name the new fire training center.

5. ANNOUNCEMENTS

5.1. Comprehensive Transportation Plan Update Open Houses - Round 2.

6. APPROVAL OF MINUTES

6.1. Approval of Work Session, Executive Session and Regular Minutes from June 2, 2015.

7. PUBLIC HEARING

7.1. Public Hearing on a petition from Daniel and Denise Warner for the creation of a Legacy Lot (District 1).

Conduct Public Hearing on June 16, 2015 to consider petition for creating a Legacy Lot on property owned by Daniel and Denise Warner and to solicit public input.

8. PUBLIC COMMENT

9. ZONING CASES

9.1. Case #15-05-010 Pinebrook Estates, LLC (BOC Dist. 3).

As a result of the public hearing held on May 5, 2015, the Cherokee County Planning Commission voted to recommend **DENIAL** of zoning case 15-05-010 Pinebrook Estates, LLC. to rezone from GC (General Commercial) and OI (Office Institutional) to RZL (Residential-Zero Lot Line) on 11.065 acres for single family residential subdivision.

10. COMMISSION BUSINESS

10.1. District 2 - Raymond Gunnin.

Consider acceptance of Wellington Way, in as-is condition, for County maintenance; 0.15 miles.

11. CONSENT AGENDA

11.1. DUI Court Budget Amendments.

Approve Budget Amendments for DUI/Drug Court Grants in the amounts of \$18,038 and \$7,313; total net increase to County FY2015 budget is \$25,351.

11.2. ARC Aging Subgrant Agreement Amendment 2.

Consider acceptance of Amendment 2, dated May 1, 2015, to the State FY2015 ARC Aging Subgrant Agreement in the amount of \$35,203.00.

11.3. Surplus Furniture.

Consider approval to donate surplus furniture that is of no use to the County to City of Nelson Police Department.

12. COUNTY MANAGER

12.1. Budget Amendment to Reduce Principal Balance of Suntrust Loan.

Consider approving the budget amendment in the amount of \$1,697,350.00 to use proceeds from the sale of land to reduce the principal balance of the Suntrust Loan.

12.2. Buffington Gym Sublease Award.

Authorize sublease of Buffington Elementary Gym to Lady Shooters d/b/a Carlos Adams Basketball for a minimum annual payment to the County of \$10,932.00.

13. COUNTY ATTORNEY

13.1. Amendments to ordinances related to Parks and Recreation, Alcohol Ordinance and No Smoking Policy.

Consider amendments to ordinances related to Parks and Recreation, Alcohol Ordinance and No Smoking Policy. A Public Hearing was conducted on May 19, 2015.

13.2. Annexation Notices-City of Holly Springs.

Annexation notices received by City of Holly Springs regarding properties located at 160 Owens Farms Lane / Vaughn Road.

ADJOURN



Cherokee County, Georgia Agenda Request

SUBJECT: **Kendall Jones with MUST Ministries in Canton** **MEETING DATE:** **6/16/2015**
will give the invocation.

SUBMITTED BY:
Christy Black

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:



Cherokee County, Georgia Agenda Request

SUBJECT:
Marshal's Office Quarterly Awards.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Chief Ron Hunton

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



Cherokee County, Georgia Agenda Request

SUBJECT:
**Overview of the Grand Opening of the Fire
Training Center by Chief Prather and Chief
Robinson.**

MEETING DATE:
6/16/2015

SUBMITTED BY:
Christy Black

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description

Type

☐ Resolution

Resolution Letter

PROCLAMATION & RESOLUTION OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS

Whereas, Eddie L. Robinson was born in York County, South Carolina on January 4, 1963. He attended high school at Northwestern in Rock Hill, South Carolina;

Whereas, in 1978, at the age of 15, Eddie L. Robinson began his fire department membership in York County, South Carolina with the Bethesda Volunteer Fire Department, having been influenced by his Great Uncle, Crawford Howell of the Rock Hill Fire Department;

Whereas, in 1982, Eddie L. Robinson joined the United States Army, serving 22 years of combined active and reserve military service retiring as First Sergeant. He was deployed in Operation Desert Shield/Desert Storm. His greatest personal achievement was serving as a Drill Sergeant and having a positive impact on the training of young soldiers;

Whereas, in 1989, Eddie L. Robinson moved to Georgia and was soon called up for duty to report to Charleston, South Carolina to assist with rescue efforts from the disaster of Hurricane Hugo where he stayed for 41 days;

Whereas, in 1995, Eddie L. Robinson started volunteering with the Hickory Flat Volunteer Fire Department. In January 1999 he became a full-time firefighter with Cherokee County;

Whereas, in 2001, Eddie L. Robinson became the Health and Safety Officer of Cherokee County Fire after being influenced by a tragic structure fire in Worcester, Massachusetts that claimed the lives of six firefighters;

Whereas, in 2001, Eddie L. Robinson, because of his disciplined training experience as a Drill Sergeant, was selected and assigned to lead and train the first fire Recruit Training process in Cherokee County and has been responsible for the training of every member of his department since that time;

Whereas, in February 2009, Eddie L. Robinson was appointed Division Chief of Training for Cherokee County Fire & Emergency Services because of his outstanding service, unprecedented passion and dedication to the training of Cherokee County Firefighters;

Whereas, Chief Eddie L. Robinson has served his community in numerous capacities including participation with the Chamber of Commerce and is a graduate of Leadership Cherokee;

Whereas, Chief Eddie L. Robinson has received numerous Letters of Commendation and Appreciation, The Drill Sergeant Badge, the military Meritorious Service Award and the Governor's Unit Citation for Outstanding Service during and after Hurricane Hugo;

Whereas, October 2011, Eddie L. Robinson was appointed to the position of Assistant Fire Chief of Cherokee County and responsible for day to day operations;

Whereas, Chief Eddie L. Robinson has been married to Lorie Robinson for 25 years and they are the parents of Candace, 23 and Kenny, 16, and the grandparents of Kody, 6 and Sadie, 2 weeks of age;

Now, therefore, let it be resolved on this 16th day of June, 2015 that the Cherokee County Board of Commissioners wishes to recognize and honor the accomplishments of Eddie L. Robinson for his lifelong dedication and service to his country and community by naming the Cherokee County Fire & EMS Training Center the:

"Chief Eddie Robinson Fire & EMS Training Center"

L. B. Ahrens, Jr., Chairman



Cherokee County, Georgia Agenda Request

SUBJECT:
Amendment-Naming of Fire Training Center.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Christy Black

COMMISSION ACTION REQUESTED:

In recognition of his dedication and service, naming the new fire training center the Chief Eddie Robinson Fire & EMS Training Center.

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



Cherokee County, Georgia Agenda Request

SUBJECT:

**Add Proclamation and Resolution to name the
new fire training center.**

MEETING DATE:

6/16/2015

SUBMITTED BY:

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



Cherokee County, Georgia Agenda Request

SUBJECT:
**Comprehensive Transportation Plan Update
Open Houses - Round 2.**

MEETING DATE:
6/16/2015

SUBMITTED BY:
Geoffrey E. Morton, Public Works Agency
Director

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

There will be two (2) upcoming opportunities for the public to learn and comment upon the Comprehensive Transportation Plan (CTP) Update. Open house meetings are scheduled to take place on June 23, 2015 from 6:00 PM - 8:00 PM at the County Administration Building on Bluffs Parkway in Canton and on June 25, 2015 from 6:00 PM - 8:00 PM at the Magnolia Hall on 108 Arnold Mill Road, Building C, in Woodstock. Identical information will be shared at both meetings.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Open House Flyer	Exhibit

Open House

informational sessions

Please join us at an upcoming open house to learn more about the comprehensive transportation plan update and to share your ideas!

TUESDAY

June 23rd

6:00—8:00 PM

**Cherokee County
Administration Building**
1130 Bluffs Parkway
Canton, GA 30114

THURSDAY

June 25th

6:00—8:00 PM

Magnolia Hall
108 Arnold Mill Road
Building C
Woodstock, GA 30188

There is no formal presentation. Drop in any time during Open House hours. Identical information will be shared at both sessions.

stay connected!

For project updates, fact sheets, draft reports and other information visit the project webpage at:

www.cherokeega.com/Roadway-SPLOST-Program/



facebook.com/CherokeeCountyGa



twitter.com/Cherokee_GA

Questions? Contact Geoff Morton, PE, at gmorton@cherokeega.com





Cherokee County, Georgia Agenda Request

SUBJECT:

**Approval of Work Session, Executive Session
and Regular Minutes from June 2, 2015.**

MEETING DATE:

6/16/2015

SUBMITTED BY:

Christy Black

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Work Session Minutes	Backup Material
<input type="checkbox"/> Regular Minutes June 2	Backup Material



Cherokee County Board of Commissioners WORK SESSION MINUTES

June 2, 2015

3:00 p.m. | Cherokee Hall

Chairman Ahrens began at 3:12 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Brian Poole; Commissioner Scott Gordon; County Attorney, Angie Davis; County Manager, Jerry Cooper; County Clerk, Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

The Chairman read an excerpt from The Welch Way about setting stretch goals.

1. Millage Rate Presentation by Jerry Cooper.

Mr. Cooper began by providing an overview of the three-step process in calculating the millage rate. He stated that they start with zero and ask the departments and agencies to inform them of their needs and then they work from there. Next, they forecast all non-property tax revenue. They look at revenue trends from each line item category and then they calculate the millage rate using the latest tax digest based on the budget submittals and possible add-ons. General Fund Expenditures show an overall 1.3% increase with a 4.8% in General Services. Mr. Cooper indicated the Library system's budget is flat but they will be working in the coming weeks on getting additional funding. There is an increase in healthcare costs. The reserves have been depleted and a continued increase in cost in healthcare is anticipated for next year. They have proposed, at no increase in the millage rate for the General Fund, a 3% COLA increase. The increase in General Services is primarily IT for maintenance contracts and increased security. Elections will increase due to 2016 being a Presidential election year. Tax Administration will increase about \$91K as the Tax Commissioner will replace two part-time positions with a new full-time position and the Tax Assessor's office will be obtaining new vehicles. The Judicial Services have increased due to new laws in effect and more children in the system therefore Guardian Ad Litem costs have increased as well as costs for the attorney of the day. Sale proceeds from the Jones Building will be transferred to the RRDA Fund to pay down the debt. An increase in EMS collections will result in a decrease in the anticipated transfer from the General Fund to the EMS Fund.

Mr. Cooper went over the Revenue Forecast for FY2016. Variances are primarily TAVT with a reduction of Motor Vehicle tax of about \$200K. Commissions on tax collections have increased. Fines and Forfeitures have decreased with State Court down about \$450K and about \$400K from Superior Court. Also, the court reporter restitution was a one-time revenue for 2015.

Next, Mr. Cooper reviewed the tax digest. Based on the numbers provided by the Tax Assessor's office, the M&O Digest before appeals shows a 6.14% total increase. Mr. Cooper provided some details of new growth based on building permits and certificates of occupancy issued this past year and year-to-date. He stated that appeals will not have much of an impact on this year's digest. Mr. Cooper then went over the various scenarios in calculating the millage rate for the General Fund. He stated that the Fire Fund has a healthy fund reserve and that a 3% COLA would be covered under the current digest. This will be a 3.8% increase with 12 new employees and eliminating 17 part-time employees. Operating increase is mainly IT at \$62K. Mr. Cooper explained there will be a decrease in non-property tax revenue and licenses and permits. Also the use of reserves will not be proposed for next year's budget. Various scenarios for the Fire Fund millage rate were given.

Parks Bond needs \$6.6M to cover the debt service 100%. The calculated millage rate is 0.787. This includes a repayment of \$500K to the Unincorporated County Services Fund. Mr. Cooper stated they received payment for the sale of property for the Rooker acquisition at the Corporate 75 Park. He added that he instructed finance to put it in the bank and hold it for lowering the principle balance for the debt in that project. He stated he would provide a debt scenario in a couple of days. Mr. Cooper showed various scenarios of calculating the millage rate for the Parks Bond. Mr. Cooper then explained the impact of the millage rates to the average homeowner valued at about \$162K. He stated they will need to advertise the five-year historical digest and the proposed millage rate by Thursday, June 18, 2015 to meet the criteria for advertising. The plan is to conduct three Public Hearings which would be the first and second meetings in July and Thursday, July 23, 2015 to set the final millage rate. He stated if they set the millage rate too low and they find they need to increase it, they will not meet the deadline for advertising. Mr. Cooper suggested advertising a higher millage rate and then lower, if necessary, rather than increase. Commissioner Poole asked what the options are for achieving a 5% COLA increase this year. Mr. Cooper responded that they are going to look at what they anticipate the growth to be next year. That will give them a hedge of risk moving forward. He added that if they feel confident with that scenario, they can hedge the risk and propose some use of reserves for that purpose. Commissioner Poole asked where they are compared to last year. Mr. Cooper stated that for 5%, about \$900K more will be needed for the General Fund. The other funds should be able to cover. Commissioner Poole commented that he would like to see them follow through with their commitment to the employees to try and make it happen. The Chairman mentioned he and Mr. Cooper had discussed briefly that they were surprised that with the activity the County has seen, there hasn't been more growth than what is shown. He added that Mr. Cooper will be getting information on the trending and tracking. He stated that if they feel confident, a high percentage of those will actually hit the digest around January 1 and he would be more comfortable with a risk factor. The Chairman suggested maybe doing it in steps so they don't get a full-year impact. Mr. Cooper stated he would have more details for the Commissioners the following day. He then showed a breakdown of what services are provided throughout the County for the millage paid by each household.

The Chairman asked Mr. Steve Swindell, for the sake of the new Commissioners, to provide an update on the digest evolution and examples at the next Work Session. He believes it will help them with communications, provide a knowledge base, and it will help understand flow and trends of permits and CO's. Mr. Swindell commented that he noticed on one of the slides that their overall numbers they saw coming back were in a range of 10% overall digest increase. He stated that what he thinks is happening is that years ago they passed a homestead freeze and that's starting to kick in as the values start increasing, inflationary increases, that's what the homestead freeze gets charged against. As people moved in over the last several years during the downturn, they're signing up for homestead exemption getting the freeze of the low rates and as values are moving up, they're seeing that exemption grow over the last two years. He added that over time that exemption will grow larger and they will see less of it on the millage rate. Further discussion ensued regarding the homestead.

2. Discussion of Regular Agenda Items.

ZONING CASES

9.1 Case #15-05-010 Pinebrook Estates, LLC. (BOC Dist. 3)

As a result of the public hearing held on May 5, 2015, the Cherokee County Planning Commission voted to recommend denial of zoning case 15-05-010 Pinebrook Estates, LLC to rezone from GC (General

Commercial) and OI (Office Institutional) to RZL (Residential-Zero Lot Line) on 11.065 acres for single family residential subdivision.

Mr. Watkins provided a brief overview of the case. This was postponed from the previous meeting. Commissioner Poole stated they met the night before and the developer is going to get something in writing to the homeowners to see if they can come to a compromise and they want to table the case again until the next meeting. The Chairman commented that their goal is to be fair and flexible. Commissioner Poole commented that there was concern that RZL was too dense for the area. The Chairman asked if anyone knew if the storage facility in the area was full. Mr. Watkins replied that he didn't know about full but knew they were active and the owners also expressed concern over the RZL.

9.2 Case #15-04-008 Speedway, LLC. (BOC Dist. 2)

Applicant is requesting to rezone 1.748 acres at Neese Road and State Route 92 from R-40 to GC for a convenience store and gas station. Planning Commission voted to recommend approval.

Mr. Watkins provided a brief overview of the case. Commissioner Gunnin commented there has been a lot of discussion over this parcel. This is a County parcel surrounded by City parcels. He stated that looking at the Comprehensive Plan, this calls the area to be a Regional Center which allows for GC, NC, and HC. The City wants to annex it but homeowners do not want that. Commissioner Gunnin feels they need to look at it like any other parcel in the County and that GC falls into the category of the Comprehensive Plan.

There are conditions the City asked to be included if the Board decided to move forward with it. The conditions have been agreed to by Speedway. They are: 1. There be a minimum of a 35 foot year round opaque buffer against residential property. The buffer shall consist of vegetation of sufficient volume and height to achieve a year round opaque visual buffer. Fencing may be used to achieve the opacity required herein, however, such fencing shall not be installed at either edge of the 35 feet width and shall have vegetation on either side of the fence. In no case shall fencing be the sole means of buffering; 2. Delivery hours shall be limited to hours between 7:00 am and 11:00 pm; 3. Dark Sky compatible lighting including recessed lighting under canopy area; and 4. Entrance onto Neese Road shall meet ASHTO standards and shall limited to right-in/right-out, unless or until a shared drive agreement with the adjacent property owner can be obtained.

Commissioner Gunnin stated that one point is the City's and the County's code on alcohol sales. The City's code calls for 300 feet from the front door of the establishment to the property line of the church. The County calls for 300 feet from door to door of the church. Commissioner Gunnin believes that since it is a County parcel, the owners deserve the right for them to use the County ordinance to look at this. He stated that he will recommend approval. The Chairman asked if there is anything in the 92 Overlay they are messing with. Mr. Watkins explained the reason they are asking for the GC is the 92 Overlay has a restriction on gas stations because of the gas pumps. He stated the way it was done in the past is that if someone used the permitted uses within the 92 Overlay, they could do so without zoning.

Commissioner Gordon stated that if it weren't for Highway 92, this property would be an island. He referred to Steinberg's criteria looking at adversely affecting neighboring property and

impact of excessive burdensome use of streets and infrastructure. He stated a case could be made that would suggest they would not be able to do that because of what shifts to the City's responsibilities. He also feels it is in conflict with the Senior Living project behind it. He mentioned engineering concerns on how to get in and out of Neese Road as well as the one of the County's largest playgrounds being within walking distance of the property. He feels it is necessary to consider the impact it will have on the City and what they are trying to achieve.

The Chairman asked if there was any idea of what the Senior Living facility will look like. Commissioner Gordon replied that they are in their second review of the plans. It is a multi-story facility. The Chairman asked about a dining facility for the Senior Living. Mr. Watkins stated they will have a dining facility but the residents will also have the ability to cook in their rooms. The Chairman asked Ms. Davis if she had heard anything regarding this case. Ms. Davis replied that she had not but she had not been involved in looking at the plans. She added that it comes down to the Boards wisdom and discretion and justifying based upon the zoning documents and ordinances. Mr. Watkins stated that the only thing missing in the course of conversation was the desire of having a pharmacy at this location but due to size of the building and parking, it wouldn't work.

CONSENT AGENDA

Mr. Cooper went over the five items under the **Consent Agenda** portion:

11.1 Surplus Miscellaneous Electronic Equipment.

Consider approval to surplus miscellaneous out-dated devices from various departments.

11.2 Grant of Sewer Line Easement to CCWSA on behalf of Windsong Properties, LLC.

Consider grant of sewer line easement to Cherokee County Water & Sewerage Authority to service the proposed Baxter Estates subdivision on SR 92 developed by Windsong Properties, LLC.

11.3 Request to schedule a Public Hearing for zoning change.

To schedule a Public Hearing July 7, 2015 to consider a request for a change of zoning on property located at the north end of Cherokee Parkway in Woodstock from R-20 and R-40 to LI. If rezoned, the property would be utilized as an addition to the Cherokee 75 Corporate Park. The property is currently owned by the Cherokee County Development Authority and is a total of 38.164 acres.

11.4 Request for Public Hearing to consider a No Thru Trucks Ordinance.

Consider setting a Public Hearing date for July 7, 2015 to consider an Ordinance to regulate and restrict the parking, through travel, and overnight storage of trucks on the public road system of Cherokee County, Georgia.

11.5 Request for Public Hearing to consider revisions to the Cherokee County Floodplain Management and Flood Damage Prevention Ordinance.

Consider setting a Public Hearing date for July 7, 2015 to consider revisions to the Cherokee County Floodplain Management and Flood Damage Prevention Ordinance.

COUNTY MANAGER

Mr. Cooper went over the nine items under the **County Manager** portion:

- 12.1 Easements for electrical service by Georgia Power Company for the County Park at the Killian site; located at 1260 Univeter Road, Canton.

Consider granting easements and perpetual right-of-ways to Georgia Power Company for electrical service lines running to and within the new County Park at Killian at 1260 Univeter Road as set forth by Exhibit A of the attached easement. No costs are associated with granting of easements and right-of-ways.

- 12.2 Subgrant Agreements for Misdemeanor DUI/Drug Court.

Consider approving subgrant agreements A16-8-004 (\$65,259) and A16-8-005 (\$26,324) to provide State grant funding in the total amount of \$91,583 for the State FY2016 (July 2015 – June 2016).

- 12.3 Subgrant Agreement for Felony Drug Accountability Court.

Consider approving subgrant agreement J16-8-008 to provide State grant funding in the amount of \$177,899 for the State FY2016 (July 2015 – June 2016).

The Chairman asked if Mr. Cooper knew why it is such a large increase. Mr. Cooper replied that he guesses they have proven themselves. They've done some good work.

- 12.4 CATS 2015 DHS Contract – Amendment #1.

Consider approval of Amendment #1 for the current CATS 2015 DHS contract reflecting an increase in State funding in the amount of \$13,000.00.

- 12.5 Animal Control Intergovernmental Agreement (IGA) between Cherokee County and the Cities of Ball Ground, Canton, Holly Springs and Woodstock.

Consideration of Animal Control IGA between Cherokee County and the Cities of Ball Ground, Canton, Holly Springs and Woodstock for the period of June 2, 2015 and May 31, 2016.

- 12.6 Development Agreement between PR Land Investments, LLC and Cherokee County.

Consideration of a Development Agreement between PR Land Investments, LLC and Cherokee County for construction of Kellogg Creek Road and Woodstock Road intersection improvement project.

- 12.7 East Cherokee Drive at SR 20 Intersection Improvement Project – Award of Contract.

Consider approval of low bid and award of contract for the East Cherokee Drive at SR 20 Intersection Improvement Project to F.E. Sims Enterprises, Inc. in the amount of \$912,565.85.

12.8 Criminal Justice Coordinating Committee (CJCC) Mental Health Court Grant Award.

Consider approval to accept CJCC grant award for Cherokee County Mental Health Court in the amount of \$89,741.00 and authorize a Budget Amendment to the adopted County FY2015 Budget.

12.9 Keeter Road Improvement Project – Award of Contract.

Consider approval of low bid and award of contract for the Keeter Road Improvement Project to Baldwin Paving Company, Inc. in the amount of \$1,218,869.19.

COUNTY ATTORNEY

13.1 Annexation Notice City of Holly Springs – Rabbit Hill Road.

The following parcel, located on Rabbit Hill Road, has been requested for annexation and to be rezoned to PDR, Planned Development Residential for single family residential development. 15N15 060

Ms. Davis provided an overview of the case. This tract is 16 acres at 756 Rabbit Hill Road west of I-575 and is owned by Rabbit Hill, LLC. It is currently zoned R-40 with a proposed zoning into the City of PDR. The proposed use is 118 single-family residential lots. The County's Future Development Map proposes this to be Suburban Living. Ms. Davis stated the objection they can make under the statute's criteria the staff noted that there was material increased burden in the areas of change of land use, zoning, density, and in infrastructure demands. The second component to that which is required in the statute is that we are able to demonstrate that the material increase in burden is going to cause evidence of financial impact. Ms. Davis stated notes by staff from her office, Planning and Land Use, and Engineering indicate that according to the land dispute resolution statute there does not appear to be a sustainable objection. She suggested they send a letter by motion to incorporate the comments and concerns, particularly the density and buffering the County would apply for this to be a development in our jurisdiction.

13.2 Annexation Notice City of Holly Springs – Highway 140.

The following parcels, located on Hwy 140, have been requested for annexation and to be rezoned to PDR, Planned Development Residential for single family residential development and a 0.75 acre tract to be rezoned to GC, General Commercial. (15NI 9 228, 15NI 9 229, 15NI 9 230, 15N25 032)

Ms. Davis provided an overview of the case. The property is located north of Hickory Flat Road and west of Bart Manous Road. It is 32.5 total acres with multiple owners. The applicant is Gates Construction and the zoning is currently R-40 with proposed zoning of PDR and combined General Commercial. The proposed use of 31.84 acres is to be 110 single-family homes with .74 acres to be developed as General Commercial. Material increase in burden is noted but no financial impact. There are extensive comments from Planning and Engineering staff. Ms. Davis stated they can put those forward to the City by motion and a request that these issues be considered.

The Chairman commented that residents had comments but didn't understand that certain issues have already been taken into consideration by staff who do this every day. Mr. Watkins stated they took issue with the PDR because it's supposed to be walkable like Harmony on the Lakes and this development is there is a concern with the commercial portion. The Chairman asked if the comments could be incorporated into a letter. Ms. Davis replied absolutely. She added they can even address concerns that they are misapplying the PDR as not a true PDR. She stated that though they don't have the power to change and affect when annexations take place, they can express they strongly oppose this.

Commissioner Gunnin mentioned that there will be almost 300 homes plus another development on Hickory Road and it will have a huge impact of the area near Dean Rusk Middle School and Sequoyah High School. He added he would be in favor of sending a letter noting their strong opposition.

Commissioner Gordon stated the absence of commercial outside of the .74 acres is suspect and is something they would definitely want to call to attention for PDR. He also stated that the additional infrastructure issues is also something they need to raise, but agreed as to what grounds they can do this that is defensible. Ms. Davis mentioned that if the concern is, in part, determining what type of opposition letter, by motion the Board can give her permission to work with the District Commissioner, Planning and Engineering staff to come up with that in more detail. The Chairman stated that is a reasonable outcome.

ADJOURN

Hearing no further items, Commissioner Gunnin made a motion to adjourn to the Executive Session of the BOC at 4:37 p.m. to discuss personnel, land acquisition or disposal, and pending or threatened litigation. Commissioner West seconded. The motion carried unanimously.



Cherokee County Board of Commissioners MINUTES

June 2, 2015

Regular Meeting

Cherokee Hall, 1130 Bluffs Parkway, Canton GA 30114 6:00 PM

INVOCATION

Brett Campbell with Sovereign Grace Church, Woodstock, gave the invocation.

PLEDGE OF ALLEGIANCE

Commissioner Gordon led the 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"

1. CALL TO ORDER

Chairman Ahrens called the regular meeting to order at 6:08 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Brian Poole; Commissioner Scott Gordon; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Christy Black. Also present were Agency Directors/Department Heads; the media; and the public.

2. RATIFY CLOSURE OF EXECUTIVE SESSION

Raymond Gunnin made a motion to ratify closure of executive session at 5:55 p.m.; Brian Poole seconded. The resulting vote was Passed, 5-0.

3. PRESENTATIONS / PROCLAMATIONS

4. AMENDMENTS TO AGENDA

4.1. Amend agenda to change public hearing date on item 11.3 and add item 13.3 under County Attorney regarding Laurel Canyon.

Raymond Gunnin made a motion to amend the agenda; Steve West seconded. The resulting vote was Passed, 5-0.

5. ANNOUNCEMENTS

6. APPROVAL OF MINUTES

6.1. Approval of Work Session, Executive Session and Regular Minutes from May 19, 2015.

Brian Poole made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

7. PUBLIC HEARING

8. PUBLIC COMMENT

Four people signed up to speak.

1. Craig McNabb signed up to speak about the Speedway zoning case. Chairman Ahrens told Mr. McNabb he couldn't speak on the topic because a Public Hearing had been held already. He said that he or any of the Commissioners would speak with him after the meeting if he wanted to stay.

2. Roger Carter signed up to speak in opposition of the Cowart Contract.
3. John Hiland signed up to speak in opposition of the Cowart Deal.
4. John Bost signed up to speak in support of the Commissioners moving forward with the Cowart Deal.

9. ZONING CASES

9.1 Case #15-05-010 Pinebrook Estates, LLC (BOC Dist. 3).

As a result of the public hearing held on May 5, 2015, the Cherokee County Planning Commission voted to recommend **DENIAL** of zoning case 15-05-010 Pinebrook Estates, LLC. to rezone from GC (General Commercial) and OI (Office Institutional) to RZL (Residential-Zero Lot Line) on 11.065 acres for single family residential subdivision.

Jeff Watkins gave an overview of the case that was postponed from the last meeting.

Commissioner Poole stated he had been in contact with Ms. Angie Gowan and other residents off East Cherokee Drive and the developer. The developer asked the residents if they would be okay with tabling the request as the developer wanted to work out some compromises with them. They were fine with it.

Brian Poole made a motion to table the case until the next meeting; Raymond Gunnin seconded.

The Chairman confirmed that the meeting was recent. Commissioner Poole replied it was the previous evening. He added everybody is on board and making progress and will stay in contact with him and he will pass any information along to the Board.

The resulting vote to table the meeting was Passed, 5-0.

9.2 Case #15-04-008 Speedway, LLC. (BOC Dist. 2).

Applicant is requesting to rezone 1.748 acres at Neese Road and State Route 92 from R-40 to GC for a convenience store and gas station. Planning Commission voted to recommend approval.

Mr. Watkins provided a brief overview of the case. Commissioner Gunnin stated this is in his District and was carried over from the last meeting. He mentioned they had a meeting between the County and the City of Woodstock and, although they did not agree on everything, they were able to talk things through.

Commissioner Gunnin feels they should look at it as a County property but take into consideration the City's concerns. He added that he had looked at the Comprehensive Plan for future use and that area is designated as a Regional Center which says NC, GC, or HC were suitable zonings to go in the area. Commissioner Gunnin commented he sees no reason to not rezone the property to GC. He said there had been a lot of talk about this case and a lot of emotion but he feels he has to take that out of it and obey the ordinances and the rules and regulations of the County.

Commissioner Gunnin said the City of Woodstock asked that if they did approve it that some conditions be placed on the property. He spoke with the applicant and the corporation wanting to buy the property and they were in agreement. He said that he would like to read those conditions into the minutes:

1. There be a minimum of a 35 foot year round opaque buffer against residential property. The buffer shall consist of vegetation of sufficient volume and height to achieve a year round opaque visual buffer. Fencing may be used to achieve the opacity required herein, however, such fencing shall not be installed at either edge

of the 35 feet width and shall have vegetation on either side of the fence. In no case shall fencing be the sole means of buffering;

2. Delivery hours shall be limited to hours between 7:00 am and 11:00 pm;
3. Dark Sky compatible lighting including recessed lighting under canopy area; and
4. Entrance onto Neese Road shall meet ASHTO standards and shall be limited to right-in/right-out, unless or until a shared drive agreement with the adjacent property owner can be obtained.

Commissioner Gunnin addressed the concern of the sale of alcohol citing State and County regulations require 300 feet from door to door for sales. He added the City's regulations require 300 feet from the store to the edge of the property line and according to the plans, the footage exceeds the required distance.

Commissioner Gunnin made a motion that with the aforementioned conditions to zoning that they approve the property for GC; Chairman Ahrens seconded.

Commissioner Poole stated he will recuse himself from the vote due to a personal relationship with the family, knowing Ms. Mrs. Jo Deine Nadel, who owns the property.

Commissioner Gordon commented that he agreed with Commissioner Gunnin to include the conditions to protect the surrounding properties. He said that he is having trouble supporting this request based on several items from the Steinberg criteria used in Georgia for rezoning. He feels it's necessary to consider the surrounding property which is surrounded by City of Woodstock on three sides. He feels it is incompatible with the Senior Living property adjacent to the property with surrounding NC zoning. He also mentioned traffic studies showing the intersection to be a poor situation. Commissioner Gordon referenced the alcohol issue with the city statute and County statute being in conflict, adding that one of the largest playgrounds in the County is within walking distance of the corner of the property. He said that if it weren't for Highway 92 this would be an island.

The Chairman commented that this type of island of property can be in conflict and the Steinberg criteria is certainly relevant. He said they have sat down with the cities to look at the map and the islands and look at finding a way to eliminate them, but basically it would involve annexing to the cities and the people who own that property would pay taxes twice, once to the city and once to the County.

Chairman Ahrens said he appreciated everyone's thoughts and consideration. He recalled the motion, the second and the recusal by Commissioner Poole and called for a vote.

The resulting vote was Passed, 3-1 with Scott Gordon voting nay and Brian Poole recusing.

10. COMMISSION BUSINESS

11. CONSENT AGENDA

11.1. Surplus Miscellaneous Electronic Equipment.

Consider approval to surplus miscellaneous out-dated devices from various departments.

11.2. Grant of Sewer Line Easement to CCWSA on behalf of Windsong Properties, LLC.

Consider grant of sewer line easement to Cherokee County Water & Sewerage Authority to service the proposed Baxter Estates subdivision on SR 92 developed by Windsong Properties, LLC.

11.3. Amendment: (Date Change from July 7) Request to schedule a Public Hearing for zoning change.

To schedule a Public Hearing July 21, 2015 to consider a request for a change of zoning on property located at the north end of Cherokee Parkway in Woodstock from R-20 and R-40 to LI. If rezoned, the property would be utilized as an addition to the Cherokee 75 Corporate Park. The property totals 38.164 acres and is currently owned by the Development Authority of Cherokee County, Garshaseb Motahar, Golnar Charepoo, Tommie Lee Dupree and Joyce Parks.

11.4. Request for Public Hearing to consider a No Thru Trucks Ordinance.

Consider setting a Public Hearing date for July 7, 2015 to consider an Ordinance to Regulate and Restrict the Parking, Through Travel, and Overnight Storage of Trucks on the Public Road System of Cherokee County, Georgia.

11.5. Request for Public Hearing to consider revisions to the Cherokee County Floodplain Management and Flood Damage Prevention Ordinance.

Consider setting a Public Hearing date for July 7, 2015 to consider revisions to the Cherokee County Floodplain Management and Flood Damage Prevention Ordinance.

Raymond Gunnin made a motion to approve Consent Agenda; Brian Poole seconded. The resulting vote was Passed, 5-0.

12. COUNTY MANAGER

12.1. Easements for electrical service by Georgia Power Company for the County Park at the Killian site; located at 1260 Univeter Road, Canton.

Consider granting easements and perpetual rights-of-ways to Georgia Power Company for electrical service lines running to and within the new County Park at Killian at 1260 Univeter Road as set forth by Exhibit A of the attached easement. No costs are associated with granting of easements and rights-of-ways.

Brian Poole made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.2. Subgrant Agreements for Misdemeanor DUI/Drug Court.

Consider approving subgrant agreements A16-8-004 (\$65,259) and A16-8-005 (\$26,324) to provide state grant funding in the total amount of \$91,583 for the State FY2016 (July 2015 - June 2016).

Brian Poole made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.3. Subgrant Agreement for Felony Drug Accountability Court.

Consider approving subgrant agreement J16-8-008 to provide state grant funding in the amount of \$177,899 for the State FY2016 (July 2015 - June 2016).

Raymond Gunnin made a motion to approve; Scott Gordon seconded. The resulting vote was Passed, 5-0.

12.4. CATS 2015 DHS Contract - Amendment #1.

Consider approval of Amendment #1 for the current CATS 2015 DHS contract reflecting an increase in State funding in the amount of \$13,000.00.

Raymond Gunnin made a motion to approve; Brian Poole seconded. The resulting vote was Passed, 5-0.

12.5. Animal Control Intergovernmental Agreement (IGA) between Cherokee County and the Cities of Ball Ground, Canton, Holly Springs and Woodstock.

Consideration of Animal Control IGA between Cherokee County and the Cities of Ball Ground, Canton, Holly Springs and Woodstock for the period of June 2, 2015 through May 31, 2016.

Scott Gordon made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.6. Development Agreement between PR Land Investments, LLC and Cherokee County.

Consideration of a Development Agreement between PR Land Investments, LLC and Cherokee County for construction of the Kellogg Creek Road and Woodstock Road intersection improvement project.

Scott Gordon made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.7. East Cherokee Drive at SR 20 Intersection Improvement Project - Award of Contract.

Consider approval of low bid and award of contract for the East Cherokee Drive at SR 20 Intersection Improvement Project to F.E. Sims Enterprises, Inc. in the amount of \$912,565.85.

Steve West made a motion to approve; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.

12.8. Criminal Justice Coordinating Committee (CJCC) Mental Health Court Grant Award.

Consider approval to accept CJCC grant award for Cherokee County Mental Health Court in the amount of \$89,741.00 and authorize a Budget Amendment to the adopted County FY2015 Budget.

Brian Poole made a motion to approve; Steve West seconded. The resulting vote was Passed, 5-0.

12.9. Keeter Road Improvement Project - Award of Contract.

Consider approval of low bid and award of contract for the Keeter Road Improvement Project to Baldwin Paving Company, Inc. in the amount of \$1,218,869.19.

Raymond Gunnin made a motion to approve; Brian Poole seconded. The resulting vote was Passed, 5-0.

13. COUNTY ATTORNEY

13.1. Annexation Notice City of Holly Springs - Rabbit Hill Road.

The following parcel, located on Rabbit Hill Road, has been requested for annexation and to be rezoned to PDR, Planned Development Residential for single family residential development. 15N15 060

Ms. Davis provided a brief overview. She recalled the detailed conversation during the Work Session, noting that it would be a material increase in burden related to the change in zoning and land use, density, and infrastructure demands, but staff has found it falls slightly short of other criteria to make an objection under the statute legally cognizable. They discussed

preparing a letter to the City of Holly Springs indicating the concerns and perhaps even our opposition and noting the comments of staff of Planning and Engineering as provided in the materials. Ms. Davis stated the deadline for response is due to be delivered by June 11, 2015.

Chairman Ahrens made a motion that they communicate pertinent comments from Planning and Land Use and Engineering back to the city for their consideration; Brian Poole seconded.

Ms. Davis asked for clarification on whether it is to be a letter of opposition or a letter expressing concerns. Chairman Ahrens replied that he is not suggesting opposition, that he is suggesting to send a letter to communicate concerns for their consideration.

The Chairman recalled the motion and the second. The resulting vote was Passed, 5-0. Ms. Davis said that her office would prepare the letter and send it out.

13.2. Annexation Notice City of Holly Springs - Highway 140.

The following parcels, located on Hwy 140, have been requested for annexation and to be rezoned to PDR, Planned Development Residential for single family residential development and a 0.75 acre tract to be rezoned to GC, General Commercial.(15NI 9 228, 15NI 9 229, 15NI 9 230, 15N25 032).

Ms. Davis provided a brief overview. There has been a note by staff of material increase in burden but other criteria fall short such that the land dispute resolution statute does not appear to present a sustainable objection. Staff noted extensive comments concerning density, buffering, and approval of roadways. Ms. Davis stated if the Board would like to provide the comments to the City, they can do it in the form of opposition or just in the form of expressing concerns. Ms. Davis recalled detailed discussion from Work Session and added they may want to include those details and her staff would be happy to work with staff and the District Commissioner to provide more exhaustive communication for the Board to review before sending to the City.

Raymond Gunnin made a motion to approve a letter expressing concerns as stated by Ms. Davis; Brian Poole seconded.

The Chairman commented that the additional effort to work with staff and the District Commissioner to be more specific and to make points clear and articulate would be appropriate.

The resulting vote was Passed, 5-0.

13.3 Amendment: Laurel Canyon Issue-Secondary Road Access.

Approve secondary access road from Laurel Canyon onto Honeydew Drive for Emergency Access only.

Ms. Davis stated that the developer of Laurel Canyon subdivision is seeking modifications to their plans so it has brought to light the provision of the city's development regulations that has never been enforced by the city previously. That provision concerns approval of a secondary access and that access would be on a County road. Ms. Davis read the city's regulation from Section 9.03.12, Paragraph B stating that subdivisions with 200 or more lots should have a minimum of two entrances and if lot configuration prohibits or makes impractical, an alternative access may be approved or the provision may be waived by the City Council. Ms. Davis stated that this has been brought to light because the plan that has been presented seeks approval for a second entrance from the subdivision onto Honeydew Road which is a County road. Ms. Davis also read from the City's regulations Section 9.03.12 (d) stating that where new entrances provided from an existing County road, the road should be permitted and approved by the County. She stated that based upon the option to provide an alternate access the County has proposed an emergency only access. Ms. Davis asked Mr. Geoff Morton to explain the reason for this recommendation.

The Chairman interjected stating that he will abstain from conversation and any voting on this matter as he and his wife are homeowners in this subdivision.

Mr. Morton stated the proposed secondary access point would be along Honeydew Drive, which is in unincorporated Cherokee County and ties into Shoal Creek Road. He added that both roadways are residential in nature and are adequate to handle current traffic, but would be considered substandard for purposes of the additional traffic that would be added by virtue of this subdivision access. There have also been a number of accidents recorded in that area, especially along Shoal Creek Road. That is why when this originally came to the County for review in February, Mr. Morton's recommendation was for the secondary access to Honeydew Drive to be limited to a gated emergency access for purposes of use by the City's or County's emergency responders or citizens in case of emergency situations. Ms. Davis stated the developer has agreed to the emergency access only at Honeydew, but the City's position is unclear.

Ms. Davis stated that if it meets with the Commissioners' approval it would be appropriate for a motion to:

1. Approve Emergency Access only from Laurel Canyon subdivision to Honeydew Drive as described in the memo from Public Works Agency Director, Geoff Morton, to Steve Green with City of Canton, dated February 2, 2015, which should be incorporated into the Motion and included in the Minutes;
2. The approval is contingent upon the Developer meeting all development and permitting requirements of the County and any other applicable agency;
3. The approval shall be conveyed by the County Attorney's office to the City and the Developer.

Mr. West commented that this is in his District and he is familiar with the roads and agrees it is dangerous and the emergency access only is appropriate.

Commissioner West made a motion to proceed as stated by the County Attorney; Commissioner Poole seconded. The motion was Passed 4-0, with Chairman Ahrens recusing.

ADJOURN

Chairman Ahrens asked if there was anything else to come before the Board. Scott Gordon mentioned that he and some staff were heading to the Trails Summit on Friday. He added they would report back to the Board when they learned more from the state what was happening with trails.

Raymond Gunnin made a motion to adjourn at 7:00 p.m.; Steve West seconded and the motion Passed, 5-0.

CHEROKEE COUNTY
ENGINEERING DEPARTMENT
MEMO

Date: February 2, 2015

To: Steve Green, Zoning Administrator, City of Canton

From: Geoffrey E. Morton, P.E., Public Works Agency Director

Cc: Brett Buchanan, P.E., Assistant County Engineer
Vicki Taylor Lee, Zoning Administrator
Jerry W. Cooper, County Manager

Subject: Lifestyle at Laurel Canyon, LLC
Request for Access on Honeydew Drive to be converted to Emergency Access Only

The Cherokee County Engineering Department has reviewed the request by Lifestyle at Laurel Canyon, LLC, concerning its request to convert the proposed secondary access from the Laurel Canyon subdivision to Honeydew Drive to Emergency Access Only. It is our understanding that in order to satisfy the City of Canton's Unified Development Code, a secondary entrance must be provided for the Laurel Canyon development.

Currently the proposed secondary access point would be along Honeydew Drive, which is in unincorporated Cherokee County. Honeydew Drive is a local roadway that is residential in nature. In order for Honeydew Drive to provide access, motorists would also have to travel along Shoal Creek Road in order to reach State Route 140. Shoal Creek Road is also a two-lane local roadway that has some areas where the horizontal geometry is substandard. These locations are heavily marked with signage; however, there is some history of recorded accidents, including fatalities, along this roadway.

In order to handle the traffic that would be generated by an unrestricted secondary access to Laurel Canyon, both Honeydew Drive and Shoal Creek Road would require significant upgrades to their geometry along the entire length of both roadways as well as realignment of the intersections of both Honeydew Drive and Shoal Creek Road (unincorporated County) and Shoal Creek Road and State Route 140 (City of Canton).

The current request by Lifestyle at Laurel Canyon, LLC would restrict the secondary access to an "Emergency Access Only" entrance onto Honeydew Drive. The Cherokee County Engineering Department is in support of this type of access for this location. There are several of these types of entrances installed in several developments throughout unincorporated Cherokee County. The County's support of the approval of this variance would include the following conditions:

1. The Emergency Access Only entrance is to be gated and closed at all times unless there is an incident within the Laurel Canyon development that would restrict access to State Route 140 through the normal entrance along Laurel Canyon Parkway.

2. The gate is to be secured using a Knox Padlock to allow only Emergency Personnel from either the City of Canton or Cherokee County to be able to open the gate. Other locking systems will be acceptable if agreed upon by both the City of Canton and Cherokee County.
3. It is recommended that both ends of the Emergency Access be gated to prevent residents from parking vehicles along the access route.
4. The Cherokee County Engineering Department is open to working with the Developer and the City of Canton as to whether the Emergency Access is achieved through a dedicated right-of-way or an access easement. We are also open to the working with the Developer and City of Canton as to whether the access will have the look of a typical residential street or if they prefer it to have the look of a residential driveway. Either way, we will maintain the minimum widths and radii as required by the International Fire Code.



Cherokee County, Georgia Agenda Request

SUBJECT:
**Public Hearing on a petition from Daniel and
Denise Warner for the creation of a Legacy Lot
(District 1).**

MEETING DATE:
6/16/2015

SUBMITTED BY:
Vicki Taylor Lee

COMMISSION ACTION REQUESTED:

Conduct Public Hearing on June 16, 2015 to consider petition for creating a Legacy Lot on property owned by Daniel and Denise Warner and to solicit public input.

FACTS AND ISSUES:

Mr. and Mrs. Warner own 6.15 acres at 2130 Fate Conn Road zoned AG where they currently have their home. They wish to subdivide the property to provide one lot for their son and one for their daughter. However, the irregular shape of their property combined with the existing home's location presents a unique difficulty in the subdivision of their property. The proposal outlines a 2.96 acre tract for Mr. and Mrs. Warner and their existing home and accessory buildings with required setbacks, a 2.0 acre tract for their daughter and the remaining 1.19 acre tract for their son. The property is located in Land Lot 223 of the 14th District, 2nd Section, Cherokee County, Georgia and more particularly described as Parcel 022G on Tax Map 14N21.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

Following public comment, the Board of Commissioners consider granting the petition for a legacy lot.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Cover Memo
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Site Plan	Exhibit

RESOLUTION NO. 2015-R-
CREATION OF A LEGACY LOT
APPLICANT: Daniel and Denise Warner

A resolution regarding a request to create a legacy lot from the following described property:

6.15 acres at 2130 Fate Conn Road in Land Lot 223 of the 14th District, 2nd Section Cherokee County Georgia, and more particularly described as Parcel 022G on Tax Map 14N21.

WHEREAS, it hereby is found and determined that a petition to create one legacy lot of 1.19 acres from property at 2130 Fate Conn Road was filed on May 12, 2015; and,

WHEREAS, the property is zoned Agricultural (AG) which mandates a minimum lot size of 2 acres in area; and,

WHEREAS, the current lot has one residence on the 6.15 acre lot; and,

WHEREAS, the petition to create a legacy lot from the property, if successful, would result in one lot of 2.96 acres, one lot of 2.0 acres and a legacy lot of 1.19 acres as shown on site plan attached hereto as **Exhibit A**, and

WHEREAS, Section 5-8.1 of Article 5 of the Cherokee County Zoning Ordinance states:

It is the intent of the Board of Commissioners to provide owners of property who wish to subdivide their property, except where the division of land would create a non-conforming parcel, the opportunity, upon petition to and acceptance of the Board of Commissioners, to present said subdivision at a public hearing., and

WHEREAS, Section 5-8.2 of Article 5 of the Cherokee County Zoning Ordinance states:

The purpose of legacy lots is to permit a division of land to facilitate a familial gift or a transfer of land between family members. The presence of family members living nearby adds to the community by providing affordable housing, child and elder care, and transportation to those family members who cannot drive themselves, all of which fosters stable family environments., and

WHEREAS, Section 5.5-8-3 requires a legacy lot shall only be considered where the following criteria are found to exist:

- a. Zoning of property in the immediate vicinity, the land use policies set forth in the Comprehensive Plan and existing pattern of development of nearby property does not suggest or support a request for a zoning change, and
- b. The division of land is not a part of a larger common plan of development; and

- c. The purpose for the division of land is exclusively for gifting to an heir or relative a parcel of land, upon which the recipient intends on constructing a single family dwelling unit, and residing within said structure; and
- d. The division of land creates no more than one non-conforming parcel, and

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation, and

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, was published more than 15 days prior to the public hearing, and

WHEREAS, the Cherokee County Board of Commissioners, after notice required by law, did hold a Public Hearing on June 16, 2015 in Cherokee Hall at the Cherokee County Administrative Building, and

WHEREAS, the Cherokee County Board of Commissioners has considered the proposed petition in contemplation of the Section 5.8.1 of Article 5 of the Cherokee County Zoning Ordinance; and, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia;

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners the petition for the creation of one Legacy Lot of 1.19 acres at 2130 Fate Conn Road is hereby _____, and the Zoning Administrator is so authorized to approve a plat of subdivision effecting said legacy lot.

Adopted this 16th day of June, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Chairman

ATTEST

Christy Black, County Clerk

PL # 20150000193

DATE RECEIVED: 5-12-15

CHEROKEE COUNTY BOARD OF COMMISSIONERS

FORWARD THIS FORM AND FEE TO:

ZONING ADMINISTRATOR

CHEROKEE COUNTY DIVISION OF PLANNING AND LAND USE

PETITION FOR A LEGACY LOT

**I UNDERSTAND THAT ALL REQUIRED ITEMS ON CHECKLIST MUST BE SUBMITTED TO
PROCESS THIS APPLICATION.**

SIGNATURE see attached DATE May 1, 2015

APPLICANT: Daniel & Denise Warner

ADDRESS: 2130 Fate Conn Road
Canton, GA 30114

PHONE #: 678-493-9940 EMAIL ADDRESS: _____

ADDRESS OF PROPERTY: 2130 Fate Conn Road

MAP NUMBER: 14N21 PARCEL NUMBER: 0229

ZONING: Ag ACREAGE: 0.15

Daniel F. Warner
Denise B. Warner
2130 Fate Conn Road
Canton, Georgia 30114
dan.warner@windstream.net

May 11, 2015

Vicki Taylor Lee
Cherokee County Zoning Administrator
1130 Bluffs Parkway
Canton, Georgia 30114

We, Daniel F. Warner and Denise B. Warner, own the property at 2130 Fate Conn Road, Canton, Georgia 30114, consisting of 6.15 acres, tax map 14N21-022G, being in Land Lot 223, 14 District, 2nd Section, Cherokee County, Georgia since April 1999, by Surveyor Scott L. Reese, Ga. Reg. No. 2648 dated February 17, 1999, as recorded in Book 59, Page 85 on June 8, 1999 at 3:53pm. At that time we were informed that the property could be subdivided in the future into 2 acres minimum lots for our son and daughter.

Please reference the recent Survey by Lyman B. Blackmar II, Ga. Reg. No. 2839, dated May 1, 2015 subdividing the 6.15 acres into three lots consisting of 2.96 acres remaining for ourselves (Daniel F. Warner and Denise B. Warner), a family gift of 2.00 acres for our daughter, Rachel Warner Wallace-White to build a home, and a family gift of 1.19 acres for our son Daniel Adam Warner to build a home.

The odd shape of our 6.15 acre lot presented a number issues to be handled, one being the location we chose for our primary home leaving the balance of the land more difficult to subdivide, two being the narrow constriction point of 82 feet instead of the required 90 feet for three driveways (50 foot for primary, plus 20 feet for second lot, and plus 20 feet for third lot), three being the restrictions on long driveways resulting in granting Exclusive Ingress/Egress Easements, and four being the creation of one Legacy lot of 1.19 acres instead of the required 2.0 acres.



In working with the Cherokee County Planning and Zoning department, and the surveyor, we together were able to resolve these issues as presented in the proposed May 1, 2015 plat, with a request to be submitted to the Cherokee County Board of Commissioners for approval of the plat for a 2.00 acres lot for our daughter, and one 1.19 acres Legacy lot for our son.

Once approved by the Cherokee County Board of Commissioners we will then work with Attorney J. Christopher Geiger, and Regions Mortgage, and United Community Bank on the subdivided lot deeds and related mortgage documents, and county recording of the deeds.

Cherokee County Board of Commissioners,

We request the Cherokee County Board of Commissioners approve the one Legacy lot of 1.19 Acres for our son Daniel Adam Warner to build a home. With our son and daughter living next door they both will be better able to assist their disabled father (Daniel F. Warner).

Sincerely,


Daniel F. Warner

Denise B. Warner

2130 Fate Conn Road

Canton, Ga 30114

678-493-9940.

dan.warner@windsteam.net

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE ABSTRACT IF PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

SURVEY PREPARED IN CONFORMITY WITH GEORGIA TECHNICAL STANDARDS AND THE GEORGIA PLAT ACT.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 000 FEET. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY USING A GEODIMETER 620 TOTAL STATION. DISTANCES BY HORIZONTAL MEASUREMENT BEARINGS COMPUTED FROM TURNED ANGLES. PLAT PREPARED 05/01/2015. FIELD WORK 04/27/2015. ALL EASEMENTS OF RECORD MAY NOT BE SHOWN. SUB SURFACE FEATURES AND UTILITIES ARE NOT SHOWN UNLESS NOTED. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 000 FEET AND AN ANGULAR ERROR OF 00" PER ANGLE POINT AND ADJUSTED BY THE COMPASS RULE. REFERENCE PLAT RECORDED IN PLAT BOOK 59 PAGE 85 IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF CHEROKEE COUNTY, GEORGIA.



LEGEND

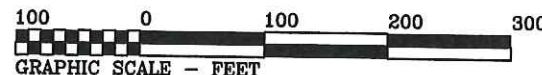
- IRON PIN FOUND (#4 REBAR UNLESS NOTED)
- IRON PIN TO BE SET (1/2" REBAR UNLESS NOTED)
- PB PLAT BOOK
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE

F.E.M.A.'S OFFICIAL "FLOOD INSURANCE RATE MAP" 13057C0162 D, DTD; SEPT. 29, 2006 GRAPHICALLY DEPICTS THIS PROPERTY AS NOT BEING IN AN AREA HAVING SPECIAL FLOOD HAZARDS. THIS DOES NOT IMPLY FLOODING IS NOT POSSIBLE.

PROPERTY OWNERS CERTIFICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

<i>[Signature]</i>	May 11, 2015
PROPERTY OWNER	DATE
<i>[Signature]</i>	May 11, 2015
PROPERTY OWNER	DATE



Project No. 1305
Scale: 1"=100'
Date: May 01, 2015

LEGACY SURVEY
for

DANIEL F. WARNER
DENISE B. WARNER

PRELIMINARY

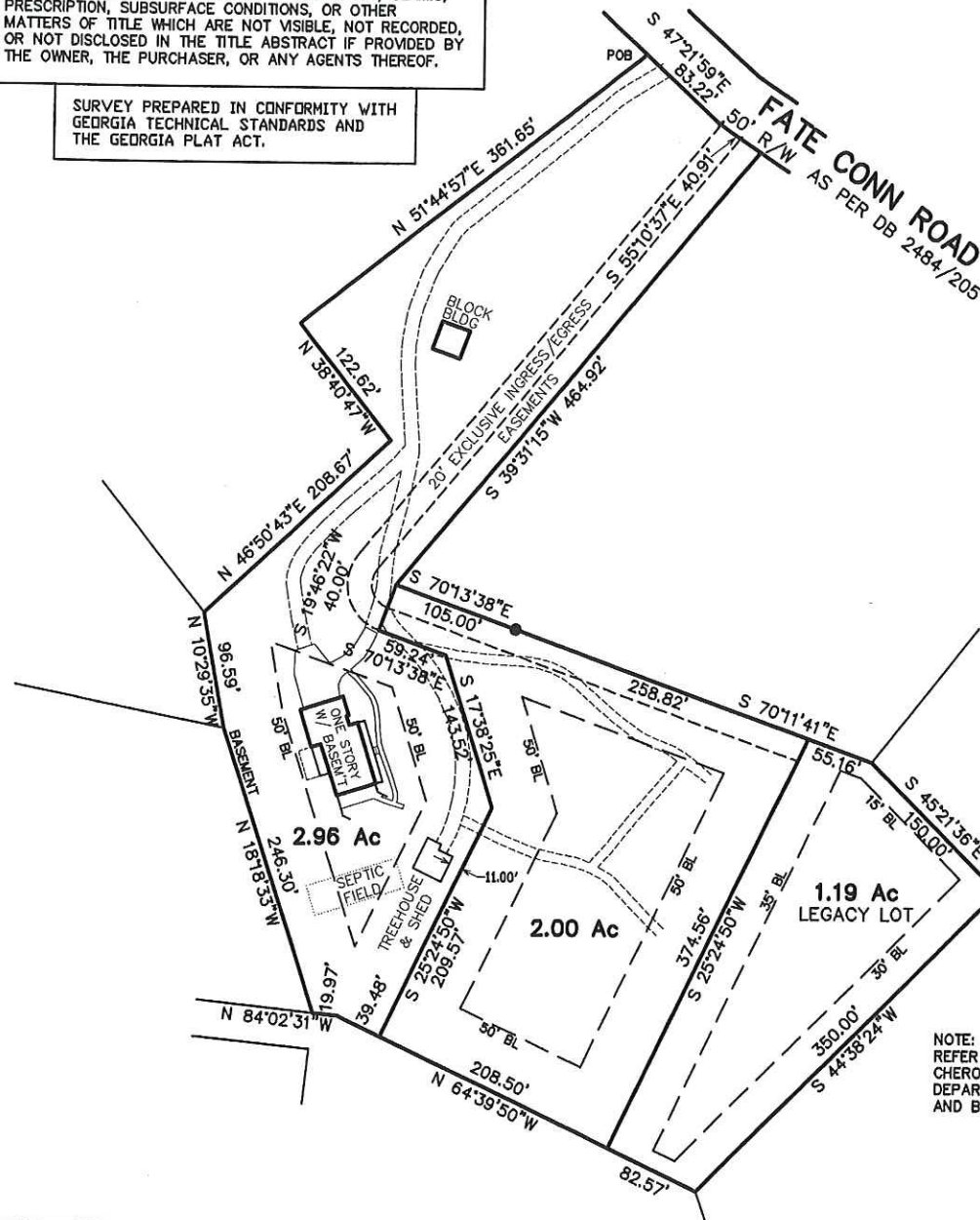
Being in Land Lot 223, 14th District, 2nd Section
Cherokee County, Georgia

Lyman B. Blackmar II L.S. Ga. Reg. No. 2835

Blackmar Land Surveying
P.O. Box 226, Waleska, Ga. 30183 (678) 493-9484

TAX MAP 14N21-022G

NOTE:
REFER TO THE
CHEROKEE COUNTY PLANNING AND ENGINEERING
DEPARTMENTS TO VERIFY REQUIRED BUFFERS
AND BUILDING SETBACK LINES.





Cherokee County, Georgia Agenda Request

SUBJECT: **Case #15-05-010 Pinebrook Estates, LLC (BOC Dist. 3).** **MEETING DATE:** 6/16/2015

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

As a result of the public hearing held on May 5, 2015, the Cherokee County Planning Commission voted to recommend **DENIAL** of zoning case 15-05-010 Pinebrook Estates, LLC. to rezone from GC (General Commercial) and OI (Office Institutional) to RZL (Residential-Zero Lot Line) on 11.065 acres for single family residential subdivision.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: GC & OI to RZL
Location: East Cherokee Drive at Highland Village Drive
Map and Parcel Number: 15N16H 065, 066, 067 & 069
Acres: 11.065
Proposed Development: Single Family Residential Subdivision
Future Development Map: Suburban Living

On 7 June 2015, BOC postponed a decision on this case to 16 June 2015 BOC Regular Meeting.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Rezoning Application	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Existing Site Resources Map	Backup Material
<input type="checkbox"/> Zoning Map	Backup Material
<input type="checkbox"/> Future Development Map	Backup Material
<input type="checkbox"/> Public Participation Report	Backup Material
<input type="checkbox"/> Previous Resolution	Backup Material
<input type="checkbox"/> Resolution	Resolution Letter

PL #: _____

Case #: 15-05-010

Date Received: 3/19/15

Applicant:

Pinebrook Estates LLC

2291 Glenridge Dr

Marietta GA 30062

(City) (State) (Zip)

hani@accountableconsulting.org

678-665-6067

(E-mail Address) (Telephone)

Request rezoning from: GC #01

to: RZL

Existing use of property: Vacant

Proposed use of property: Residential Neighborhood

Size of property: 11.065 Square Feet (Acres)

Commission District 3

Map ISN 16 H, Parcel 65, 66, 67, + 69

Land Lot 699, 700, 741 + 742, District 15

Future Development Map Designation: Suburban Living

The undersigner below is authorized to make this application. The undersigner is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of an action by the Board of Commissioners unless waived by the County Commissioner.

Anwar Mahmud 03/14/15

Signature of Applicant Date

[Signature]

Signature of Notary Public

Anwar Mahmud

Typed or Printed Name and Title



PLEASE NOTE WE MUST HAVE ALL PROPERTY OWNER'S SIGNATURES AS IT APPEARS ON DEED.

[Signature] 3-19-15

Signature of Owner Synovus Bank Date

[Signature] 3/19/15

Signature of Notary Public Date

REBECCA ESCHARD MANAGED ASSETS OFFICER

Typed or Printed Name and Title



Signature of Owner

Date

Signature of Notary Public

Date

Typed or Printed Name and Title

(SEAL)

I UNDERSTAND THAT I AM TO POST THE NOTICE SIGN(S) ON A HARD-BACKED SURFACE SUPPORTED BY A FREE-STANDING STRUCTURE/WOODEN OR METAL POST(S) ALONG EACH ROAD FRONTAGE OF THE PETITIONED PROPERTY. THE NOTICE SIGNS SHOULD BE CLEARLY VISIBLE FROM THE ROAD WITH NO OBSTACLES BLOCKING THE VIEW. I FURTHER UNDERSTAND THAT I AM NOT TO ATTACH THE NOTICE SIGN(S) TO ANY NATURAL VEGETATION, EXISTING SIGNAGE, OR UTILITY STRUCTURE(S). I AM TO POST THE SIGN AT LEAST 30 DAYS PRIOR TO THE PUBLIC HEARING.

[Signature]

APPLICANT'S SIGNATURE

03/14/15

DATE

PLEASE CHECK ALL THAT APPLY

☐ Public Participation Report

☐ Existing Site Resources Map

Letter of Intent

Pinebrook Estates (d/b/a "Brighton Custom Homes") respectfully requests the rezoning of four vacant, pre-graded commercial tracts in the Highland Village development from OI and GC to the single-family residential district RZL. Highland Village, developed in 2006, is a mixed-use development located north of the intersection of East Cherokee Drive and Highland Village Drive. The project currently contains single-family residential units located in the rear of the development and 5 commercial pad sites located towards the front of the project. The vast majority of the single-family units have been completed and sold. One of the commercial sites was sold prior to the recent real estate downturn and is improved by a self-storage facility.

In September 2010, the owner of the subject commercial pads acquired 30 developed single-family residential lots and the four commercial pads via foreclosure. The owner sold the residential lots several years ago, and the residential portion of the development was successfully completed. However, the commercial tracts have been marketed since 2010 (nearly five years) with very little interest from commercial end users and investors.

Upon rezoning of the subject to RZL, we intend to construct 53 single-family residential homes similar in architecture and style to those homes in the completed residential phase of Highland Village. We feel the requested zoning and the proposed use will be complimentary to the existing uses in the Highland Village development. Additionally, we feel that our proposal will revitalize the current use of the land and maximize its full potential.

We appreciate your consideration of our request and are happy to answer any questions you may have.

Sincerely,

PINEBROOK ESTATES

Hani Mahmoud
678-665-6067
hani@accountableconsulting.org

DISCLOSURE

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES," YOU MAY BE REQUIRED UNDER O.C.G.A. 36-67A-3 TO PROVIDE FURTHER INFORMATION:

A. ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CHEROKEE COUNTY PLANNING COMMISSION OR CHEROKEE COUNTY BOARD OF COMMISSIONERS?

YES _____ NO ✓

B. DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY?

YES _____ NO ✓

C. DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)?

YES _____ NO ✓

D. WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? IF YES, PLEASE IDENTIFY TO WHOM AND THE AMOUNT OF CONTRIBUTION.

YES _____ NO ✓

03/14/15
DATE

Amour Mahmood
APPLICANT'S SIGNATURE

Exhibit "A"

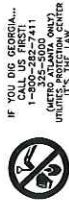
Legal Description or Depiction of the Property

All that certain tract or parcel of land lying and being in Land Lots 699, 700, 741 & 742 of the 15th District and 2nd Section Cherokee County, Georgia and being more particularly described as follows: To find the true point of beginning of the property being described begin at the centerline intersection of East Cherokee Drive and Meadows Drive. Thence North 64 degrees 23 minutes 32 seconds east for a distance of 152.06 feet to an iron pin on the northwestern right of way of East Cherokee Drive (60 foot right of way), said pin is the true point of beginning of the property being described; thence along the right of way south 75 degrees 48 minutes 16 seconds west a distance of 330.00 feet to an iron pin; thence south 75 degrees 55 minutes 01 seconds west a distance of 683.73 to an iron pin; thence leaving the right of way north 00 degrees 33 minutes 29 seconds west a distance of 1577.88 feet to an iron pin; thence south 48 degrees 58 minutes 22 seconds east a distance of 170.98 to an iron pin; thence south 66 degrees 47 minutes 03 seconds east a distance of 592.83 to an iron pin; thence north 77 degrees 13 minutes 51 seconds east a distance of 330.31 to an iron pin; thence south 00 degrees 08 minutes 12 seconds east a distance of 1057.60 feet to the true point of beginning of the property being described. Said property contains 27.737 acres more or less.

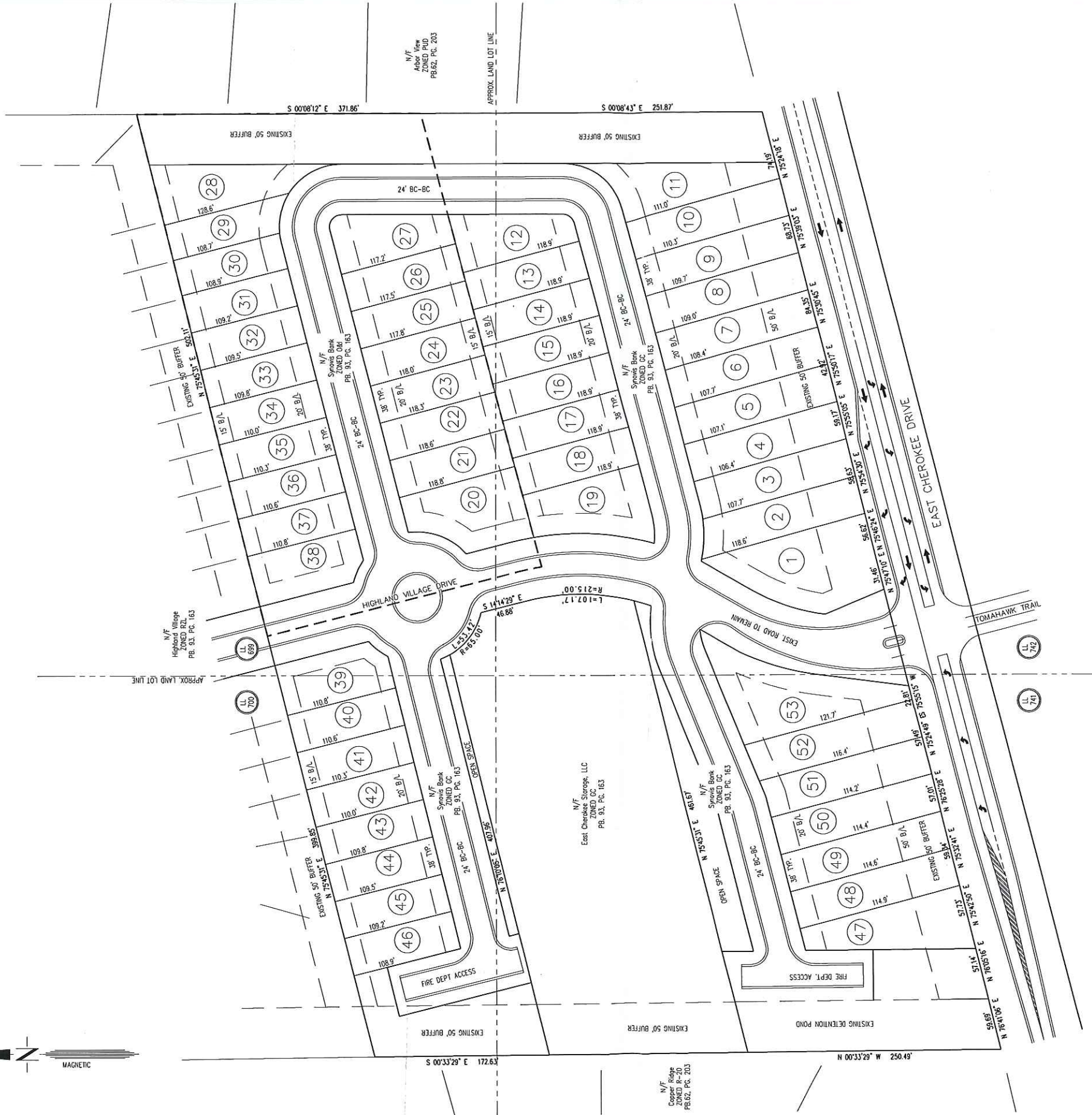
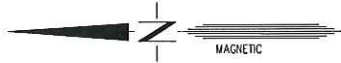
LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lots 699, 700, 741 and 742 of the 15th District, 2nd Section, Cherokee County, Georgia, being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64, Highland Village Residential Development, as per plat recorded in Plat Book 93, Pages 163-171, Cherokee County, Georgia records, which plat is incorporated herein by reference thereto..

FURTHER LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lots 741 and 742 of the 15th District and 2nd Section of Cherokee County, Georgia, being shown as "Tract C - 2.00 acres" of Highland Village as per plat recorded at Plat Book 93, Pages 163-171, Cherokee County, Georgia records, which plat is incorporated herein by reference thereto.

APPLICANT/DEVELOPER
BRIGHTON CUSTOM HOMES
221 GLENRIDGE DRIVE
MARIETTA, GA. 30062
24 HOUR CONTACT:
HANI MAHMOUD
678-665-6067



CAUTION
THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. ALL DAMAGE MUST BE TO THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE, ACCORDING TO CHEROKEE CO. FIRM PANEL 0263 D COMMUNITY #13424 DATED: SEPTEMBER, 23, 2006
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
CURRENT ZONING - R2L
TOTAL AREA - 11.32 ACRES
TOTAL UNITS DEPICTED - 53
LAND DENSITY - 4.66 UA

SIT No.

1

NO.	DATE	REVISION DESCRIPTION	BY

DRAWN BY: MSF	CHECKED BY: DP
DATE: 2-19-15	SCALE: 1" = 50'
PROJECT No:	115012

CONCEPTUAL PLAN FOR:
HIGHLAND VILLAGE - PHASE 2
LAND LOTS 699, 700, 741 & 742, 15th DISTRICT
2ND SECTION, CHEROKEE CO., GEORGIA

Centerline Surveying Systems, Inc.

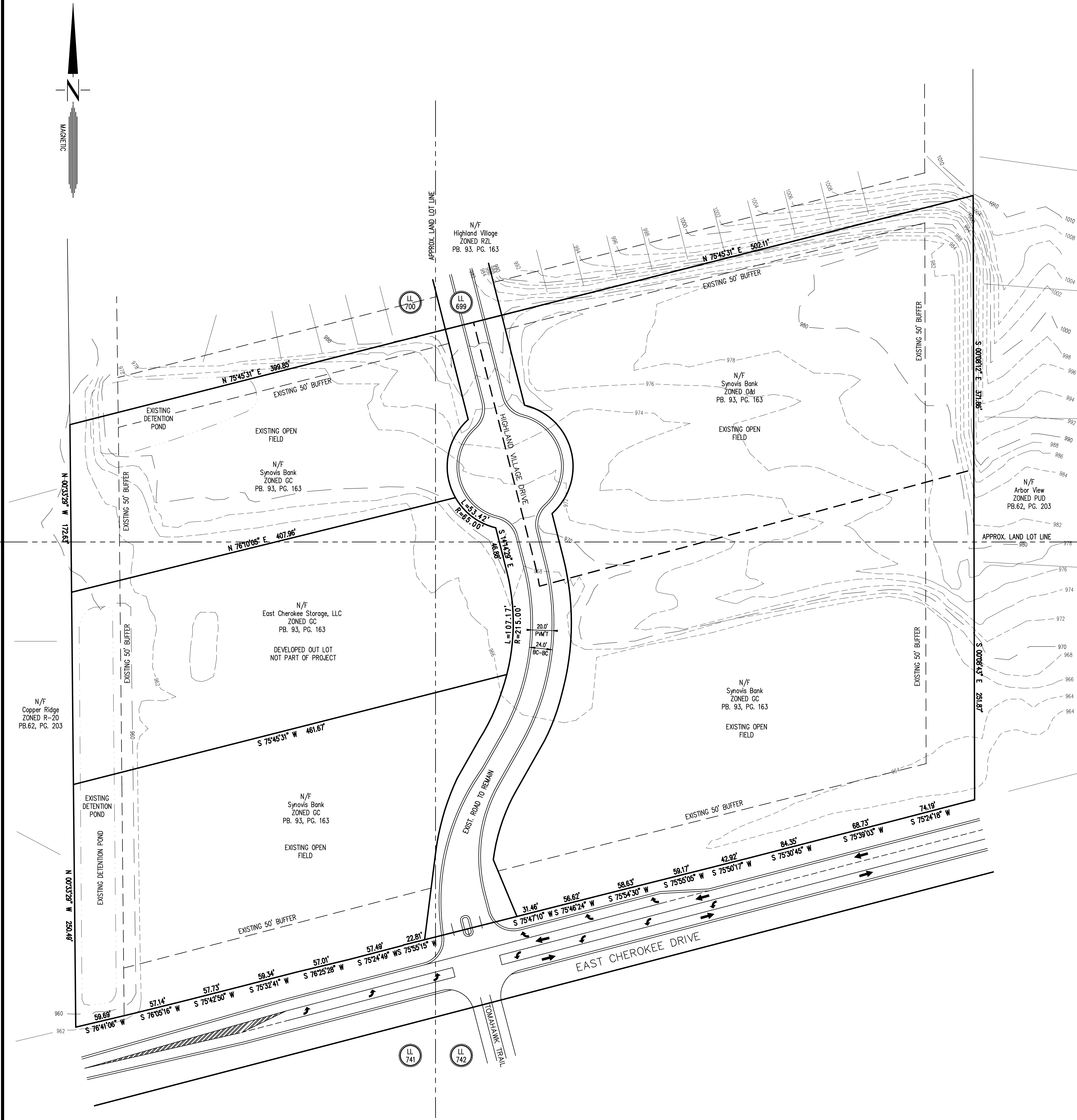
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

APPLICANT/DEVELOPER
BRIGHTON CUSTOM HOMES
221 GLENRIDGE DRIVE
MARIETTA, GA. 30062
24 HOUR CONTACT:
HANI MAHMOUD
678-665-6067



IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
325-5000
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
IT'S THE LAW

CAUTION
THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE PREPARER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

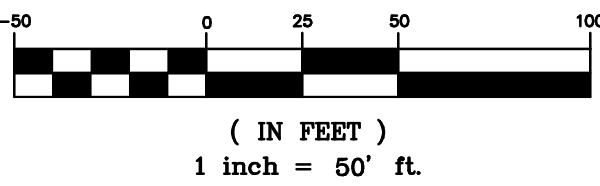


THIS PROPERTY IS NOT LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE ACCORDING
TO CHEROKEE CO. F.I.R.M. PANEL 0263 D
COMMUNITY #130424 DATED: SEPTEMBER, 29, 2006

REFERENCE PLAT:
HIGHLAND VILLAGE RESIDENTIAL DEVELOPMENT
RECORDED IN PB. 93, PG. 163-171
FOR ADDITIONAL INFORMATION

SITE NOTES:
CURRENT ZONING - GC AND O&I
TOTAL AREA - 11.32 ACRES

GRAPHIC SCALE



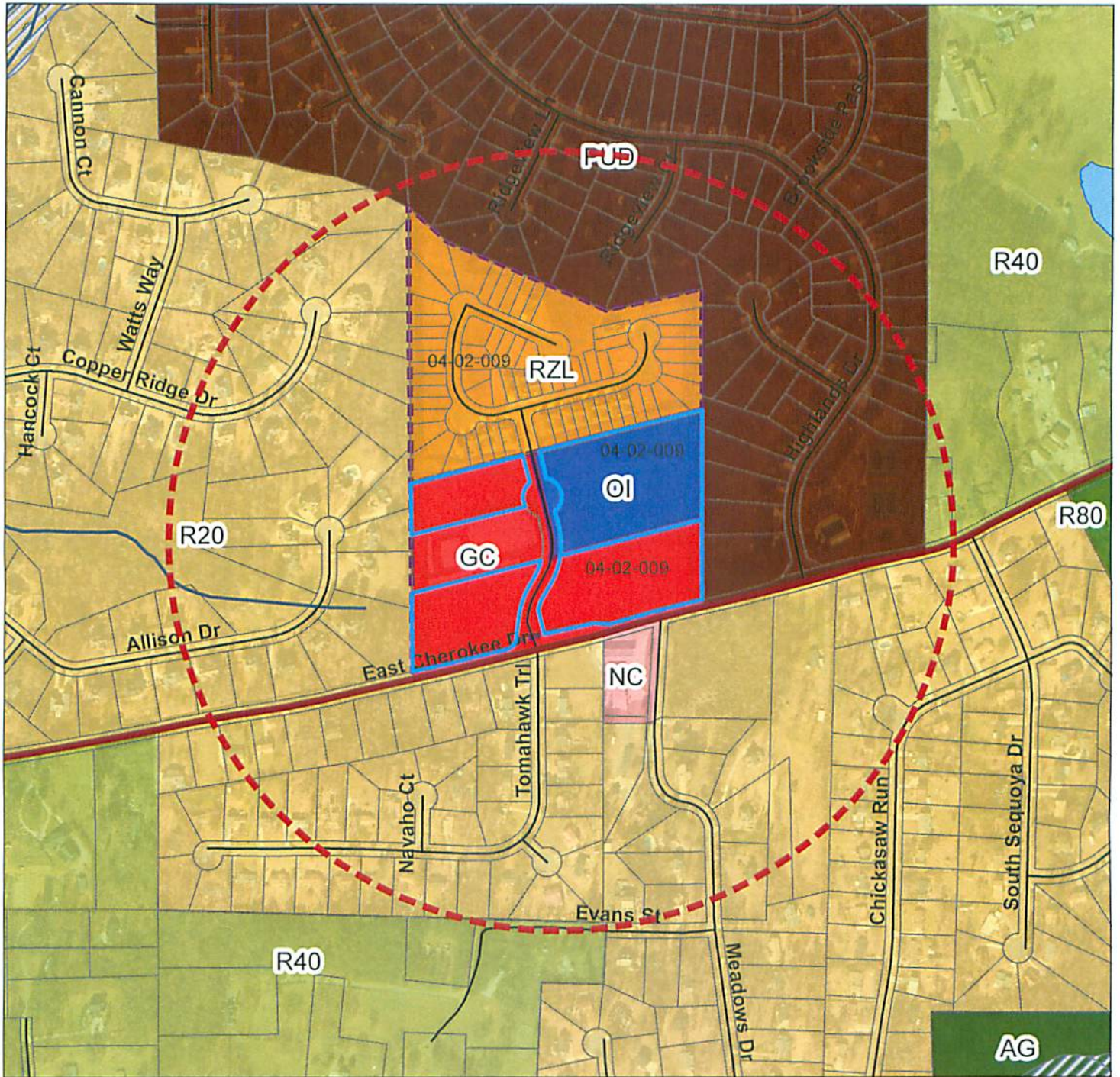
SHT No.	DRAWN BY: MAC CHECKED BY: DP DATE: 3-30-15 SCALE: 1" = 50' PROJECT No.: 115012-1	NO.	DATE	REVISION DESCRIPTION	BY
1					

ENVIRONMENTAL PLAN FOR:
HIGHLAND VILLAGE - PHASE 2
LAND LOTS 699, 700, 741 & 742, 15th DISTRICT
2ND SECTION, CHEROKEE CO., GEORGIA

Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

Case #15-05-010 - Pinebrook Estates, LLC

Current Zoning Map



Legend

- Rezoning Parcels
- + Cemeteries
- Major Roads
- Streets
- - - 1/4 mile radius
- Recent Zoning Cases
- 100 Year Flood Zone

Cherokee County Zoning

- AG
- R80
- R60
- R40
- R30
- R20
- R15
- RD3
- R10
- RZL
- RA

- RTH
- RM10
- RM16
- TND
- PUD
- OI
- NC
- GC
- LI
- HI
- Bells Ferry Overlay
- Hwy 92 Overlay



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.

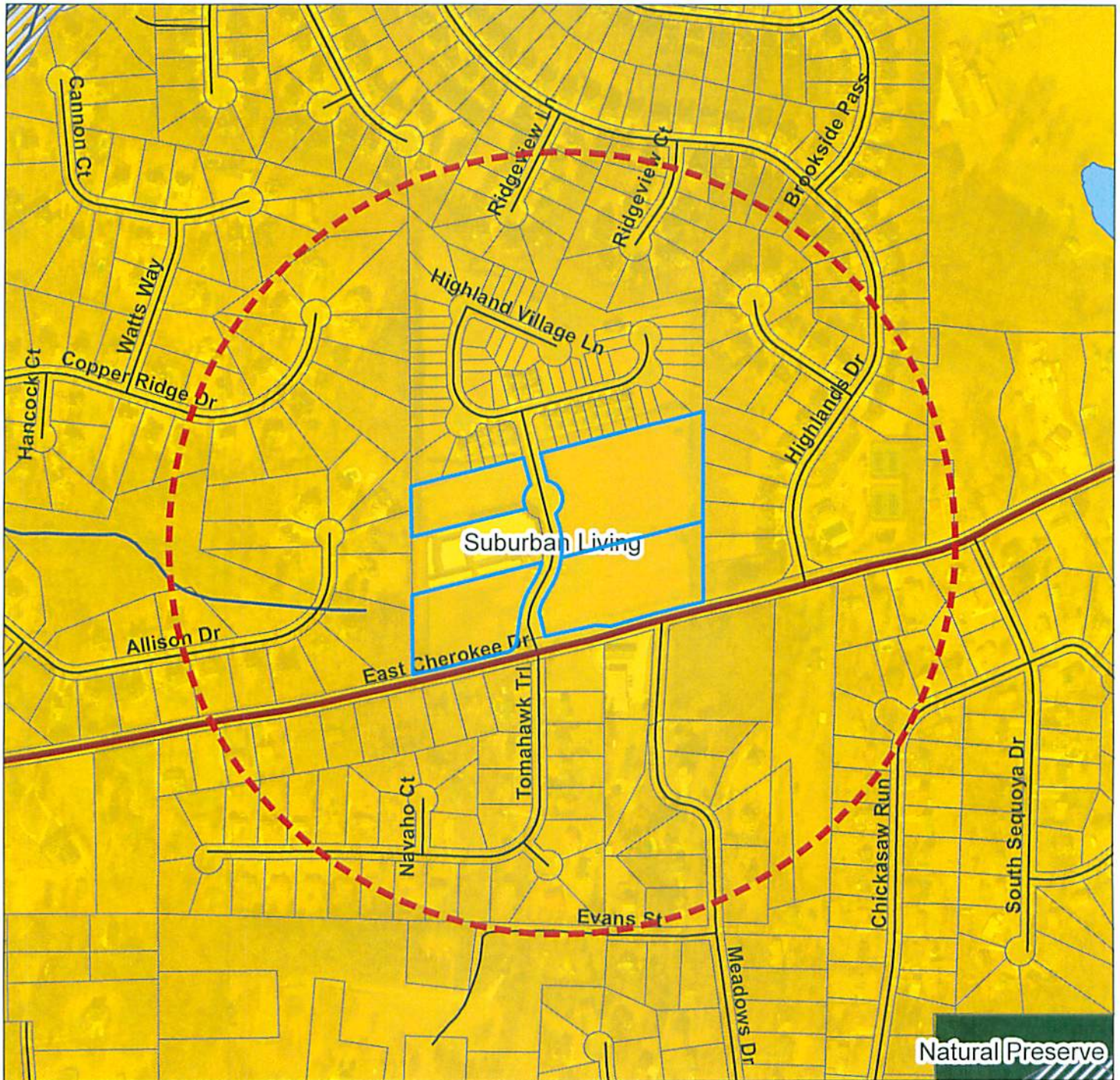


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
April 1, 2015



Case #15-05-010 - Pinebrook Estates, LLC

Future Development Map from the Comprehensive Plan



Legend

Rezoning Parcels

Cemeteries

Major Roads

Streets

1/4 mile radius

100 Year Flood Zone

Development Nodes

County Crossroads

Hamlet

Neighborhood Village

Community Village

Corridors

Scenic Corridor

Transitional Corridor

Development Corridor

Character Areas

Natural Preserve

Rural Places

Country Estates

Suburban Growth

Suburban Living

Neighborhood Living

Bells Ferry LCI

Urban Core

Workplace Center

Regional Center

Waste Management

0 0.05 0.1 0.2 Miles

This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
April 1, 2015



Summary of Meeting

The intended purpose of this memo is to summarize the main questions and concerns local residents had about the possible rezoning of the commercial parcels located in Highland Village on East Cherokee Dr in Woodstock, GA. The meeting took place at 6:30 PM EST on 03/02/15 at the Cherokee County Park Recreation Center located at 7545 Main Street, Suite 200, Woodstock GA 30188.

The speaker for the evening was Doug Patton, Engineer/Owner of Centerline Survey. The selling broker, Hani Mahmoud, and the developer/builder, Anwar Mahmoud also attended the meeting to ensure all questions were answered properly, and thoroughly. Doug began the meeting going over his background and credentials. Doug thoroughly empathized that the main purpose of the meeting was to introduce what the future conceptual design of property would look like to local residents, and to listen or address any questions or concerns they may have.

The following addresses the main focal points of the meeting, which ended at approximately 7:30 PM.

Traffic on East Cherokee – Many residents mentioned that traffic on East Cherokee has picked up in the recent years, and has become a major issue. Individuals were concerned about the impact of constructing fifty-three (53) additional homes and how that would correlate to the ongoing traffic problems these residents were facing. Doug sympathized with everyone, but mentioned that the current commercial zoning would only amplify the problem, due to the amount of parking that would be allotted to the office condos. Some residents wanted an alternate road cutting from Highway 5 to East Cherokee to alleviate the traffic at the intersection of Highway 5 and East Cherokee, near the Publix. Doug mentioned that the local resident need to take this up with the Board, as it is beyond the scope of the design of this project.

Water Drainage – Many residents complained about their properties flooding in Highland Village, and the adjoining neighborhoods (Arbor View). One of the residents had a concern about the detention ponds being able to handle the amount of water for the construction of the fifty three (53) homes. Doug explained he would actually visit this resident's property to see what their issue is, and how we can incorporate their concerns in the preliminary plats design. Doug also mentioned that some of the flooding issues residents are facing are construction and landscaping issues that were not addressed at the time of construction. Furthermore, Doug mentioned that the detention ponds would be analyzed by an engineer to ensure they can handle the capacity of the additional fifty three (53) homes.

Parking– Residents wanted to make sure that there would be an ample amount of parking for visitors. Doug explained he will try to incorporate this in his design.

Storage Facility – The attorney for the owner of the storage facility, Jesse Kaba, asked how the lights and noise of the storage facility would affect future homeowners around it. Jesse mentioned the storage facility already gets calls from current homeowners, and expects this to amplify upon the construction of the additional fifty three (53) homes. Doug responded that there will be an ample amount of vegetation around the storage facility on both sides to give future homeowners the privacy they needed. Doug also kindly asked if the storage facility would turn off its lights at nighttime to prevent possible future complaints. Also, Doug made the point that the future home owners who choose to buy a home in Highland Village understand that it's near a storage facility, not a park. The participants that attended the meeting understood. Jesse also wanted to gain a further understanding

about the signage build out the original developer promised the storage facility. I explained to Jesse that we will try to work something out. I have already reached out to owner, George Laycock, to discuss such.

Home Size/Price/Style – Questions were asked about what type of home will be built, the price point, the square footage of the lot and the home, etc. These questions were addressed, by Doug and myself, Hani Mahmoud. We mentioned that the homes would be almost identical to what Kerley Family Homes built in 2012, and the price point would be comparable to current new construction sales for that style of home. One resident asked if we were going to incorporate an amenity package in our design. We mentioned that it wouldn't be cost beneficial based on the price point we are buying the property for. Residents understood.

Home Owners Association – The president of the current HOA for Highland Village wanted to know if we would be joining the current HOA, and how building the additional fifty three (53) homes would affect their Covenants and Restrictions (CCR's). I mentioned to the president that this would be a legal issue our attorney would advise us on, and that I did not have the answer at the current time. Our attorney is current running a title search, to provide us with the answers to these questions. One resident also asked if this future development would be labeled a different name. Such as "Highland Village East". We mentioned this could be the case, yet it currently hasn't been thought out at this point.

This concludes the items discussed during the meeting. Please contact me with any further questions at hani@accountableconsulting.org or 678-665-6067.

Regard,

Hani Mahmoud

RESOLUTION NO. 2004 - R - 016

CASE #04-02-009

East Cherokee Village, LLC

A resolution approving the rezoning of the following described property:

20.84 acres located in land lot 699, 700, 741, & 742 of the 15th district, 2nd section of Cherokee County, Georgia, and indicated as parcel 217 on tax map 15N16 and parcels 50, 51, 52 and 53.

WHEREAS, it hereby is found and determined that a petition to change the zone of the above described property from GC & R-40 to GC, OI & RZL was filed on November 24th, 2003.

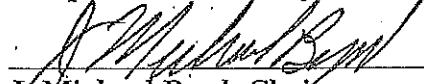
Proposed Use: Commercial and Residential

WHEREAS, it likewise is found that the Cherokee County Municipal Planning Commission, after notice as required by law, did conduct a public hearing upon such change of zone on Tuesday, February 3rd, 2004 in the Jury Assembly Room of the Cherokee County Justice Center. Recommendation from the Planning Commission was for approval as submitted with the following conditions:

1. A cap of 64 units in the RZL district.
2. Adoption of the letter of agreement between the applicant and the homeowners' associations of Copper Ridge and Arbor View as presented.
3. Maintenance of the square footage of the park as presented in the site plan.
4. Uses by zoning district not to exceed those specified in the site plan.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the above described property is now located in the GC, OI & RZL zoning district with conditions* and the Cherokee County Planner hereby is directed to change the district maps accompanying and being part of the rezoning resolution.

Adopted this 17th day of February, 2004.


J. Michael Byrd, Chairman


Sheila R. Corbin, County Clerk

*Conditions as follows:

1. A cap of 64 units in the RZL district.
2. Adoption of the letter of agreement between the applicant and the homeowners' associations of Copper Ridge and Arbor View as presented.
3. Maintenance of the square footage of the park as presented in the site plan.
4. Uses by zoning district not to exceed those specified in the site plan.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
RICHARD A. HARRAH
MICHAEL P. PRYOR

OF COUNSEL
DAVID P. HARTIN

770.422.7016

TELEPHONE

770.426.6583

FACSIMILE

SAMSLARKIN@AOL.COM

E-MAIL

January 30, 2004

VIA HAND DELIVERY

Vicky Taylor, Zoning Administrator
Cherokee County Planning and Zoning Department
130 East Main Street, Suite 108
Canton, GA 30114

Re: Application of East Cherokee Village, LLC, to Rezone a 20.84 Acre Tract
from GC & R-40 to GC, OI & RZL.

Dear Ms. Taylor:

East Cherokee Village, LLC has filed the above-styled rezoning application which is scheduled to be heard by the Planning Commission February 3, 2004 and thereafter by the Board of Commissioners at their meeting on February 17, 2004. During the pendency of this rezoning application, my clients have met several times with the neighbors to discuss conditions to ameliorate the impact of the zoning on their properties. The following is a list of the stipulations that my client is willing to agree to becoming a condition of the grant of the rezoning application as a result of this dialogue.

1. The development would be consistent with the attached revised site plan with the following elements;

Parcel A	2.33 acre commercial site.
Parcel B	2.84 acre commercial site.
Parcel C	2 acre self service storage warehouse.
Parcel D	3.52 acre office and institutional development.
Parcel E	14.28 RZL residential development.
Parcel F	1.74 acre office condominium development.

Vicky Taylor, Zoning Administrator
Cherokee County Zoning Department
January 30, 2004
Page 2

2. The commercial development building shall be three sided brick with stucco accents with the rear of the buildings being either split block or other masonry siding of a color similar to and consistent with the brick façade.
3. All lighting throughout the commercial and office development shall be directional downcast lighting that will minimize light-bleed into the adjoining neighborhoods. The residential lighting shall comply with Cherokee County residential light standards.
4. The offices shall be four sided brick with stucco accents of a traditional architecture with a pitch roof.
5. Prior to any demolition to any buildings or grading on the subject property, the applicant shall consult with the Cherokee County Board of Health to implement a pest eradication plan for the protection of the surrounding neighborhood.
6. The signage for both the residential and commercial development shall be ground based monument signage.
7. The landscaping at the entrance of the residential portion of the development shall be consistent with the landscaping at the entrance of the Arbor View subdivision.
8. The cottage style residential community shall have covenants that shall create a homeowners association to maintain the development. The covenants shall provide for an architectural control committee to strictly control the maintenance and upkeep of the house facades. The covenants shall also provide for common exterior maintenance of all the landscaping and common areas. There shall be a common garbage service for the entire development. Additionally, the covenants shall limit rental units to no more than 25% of the entire development.
9. The commercial development will not contain a tattoo parlor or a staffing agency.
10. The applicant will comply with the recommendations of the Cherokee County Department of Transportation relating to the two proposed entrances. The anticipated improvements shall include deceleration lanes for both entrances.
11. The developer shall install curb, gutter and sidewalk along the frontage of East Cherokee Drive. Additionally, sidewalks shall be installed in the interior of both the residential and

Vicky Taylor, Zoning Administrator
Cherokee County Zoning Department
January 30, 2004
Page 3

commercial developments.

12. The Cottage homes shall have a minimum of 1,600 sq. ft. of climate controlled space. Each home will have a two car enclosed garage.
13. The self storage facility shall have all of its doors facing to the interior of the development.
14. The hours of the use of the storage facility shall be limited to 6 a.m. to 8 p.m. with an electronic gate prohibiting access except for during these times. The facility will not allow the outdoor parking of vehicles such as cars, boats, RVs or motorcycles. All storage shall be indoors.
15. There shall be a 50 foot buffer surrounding the entire development. The buffer shall be an undisturbed buffer where sufficient vegetation already exists and where grading for detention or drainage control is not required. Otherwise, the buffer shall be an enhanced buffer with the planting of evergreens such as Lyland Cypress trees or Hemlock trees.
16. The RZL development shall be no more that 4.5 units per acre.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

PFH/lmb

cc: East Cherokee Village, LLC

Preliminary Plan East Cherokee Village

Cherokee County, Georgia Land Lots 699, 700, 741, & 742 15th District

prepared for:

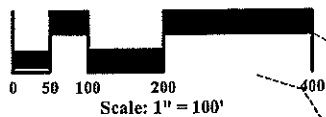
East Cherokee Village LLC.

P.O. Box 669456
Marietta, Georgia 30066
770-926-1167

DGM
LAND PLANNING
CONSULTANTS



975 Cox Place
Bldg. 212
Kennesaw
GA 30144
770 514-9006
Fax 514-9491



November 21, 2003

Revisions:

Parcel A - Commercial Sites

Site Area: 2.33 AC
Proposed Zoning: GC
Building Area Shown: 31,520 SF

Parcel B - Commercial Sites - (exclude from Zoning Application)

Site Area: 2.84 AC
Building Area Shown: 38,060 SF
Present Zoning: GC

Parcel C - Self-Service Storage Warehouses - (exclude from Zoning Application)

Site Area: 2.00 AC
Building Area Shown: 33,250 SF
Proposed Zoning: LI

Parcel D - Office Condominiums

Site Area: 3.52 AC
Building Area Shown: 48,150 SF
Proposed Zoning: OI

Parcel E - Single-Family Residences

Site Area: 14.28 AC
Total Lots Shown: 71
Proposed Zoning: RZL
Density: 4.97 UN/AC

Parcel F - Office Condominiums - (exclude from Zoning Application)

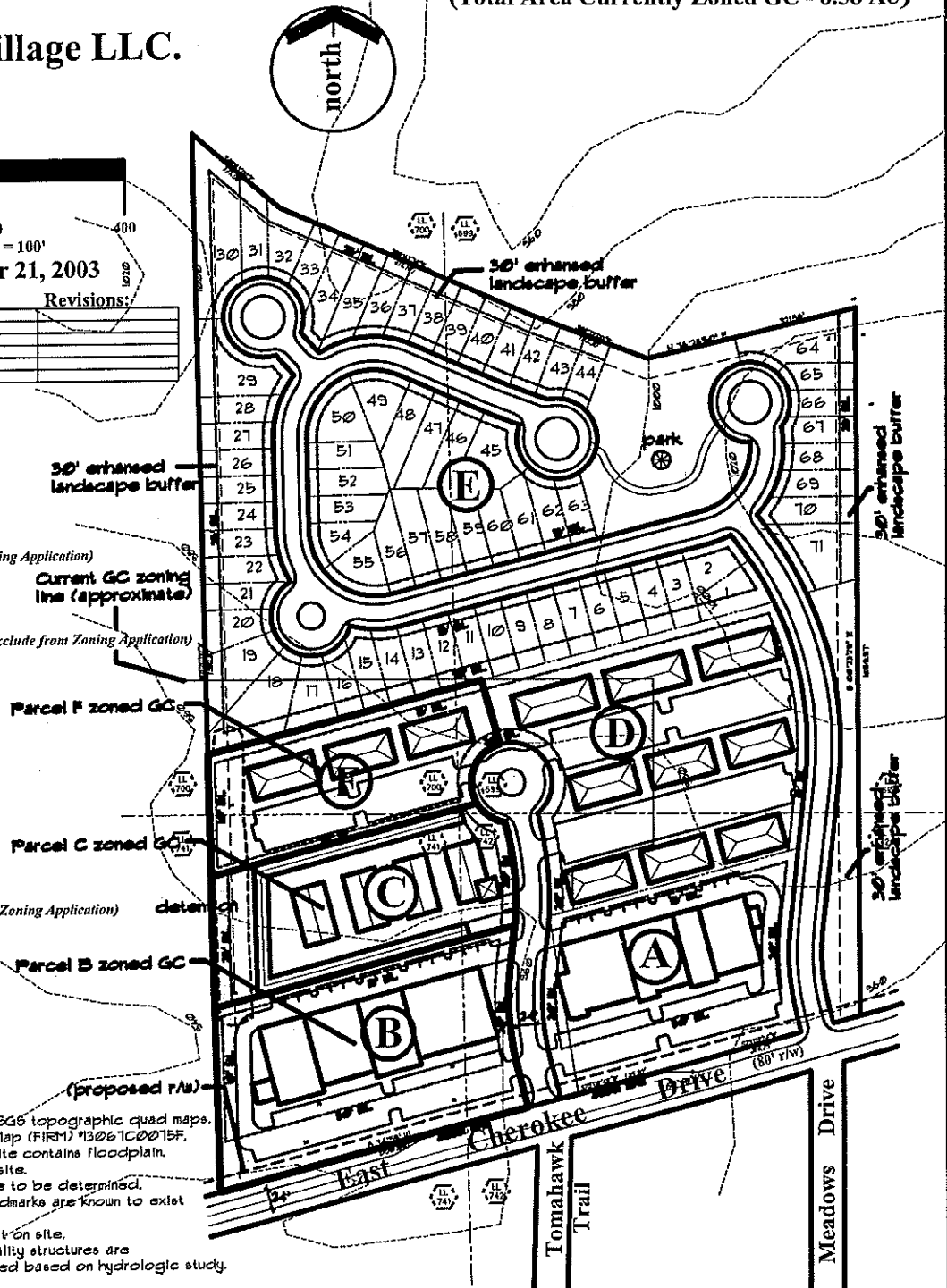
Site Area: 1.74 AC
Building Area Shown: 15,000 SF
Present Zoning: GC

Notes:

1. Boundary taken from Tax Plats.
2. Topographic information taken from USGS topographic quad maps.
3. According to Flood Insurance Rate Map (FIRM) 13061C0015F, August 18, 1995, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. Stream and wetland classifications are to be determined.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

Site Data

Total Site Area: 27.42 AC
Existing Zoning: GC & R-40
(Total Area Currently Zoned GC - 6.58 AC)



**RESOLUTION NO. 2015- R-
CASE # 15-05-010
APPLICANT: Pinebrook Estates, LLC.**

A resolution concerning the following described property:

11.065 acres located in Land Lots 699, 700, 741, and 742, 15th District, 2nd Section of Cherokee County, Georgia, and indicated as Parcels 065, 066, 67, and 69 on Tax Map 15N16H.

WHEREAS, it is hereby found and determined that Anwar Mahmoud did file a petition to change the zoning of the property described above from **GC and O-I to RZL** on March 19, 2015; and

WHEREAS, is it found that Synovus Bank, owner of said property, did authorize Anwar Mahmoud to file such petition; and,

WHEREAS, the petition to change the zoning proposes a use upon the property as a residential subdivision on property shown on site plan attached hereto as **Exhibit A**; and,

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and,

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, was published more than 15 days prior to the public hearing; and,

WHEREAS, the Planning Commission held a public hearing upon this request for change of zoning on May 5, 2015 in the Commission Chambers of the Cherokee County Administration Building; and,

WHEREAS, the recommendation of the Planning Commission, attached hereto as **Exhibit C**, has been received regarding the subject property as described on **Exhibit D** attached hereto and incorporated herein by reference; and,

WHEREAS, the Cherokee County Board of Commissioner has considered the proposed petition in contemplation of the Comprehensive Plan as adopted and interpreted by the Planning Commission; and, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the petition for a change of zoning is hereby declared to be _____, and the Cherokee County Zoning Administrator hereby is/is not directed to change the zoning district maps to effect the above zoning on the subject property.

SO RESOLVED, this 19th day of May, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Chairman

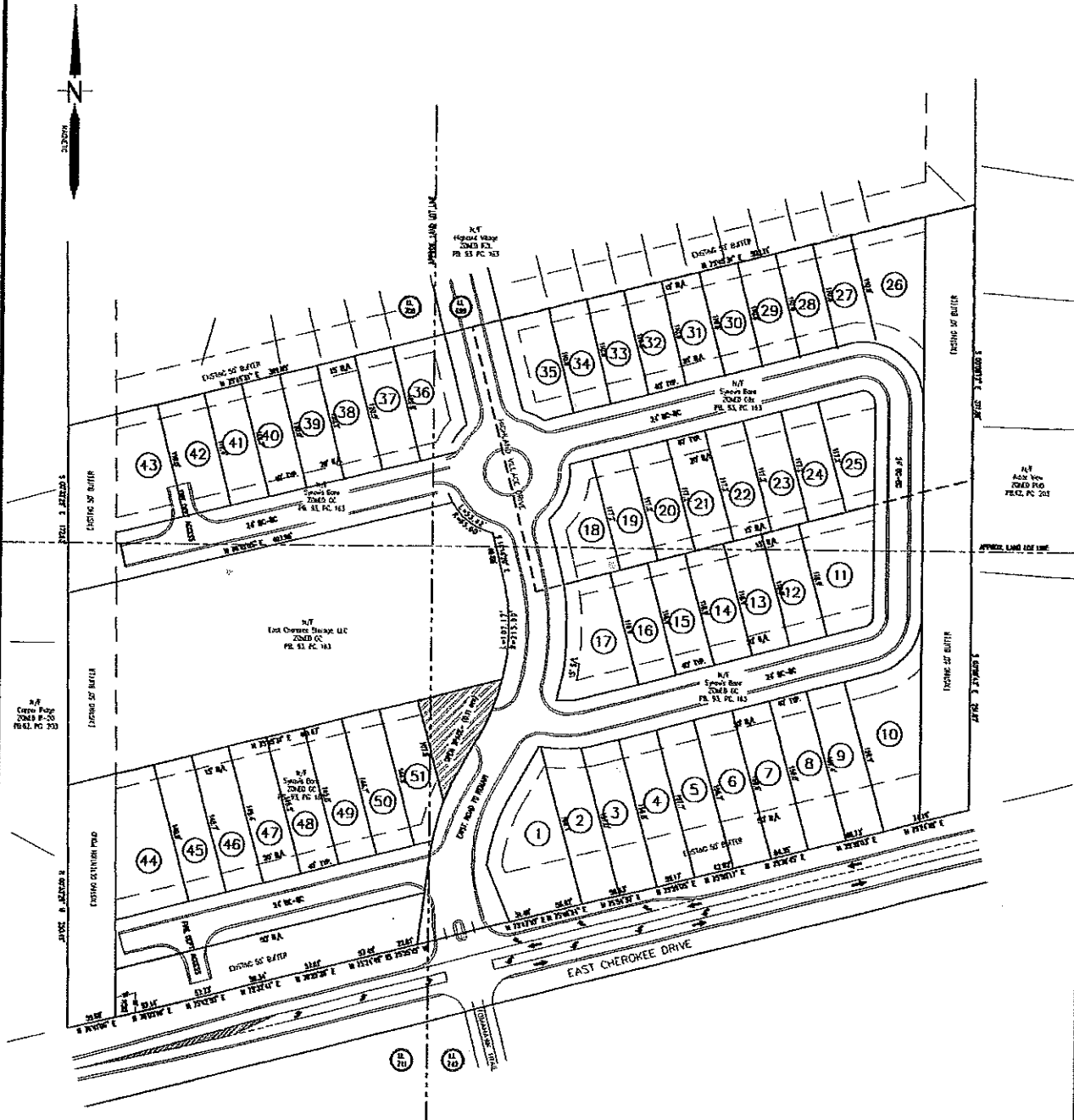
ATTEST:

Christy Black, County Clerk

APPLICANT/DEVELOPER
BRIGHTON CUSTOM HOMES
224 GLENWOOD DRIVE
MARIETTA, GA. 30062
24 HOUR CONTACT:
RANI MAHMOUD
678-665-6097



CAUTION
THE SHOWN LINES AND SPACES ARE NOT CONSIDERED
CONSTRUCTION LINES. THEY ARE ONLY FOR REFERENCE AND
DO NOT REPRESENT THE ACTUAL CONSTRUCTION. THE
ACTUAL CONSTRUCTION SHALL BE THE RESULT OF THE
CONSTRUCTION OF THE PROJECT. THE CONSTRUCTION
SHALL BE THE RESULT OF THE CONSTRUCTION OF THE PROJECT.



THIS PROPERTY IS NOT LOCATED WITHIN
A FLOOD HAZARD ZONE, ACCORDING
TO CHROME CO. FLOOD MAPS, 6/1/0
COMMUNITY RISK MAP, SEPTEMBER 24, 2006

PROPOSED USE: SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING: - R-1
CURRENT ZONING: - R-1 AND CM
TOTAL AREA - 11.31 ACRES
TOTAL UNITS PROPOSED - 51
LAND DENSITY - 4.51 UA

EXHIBIT A



Revised 4.29.15

NO.	DATE	REVISION DESCRIPTION	BY
1			

CONCEPTUAL PLAN FOR
HIGHLAND VILLAGE - PHASE 2
LAND LOTS 699, 700, 741 & 742, 15th DISTRICT
2ND SECTION, CHEROKEE CO., GEORGIA

Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2389

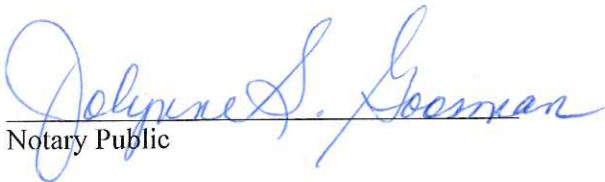
CHEROKEE TRIBUNE
521 East Main Street ♦ Canton, Georgia 30114
PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA - County of Cherokee

Before me, the undersigned; a Notary Public, this day personally came **Otis Brumby III**, who, being duly sworn, according to law, says that he is the **General Manager** of *Times Journal, Inc.*, publishers of the *Cherokee Tribune*, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper on the 17th day of April, 2015, as provided by law.



Subscribed and sworn to before me this 17th day of April, 2015.


Notary Public

My commission expires September 15, 2018.



EXHIBIT

B

Z-1100
NOTICE OF PUBLIC HEARING
Pinebrook Estates, LLC
CASE# 15-05-010

Pinebrook Estates, LLC has submitted a petition to the Cherokee County Municipal Planning Commission requesting that the official zoning map of Cherokee County be amended to rezone property from GC and OI to RZL. If rezoned, the property will be utilized for a residential neighborhood. The property owned by Synovus Bank is located on East Cherokee Drive and Highland Village Drive in Land Lots 699, 700, 741 and 742 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcels 065, 066, 067 and 069 on Tax Map 15N16H. A total of 11.065 acres is sought to be rezoned.

An exact legal description of the property is on file at the Cherokee County Planning and Land Use Office, 1130 Bluffs Parkway, Canton, Georgia and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Information about this case is also available at www.cherokeeega.com through the CherokeeStatus page.

The Cherokee County Municipal Planning Commission will hold a Work Session at the Cherokee County Administration Building, 1130 Bluffs Parkway on Monday, April 20, 2015 at 6:30 p.m.

The Cherokee County Municipal Planning Commission will conduct a joint public hearing with the Cherokee County Board of Commissioners on the request at its meeting on Tuesday, May 5, 2015 at 7:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton. The Planning Commission will forward its recommendation to the Cherokee County Board of Commissioners based upon information presented at the public hearing.

The Cherokee County Board of Commissioners may consider this request at its meeting on Tuesday, May 19, 2015 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Note: Georgia Law requires that all parties who have made campaign contributions to any member of the Cherokee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desires to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution disclosure with the Cherokee County Planning and Land Use Department.

As set forth in the Americans with Disabilities Act of 1992, the Cherokee County government does not discriminate on the basis of disability, and will assist citizens with special needs, and will be given seven (7) working days advance notice.

For information,
please call 678-493-6101.
4:17



Department of Planning and Land Use
1130 Bluffs Pkwy • Canton, GA 30114 • (678) 493-6101

DATE: May 6, 2015

TO: Board of Commissioners
Jerry Cooper, County Manager
Angela E. Davis, County Attorney
Christy Black, County Clerk

FROM: Vicki Taylor Lee, AICP, Zoning Administrator

RE: Recommendation of Planning Commission

CASE NUMBER:	15-05-010
APPLICANT:	Pinebrook Estates, LLC.
ZONING CHANGE:	GC and O-I to RZL
LOCATION:	East Cherokee Drive
MAP & PARCELS:	15N16H, 65, 66, 67, 69
ACRES:	11.065 acres
PROPOSED DEVELOPMENT:	Residential Subdivision
COMMISSION DISTRICT:	3
FUTURE DEVELOPMENT MAP:	Suburban Living

As a result of the public hearing held on May 5, 2015, the Cherokee County Planning Commission voted to recommend **DENIAL** of zoning case 15-05-010 Pinebrook Estates, LLC. to rezone from GC (General Commercial) and O-I (Office Institution) to RZL (Residential Zero Lot Line) on 11.065 acres for a Single Family Residential Subdivision.

EXHIBIT **C**

Exhibit "A"**Legal Description or Depiction of the Property**

All that certain tract or parcel of land lying and being in Land Lots 699, 700, 741 & 742 of the 15th District and 2nd Section Cherokee County, Georgia and being more particularly described as follows: To find the true point of beginning of the property being described begin at the centerline intersection of East Cherokee Drive and Meadows Drive. Thence North 64 degrees 23 minutes 32 seconds east for a distance of 152.06 feet to an iron pin on the northwestern right of way of East Cherokee Drive (60 foot right of way), said pin is the true point of beginning of the property being described; thence along the right of way south 75 degrees 48 minutes 16 seconds west a distance of 330.00 feet to an iron pin; thence south 75 degrees 55 minutes 01 seconds west a distance of 683.73 to an iron pin; thence leaving the right of way north 00 degrees 33 minutes 29 seconds west a distance of 1577.88 feet to an iron pin; thence south 48 degrees 58 minutes 22 seconds east a distance of 170.98 to an iron pin; thence south 66 degrees 47 minutes 03 seconds east a distance of 592.83 to an iron pin; thence north 77 degrees 13 minutes 51 seconds east a distance of 330.31 to an iron pin; thence south 00 degrees 08 minutes 12 seconds east a distance of 1057.60 feet to the true point of beginning of the property being described. Said property contains 27.737 acres more or less.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lots 699, 700, 741 and 742 of the 15th District, 2nd Section, Cherokee County, Georgia, being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64, Highland Village Residential Development, as per plat recorded in Plat Book 93, Pages 163-171, Cherokee County, Georgia records, which plat is incorporated herein by reference thereto..

FURTHER LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lots 741 and 742 of the 15th District and 2nd Section of Cherokee County, Georgia, being shown as "Tract C - 2.00 acres" of Highland Village as per plat recorded at Plat Book 93, Pages 163-171, Cherokee County, Georgia records, which plat is incorporated herein by reference thereto.



Cherokee County, Georgia Agenda Request

SUBJECT:
District 2 - Raymond Gunnin.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Geoffrey E. Morton, Public Works Agency
Director

COMMISSION ACTION REQUESTED:

Consider acceptance of Wellington Way, in as-is condition, for County maintenance; 0.15 miles.

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

Acceptance of Wellington Way, in as-is condition, for County maintenance; 0.15 miles.

ATTACHMENTS:


Description	Type
<input type="checkbox"/> Backup Materials	Backup Material

May 15th, 2015


Cherokee County
Engineering Department
Geoffrey E. Morton P.E.
County Engineer
678-493-6077

We the residents of Wellington Plantation located off Lower Birmingham road in Cherokee county request our road Wellington Way to become part of the County Road in return the County will maintain said Road. A total of 5 homes are located on Wellington Way and each home owner and address are listed below.

Book 58 - Page 3 - Filed in office of Superior Court Cherokee County, GA

✓ Name:  Brian & Samantha 706-235-3508
706-346-8853


Address: 101 Wellington Way, Canton GA 30115

✓ Name:  Beverly Hall

Address: 100 WELLINGTON WAY, CANTON GA 30115

✓ Name:  Riley Wooten

Address: 121 Wellington Way

✓ Name:  John Trissel

Address: 131 & 141 Wellington Way

✓ Name: JOHN GORDON 

Address: 110 WELLINGTON WAY CANTON GA 30115



Cherokee County, GA



Legend

- Schools
- Churches
- Parcels

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Geoff Morton

From: Stephen A. Dobson
Sent: Monday, June 08, 2015 8:34 AM
To: Geoff Morton
Subject: Wellington Way
Attachments: 20150601_132051.jpg; 20150601_132215.jpg; 20150601_132249.jpg; 20150601_132908.jpg; 20150601_132257.jpg; 20150601_132707.jpg; Wellington Way GIS1.pdf; Wellington Plantation S_D plat.pdf

Geoff,

Here is the information you requested for Wellington Way.

Wellington Way

This is a paved road with a cul-de-sac that serves (6) parcels of residential property. Wellington Way is 0.150 mile in length, 21' wide without curb and gutter. Utility services are underground and sanitary sewer is not located in the roadway. Drainage consists of ditching with driveway cross pipes and a grated surface drain at the entrance of the roadway. Asphalt pavement condition is on the low end of a "good" rating. The rating is based on (2) base failures found that have an approximate repair cost of \$6,500. The rating will likely not vary from "good" for some time due to the existing grade having positive drainage that doesn't allow standing surface water.

Thanks,

Stephen Dobson
Pavement Manager
sadbson@cherokeega.com

Cherokee County
Roads and Bridges
403 Chattin Drive
Canton, GA 30115

770-345-5842 office



Cherokee County, GA

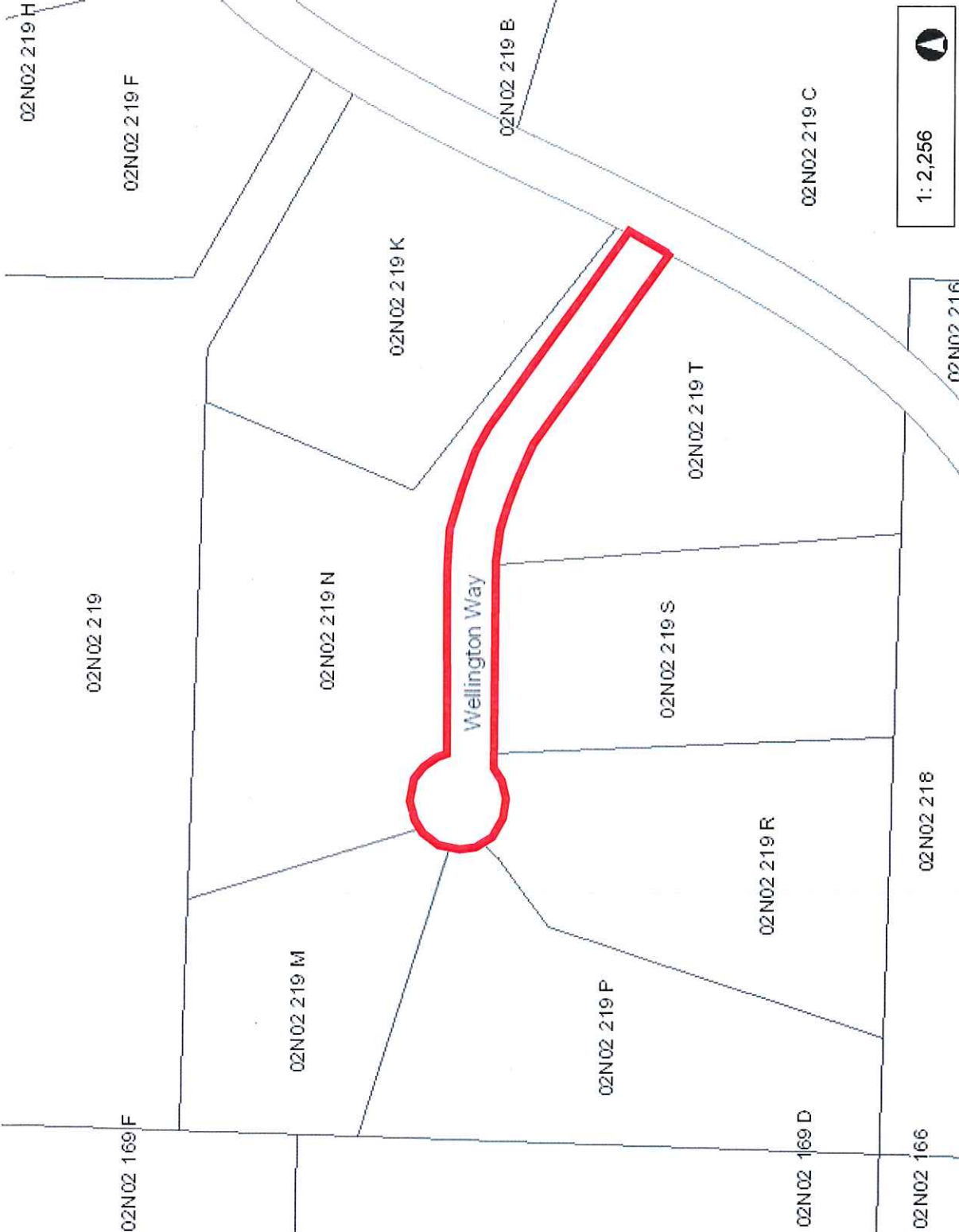


Legend

- Schools
- Churches
- Parcels

Wellington Way
*Paved Road without Curb and Gutter
*21' (Wide)
*0.150 Mi (Length)
*Services (6) parcels of property.
*Drainage - Ditches

Notes



1:2,256

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Cherokee County, Georgia Agenda Request

SUBJECT:
DUI Court Budget Amendments.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Kristi Thompson

COMMISSION ACTION REQUESTED:

Approve Budget Amendments for DUI/Drug Court Grants in the amounts of \$18,038 and \$7,313; total net increase to County FY2015 budget is \$25,351.

FACTS AND ISSUES:

The Board accepted Subgrant Agreements A16-8-004 and A16-8-005 at their June 2, 2015 meeting. However, acceptance of these grants require the approval of a budget amendment to increase the revenue and expenses of the County adopted FY2015 Budget for Fund 257 - DUI/Drug Court. The budget amendments are for the Q4 (July, August and September) of the County's FY2015 which corresponds to Q1 of the State FY2016.

The budget does include the required 10% match for each grant but will be made up of already budgeted expenses in the DUI/Drug Court Fund 257; no additional County tax monies are being requested.

BUDGET:

Budgeted Amount: 0

Account Name: Fund 257 - State Grants

Amount Encumbered: 0

Account #: 25790-334310-ACFCx

Amount Spent to Date: 0

Remaining Budget: \$25,351

Amount Requested: \$25,351

ADMINISTRATIVE RECOMMENDATION:

Approve Budget Amendments for DUI/Drug Court Grants in the amounts of \$18,038 and \$7,313; total net increase to County FY2015 budget is \$25,351.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> A16-8-004 Budget Amendment	Budget Amendment
<input type="checkbox"/> A16-8-005 Budget Amendment	Budget Amendment

Cherokee County Board of Commissioners
Budget Transfer/ Amendment Form

Instructions:

- * For budget amendments increasing or decreasing the budget revenues must equal expenditures.
- * Any change in the budgeted amounts which would result in an increase or decrease to the budget must be approved by the Board of Commissioners.
- * The budgeted amounts for salaries and benefits for each department may not be transferred, increased or decreased without the approval of the Board of Commissioners.

REVENUES:

Department	Object	Account Name	Amount
Org Code			
25790	334310-ACFC4	STATE GRANT MONIES	18,038.00

18,038.00

EXPENDITURES:

Department	Object	Account Name	Amount
Org Code			
22320000	511100-ACFC4	SALARY	5,866.00
22320000	521200-ACFC4	PROF SERVICES	5,786.00
22320000	531100-ACFC4	SUPPLIES/MATERIALS	6,386.00

18,038.00

PURPOSE OF TRANSFER/ AMENDMENT

SFY16 SUBGRANT AGREEMENT A16-8-004

THIS BUDGET AMENDMENT IS FOR THREE MONTHS (JULY-AUG-SEP 2015) OF COUNTY
FY2015; REMAINDER BUDGETED IN COUNTY FY2016 FOR ADOPTION BY BOC

Department Head Approval: _____

County Manager Approval: _____

Date Approved by BOC (please attach a copy of Minutes)

6/16/2015

Cherokee County Board of Commissioners
Budget Transfer/ Amendment Form

Instructions:

- * For budget amendments increasing or decreasing the budget revenues must equal expenditures.
- * Any change in the budgeted amounts which would result in an increase or decrease to the budget must be approved by the Board of Commissioners.
- * The budgeted amounts for salaries and benefits for each department may not be transferred, increased or decreased without the approval of the Board of Commissioners.

REVENUES:

Department Org Code	Object	Account Name	Amount
25790	334310-ACFC5	STATE GRANT MONIES	7,313.00

7,313.00

EXPENDITURES:

Department Org Code	Object	Account Name	Amount
22320000	521200-ACFC5	PROF SERVICES	5,038.00
22320000	531100-ACFC5	SUPPLIES/MATERIALS	2,275.00

7,313.00

PURPOSE OF TRANSFER/ AMENDMENT

SFY16 SUBGRANT AGREEMENT A16-8-005

THIS BUDGET AMENDMENT IS FOR THREE MONTHS (JULY-AUG-SEP 2015) OF COUNTY
FY2015; REMAINDER BUDGETED IN COUNTY FY2016 FOR ADOPTION BY BOC

Department Head Approval: _____

County Manager Approval: _____

Date Approved by BOC (please attach a copy of Minutes)

6/16/2015



Cherokee County, Georgia Agenda Request

SUBJECT: **ARC Aging Subgrant Agreement Amendment 2.** **MEETING DATE:** 6/16/2015

SUBMITTED BY:
Kristi Thompson for Nathan Brandon, Director

COMMISSION ACTION REQUESTED:

Consider acceptance of Amendment 2, dated May 1, 2015, to the State FY2015 ARC Aging Subgrant Agreement in the amount of \$35,203.00.

FACTS AND ISSUES:

The Atlanta Regional Commission (ARC) has issued Amendment 2 to the State FY2015 (July 2014 - June 2015) Subgrant Agreement with Cherokee County Senior Services. The amendment adds a total of \$35,203 to the contract amount as follows:

Type	Amount	Program
Federal Monies	23,421.00	NSIP, Title 3C and Title 3E
State Monies	10,506.00	NSIP and CBS/CBS Respite
County Match	1,276.00	Title 3C and Title 3E
	<u>35,203.00</u>	

An additional transfer from the general fund is not needed to fund the County match required for this Amendment; the match needed can be supported by the budgeted transfer. No budget amendment to the Senior Services Fund 221 is needed at this time.

This Amendment increases the federal and state grant participation for the following services:

- Home Delivered Meals
- Homemaker Independent

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

Accept Amendment 2 dated May 1, 2015 to the State FY2015 Aging Subgrant Agreement.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Amendment 2	Backup Material

SECOND AMENDMENT OF AGING SUBGRANT AGREEMENT

THIS AGREEMENT is entered into as of this 1st day of May, 2015, by and between CHEROKEE COUNTY, (hereinafter referred to as the "Subgrantee") and the Atlanta Regional Commission, (hereinafter referred to as "ARC").

WITNESSETH THAT

WHEREAS, the parties hereto did enter into an agreement dated July 1, 2014, and amended that agreement August 1, 2014, in which the Subgrantee agreed to perform certain services for ARC and ARC agreed to compensate the Subgrantee for the performance of such services, all as more fully set forth in said contract; and

WHEREAS, the parties wish to further amend said contract in certain respects as set forth herein below.

NOW, therefore and in consideration of the mutual benefits to the parties, the parties agree that said contract is hereby amended as follows:

1. Pages A-1 through A-5, each labeled SFY: 2015 1st Amendment are hereby deleted in their entirety and replaced with Pages A-1 through A-5, each labeled SFY: 2015 Amendment 2, copies of which are attached hereto.
2. Pages B-5 and B-6, each labeled Amendment 1, are hereby deleted in their entirety and replaced with Pages B-5 and B-6, each labeled Amendment 2, copies of which are attached hereto.

Except as specifically modified hereinabove, the remainder of said contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Subgrantee and ARC have hereunto agreed effective as of the date first above written.

ATTEST:

CHEROKEE COUNTY

By: _____

Title: _____

ATTEST:

ATLANTA REGIONAL COMMISSION

By: _____
Executive Director

Title: _____
Chair

DHS - Division Of Aging Services
Area Plan - Provider Service Detail

SFY: 2015 Amendment 2

PSA: Atlanta Region
Provider: Cherokee County Board of Commissioners
Program: HCBS Caregiver

Service	Fund Sources Authorized	Fund Source Revenue	% of Service Revenue	# of Est. Persons	Unit Cost	# of Units	Units x Cost	Average Cost per Client	Average Cost per Unit
HCBS-Caregiver-Group									
	OAA Title III E-Family Caregiver Support	\$24,434	1.00%	410	\$0.00	36.00	\$0.00	\$59.60	\$678.72
	Totals for HCBS-Caregiver-Group:	\$24,434		410		36.00	\$0.00	\$59.60	\$678.72
HCBS-Homemaker-Ind									
	CBS - Respite Care State	\$28,529	0.67%	20	\$25.00	1,142.00	\$28,550.00	\$1,427.50	\$25.00
	OAA Title III E-Family Caregiver Support	\$13,969	0.33%	30	\$25.00	559.00	\$13,975.00	\$465.83	\$25.00
	Totals for HCBS-Homemaker-Ind:	\$42,498		50		1,701.00	\$42,525.00	\$850.50	
HCBS-Respite Care In-Home-Ind									
	Alzheimer's Program, State	\$0	0.00%	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
	OAA Title III E-Family Caregiver Support	\$0	0.00%	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
	Totals for HCBS-Respite Care In-Home-Ind:	\$0		0		0.00	\$0.00	\$0.00	\$0.00

Note: This report details total budget entered in Area Plan for each service and the # of Units and # of Estimated Persons entered by fund source. This report multiplies number of units by unit cost to assure accurate allocation of units and dollars. Fund Source Revenue does not include Non-Cash Match. In addition, this report calculates the Average Cost per Client and the Average Cost per Unit. The Average Cost per Unit is the Unit Cost unless the Unit Cost is zero then it is calculated as (Fund Source Revenue / # of Units) . The Average Cost per Person is

DHS - Division Of Aging Services
Area Plan - Provider Service Detail

SFY: 2015 Amendment 2

PSA: Atlanta Region
Provider: Cherokee County Board of Commissioners
Program: HCBS In-Home

Service	Fund Sources Authorized	Fund Source Revenue	% of Service Revenue	# of Est. Persons	Unit Cost	# of Units	Units x Cost	Average Cost per Client	Average Cost per Unit
HCBS-Homemaker-Ind									
	Alzheimer's Program, State	\$14,146	0.23%	20	\$25.00	566.00	\$14,150.00	\$707.50	\$25.00
	CBS - HCBS State	\$46,866	0.77%	261	\$25.00	1,875.00	\$46,875.00	\$179.60	\$25.00
Totals for HCBS-Homemaker-Ind:		\$61,012		281		2,441.00	\$61,025.00	\$217.17	

Note: This report details total budget entered in Area Plan for each service and the # of Units and # of Estimated Persons entered by fund source. This report multiplies number of units by unit cost to assure accurate allocation of units and dollars. Fund Source Revenue does not include Non-Cash Match. In addition, this report calculates the Average Cost per Client and the Average Cost per Unit. The Average Cost per Unit is the Unit Cost unless the Unit Cost is zero then it is calculated as (Fund Source Revenue / # of Units) . The Average Cost per Person is

DHS - Division Of Aging Services
Area Plan - Provider Service Detail

SFY: 2015 Amendment 2

PSA: Atlanta Region
Provider: Cherokee County Board of Commissioners
Program: HCBS Nutrition / Wellness

Service	Fund Sources Authorized	Fund Source Revenue	% of Service Revenue	# of Est. Persons	Unit Cost	# of Units	Units x Cost	Average Cost per Client	Average Cost per Unit
HCBS-Congregate Meals-Ind									
	OAA Title III C1 - Congregate Meals	\$97,560	1.00%	285	\$16.26	6,000.00	\$97,560.00	\$342.32	\$16.26
	Other	\$0	0.00%	0	\$0.00	0.00	\$0.00	\$0.00	\$0.00
Totals for HCBS-Congregate Meals-Ind:		\$97,560		285		6,000.00	\$97,560.00	\$342.32	\$16.26
HCBS-Home Delivered Meals-Ind									
	ACL Nutrition Services Incentive Program (NSIP)	\$25,748	0.07%	32	\$8.12	3,171.00	\$25,748.52	\$804.64	\$8.12
	Income Tax Check-off	\$1,387	0.00%	2	\$8.12	171.00	\$1,388.52	\$694.26	\$8.12
	NSIP - State	\$17,955	0.05%	14	\$8.12	2,211.00	\$17,953.32	\$1,282.38	\$8.12
	NSIP SSBG Supplemental	\$7,502	0.02%	30	\$8.12	924.00	\$7,502.88	\$250.10	\$8.12
	OAA Title III C2 - Home Delivered Meals	\$158,378	0.41%	224	\$8.12	19,505.00	\$158,380.60	\$707.06	\$8.12
	Other	\$171,605	0.45%	268	\$8.12	21,134.00	\$171,608.08	\$840.33	\$8.12
Totals for HCBS-Home Delivered Meals-Ind:		\$382,575		570		47,116.00	\$382,581.92	\$671.20	

Note: This report details total budget entered in Area Plan for each service and the # of Units and # of Estimated Persons entered by fund source. This report multiplies number of units by unit cost to assure accurate allocation of units and dollars. Fund Source Revenue does not include Non-Cash Match. In addition, this report calculates the Average Cost per Client and the Average Cost per Unit. The Average Cost per Unit is the Unit Cost unless the Unit Cost is zero then it is calculated as (Fund Source Revenue / # of Units) . The Average Cost per Person is

DHS - Division Of Aging Services
Area Plan - Provider Service Detail

SFY: 2015 Amendment 2

PSA: Atlanta Region
Provider: Cherokee County Board of Commissioners
Program: HCBS Service

Service	Fund Sources Authorized	Fund Source Revenue	% of Service Revenue	# of Est. Persons	Unit Cost	# of Units	Units x Cost	Average Cost per Client	Average Cost per Unit
HCBS-Case Management-Ind									
	CBS - HCBS State	\$96,043	0.51%	1,020	\$0.00	1,020.00	\$0.00	\$94.16	\$94.16
	OAA Title III B - Supportive Services	\$93,037	0.49%	988	\$0.00	988.00	\$0.00	\$94.17	\$94.17
	Totals for HCBS-Case Management-Ind:	\$189,080		2,008		2,008.00	\$0.00	\$94.16	\$94.16
HCBS-Information and Assistance-Group									
	CBS - HCBS State	\$7,776	0.21%	503	\$0.00	346.00	\$0.00	\$15.46	\$22.47
	OAA Title III B - Supportive Services	\$29,997	0.79%	1,939	\$0.00	1,334.00	\$0.00	\$15.47	\$22.49
	Totals for HCBS-Information and Assistance-Group:	\$37,773		2,442		1,680.00	\$0.00	\$15.47	\$22.48
HCBS-Senior Recreation-Group									
	OAA Title III B - Supportive Services	\$21,192	1.00%	53	\$0.00	53.00	\$0.00	\$399.85	\$399.85
	Totals for HCBS-Senior Recreation-Group:	\$21,192		53		53.00	\$0.00	\$399.85	\$399.85
HCBS-Transportation-Ind									
	OAA Title III B - Supportive Services	\$15,500	1.00%	58	\$5.47	2,834.00	\$15,501.98	\$267.28	\$5.47
	Totals for HCBS-Transportation-Ind:	\$15,500		58		2,834.00	\$15,501.98	\$267.28	
HCBS-Transportation-Voucher									
	CBS - HCBS State	\$13,564	0.39%	141	\$0.00	543.00	\$0.00	\$96.20	\$24.98
	OAA Title III B - Supportive Services	\$21,358	0.61%	190	\$0.00	734.00	\$0.00	\$112.41	\$29.10
	Totals for HCBS-Transportation-Voucher:	\$34,922		331		1,277.00	\$0.00	\$105.50	\$27.35

Note: This report details total budget entered in Area Plan for each service and the # of Units and # of Estimated Persons entered by fund source. This report multiplies number of units by unit cost to assure accurate allocation of units and dollars. Fund Source Revenue does not include Non-Cash Match. In addition, this report calculates the Average Cost per Client and the Average Cost per Unit. The Average Cost per Unit is the Unit Cost unless the Unit Cost is zero then it is calculated as (Fund Source Revenue / # of Units) . The Average Cost per Person is

DHS - Division Of Aging Services
Area Plan - Provider Service Detail

SFY: 2015 Amendment 2

PSA: Atlanta Region

Provider: Cherokee County Board of Commissioners

Program: HCBS Service

Service	Fund Sources Authorized	Fund Source Revenue	% of Service Revenue	# of Est. Persons	Unit Cost	# of Units	Units x Cost	Average Cost per Client	Average Cost per Unit
HCBS-Volunteer Develop/Opp/Service-Group									
	OAA Title III B - Supportive Services	\$12,952	1.00%	1,342	\$0.00	1,342.00	\$0.00	\$9.65	\$9.65
Totals for HCBS-Volunteer Develop/Opp/Service-Group:		\$12,952		1,342		1,342.00	\$0.00	\$9.65	\$9.65

Note: This report details total budget entered in Area Plan for each service and the # of Units and # of Estimated Persons entered by fund source. This report multiplies number of units by unit cost to assure accurate allocation of units and dollars. Fund Source Revenue does not include Non-Cash Match. In addition, this report calculates the Average Cost per Client and the Average Cost per Unit. The Average Cost per Unit is the Unit Cost unless the Unit Cost is zero then it is calculated as (Fund Source Revenue / # of Units) . The Average Cost per Person is

A-5

B-5

Amendment 2

CHEOKEE COUNTY BOARD OF COMMISSIONERS
DISTRIBUTION OF RESOURCES
SFY 2015

SFY 2015 BUDGET	Caregiver Group	Home-maker	In-Home Respble	500A33 Title III-E	Home-maker	In-Home Respble	509AA2 ALF State	Home Del. Meals	508AT1 ITCK	Care Mgmt	Home-maker	500A03 CBS Respble	Home-maker	Home Del. Meals	Trans. Incl.	200D07 Care Transitions	Total
UNIT COST REIMBURSEMENT																	
Cost Per Unit of Service		25.00	25.00		25.00	25.00		8.12	-				25.00	8.12	5.47		
Proposed Annual Units		559			559			171	-				1,141	266	183		
Total Cost		13,992	-		14,146	-	14,146	1,387	1,387	-		-	28,529	2,000	1,000	4,000	388,042
In-kind																	
Total Cash Unit Costs		13,992	-	13,992	14,146	-	14,146	1,387	1,387	-		28,529	28,529	2,000	1,000	4,000	431,540
NON-UNIT COST REIMBURSEMENT																	
Salaries and Fringe	24,434			24,434													320,353
Travel																	-
Telephone																	-
Vehicle Mileage/Per Diem Reimbursement																	-
Vehicle Gas & Oil																	-
Vehicle Insurance																	-
Vehicle Maintenance																	-
Building Maintenance																	-
Building Repairs																	-
Rent																	-
Utilities																	-
Office Supplies																	-
Computer Purchases																	-
Computer Supplies																	-
Other Computer Operation																	-
Equipment Maintenance																	-
Advertising																	-
Good/Printing																	-
Insurance																	-
Office/Prior Studies																	-
Postage																	-
Telephone & Other Telecommunications																	-
Training Expenses																	-
Travel Expenses																	-
Supplies/Contract Services																	-
Other Miscellaneous																	-
Audio/Visual Expenses																	-
Office Supplies																	-
Reimbursement Costs from LCM Standalone																	-
Non-Cash Support																	-
Total Cash Non Unit Costs	24,434		-	24,434	14,146	-	14,146	1,387	1,387	-		28,529	28,529	2,000	1,000	4,000	320,353
TOTAL BUDGET	24,434	13,992	-	38,403	14,146	-	14,146	1,387	1,387	-		28,529	28,529	2,000	1,000	4,000	751,893
FUND SOURCES	Caregiver Group	Home-maker	In-Home Respble	500A33 Title III-E	Home-maker	In-Home Respble	509AA2 ALF State	Home Del. Meals	508AT1 ITCK	Care Mgmt	Home-maker	500A03 CBS Respble	Home-maker	Home Del. Meals	Trans. Incl.	200D07 Care Transitions	Total
Federal	18,328	10,477	-	28,803									1,000	2,000	1,000	4,000	443,385
State Match	3,665	2,092	-	5,759													27,953
Local Match																	
Cash	2,443	1,397	-	3,840													48,233
Non-cash																	-
State					14,146	-	14,146	1,387	1,387	-		28,529	28,529				226,266
Voluntary Client Contributions																	6,951
Client Cost Share Revenue																	-
Fee/Private Pay																	-
County																	-
Total of All Fund Sources	24,434	13,992	-	38,403	14,146	-	14,146	1,387	1,387	-		28,529	28,529	2,000	1,000	4,000	751,893

MEMORANDUM

DATE: June 3, 2015
TO: Nathan Brandon, Cherokee County Board of Commissioners
FROM: Whitney Fuller, Atlanta Regional Commission

SUBJECT: AG1500.2 Second Amendment of the Aging Subgrant

Enclosed, you will find two original copies of the Second Amendment of the Aging Subgrant Agreement, AG1500.2 between ARC and Cherokee County.

Please sign both and return to Whitney Fuller - 40 Courtland Street NE, Atlanta, GA 30303. We will prepare and return one fully executed agreement.

Should you have any questions, please contact Dennis Saylor at 404-463-3225.

Thank you.



			received 6/8/2015; BOC approved 6/16/2015						
			AMENDMENT 2						
			331100	334100	391200	371000	341951	39XXXX	TOTAL PROG
			COUNTY						
			FED	STATE	COUNTY	VCC	CCS/PB	OTHER	
T3BCM	L	CASE MANAGEMENT	79,081	4,652	9,304				93,037
T3BIA	N	I&A GROUP	25,497	1,500	3,000				29,997
SRG3B	O	SENIOR RECREATION GROUP	18,013	1,060	2,119				21,192
T3BTI	P	TRANSPORTATION INDEPENDENT	13,175	775	1,550				15,500
TRV3B	R	TRANSPORTATION VOUCHER	15,603	918	1,836		3,001		21,358
T3BVD	S	VOLUNTEER DEVELOPMENT	11,009	648	1,295				12,952
TITLE III-B			162,378	9,553	19,104	-	3,001	-	194,036
HMCBS	E	HOME MAKER INDEPENDENT		46,866					46,866
CMCBS	K	CASE MANAGEMENT		96,043					96,043
CBSIA	M	I&A GROUP		7,776					7,776
TRANV	Q	TRANSPORTATION VOUCHER		13,564					13,564
ALZ		HOME MAKER IND - ALZHEIMER							
CBS			-	164,249	-	-	-	-	164,249
HDM1	G	HOME DELIVERED MEALS - NSIP	25,748						25,748
HDM1S	I	HOME DELIVERED MEALS - NSIP STATE		17,955					17,955
HDMS		HOME DELIVRED MEALS - NSIP SSBG	7,502	-					7,502
NSIP			33,250	17,955	-	-	-	-	51,205
T3CIC	F	CONGREGATE MEALS (C1)	82,926	4,878	9,756				97,560
	F.1	CONGREGATE MEALS - OTHER							-
HDM2	J	HOME DELIVERED MEALS (C2)	132,028	7,767	15,533		3,050		158,378
	J.1	HOME DELIVERED MEALS - OTHER							-
TITLE III-C			214,954	12,645	25,289	-	3,050	-	255,938
T3ECG	A	CAREGIVER GROUP	18,326	3,665	2,443				24,434
RCT3E	D	IN-HOME RESPITE	-	-	-	-	-	-	-
T3EHM		HOMEMAKER IND	10,477	2,095	1,397				13,969
TITLE III-E			28,803	5,760	3,840	-	-	-	38,403
ITCO	H	HOME DELIVERED MEALS - ITCOME TAX CHECK OFF		1,387					1,387
ITCK 508AT1			-	1,387	-	-	-	-	1,387
ALZ	C	ALZHEIMER'S IN-HOME RESPITE		14,146		-	-		14,146
CBSHR	B	HOME MAKER INDEPENDENT		28,529	-				28,529
CBS RESPITE			-	42,675	-	-	-	-	42,675
CTHM	T	HOME MAKER INDEPENDENT	1,000						1,000
CTHDM	U	HOME DELIVERED MEALS	2,000						2,000
CTTI	V	TRANSPORTATION INDEPENDENT	1,000						1,000
CARE TRANSITIONS			4,000	-	-	-	-	-	4,000
TOTALS			443,385	254,224	48,233	-	6,051	-	751,893



Cherokee County, Georgia Agenda Request

SUBJECT:
Surplus Furniture.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Kristi Thompson for Matt Williams, Director

COMMISSION ACTION REQUESTED:

Consider approval to donate surplus furniture that is of no use to the County to City of Nelson Police Department.

FACTS AND ISSUES:

There is miscellaneous unused and damaged furniture stored in the Jones Building from several County departments/agencies and abandoned by former tenants. The City of Nelson Police Department has asked Property Management if the County has any unused office furniture.

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

Approve donation of surplus furniture to City of Nelson Police Department.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Surplus Form - Photos	Backup Material

CHEROKEE COUNTY BOARD OF COMMISSIONERS
1130 Bluffs Parkway
Canton, GA 30114

SURPLUS PROPERTY TRANSFER FORM

Date: 6/9/2015

Transferred From: Cherokee County Property Management	Transferred To: City of Nelson Police Department
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Action Requested: XXXX Transfer X Surplus XX Destruction

Line	Qty	Description (Model, Serial#, Etc.)	Condition G=Good F=Fair P=Poor	Funding Information	Final Disposition	Fixed Asset#
1	25	Unmatched, Broken, Ripped Chairs.	P		Donate	N/A
2	10	File Cabinets Scratched, Dented	P		Donate	N/A
3	3	Wood Desk	P		Donate	N/A
4	4	Metal desk	P			N/A
5						
6						
7						
8						
9						
10						
11						
12						

Purchasing Representative Signature:	Dept. Property Coordinator Signature:	Received By Signature:
Title: Sr Proc Specialist	Title: CCMP	Title:
Date: 6-9-15	Date: 6/9/15	Date:

Kristi Thompson

From: Steven J. Tipton
Sent: Tuesday, June 09, 2015 9:16 AM
To: Kristi Thompson
Cc: Matt Williams
Subject: Abandon Furniture 130 East Main St.
Attachments: 130 E.Main (2).JPG; 130 E.Main (3).JPG; 130 E.Main (4).JPG; 130 E.Main (5).JPG; 130 E.Main (6).JPG; 130 E.Main (7).JPG; 130 E.Main (8).JPG; 130 E.Main (9).JPG; 130 E.Main (10).JPG; Surplus Furniture 130 E.Main.pdf

Kristi,

Attached are some pictures of the abandoned furniture that is left in the old Jones building. I have been ask by the City of Nelson Police Department if we had any surplus furniture, desk, chairs, etc. I believe this is an excellent opportunity to depart with some of this accumulated unclaimed furniture.

Thanks,

Steven J. Tipton

Cherokee County Board of Commissioners

Property Management Department

Office – 678.493.6090

Cell – 678.283.1108

Fax – 678.493.6092

SJTipton@cherokeega.com







Cherokee County, Georgia Agenda Request

SUBJECT:
**Budget Amendment to Reduce Principal
Balance of Suntrust Loan.**

MEETING DATE:
6/16/2015

SUBMITTED BY:
Ariana Freimuth

COMMISSION ACTION REQUESTED:

Consider approving the budget amendment in the amount of \$1,697,350.00 to use proceeds from the sale of land to reduce the principal balance of the Suntrust Loan.

FACTS AND ISSUES:

In 2009 the Cherokee Office of Economic Development borrowed \$5.5M to purchase land to be held for economic development. A parcel of this land was sold in June 2015 for \$1,697,350.00. The proceeds will be used to pay down the principal balance of this loan. The budget amendment will properly appropriate these sale proceeds.

BUDGET:

Budgeted Amount: \$1,697,350.00

Account Name: Bond Principal

Amount Encumbered:

Account #: 27512000-581100

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

Consider approving the budget amendment to use proceeds from the sale of land to reduce the principal balance of the Suntrust Loan.

ATTACHMENTS:

Description	Type
 Budget Amendment	Budget Amendment

Cherokee County Board of Commissioners
Budget Transfer/ Amendment Form

Instructions:

- * For budget amendments increasing or decreasing the budget revenues must equal expenditures.
- * For budget transfers the net total should equal zero.
- * Budget transfers within a department within the same fund are allowed with the approval of the County Manager.
- * Any change in the budgeted amounts which would result in an increase or decrease to the budget must be approved by the Board of Commissioners.
- * The budgeted amounts for salaries and benefits for each department may not be transferred, increased or decreased without the approval of the Board of Commissioners.

REVENUES:

Department Org Code	Object	Account Name	Amount
23170	380000	Miscellaneous Revenue	1,697,350.00

1,697,350.00

EXPENDITURES:

Department Org Code	Object	Account Name	Amount
27512000	581100	Bond Principal	1,697,350.00

1,697,350.00

PURPOSE OF TRANSFER/ AMENDMENT

The Cherokee Office of Economic Development sold a parcel of land related to the \$5.5M Suntrust Loan. Total proceeds = \$1,697,350. We propose to use the proceeds to paydown the Suntrust Loan principal.

Department Head Approval:



County Manager Approval:

Date Approved by BOC (please attach a copy of Minutes)



Cherokee County, Georgia Agenda Request

SUBJECT:
Buffington Gym Sublease Award.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Dale Jordan, Procurement & Risk Management
Director

COMMISSION ACTION REQUESTED:

Authorize sublease of Buffington Elementary Gym to Lady Shooters d/b/a Carlos Adams Basketball for a minimum annual payment to the County of \$10,932.00.

FACTS AND ISSUES:

The County agreed to lease the Buffington Elementary Gym from the Cherokee County School District in 2007 for a term of twenty (20) years at the rate of one dollar (\$1.00) per year. The lease provided that the County would assume responsibility for maintenance of the gym and the payment of utilities. In 2011, the County was authorized by the School District to sublease the premises. The premises were subleased to Carlos Adams Basketball for a period of one (1) year at the rate of one dollar (\$1.00) per year under the condition it assumed the County's responsibilities under the lease. Carlos Adams Basketball has remained tenant of the building since 2011.

In 2015, County staff was approached by an organization specializing in offering recreational programs about potentially leasing the gym. In order to ensure a variety of recreational opportunities were available for County residents at Buffington Gym, that the County continued to minimize responsibility and costs associated with the maintenance and upkeep of the gym, and that the County fully utilizes potential revenue streams to offset tax expenditures, the County issued RFP #2015-36 on April 13, 2015 to solicit competitive proposals from organizations experienced in providing recreational opportunities that would be available primarily to Cherokee County residents. The RFP closed on May 11, 2015 with two organizations submitting proposals. County staff reviewed and ranked all proposals based upon the criteria set forth in the RFP. Carlos Adams Basketball was determined to be the most advantageous supplier to the County based on past experience, potential recreational offerings, and proposed revenue to the County.

Carlos Adams Basketball will provide monthly lease payments of \$500.00 per month as well as 10% Annual Revenue Share (ARS). The lease plus ARS anticipates a total pro forma payment of \$10,932.00 to the County in the initial year of the lease. The forecast for the ARS is projected to increase 7-10% per year in subsequent years according to the proposal. Carlos Adams Basketball has agreed to reduce the County's risk of negative ARS fluctuation by guaranteeing a minimum ARS of \$2,461.00 per year (roughly 50% of the projected ARS in the initial year). The Sublease is an initial one year term with the option for two (2) one year renewals

<u>Company</u>	<u>Score (out of 100)</u>	<u>Cost (Anticipated revenue)</u>
Carlos Adams Basketball	98.50	\$10,932.00/ year
Transform Your Game	83.30	\$8,460.00/ year

The County attorney's office has approved the Sublease Agreement. The Procurement Summary is attached.

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

Authorize sublease of Buffington Elementary Gym to Lady Shooters d/b/a Carlos Adams Basketball for a minimum annual payment to the County of \$10,932.

ATTACHMENTS:

Description		Type
	Procurement Summary	Backup Material
	Sublease Agreement	Backup Material

Procurement Summary

Date Submitted:	15-May-15
Submitted by:	Dale Jordan
PSA Number:	2015-36
Value of Contract:	\$10,932 per year (Revenue)
Period of Performance:	9/1/2015 - 8/31/2016 + 2 Yr Option
Supplier Name:	Carlos Adams Basketball
General Description:	Buffington School Gym Lease
Source of Funds:	Revenue for CRPA Fund 225

Contract Information

Proposed Contract Type

<input type="checkbox"/>	Standard Professional Services Agreement
<input type="checkbox"/>	Standard Construction Services Agreement
<input type="checkbox"/>	PSA with Exceptions Approved by Counsel
<input type="checkbox"/>	Supplier Agreement Approved by Counsel
<input type="checkbox"/>	Standard Purchase Order
<input checked="" type="checkbox"/>	Sublease Approved by Counsel

Formal Advertised Procurement:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
--------------------------------	------------------------------	-----------------------------	------------------------------

Debarred/Suspended:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---------------------	------------------------------	-----------------------------

E-Verify Required/Obtained:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
-----------------------------	------------------------------	-----------------------------	------------------------------

Emergency Procurement:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------	------------------------------	-----------------------------

Number of Bidders Contacted / Number of Bids Received:	Web	2
--	-----	---

Supplier Selection Based on:	<input type="checkbox"/> Only One Bidder
	<input type="checkbox"/> Lowest Bidder
	<input type="checkbox"/> Lowest Evaluated Bidder
	<input checked="" type="checkbox"/> Highest Proposal Scoring
	<input checked="" type="checkbox"/> Other*
	* Highest Revenue

Weight	Proposal Evaluation Criteria
60%	Price
30%	Business Plan
10%	References

If Award to Non-County Business:
(If Applicable)

<input type="checkbox"/>	No <i>Cherokee County</i> Business submitted bid/proposal
<input type="checkbox"/>	CC Business bid/proposal was non-responsive/not-responsible
<input type="checkbox"/>	CC Business not within 5% of Low Bid (for consideration)
<input type="checkbox"/>	CC Business Total Evaluated Score Inadequate (for consideration)
<input type="checkbox"/>	CC Business Not Low Bid & No Preference Per Grant or >\$100K Construction (GA Law)

Summary of Analysis / Scoring

Total Score*	Price*	Bidder	Bidder's Place of Business
98.5	\$ 10,932.00	Carlos Adams Basketball	Canton, GA
83.3	\$ 8,460.00	Transform Your Game	Canton, GA

Fair Price Determination:

Method	Price Analysis Type
<input checked="" type="checkbox"/>	Highest Bidder
<input type="checkbox"/>	Lowest Evaluated Bidder
<input checked="" type="checkbox"/>	Best Pricing Among Comparable Features / Suppliers
<input type="checkbox"/>	Market Analysis or Market Pricing
<input type="checkbox"/>	State Contract Pricing
<input type="checkbox"/>	Other, see attached price analysis.

\$2,472.00 Total Price Difference
22.61% Percentage Difference
77.39% Score Multiplier

Price Evaluation: The difference between bids was 22.61% when the total projected revenue of both proposals was compared and the difference between the two projections was divided back into the highest projection. This differential was used to adjust the 60 available points for lower bidder, having 77.39% (100% - 22.61%) multiplied by the 60 available points. An alternate approach was used to ensure that the scoring for the pricing was reasonable. If the firm monthly revenue was weighted with 40 points and the sharing of revenue was weighted at 20, the resulting scores would have been 53.33 for CAB and 45.11 for TYG, a smaller differential, but no change in the proposal winning this category.

Other Notes:

This was a standard RFP for sub-leasing the Buffington School Gym. Two responsive proposers submitted offers. Both offers were deemed technically fit with similar evaluated scores. The references for both were also very good. The awarded firm offers 7.5% more in net sharing per year which had a substantial impact on the potential revenue and easily overcame the lower monthly rental - which on an annual basis was \$1,200 less than the other bid.

RFP 2015-36
 Title Buffington Gym Sublease
 Deadline 5/11/2015

Bidders submitting Proposals

1. Carlos Adams Basketball
2. Transform Your Game, LLC

Criteria 1: Price

Percentage of
 total score: 60%

Element: Fee Schedule

Requirement: Provide a comprehensive 3 year business plan to include all estimated costs and revenues associated with your firm's operation of the facility over the same time period. Provide your proposed monthly compensation to Cherokee County. Cherokee County is amenable to proposals that include a flat monthly fee as well as percentage-based fees, but a minimum is required.

	Carlos Adams Basketball	Transform Your Game, LLC
Monthly Compensation	\$ 500-	\$ 600-
Percentage Based Fee	10% NET PROFIT \approx \$ 4,932	\approx \$ 1,260 2.5% NET OPERATING PROFIT
TOTAL \$: Additional Compensation (if applicable)	\$ <u>10,932</u>	\$ <u>8460</u>
	Points out of 60	Points out of 60
	60	46.43249177

Criteria 2: Business Plan

Percentage of

total score: 30%

Element: 1. Experience

Requirement: Description of experience of the firm or team in the program management or administration of a similar size and scope over the past five years and include a projected utilization by Cherokee County residents

Element: 2. Organizational Chart

Requirement: Provide an organizational chart describing all key personnel, their roles, and the specific contributions that you expect them to make as part of your proposal. Include details for qualifications, professional certifications, athletic achievements, etc.

Element: 3. Business Plan

		Carlos Adams Basketball	Transform Your Game, LLC	
Experience				
Item	Business Plan			Weight
1	Organizational Chart	3	3	10%
2	Insurance Levels	3	2.85	10%
3	Program Description of the Events Proposed	2.85	2.55	10%
4	Background screening for events involving youth;	2.55	1.95	10%
5	Experience administering such programs;	5.7	5.4	20%
6	Expected level of Cherokee County youth participation; and	5.4	5.4	20%
7	Financial Resources adequate to support the proposal.	6	5.7	20%
		Points out of 30	Points out of 30	
		28.5	26.85	

Carlos Adams Basketball			Transform Your Game, LLC		
Average	Eval #1	Eval #2	Average	Eval #1	Eval #2
10	10	10	10	10	10
10	10	10	9.5	9	10
9.5	10	9	8.5	9	8
8.5	9	8	6.5	8	5
9.5	10	9	9	10	8
9	10	8	9	10	8
10	10	10	9.5	10	9

Business Plan

Critical

Notes:

Carlos Adams Basketball

- 1 Strong technical Talent
- 2 \$3M GL, \$1M Umbrella
- 3 Basketball is main focus, mentions Volleyball, personal training and private events as well
- 4 Uses CC Sheriff's Dept, no felony or sexual crimes or crimes against children
- 5 Currently administering programs as the current sub-lease holder, 10 yrs coaching BB
- 6 Estimated 80% CC residents
- 7 Current program offering supports ongoing operations

Transform Your Game, LLC

- 1 Successful business leaders and strong technical talent
- 2 \$1M GL and \$1M Professional
- 3 Basketball is primary focus of proposed events.
- 4 Driven by using organization, TYG is present at events, TYG leadership will comply
- 5 GM has 20 Yrs Coaching Multiple sports, 10 yrs and 5 yrs for technical experts
- 6 Estimated 90% CC residents
- 7 Proposal indicated significant financial resources (\$200k)

Note of Item 4 The preference of the County is to utilize nation-wide background screening with firm criteria.

Criteria 3: References

Percentage of

total score: 10%

Element: References

Requirement: References

Notes: Carlos Adams Basketball

Transform Your Game, LLC

Carlos Adams Basketball	Transform Your Game, LLC
Points out of 10	Points out of 10
10	10

<u>Total Score</u>		
	Carlos Adams Basketball	Transform Your Game, LLC
Fee Proposal Total	60	46.43249177
Business Plan	28.5	26.85
References	10	10
	Points out of 100	Points out of 100
	98.5	83.3

SUBLEASE AGREEMENT

THIS SUBLEASE AGREEMENT (the "Sublease") is effective as of this 16th day of June, 2015, by and between **CHEROKEE COUNTY**, a political subdivision of the State of Georgia, acting by and through its governing authority, the Cherokee County Board of Commissioners ("County"), and Lady Shooters, Inc., doing business as Carlos Adams Basketball ("Carlos Adams Basketball"), collectively referred to as the "Parties."

WHEREAS, County leases from Cherokee County School District the Property on which the Premises, as defined below, is located; and

WHEREAS, Carlos Adams Basketball desires to lease the Premises for use as described herein.

NOW THEREFORE, for and in consideration of the above-recited premises, the mutual obligations contained herein, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County leases to Carlos Adams Basketball, and Carlos Adams Basketball leases from County the Premises, subject to the following terms and conditions:

1) Subordination

County and Carlos Adams Basketball agree that this sublease is subject and subordinate to all of the terms, covenants and conditions of the Lease Agreement dated August 17, 2007 between County and the Cherokee County School System (the "Lease"), copy of which is attached hereto as Exhibit 1, incorporated herein by reference.

2) Incorporation of Terms

The terms, covenants, and conditions in the Lease shall constitute the terms, covenants and conditions of this Sublease, except to the extent that they are inapplicable hereto or inconsistent herewith. Carlos Adams Basketball agrees to be bound by the provisions of the Lease and to assume all of the obligations of the County under the Lease unless specifically provided otherwise in this Sublease.

3) Security Deposit

Given that Carlos Adams Basketball is already in possession of the Premises, as defined below, as a sub-tenant at will, which sub-tenancy shall expire the day before this Sublease is to go into effect, and given the care and maintenance provided by Carlos Adams Basketball at the Premises to date, no security deposit shall be required.

4) Subleased Premises

County, in consideration of the rent, agreements and conditions in this Sublease to be paid and performed by Carlos Adams Basketball, hereby rents unto Carlos Adams Basketball the real property and improvements located thereon, if any, being a portion of the Buffington Elementary School Gymnasium located at 4568 Cumming Hwy, Canton, GA 30114 (said real property and any improvements being collectively the "Premises"), and Carlos Adams Basketball hereby rents the Premises from County.

5) Use of Premises:

- (A) Carlos Adams Basketball shall use the Premises for the exclusive purposes of providing recreational activities for residents of Cherokee County according to its proposal to the County dated 5/11/2015 and attached hereto as Exhibit 2, incorporated herein by reference. Carlos Adams Basketball shall not use the Premises for any other purposes without the prior written consent of the County and shall not engage in any activity on the Premises that, in the opinion of the County, fails to represent the values of the County or that creates an unsafe condition.
- (B) Carlos Adams Basketball shall prevent escape of fumes, odors, smoke, gas and other substances from the Premises and shall provide adequate devices to control excessive noises, vibrations or electromagnetic emissions.
- (C) Carlos Adams Basketball, at its sole cost and expense, shall, at all times, comply with all present and future laws, ordinances, orders, rules, regulations and requirements of all federal, state and municipal governments, courts, departments, commissions, boards, and officers, that may be applicable to all or any portion of the Premises. Carlos Adams Basketball shall indemnify County and the Cherokee County School System and hold them harmless from all fines, penalties, and/or claims for damages of any kind arising out of any failure to comply with any such law, ordinance, order, rule, regulation or requirement, the intention of the parties being with respect to such matters that Carlos Adams Basketball shall discharge and perform all such obligations concerning the Premises and indemnify County and the Cherokee County School System therefrom.
- (D) County warrants that Carlos Adams Basketball shall be granted peaceable and quiet enjoyment of the Premises free from any eviction or interference (except as otherwise provided herein) by County so long as Carlos Adams Basketball fully and punctually performs the terms and conditions imposed upon Carlos Adams Basketball in this Sublease.
- (E) Carlos Adams Basketball, at its sole cost, must comply with all Hazardous Materials Laws in connection with Carlos Adams Basketball's use of the Premises. "Hazardous Materials" means

any substance, material, or waste that is or becomes regulated by any local governmental agency, the State of Georgia, or the federal government, including, but not limited to, any material or substance that is (i) designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 U.S.C. § 1251, or listed pursuant to Section 307 of the Clean Water Act, 33 U.S.C. § 1317, (ii) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, (iii) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, (iv) petroleum, (v) asbestos, and (vi) polychlorinated biphenyls]. "Hazardous Materials Laws" means any federal, state, or local statute, ordinance, order, rule, or regulation of any type relating to the storage, handling, use, or disposal of any Hazardous Materials, the contamination of the environment, or any removal of such contamination, including, without limitation, those statutes referred to in this subsection.

6) Term:

- (A) The initial Sublease term will be one (1) year ("Initial Term"), commencing on August 30, 2015 (commencement date). The Initial Term will terminate on August 29, 2016.
- (B) This Sublease will have the option to renew for two (2) additional one (1) year terms (each one (1) year term shall be defined as an "Extension Term"), upon the same terms and conditions contained herein if agreed upon by both the County and Carlos Adams Basketball in writing.
- (C) In the event that the Sublease is not renewed, the tenancy shall convert to a tenancy-at-will until terminated by the County (in compliance with O.C.G.A. § 44-7-7) or Carlos Adams Basketball.
- (D) In no event shall any term of this Sublease exceed one (1) year; any exercise of the renewal options described in subsection (B) above shall each constitute an additional one (1) year term.

7) Rent

- (A) Carlos Adams Basketball shall pay to the County for the use and occupancy of the Premises the sum of Six Thousand and 00/100 Dollars (\$6,000.00) per year, payable in twelve (12) equal monthly payments of Five Hundred and 00/100 Dollars (\$500.00) each ("Base Rent").
- (B) In addition to the Base Rent, Carlos Adams Basketball shall compensate County in the amount of 10 percent (10%) of Annual Revenue Share (ARS) earned from recreational programs operating out of Buffington Gym, or Two Thousand Four Hundred Sixty One 00/100 (\$2,461.00) Dollars, whichever sum is greater ("ARS Rent"). ARS shall be calculated as (Total Gross Revenues (R)

minus Total Expenses (E)) multiplied by ten percent (10%) {ARS = (R-E) * 10%}. All financial statements are to be certified as accurate by Carlos Adams Basketball and methods and application of financial rules and generally accepted accounting principles shall be certified by a Certified Public Accountant.

- (C) All Base Rent shall be paid in advance on the first (1st) day of each month without prior demand therefor at 1130 Bluffs Parkway, Canton, GA 30114 or such other address as County may designate in writing. Checks should be made payable to the Cherokee County Board of Commissioners. The initial payment shall be for September and due on September first. The final payment for August shall be in the full amount of \$500.00 to address the initial start of this sublease not beginning on the first of the month such that twelve complete months of rent shall be made from September through August.
- (D) ARS Rent shall be paid quarterly no later than December 31, March 31, June 30, and September 30 for the prior three (3) respective months. Regarding the September 30 payment, in the event that ARS Rent for the year does not equal or exceed \$2,461.00, the September 30 payment will be of an amount sufficient to render the entire prior year's ARS Rent equal to \$2,461.00.
- (E) If payment of Base Rent is not received by County by the fifteenth (15th) day of the month, or if ARS Rent is not received by September 30 of each year, a late charge of Five Percent of the monthly rental rate, or a minimum of fifty dollars (\$50.00), shall be assessed and due; and all charges which are overdue shall bear interest from the due date based upon the rate of one and one-half percent (1½%) per month.

8) Default and Breach

Carlos Adams Basketball shall be in default and breach of this Sublease whenever:

- (A) Carlos Adams Basketball fails to perform any duty, agreement or condition required by this Sublease or the accompanying proposal (Exhibit 2). The determination of whether the Carlos Adams Basketball has substantially complied with the provisions of this Sublease shall be as reasonably determined by the County;
- (B) Carlos Adams Basketball fails in the due and punctual payment of Base Rent or ARS Rent;
- (C) Carlos Adams Basketball files a voluntary petition under any bankruptcy, receivership, or other such act or an involuntary petition under such act is filed against Carlos Adams Basketball, and Carlos Adams Basketball after a full hearing is adjudged to be bankrupt, insolvent, or unable to pay its debts as they mature;
- (D) Carlos Adams Basketball makes an assignment for the benefit of its creditors;

- (E) A trustee or receiver, after a full hearing, is appointed or retained to take charge of and manage all, or any substantial part, of the assets of Carlos Adams Basketball;
- (F) Any execution of attachment shall issue against Carlos Adams Basketball whereupon any part either of the Premises or of Carlos Adams Basketball's interest therein shall be taken or an attempt is made to take the same in contemplation of a judicial sale thereunder; or
- (G) Carlos Adams Basketball abandons the Premises. Abandonment shall occur whenever Carlos Adams Basketball, its officers, employees and agents all shall be and remain absent from the Premises for thirty (30) days without notice to County of such absence and any monthly installment of Base Rent or ARS Rent shall be and remain due and unpaid during such period of absence. At the expiration of such thirty (30) day period, County shall have the option to issue a termination notice, which shall take effect in compliance with O.C.G.A. § 44-7-7. Such notice shall specify the termination date.
- (H) In the event of any default or breach by Carlos Adams Basketball, County shall be entitled to all costs incurred as a result of such default or breach, including, but not limited to, reasonable attorney fees incurred as a result of County exercising any of its remedies under law or equity as a result of the default or breach.

9) Waiver

Any waiver by County of any breach of this Sublease neither shall be construed as a continuing waiver nor as a waiver of a subsequent breach and in no event shall imply further indulgence.

10) Termination

Termination of this Sublease shall constitute immediate, unconditional cessation of Carlos Adams Basketball's rights, title and interest in use and occupancy of the Premises. County shall have immediate, unconditional right to reenter the Premises upon termination.

- (A) This Sublease shall terminate automatically at the expiration of its term as specified in Section 6 of this Sublease.
- (B) If the Lease is terminated prior to the expiration date of this Sublease, this Sublease shall also be terminated. The County shall not be liable to Carlos Adams Basketball by reason of such event, and rent and all other obligations shall be adjusted between the parties as of date of such termination.

- (C) The Sublease shall automatically terminate if the building containing the Premises is destroyed or deemed unsafe by appropriate authorities and is not to be repaired or becomes unusable for the purposes intended by this Sublease. The County shall not be liable to Carlos Adams Basketball by reason of such event, and rent and all other obligations shall be adjusted between the parties as of date of such termination.
- (D) This Sublease shall terminate for nonpayment of rent, provided that County serves Carlos Adams Basketball written notice of termination allowing Carlos Adams Basketball ten (10) days from such notification to have rent payments caught up and made current, in which event this Sublease shall not be terminated, but otherwise this Sublease shall terminate on the date specified in the notice.
- (E) This Sublease shall terminate upon Carlos Adams Basketball's default and breach other than for nonpayment of rent, provided County or Cherokee County School System serves Carlos Adams Basketball written notice of termination specifying the nature of the default or breach, allowing Carlos Adams Basketball thirty (30) days from such notification to cure such default(s) and/or breach(es) to County's satisfaction, or in the alternative to provide an acceptable corrective action plan to cure such default(s) and/or breach(s), in which event this Sublease shall not terminate, but otherwise this Sublease shall terminate on the date specified in the notice.
- (F) All notices of termination shall establish the exact date this Sublease terminates (in compliance with O.C.G.A. § 44-7-7), the type of termination, and the Sublease provision(s) providing for such termination.

11) Insurance

(A) Requirements:

The Carlos Adams Basketball shall have and maintain in full force and effect for the duration of this Sublease, insurance insuring against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Work by the Carlos Adams Basketball, its agents, representatives, employees or subcontractors. All policies shall be subject to approval by the County Attorney to form and content. These requirements are subject to amendment or waiver if so approved in writing by the County Manager.

(B) Minimum Limits of Insurance:

Carlos Adams Basketball shall maintain the following insurance policies with limits no less than:

- (i) Comprehensive General Liability of \$1,000,000 (one million dollars) combined single limit per occurrence for bodily and personal injury, sickness, disease or death, injury to or destruction of property, including loss of use resulting therefrom.
 - (ii) Left blank intentionally.
 - (iii) Left blank intentionally.
 - (iv) Left blank intentionally
- (C) Deductibles and Self-Insured Retentions:

Any deductibles or self-insured retentions must be declared to and approved by the County in writing.

(D) Other Insurance Provisions:

The policy is to contain, or be endorsed to contain, the following provisions:

(E) General Liability Coverage.

- (i) The County and County Parties are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the Carlos Adams Basketball; products and completed operations of the Carlos Adams Basketball; premises owned, leased, or used by the Carlos Adams Basketball. The coverage shall contain no special limitations on the scope of protection afforded to the County or County Parties.
- (ii) The Carlos Adams Basketball's insurance coverage shall be primary noncontributing insurance as respects to any other insurance or self-insurance available to the County or County Parties. Any insurance or self-insurance maintained by the County shall be in excess of the Carlos Adams Basketball's insurance and shall not contribute with it.
- (iii) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the County and County Parties.
- (iv) Coverage shall state that the Carlos Adams Basketball's insurance shall apply separately to each insured against whom claim is made or suit is brought.
- (v) Coverage shall be provided on a "pay on behalf" basis, with defense costs payable in addition to policy limits. There shall be no cross liability exclusion.
- (vi) The insurer shall agree to waive all rights of subrogation against the County and County Parties for losses arising from work performed by the Carlos Adams Basketball for the County.

(F) Left blank intentionally

(G) All Coverages.

(i) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.

(ii) Policies shall have concurrent starting and ending dates.

(H) Acceptability of Insurers:

Insurance is to be placed with insurers with an A.M. Best's rating of no less than A:VII.

(I) Verification of Coverage:

Carlos Adams Basketball shall furnish the County with certificates of insurance and endorsements to the policies evidencing coverage required by this Article prior to the start of work. The certificate of insurance and endorsements shall be on a form utilized by Carlos Adams Basketball's insurer in its normal course of business and shall be received and approved by the County prior to execution of this Sublease by the County. The County reserves the right to require complete, certified copies of all required insurance policies at any time. The Carlos Adams Basketball shall provide proof that any expiring coverage has been renewed or replaced at least two (2) weeks prior to the expiration of the coverage.

(J) Subcontractors:

Carlos Adams Basketball shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated in this Sublease, including but not limited to naming the parties as additional insureds.

(K) Claims-Made Policies:

Carlos Adams Basketball shall extend any claims-made insurance policy for at least six (6) years after termination or final payment under the Sublease, whichever is later.

(L) County as Additional Insured and Loss Payee:

The County shall be named as an additional insured and loss payee on all policies required by this Sublease, except the County need not be named as an additional insured and loss payee on any Professional Liability policy or Workers' Compensation policy.

12) Repairs and Maintenance

Carlos Adams Basketball agrees to perform the maintenance and repairs required by the Lease (Exhibit1). In addition to these repairs/maintenance, Carlos Adams Basketball shall make all repairs and perform all maintenance necessary to preserve the Premises in good condition,

whether structural or otherwise; quality of repair and maintenance work shall be equal to that of original construction and condition.

Carlos Adams Basketball shall be responsible for ensuring that no waste or injury occurs to the Premises and at all times shall keep the Premises safe and clean and shall comply with all government laws and regulations governing care and maintenance of the Premises. Carlos Adams Basketball shall promptly remove rubbish which may accumulate on the Premises, ensure that open, unpaved areas are covered by grass and landscaped, mow and trim all grass and shrubbery and make every attempt to give the Premises a pleasing appearance, all at Carlos Adams Basketball's sole expense. Carlos Adams Basketball shall not permit materials, supplies, or equipment to be stored outside of buildings.

Should Carlos Adams Basketball, its officers, employees or agents damage the Premises, whether such damage occurs on the Premises or not, Carlos Adams Basketball promptly shall repair or replace damaged property to County's satisfaction; in lieu of repair or replacement, County, at its option, may require Carlos Adams Basketball to pay County money in an amount sufficient to compensate for any loss caused by such damage in order to restore the property to the same level of condition as it was in prior to such damages.

13) Assignment of Sublease

Carlos Adams Basketball shall not assign its interest in this Sublease with the prior written approval of the County.

14) Sale of Property

Carlos Adams Basketball understands that Cherokee County School System shall not be prohibited from the selling, leasing or use of any of the Premises or the surrounding property of Cherokee County School System, except as may be inconsistent with the Lease.

15) Taxes

County is a tax exempt governmental entity. Carlos Adams Basketball shall be responsible for all taxes levied upon Carlos Adams Basketball's leasehold improvements (including, but not limited to, Carlos Adams Basketball's equipment building) on the Premises.

16) Entire Agreement

This Sublease and its attachments constitute the entire agreement between the parties, and no oral statement or amendment not reduced to writing and signed by both parties shall be binding.

17) Notice

All other notices, requests, demands, writings, or correspondence, as required by this Sublease, shall be in writing and shall be deemed received, and shall be effective, when: (1) personally delivered, or (2) on the third day after the postmark date when mailed by certified mail, postage prepaid, return receipt requested, or (3) upon actual delivery when sent via national overnight commercial carrier to the Parties at the addresses given below, or at a substitute address previously furnished to the other Parties by written notice in accordance herewith:

NOTICE TO THE COUNTY shall be sent to:

Dale Jordan, Director, Procurement and Risk Management

Cherokee County Board of Commissioners

1130 Bluffs Parkway

Canton, GA 30114

NOTICE TO THE CARLOS ADAMS BASKETBALL shall be sent to:

Carlos Adams

408 Colemans Run

Woodstock, GA 30188

18) No Third Party Rights

This Sublease shall be exclusively for the benefit of the Parties and shall not provide any third parties with any remedy, claim, liability, reimbursement, cause of action or other right.

19) Jurisdiction and Sovereign Immunity

If any action at law or in equity is brought to enforce or interpret the provisions of this Sublease, the rules, regulations, statutes and laws of the State of Georgia will control. Any action or suit related to this Sublease shall be brought in the Superior Court of Cherokee County, Georgia

Nothing contained in this Sublease shall be construed to be a waiver of the County's sovereign or other immunity or any individual's qualified good faith or official or other immunities.

20) Nondiscrimination

In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and all other provisions of Federal law, Carlos Adams Basketball agrees that, during performance of this Sublease, Carlos Adams Basketball, for itself, its assignees and successors in interest, will not discriminate against any employee or applicant for employment, any subcontractor, or any supplier because of race, color, creed, national origin, gender, age or disability. In addition, Carlos Adams Basketball agrees to comply with all applicable implementing regulations and shall include the provisions of this Section 20 in every subcontract for services contemplated under this Sublease.

21) Indemnification

A) Carlos Adams Basketball hereby agrees to protect, defend, indemnify and hold the County and the Cherokee County School System harmless from and against any and all liabilities, claims, expenses, losses and damages, including, without limitation, reasonable attorneys' fees and disbursements, which may at any time be asserted against the County by the Cherokee County School System for failure of Carlos Adams Basketball to perform any of the covenants, agreements, terms, provisions or conditions contained in the Lease that, by reason of the provisions of this Sublease, Carlos Adams Basketball is obligated to perform. Carlos Adams Basketball further agrees to protect, defend, indemnify and hold the County and the Cherokee County School System harmless from and against any and all liabilities, claims, expenses, losses and damages, including, without limitation, reasonable attorneys' fees and disbursements, which may at any time be asserted against them by any person for claims arising or resulting in any way from: (a) the use and/or occupancy of the Premises by Carlos Adams Basketball, its officers, agents, employees, contractors, licensees, invitees, guests and/or customers; or (b) the acts or omissions of Carlos Adams Basketball, its officers, agents, employees, contractors, licensees, invitees, guests and customers. Upon notice from the County and/or the Cherokee County School System, Carlos Adams Basketball shall defend the same, at Carlos Adams Basketball's expense, by counsel reasonably satisfactory to the County. Carlos Adams Basketball hereby assumes all risk of damage to property or injury to or death of persons upon or about the Premises. Further, Carlos Adams Basketball releases the County and the Cherokee County School System from all liability for any damage to property, and for injury to person, death, or for loss of or damage to any property by theft or otherwise. Carlos Adams Basketball's obligations of indemnity set forth above shall not apply in the event of any claim resulting from the sole negligence of the County or the Cherokee County School System, respectively .

22) Exhibits Incorporated by Reference:

Exhibit 1 Cherokee County Lease with Cherokee County School System – which establishes the care and conditions for use of the building for which Carlos Adams Basketball shall be required to maintain to utilize the building.

Exhibit 2 Carlos Adams Basketball Proposal provided in response to Cherokee County's Request for Proposals # 2015-36 establishes the maintenance, expected profit sharing, background screening, business plan and other factors that establish the performance expectations which are required.

Exhibit 3 E-Verify Requirements for organizations providing professional services for the County, attached hereto and incorporated herein by reference.

23) Force Majeure:

Neither party is required to perform any term or covenant in this Sublease so long as performance is delayed or prevented by *force majeure*, which includes acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riot, floods, hurricanes, and any other cause not reasonably within the party's control and that such party cannot, by exercising due diligence, prevent or overcome, in whole or part

24) Invalidity of Provisions; Severability:

Should any article(s) or section(s) of this Sublease, or any part thereof, later be deemed unenforceable by a court of competent jurisdiction, the offending portion of the Sublease should be severed, and the remainder of this Sublease shall remain in full force and effect to the extent possible as if this Sublease had been executed with the invalid portion hereof eliminated, it being the intention of the Parties that they would have executed the remaining portion of this Sublease without including any such part, parts, or portions which may for any reason be hereafter declared invalid.

25) Authority to Contract.

Carlos Adams Basketball covenants and declares that it has obtained all necessary approvals of its board of directors, stockholders, general partners, limited partners or similar authorities to simultaneously execute and bind Carlos Adams Basketball to the terms of this Sublease.

The Undersigned execute this Sublease Agreement on the ____ day of June, 2015.

Cherokee County Board of Commissioners

By: _____

L.B. "Buzz" Ahrens, Jr.

Consented to by:

Attest: _____

Christy Black, County Clerk

Lady Shooters, Inc.

Cherokee County School System
Name/Title: _____

Carlos Adams
Carlos Adams, President

Attest: Gwen Freeman

Gwen Freeman, Secretary

[AFFIX CORPORATE SEAL]



Daisy Ceja Aguilon
6/8/15

Exhibit 1

LEASE AGREEMENT

This Lease Agreement is entered into between **Cherokee County School System a/k/a Cherokee County School District** (hereinafter referred to as "Landlord"), a subdivision of the State of Georgia, and **Cherokee County** (hereinafter referred to as "Tenant"), a subdivision of the State of Georgia.

1.

In consideration of the mutual covenants and agreements of this Lease Agreement ("the lease"), and other good and valuable consideration, Landlord demises and leases to Tenant, and Tenant leases from Landlord, a portion of the premises commonly known as the Buffington Elementary Gym and associated parking facilities (hereinafter referred to as "Premises") as identified on the attached Exhibit "A". The term of this lease is Twenty (20) years, beginning on August 17, 2007, and ending on August 16, 2027, unless terminated sooner as provided in this lease.

2.

Tenant will pay Landlord one (\$1) dollar per year on or before January 1 of each year as fixed rent. Tenant will pay this fixed rent to Landlord at Landlord's office, located at 110 Academy St., Canton, GA or at such other location or locations that Landlord may from time to time designate by written notice to Tenant.

(a) In addition to the fixed rent specified in paragraph 2, Tenant will pay in full all real-property taxes if any, special assessments, and governmental charges of any kind imposed on the Premises during the lease term, including any special assessments imposed on or against the Premises for constructing or improving public works. This additional rent is payable directly to the entity imposing the tax, assessment, or charge at least ten (10) days before the date payment is due. Tenant will provide Landlord with a receipt or other evidence of payment for each tax, assessment, or charge paid as soon as a receipt or other evidence is available to Tenant. Tenant represents and warrants to Landlord that Tenant intends to use the Premises for recreational purposes. Tenant's use of the property is restricted to those purposes specified in this section unless Tenant obtains Landlord's prior written consent to any change in use.

(b) Tenant may not use, or permit using, the Premises in any manner that results in waste of Premises or constitutes a nuisance or for any illegal purpose. Tenant, at its own expense, will comply, and will cause its officers, employees, agents, and invitees to comply, with all applicable laws, ordinances, and governmental rules and regulations concerning the use of the Premises, including Hazardous Materials Laws.

(c) Tenant, at its sole cost, must comply with all Hazardous Materials Laws in connection with Tenant's use of the Premises.



Cherokee County, Georgia Agenda Request

SUBJECT:

Amendments to ordinances related to Parks and Recreation, Alcohol Ordinance and No Smoking Policy.

MEETING DATE:

6/16/2015

SUBMITTED BY:

Bryan Reynolds

COMMISSION ACTION REQUESTED:

Consider amendments to ordinances related to Parks and Recreation, Alcohol Ordinance and No Smoking Policy. A Public Hearing was conducted on May 19, 2015.

FACTS AND ISSUES:

A Public Hearing was conducted on May 19, 2015 regarding amendments to: Part II, Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities; Part II, Chapter 6, Section 21- Alcohol Beverage Ordinance; and Part II, Chapter 2, Article I, Section 5 - No smoking Policy.

On May 5, 2015 the governor signed a bill into law dealing with fireworks. It was decided after the Public Hearing to postpone adoption of the ordinances until the second meeting in June to allow time for staff to work with Parks and Fire protection for criteria that will be protective of the public and users of consumers fireworks when the new law becomes effective July 1, 2015.

In an effort to update ordinances pertaining to recreation and parks, CRPA staff has recommended amendments to our current ordinances. These ordinances have been reviewed by county staff including the Chief Marshal, Animal Control, the County Manager and the County Attorney.

Information below is from original Public Hearing and related attachments:

They were reviewed by the Recreation and Parks Advisory Board at both their February and April meetings. At the February meeting, the advisory board voted to recommend amending the ordinance related to firearms in parks as follows: maintain the restriction on the discharge of firearms in county parks; remove the director's authority to allow the same; and separate fireworks into a different section. At the April meeting, the advisory board voted unanimously to recommend all the amendments as presented to the Board of Commissioners.

Included in the amendments are changes to the sections on firearms in parks, camping, hours of operation, and the operation and parking of motor vehicles. Also included in the amendments are new sections regulating domestic animals in parks including off leash dog areas, commercial activity in parks, golfing, pyrotechnics, metal detectors, model airplanes, rockets and drones, and use of bicycles and skateboards. The amendments are included for your review and consideration.

Amendments to the parks and recreation sections lead to suggested amendments to Section 6-21; Alcohol Beverage Ordinance and Section 2-5 No Smoking Policy. Those changes are also attached for your review. Specifically, Section 6-21 is being amended to delete Union Hill Community Center. Section 2-5 is being amended to address e-cigarettes and vaping in county buildings.

BUDGET:

Budgeted Amount: NA

Account Name: NA

Amount Encumbered: NA

Account #: NA

Amount Spent to Date: NA

Remaining Budget: NA

Amount Requested: NA

ADMINISTRATIVE RECOMMENDATION:

Consider amendments to: Part II, Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities; Part II, Chapter 6, Section 21- Alcohol Beverage Ordinance; and Part II, Chapter 2, Article I, Section 5 - No smoking Policy.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> County Attorney Email RE Fireworks June 15	Cover Memo
<input type="checkbox"/> Parks Ordinance Draft June 15	Ordinance
<input type="checkbox"/> Executive Summary Ordinance Amendments	Backup Material
<input type="checkbox"/> Parks Ordinance Draft from May 19	Backup Material
<input type="checkbox"/> Alcohol Beverage Ordinance Sect 6-21	Backup Material
<input type="checkbox"/> No Smoking Policy Section 2-5 Revisions	Backup Material
<input type="checkbox"/> HB 15	Backup Material
<input type="checkbox"/> Fireworks Bill Highlights	Backup Material

STATE OF GEORGIA
COUNTY OF CHEROKEE

ORDINANCE NO. 2015-O-003

An ordinance to amend the Cherokee County Code of Ordinances; as shown at Part II, Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities; to enact and enforce rules and regulations of the park and recreation areas of Cherokee County, Georgia; to provide penalties for violations; to provide for severability; to repeal conflicting ordinances and for other purposes.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

WHEREAS, the Cherokee County Board of Commissioners adopted an ordinance in 1987 that established certain rules and regulations for parks; and

WHEREAS, the Cherokee County Board of Commissioners deems it appropriate to update such rules and regulations;

BE IT ORDAINED, by the Cherokee County Board of Commissioners and it is hereby enacted pursuant to the authority of the same that the Cherokee County Code of Ordinances at Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities is hereby amended to read as follows:

Section 42-36 Title

This ordinance shall be known and may be referred to as the "Cherokee County Ordinance for the Use of Parks and Recreational Facilities."

Section 42-37 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning.

Director means the Director of the Cherokee Recreation and Parks Agency.

Director's Authorized Agent means employees and agents of the Cherokee Recreation and Parks Agency authorized to act on behalf of the Director of the Cherokee Recreation and Parks Agency.

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

E-cigarette(s) means any electronic oral device, such as one consisting of a heating element, battery, and/or electronic circuit, that produces an aerosol mist or vapor, the use or inhalation of which simulates smoking. The term "vaping" shall mean the use of an e-cigarette or inhalation of the vaporized contents of an e-cigarette.

Park and recreation facility means all Cherokee County public parks and recreation areas in such parks including the land, buildings, lakes, ponds, streams, swimming pools, and all other property and buildings owned, leased, or managed by Cherokee County and the Cherokee Recreation and Parks Agency within said parks and recreation facilities.

All references to masculine pronouns shall be construed to be gender neutral.

Section 42-38 Enforcement of the Article

This article may be enforced by any authorized law enforcement officer of Cherokee County. Where there has been a violation of any provision of this chapter, the law enforcement officer in his discretion may issue a citation, warning and/or order the person to leave the park or recreation facility.

Section 42-39 Penalties for Violations

- a) Any person who is convicted of a violation of any of the provisions of this article shall be punished as provided in Section 1-12 of the Cherokee County Code of Ordinances, except that the maximum fine for littering shall be \$1,000.00 for each such conviction.
- b) Any person convicted of a violation of this article shall be denied any park permit or other permission to utilize the facilities of any park or recreation facility for a period of no less than 60 days following said conviction including but not limited to the rental of athletic fields, pavilions, rental of other recreation facilities, etc.

Section 42-40 Application and Issuance of Permits

- a) Permits for restricted uses or activities in a park or recreation facility shall be obtained by application to the director or the director's authorized agent. Upon examination of the application and all other relevant factors, the director or the director's authorized agent shall approve and issue or deny the permit.
- b) The director or the director's authorized agent shall have the authority to revoke any permit if the permittee is found to be in violation of any park rules or regulations or upon good cause shown.

Section 42-41 Alcohol Possession and Consumption and Drug Use

No person shall possess or consume any alcoholic beverage, as defined in the laws of this state, in any park or recreation facility, nor shall any person use or possess any drug or any other controlled substance, as defined in the laws of this state, except as lawfully permitted by the laws of this state, in any park or recreation facility.

Section 42-42 Animal Control in Parks

Domestic animals, as defined in this article, are permitted within a park or recreation facility with the following restrictions.

- 1) It shall be the duty of every domestic animal owner or custodian of such animal to have physical control of the animal by leash no longer than six feet at all times and under the immediate physical control of a person capable of preventing the domestic animal from engaging any other human or animal when necessary or securely enclosed in a locked cage, crate or pet carrier suitable for the domestic animal's size within a park or recreation facility where animals are permitted, except in fenced areas designated by the county where domestic animals are expressly permitted to be off of a leash.

- 2) Other than service animals as necessary, or unless authorized by permit, it shall be unlawful for any person with a domestic animal to access areas of a park or recreation facility which are restricted to such animals.
- 3) It shall be the duty of every domestic animal owner or custodian of such animal to immediately and properly dispose of waste deposited by the animal while in a park or recreation facility.
- 4) It shall be the duty of every domestic animal owner or custodian of such animal in a park or recreation facility to have in his or her possession proof of a current rabies vaccination for the animal.
- 5) It shall be the duty of every domestic animal owner or custodian of such animal in a park or recreation facility to immediately remove such animal from the park or recreation facility upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domestic animal.

Section 42-43 Dogs in Off Leash Areas or Dog Parks

Notwithstanding Section 42-42, an owner or custodian of a dog is not required to have the dog on a leash in a park or portion of a park which has been designated as an “off-leash area” with the following restrictions.

- 1) No owner or custodian of a dangerous, vicious or guard/protection dog, as defined in Section 10-26 of the Animal Control Ordinance, shall permit the dog to be in an off-leash area at any time.
- 2) No person shall allow an animal other than a dog to enter into or remain in an area that has been designated as an “off-leash area”.
- 3) The owner or custodian of a dog in an “off-leash area” shall ensure that such dog is under control at all times.
- 4) An Animal Control Officer or other officer empowered to act by law may order that a dog be put on a leash and/or order that a dog be removed from an off-leash area at any time.

Section 42-44 Camping

It shall be unlawful to camp overnight in any park or recreation facility unless such person has first obtained a permit to camp in the park or recreation facility from the director or the director’s authorized agent at sites or areas specifically designated by the county for camping within the park or recreation facility and then only in accordance with such rules, regulations and restrictions established by the director or the director’s authorized agent.

Section 42-45 Commercial Activity

It shall be unlawful for any person to sell or offer for sale any merchandise or service to members of the public or operate or attempt to operate a concession or engage in any commercial activity marketed towards members of the public in a park or recreation facility unless authorized by written permit from the director or the director’s authorized agent. For the purposes of this Section, private lessons given in any park or recreational facility for personal profit shall be considered to be marketed towards members of the public.

Section 42-46 Discharge of Firearms in Parks

It shall be unlawful for any person to discharge a firearm in any park or recreation facility.

Section 42-47 Open Fires in Parks

No open fires except in picnic grills as provided by the county shall be permitted at any time or at any place in any park or recreation facility. Fires in picnic grills as provided by the county shall not be left unattended and shall be completely extinguished before leaving the immediate vicinity.

Section 42-48 Golfing Regulated

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf, except at a recreation facility designated by the county for such use and only in accordance with the rules, regulations and restrictions established by the director or the director's authorized agent. For the purposes of this section, the game of golf does not include disc golf.

Section 42-49 Hours of Operation

- a) The hours of operation for all park or recreation facilities except those outlined in subsection (b) shall be from sunrise to 11:00 PM. Exterior athletic field and court lights shall be extinguished by 11:00 PM except to conclude scheduled recreation or sporting events in progress prior to 11:00 PM.
- b) The director will have the authority to establish the hours & days of operation for the Cherokee County Aquatic Center, Recreation Center, Union Hill Community Center, and Waleska Splash Pad.
- c) The hours of operation shall be posted at each park or recreation facility. It shall be unlawful for any person to enter or be within a park or recreation facility outside of the posted hours of operation unless approved by written permit or unless such person is participating in an authorized and scheduled program, class, special event or meeting.

Section 42-50 Littering and Dumping

It shall be unlawful for any person to litter, dump or otherwise dispose of household garbage or any other trash, waste, refuse or debris not connected with his use and enjoyment of the parks and recreation facility. Littering, dumping and other forms of prohibited disposition are defined in the general laws of this state.

All garbage, trash, waste and other debris generated from the use by patrons of the parks and recreation facility shall be properly disposed of in containers provided for that purpose or at other such places where disposition or disposal may lawfully be made. Where public receptacles are not provided, all such litter shall be carried away from the park or recreation facility by the person responsible for its presence and shall be properly disposed of elsewhere.

Section 42-51 Operation of Motor Vehicles Regulated

- a) It shall be unlawful for any person to operate any motor vehicle in a park or recreation facility at an excessive speed, in a reckless and unsafe manner, or in violation of posted traffic signs.
- b) It shall be unlawful for any person to operate any motor vehicle upon or across any part of any park or recreation facility except upon areas designated for vehicular travel.

Subsection (b) shall not apply to county employees, volunteers and contractors whose duties require them to drive and/or park motor vehicles or equipment over such parks as authorized by the director or the director's

authorized agent. This subsection shall not apply to any law enforcement officer or emergency personnel when their duties require them to drive over and/or park their vehicle within said park or recreation facility.

- c) See Article I Section 38-5 of the Cherokee County Code of Ordinances regarding the operation of all-terrain vehicles in a park or recreation facility.

Section 42-52 Parking Regulated

- a) It shall be unlawful to park a motor vehicle in a park or recreation facility except in marked parking spaces or those areas designated by official signage as vehicle parking areas.

Subsection (a) shall not apply to county employees, volunteers and contractors whose duties require them to drive and/or park motor vehicles or equipment over such parks as authorized by the director or the director's authorized agent. This subsection shall not apply to any law enforcement officer or emergency personnel when their duties require them to drive over and/or park their vehicle within said park or recreation facility.

- b) It shall be unlawful to leave a motor vehicle standing or parked in a park or recreation facility during hours when the park or recreation facility is closed, except for overnight campers who are within officially designated overnight camping areas, or unless otherwise authorized by the director or the director's agent.
- c) It shall be unlawful to park a motor vehicle in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement, or where the parking of such vehicle creates a safety hazard, or endangers any person, property or environmental feature.
- d) It shall be unlawful for any person to park a motor vehicle in a parking space or location designated for handicapped parking unless such vehicle properly displays a handicapped parking permit.
- e) In addition to a citation for violation of this article, any motor vehicle that is parked in violation of this article and left unattended for more than 24 hours may be towed from the park or recreation facility at the owner's expense by Cherokee County or by a private towing company to a private impound lot. The vehicle owner shall be responsible for all towing expenses and charges incurred in towing the vehicle and all accrued daily impoundment storage fees.

Section 42-53 Smoking, Vaping, and Tobacco Use in Parks

It shall be unlawful for any person to inhale, vape, exhale, burn, or carry any turned on e-cigarette, lighted cigar, cigarette, pipe or other combustible substance in any manner or form within 25 feet of a playground, picnic pavilion, athletic field or court including the adjacent spectator areas, or outdoor pool or aquatic playground. Consistent with the County's No-Smoking Ordinance, smoking, vaping, and tobacco use are prohibited inside any building located within a park or recreation facility or within of 25 feet of the entrance or exit of said building.

Section 42-54 Use of Detection Devices

It shall be unlawful for any person to use any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting in any park or recreation facility without written authorization from the director or the director's authorized agent.

Section 42-55 Use of Engine-Powered Models, Toys and Unmanned Aerial Systems

It shall be unlawful for any person to start, fly or use any fuel-powered engine, jet-type or electric powered model aircraft, boat or rocket or like powered toy or unmanned aerial system, except at those areas designated by the county for such use and then only in accordance with such rules, regulations and restrictions established by the director or the director's authorized agent.

Section 42-56 Use of Skateboards, Scooters, Skates and Bicycles

- a) Use of bicycles, scooters, skateboards or skates is permitted only in areas within a park or recreation facility designated by the director or the director's authorized agent for such operation.
- b) No person under the age of 16 years shall operate or be a passenger on a bicycle, scooter, skateboard or skates within a park or recreation facility unless such person is wearing a helmet which meets or exceeds the impact standards for helmets under Georgia law.

Section 42-57 Severability

If any part of this Ordinance is for any reason held to be void or invalid, the validity of the remaining parts of this Ordinance or its application to other persons or set of circumstances shall not be affected thereby.

Section 42-58 Repealer

All previous Ordinances, policies or resolutions in conflict with this Ordinance are hereby repealed.

SO ORDAINED this 16th day of June, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

ATTEST:

Steve West, District 1

Christy Black, County Clerk

Raymond Gunnin, District 2

Brian Poole, District 3

K. Scott Gordon, District 4



Cherokee Recreation & Parks Agency



MEMORANDUM

To: Cherokee County Board of Commissioners
CC: Jerry Cooper, County Manager
From: Bryan Reynolds, CRPA Director
Date: May 19, 2015
RE: Summary of Proposed Ordinance Changes

CRPA staff recently completed a review of our county ordinances as they apply to our parks and recreation system. The last significant update appears to have been in 1987. Staff reviewed our current parks system, received input from the advisory board and reviewed similar ordinances in neighboring communities. The proposed changes were also reviewed internally by the county manager, county marshal and animal shelter staff. They have been reviewed by the county attorney. The advisory board reviewed and discussed them at both their February and April 2015 meetings. Following the discussion in April, they voted unanimously to recommend the changes to the Board of Commissioners. In addition to the public hearing scheduled for May 19th, public input was available at each advisory board meeting.

The proposed amendments for Chapter 42, Article II – Use of Parks and Recreation Facilities are significant. Suggested changes regarding alcohol in parks and smoking in parks also led to proposed amendments for Chapter 6, Section 21 and Chapter 2, Article I, Section 5. Following is a brief summary of the proposed changes.

New Sections

- Added a section defining frequently used terms and phrases within the ordinance.
- Added a section clarifying that any authorized law enforcement officer may enforce the ordinances.
- Added a section outlining a process for issuing permits for certain uses of parks.
- Added a section on animal control in parks that provides requirements and restrictions on domestic animals in parks.
- Added a section on dogs in off-leash areas to provide requirements for any future dog parks.
- Added a section that regulates commercial activity in parks (i.e. concessionaires, fitness training, sports instruction, etc.) through a permit process.
- Added a section to regulate golfing in parks.
- Added a section regulating the use of fireworks in parks.
- Added a section regulating smoking, including e-cigarettes, and tobacco use in parks. The county's no smoking ordinance is also recommended for amendment to include e-cigarettes.
- Added a section regulating the use of detection devices in parks.
- Added a section regulating the use of model airplanes, rockets and drones in parks.
- Added a section regulating the use of skateboards, scooters, skates and bicycles in parks.

Changes to Existing Sections

- The section on penalties is unchanged except for an increase in the maximum fine for littering from \$100 to \$1,000.
- The section on alcohol in parks is unchanged. However, section 6-21c has been changed to delete the Union Hill Community Center as a location that permits alcohol under certain circumstances.
- The section on camping in parks has been modified to allow overnight camping only in areas designated by the county for such purpose and only with a permit.
- The section on firearms in parks retains the prohibition on discharging a firearm in a park; removes the director's ability to grant permission for such and moves fireworks to a different section. This is based on a unanimous recommendation from the advisory board.
- Added language to the section on fires in parks to require they are not left unattended and they are extinguished before leaving the area.
- The section on hours of operation has been modified to include facilities which require staffing and whose hours change seasonally; i.e. the aquatic center, recreation center, splash pad, Union Hill Community Center, etc.
- The only change in the littering section is to add language requiring trash be carried away when public receptacles are not provided.

I am available if you have any questions. Thank you.

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2015-O-003

An ordinance to amend the Cherokee County Code of Ordinances; as shown at Part II, Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities; to enact and enforce rules and regulations of the park and recreation areas of Cherokee County, Georgia; to provide penalties for violations; to provide for severability; to repeal conflicting ordinances and for other purposes.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

WHEREAS, the Cherokee County Board of Commissioners adopted an ordinance in 1987 that established certain rules and regulations for parks; and

WHEREAS, the Cherokee County Board of Commissioners deems it appropriate to update such rules and regulations;

BE IT ORDAINED, by the Cherokee County Board of Commissioners and it is hereby enacted pursuant to the authority of the same that the Cherokee County Code of Ordinances at Chapter 42 - Parks and Recreation, Article II - Use of Parks and Recreational Facilities is hereby amended to read as follows:

Section 42-36 Title

This ordinance shall be known and may be referred to as the "Cherokee County Ordinance for the Use of Parks and Recreational Facilities."

Section 42-37 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning.

Director means the Director of the Cherokee Recreation and Parks Agency.

Director's Authorized Agent means employees and agents of the Cherokee Recreation and Parks Agency authorized to act on behalf of the Director of the Cherokee Recreation and Parks Agency.

Domestic animal means an animal that, through long association with humans, has been adapted to human living conditions.

E-cigarette(s) means any electronic oral device, such as one consisting of a heating element, battery, and/or electronic circuit, that produces an aerosol mist or vapor, the use or inhalation of which simulates smoking. The term "vaping" shall mean the use of an e-cigarette or inhalation of the vaporized contents of an e-cigarette.

Park and recreation facility means all Cherokee County public parks and recreation areas in such parks including the land, buildings, lakes, ponds, streams, swimming pools, and all other property and buildings owned, leased, or managed by Cherokee County and the Cherokee Recreation and Parks Agency within said parks and recreation facilities.

All references to masculine pronouns shall be construed to be gender neutral.

Section 42-38 Enforcement of the Article

This article may be enforced by any authorized law enforcement officer of Cherokee County. Where there has been a violation of any provision of this chapter, the law enforcement officer in his discretion may issue a citation, warning and/or order the person to leave the park or recreation facility.

Section 42-39 Penalties for Violations

- a) Any person who is convicted of a violation of any of the provisions of this article shall be punished as provided in Section 1-12 of the Cherokee County Code of Ordinances, except that the maximum fine for littering shall be \$1,000.00 for each such conviction.
- b) Any person convicted of a violation of this article shall be denied any park permit or other permission to utilize the facilities of any park or recreation facility for a period of no less than 60 days following said conviction including but not limited to the rental of athletic fields, pavilions, rental of other recreation facilities, etc.

Section 42-40 Application and Issuance of Permits

- a) Permits for restricted uses or activities in a park or recreation facility shall be obtained by application to the director or the director's authorized agent. Upon examination of the application and all other relevant factors, the director or the director's authorized agent shall approve and issue or deny the permit.

- b) The director or the director's authorized agent shall have the authority to revoke any permit if the permittee is found to be in violation of any park rules or regulations or upon good cause shown.

Section 42-41 Alcohol Possession and Consumption and Drug Use

No person shall possess or consume any alcoholic beverage, as defined in the laws of this state, in any park or recreation facility, nor shall any person use or possess any drug or any other controlled substance, as defined in the laws of this state, except as lawfully permitted by the laws of this state, in any park or recreation facility.

Section 42-42 Animal Control in Parks

Domestic animals, as defined in this article, are permitted within a park or recreation facility with the following restrictions.

- 1) It shall be the duty of every domestic animal owner or custodian of such animal to have physical control of the animal by leash no longer than six feet at all times and under the immediate physical control of a person capable of preventing the domestic animal from engaging any other human or animal when necessary or securely enclosed in a locked cage, crate or pet carrier suitable for the domestic animal's size within a park or recreation facility where animals are permitted, except in fenced areas designated by the county where domestic animals are expressly permitted to be off of a leash.
- 2) Other than service animals as necessary, or unless authorized by permit, it shall be unlawful for any person with a domestic animal to access areas of a park or recreation facility which are restricted to such animals.
- 3) It shall be the duty of every domestic animal owner or custodian of such animal to immediately and properly dispose of waste deposited by the animal while in a park or recreation facility.
- 4) It shall be the duty of every domestic animal owner or custodian of such animal in a park or recreation facility to have in his or her possession proof of a current rabies vaccination for the animal.
- 5) It shall be the duty of every domestic animal owner or custodian of such animal in a park or recreation facility to immediately remove such animal from the park or recreation facility upon such animal exhibiting aggressive behavior toward any person or toward any other domesticated animal. For the purposes of this subsection, aggressive behavior includes, but is not limited to growling, baring of teeth or fangs, biting or attempts to bite, or any other behavior that could reasonably be expected to scare or intimidate any person or domestic animal.

Section 42-43 Dogs in Off Leash Areas or Dog Parks

Notwithstanding Section 42-42, an owner or custodian of a dog is not required to have the dog on a leash in a park or portion of a park which has been designated as an "off-leash area" with the following restrictions.

- 1) No owner or custodian of a dangerous, vicious or guard/protection dog, as defined in Section 10-26 of the Animal Control Ordinance, shall permit the dog to be in an off-leash area at any time.
- 2) No person shall allow an animal other than a dog to enter into or remain in an area that has been designated as an "off-leash area".
- 3) The owner or custodian of a dog in an "off-leash area" shall ensure that such dog is under control at all times.
- 4) An Animal Control Officer or other officer empowered to act by law may order that a dog be put on a leash and/or order that a dog be removed from an off-leash area at any time.

Section 42-44 Camping

It shall be unlawful to camp overnight in any park or recreation facility unless such person has first obtained a permit to camp in the park or recreation facility from the director or the director's authorized agent at sites or areas specifically designated by the county for camping within the park or recreation facility and then only in accordance with such rules, regulations and restrictions established by the director or the director's authorized agent.

Section 42-45 Commercial Activity

It shall be unlawful for any person to sell or offer for sale any merchandise or service to members of the public or operate or attempt to operate a concession or engage in any commercial activity marketed towards members of the public in a park or recreation facility unless authorized by written permit from the director or the director's authorized agent. For the purposes of this Section, private lessons given in any park or recreational facility for personal profit shall be considered to be marketed towards members of the public.

Section 42-46 Firearms in Parks

It shall be unlawful for any person to discharge a firearm in any park or recreation facility.

Section 42-47 Open Fires in Parks

No open fires except in picnic grills as provided by the county shall be permitted at any time or at any place in any park or recreation facility. Fires in picnic grills as provided by the county shall not be left unattended and shall be completely extinguished before leaving the immediate vicinity.

Section 42-48 Golfing Regulated

It shall be unlawful for any person to practice, play or otherwise participate in the game of golf, except at a recreation facility designated by the county for such use and only in accordance with the rules, regulations and restrictions established by the director or the director's authorized agent. For the purposes of this section, the game of golf does not include disc golf.

Section 42-49 Hours of Operation

- a) The hours of operation for all park or recreation facilities except those outlined in subsection (b) shall be from sunrise to 11:00 PM. Exterior athletic field and court lights shall be extinguished by 11:00 PM except to conclude scheduled recreation or sporting events in progress prior to 11:00 PM.
- b) The director will have the authority to establish the hours & days of operation for the Cherokee County Aquatic Center, Recreation Center, Union Hill Community Center, and Waleska Splash Pad.
- c) The hours of operation shall be posted at each park or recreation facility. It shall be unlawful for any person to enter or be within a park or recreation facility outside of the posted hours of operation unless approved by written permit or unless such person is participating in an authorized and scheduled program, class, special event or meeting.

Section 42-50 Littering and Dumping

It shall be unlawful for any person to litter, dump or otherwise dispose of household garbage or any other trash, waste, refuse or debris not connected with his use and enjoyment of the parks and recreation facility. Littering, dumping and other forms of prohibited disposition are defined in the general laws of this state.

All garbage, trash, waste and other debris generated from the use by patrons of the parks and recreation facility shall be properly disposed of in containers provided for that purpose or at other such places where disposition or disposal may lawfully be made. Where public receptacles are not provided, all such litter shall be carried away from the park or recreation facility by the person responsible for its presence and shall be properly disposed of elsewhere.

Section 42-51 Operation of Motor Vehicles Regulated

- a) It shall be unlawful for any person to operate any motor vehicle in a park or recreation facility at an excessive speed, in a reckless and unsafe manner, or in violation of posted traffic signs.
- b) It shall be unlawful for any person to operate any motor vehicle upon or across any part of any park or recreation facility except upon areas designated for vehicular travel.

Subsection (b) shall not apply to county employees, volunteers and contractors whose duties require them to drive and/or park motor vehicles or equipment over such parks as authorized by the director or the director's authorized agent. This subsection shall not apply to any law enforcement officer or emergency personnel when their duties require them to drive over and/or park their vehicle within said park or recreation facility.

- c) See Article I Section 38-5 of the Cherokee County Code of Ordinances regarding the operation of all-terrain vehicles in a park or recreation facility.

Section 42-52 Parking Regulated

- a) It shall be unlawful to park a motor vehicle in a park or recreation facility except in marked parking spaces or those areas designated by official signage as vehicle parking areas.

Subsection (a) shall not apply to county employees, volunteers and contractors whose duties require them to drive and/or park motor vehicles or equipment over such parks as authorized by the director or the director's authorized agent. This subsection shall not apply to any law enforcement officer or emergency personnel when their duties require them to drive over and/or park their vehicle within said park or recreation facility.

- b) It shall be unlawful to leave a motor vehicle standing or parked in a park or recreation facility during hours when the park or recreation facility is closed, except for overnight campers who are within officially designated overnight camping areas, or unless otherwise authorized by the director or the director's agent.
- c) It shall be unlawful to park a motor vehicle in violation of posted restrictions and regulations, or in such a manner as to obstruct or impede normal or emergency traffic movement, or where the parking of such vehicle creates a safety hazard, or endangers any person, property or environmental feature.
- d) It shall be unlawful for any person to park a motor vehicle in a parking space or location designated for handicapped parking unless such vehicle properly displays a handicapped parking permit.
- e) In addition to a citation for violation of this article, any motor vehicle that is parked in violation of this article and left unattended for more than 24 hours may be towed from the park or recreation facility at the owner's expense by Cherokee County or by a private towing company to a private impound lot. The vehicle owner shall be responsible for all towing expenses and charges incurred in towing the vehicle and all accrued daily impoundment storage fees.

Section 42-53 Pyrotechnics (Fireworks, Explosives, Projectiles, Rockets, Etc.) Regulated

It shall be unlawful for any person to display, use, set off or attempt to ignite any consumer firecracker, fireworks, smoke bombs, rockets or other explosive or aerial pyrotechnics, unless approved by written permit by the county to include authorization from the director or the director's authorized agent. Public displays of non-consumer fireworks, as defined in O.C.G.A. § 25-10-1(5), shall continue to require a permit from the judge of the Cherokee County Probate Court, as required by O.C.G.A. § 25-10-4.

Section 42-54 Smoking, Vaping, and Tobacco Use in Parks

It shall be unlawful for any person to inhale, vape, exhale, burn, or carry any turned on e-cigarette, lighted cigar, cigarette, pipe or other combustible substance in any manner or form within 25 feet of a playground, picnic pavilion, athletic field or court including the adjacent spectator areas, or outdoor pool or aquatic playground. Consistent with the County's No-Smoking Ordinance, smoking, vaping, and tobacco use are prohibited inside any building located within a park or recreation facility or within of 25 feet of the entrance or exit of said building.

Section 42-55 Use of Detection Devices

It shall be unlawful for any person to use any electronic device for the detection of metals, minerals, artifacts, lost articles, or for treasure hunting in any park or recreation facility without written authorization from the director or the director's authorized agent.

Section 42-56 Use of Engine-Powered Models, Toys and Unmanned Aerial Systems

It shall be unlawful for any person to start, fly or use any fuel-powered engine, jet-type or electric powered model aircraft, boat or rocket or like powered toy or unmanned aerial system, except at those areas designated by the county for such use and then only in accordance with such rules, regulations and restrictions established by the director or the director's authorized agent.

Section 42-57 Use of Skateboards, Scooters, Skates and Bicycles

- a) Use of bicycles, scooters, skateboards or skates is permitted only in areas within a park or recreation facility designated by the director or the director's authorized agent for such operation.
- b) No person under the age of 16 years shall operate or be a passenger on a bicycle, scooter, skateboard or skates within a park or recreation facility unless such person is wearing a helmet which meets or exceeds the impact standards for helmets under Georgia law.

Section 42-58 Severability

If any part of this Ordinance is for any reason held to be void or invalid, the validity of the remaining parts of this Ordinance or its application to other persons or set of circumstances shall not be affected thereby.

Section 42-59 Repealer

All previous Ordinances, policies or resolutions in conflict with this Ordinance are hereby repealed.

SO ORDAINED this _____ day of _____, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

Steve West, District 1

Raymond Gunnin, District 2

Brian Poole, District 3

K. Scott Gordon, District 4

ATTEST:

Christy Black, County Clerk

COUNTY OF CHEROKEE)
)
STATE OF GEORGIA)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER SIX (6) OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, RELATING TO ALCOHOLIC BEVERAGES, SO AS TO DISCONTINUE THE SALE, POSSESSION, OR CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE UNION HILL CLUBHOUSE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and

WHEREAS, O.C.G.A. § 3-3-2 confers upon the governing authorities of Georgia counties and municipalities discretionary powers within the guidelines of due process set forth therein as to the granting or refusal, suspension, or revocation of permits or licenses for the manufacture, distribution, and sale by wholesale or retail of alcoholic beverages, including the promulgation of ascertainable standards in the local licensing ordinance upon which all decisions pertaining to such permits or licenses shall be based; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance to protect and

preserve the public health, safety, and welfare of the population of the unincorporated areas of Cherokee County;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA as follows:

1.

The Cherokee County Code of Ordinances, Chapter 6, Section 21, subsection (c), shall be amended by striking the Union Hill Clubhouse from the list of county-owned facilities at which alcoholic beverages may be sold, possessed, and consumed, as follows:

No person shall drink any distilled spirits, wine, beer or other alcoholic beverage upon any county property, within any county-owned park or building, or within the boundaries of any other county-owned facility; with the exception of alcoholic beverages purchased from a vendor licensed to sell and dispense alcoholic beverages at approved scheduled functions at the Cherokee County Conference Center, ~~and Union Hill Clubhouse~~; and with further exception of alcoholic beverages dispensed at scheduled functions held in the Historic Society Museum located within the Cherokee County Historic Courthouse. This provision must be read in conjunction with the employee drug and alcohol policies and procedures set forth in the Cherokee County Personnel Policy Manual and Employee Handbook, as such policies and procedures now exist or may be amended in the future. This provision shall not apply to events sponsored by the county.

2.

Remaining Portions Unaffected. Except as specified hereinabove, all remaining portions of the Cherokee County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

Severability. It is the express intent of the Cherokee County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

Conflicting Ordinances Repealed. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

5.

Effective Date. This Ordinance shall become effective immediately upon passage.

SO ORDAINED this ____ day of _____, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

Steve West, District 1

Raymond Gunnin, District 2

Brian Poole, District 3

K. Scott Gordon, District 4

ATTEST:

Christy Black, County Clerk

COUNTY OF CHEROKEE)
)
STATE OF GEORGIA)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER TWO (2) OF THE CODE OF ORDINANCES OF CHEROKEE COUNTY, RELATING TO COUNTY ADMINISTRATION, SO AS TO EXTEND THE COUNTY TOBACCO-FREE POLICY TO ENCOMPASS E-CIGARETTES AND SMOKELESS TOBACCO; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance to protect and preserve the public health, safety, and welfare of the population of the unincorporated areas of Cherokee County;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, GEORGIA as follows:

1.

The Cherokee County Code of Ordinances, Chapter 2, Section 5, shall be amended by deleting Section 2-5 in its entirety and replacing the same with a new Section 2-5, which shall read as follows:

Sec. 2-5. - No smoking and tobacco-free policy within the county facilities.

(a) E-cigarette(s) means any electronic oral device, such as one consisting of a heating element, battery, and/or electronic circuit, that produces an aerosol mist or vapor, the use or inhalation of which simulates smoking. The term “vaping” shall mean the use of an e-cigarette or inhalation of the vaporized contents of an e-cigarette.

(b) There shall be no smoking of tobacco products, use of smokeless tobacco products, or vaping of e-cigarettes in county buildings, facilities, vehicles and lease space and equipment, except in those areas as designated by the board of commissioners. In addition, smoking and vaping are prohibited within 100 feet of any flammable substance and outdoor working including fueling stations, three-wall garages and storage areas. However, in other outdoor spaces where fuel and other flammable substances are contained in approved containers, smoking and vaping may be permitted. Smoking and vaping will be permitted in outside work areas which are not within 100 feet of any flammable or combustible substance.

2.

Remaining Portions Unaffected. Except as specified hereinabove, all remaining portions of the Cherokee County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

Severability. It is the express intent of the Cherokee County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given

effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

Conflicting Ordinances Repealed. Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

5.

Effective Date. This Ordinance shall become effective immediately upon passage.

SO ORDAINED this ____ day of _____, 2015.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Jr., Chairman

Steve West, District 1

Raymond Gunnin, District 2

Brian Poole, District 3

K. Scott Gordon, District 4

ATTEST:

Christy Black, County Clerk

HB 110 – Fireworks

HB 110 by Rep. Jay Robert (Ocilla) passed during the 2015 Legislative Session. It has been sent to Gov. Nathan Deal for his signature. HB 110 allows for the sale of fireworks in Georgia. Below are listed the key points of this legislation.

Permit to Sell Fireworks

- Georgia's Safety Fire Commissioner (which is also the State Insurance Commissioner) will issue a state license to sell fireworks after an applicant meets specific insurance and criminal background requirements and pays the state license fee.

Where Fireworks Can Be Sold

- Fireworks can be sold statewide. Local governments cannot ban or restrict firework sales within their jurisdictions.
- Local governments are allowed to regulate where fireworks can be sold through local zoning regulations.
- Fireworks may be sold from a permanent consumer fireworks retail sales facility, store or temporary structure if it complies with the requirements as described by the National Fire Protection Association.
- Temporary structures for the sale of fireworks must be set-up within 1,000 feet of a fire hydrant or a fire department connection of a building unless the chief administrative officer of a fire department gives permission in writing stating otherwise.

Usage of Fireworks

- Fireworks can be used between the hours of 10:00 a.m. and midnight. On January 1, July 3, July 4 and December 31, fireworks can be used from 10:00 a.m. through 2:00 a.m.
- Fireworks cannot be exploded within 100 yards of a nuclear power facility or a gas station, or a facility that refines, processes, or blends gasoline.

Fees Payable to Local Governments

- Local governments may assess a fee up to \$100 for the issuance of a special use permit.
- The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand is set at \$500 and expires 90 days after it has been issued.
- Local government must dedicate fees collected from the issuance of a special use permit for the sale of fireworks for public safety purposes.

Excise Tax on the Sale of Fireworks

- The sale of fireworks is subject to a 5 percent excise tax. The funds from the excise tax go to the State of Georgia.

Additional Local Government Regulations

- Local governments are not allowed to enact additional regulations related to the sale or use or explosion of fireworks.

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Additional Local Government Regulations

- Local governments are not allowed to enact additional regulations related to the sale or use or explosion of fireworks.



Cherokee County, Georgia Agenda Request

SUBJECT:
Annexation Notices-City of Holly Springs.

MEETING DATE:
6/16/2015

SUBMITTED BY:
Christy Black

COMMISSION ACTION REQUESTED:

Annexation notices received by City of Holly Springs regarding properties located at 160 Owens Farms Lane / Vaughn Road.

FACTS AND ISSUES:

The following parcels, located off of Vaughn Road, have been requested for annexation and to be rezoned to TND, Traditional Neighborhood Development for single family residential development.

15N26 138 15N26E 141B

Owners: The Orchards of East Cherokee Community Association, Inc. (15N26 138); Estate of Wynell C. Foster (15N26 138).

Applicant: Bethany Properties Group, LLC. Current Zoning: 15N26E 141B: RZL; 15N26 138: R80.

Proposed Zoning: TND.

Proposed Use: Buffer/Single Family Lots. Future Development Map: Country Estates/Suburban Living/Community Village Node.

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Letter from Holly Springs	Cover Memo
<input type="checkbox"/> Email memo from Paul Higbee	Cover Memo
<input type="checkbox"/> Application Owens Farm Lane	Backup Material
<input type="checkbox"/> Application Vaughn Road	Backup Material
<input type="checkbox"/> Chatham Vaughn Holly Springs Staff Analysis	Backup Material

- ▣ Vaughn Road FDM
- ▣ Vaughn Road Zoning
- ▣ Citizen Comments Vaughn Road

Backup Material

Backup Material

Backup Material

Mayor
Timothy B. Downing



City Attorney
Robert M. Dyer

Council Members

Karen Barnett
Dee Phillips
Jeremy Smith
Kyle Whitaker
Michael Roy Zenchuk II

City of Holly Springs

Post Office Box 990
Holly Springs, GA 30142
www.hollyspringsga.us
Office: 770-345-5536 – Fax: 770-345-0209

City Manager
Robert Logan

City Clerk
Karen Norred

June 1, 2015

The Board of County Commissioners of Cherokee County
1130 Bluffs Pkwy
Canton, GA 30114

Dear Commissioners:

Please be advised that the City of Holly Springs, Georgia, by the authority vested in the Mayor and the Council of the City of Holly Springs, Georgia by Article 6 of Chapter 36, Title 36, of the Official Code of Georgia Annotated, intends to annex the property hereinafter described by ordinance at a regular meeting of the Mayor and the City Council.

This letter has been sent to you by certified mail, return receipt requested, within five (5) business days of acceptance of an application for annexation, a petition for annexation, or upon the adoption of a resolution for annexation by the City of Holly Springs in accordance with O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9 and after receipt of the application for zoning pursuant to O.C.G.A. § 36-36-111.

The following parcels, located off of Vaughn Road, have been requested for annexation and to be rezoned to TND, Traditional Neighborhood Development for single family residential development.

15N26 138
15N26E 141B

Please see attached location map.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, you must notify the governing authority of the City of Holly Springs, in writing and by certified mail, return receipt requested, of any county facilities or property located within the property to be annexed, within five (5) business days of receipt of this letter.

Pursuant to O.C.G.A. § 36-36-4 a public hearing on zoning of the property to be annexed will be held. If the county has an objection under O.C.G.A. § 36-36-113, in accordance with the objection and resolution process, you must notify the City of Holly Springs within thirty (30) calendar days of the receipt of this notice.

Sincerely,

Nancy Moon
Community Development Director
City of Holly Springs

A-10-2015



City of Holly Springs, Georgia
Petition for Annexation
100% Method

Please completed one petition per parcel; duplicate this form as needed. Please print or type.

APPLICANT INFORMATION

Date: May 28, 2015

Applicant's Name: Bethany Properties Group, LLC

Corporation Name: Bethany Properties Group, LLC

Mailing Address: 5780 Windward Parkway, Suite 300, Alpharetta, GA 30005

Phone: 678-624-2900

Email: dchatham@chathamlegacy.com

PROPERTY OWNER INFORMATION

Property Owner(s): The Orchards of East Cherokee Community Association, Inc.

Mailing Address: 8295 Hwy 92, Woodstock, GA 30189, ATTN: Jayme Parsons

Phone: (770) 517-1761

Email: jayme@TolleyCM.com

PROPERTY INFORMATION

Tax Map #: 15N26E 141B Parcel #: 15-0396-0152 (A portion of this Tax Parcel)

Land Lot(s)/District: Land Lots 396 & 397, District 15

Physical Address: 160 Owens Farm Lane, Canton, GA 30115

Property Location Description: See attached legal description titled "Annexation Parcel"

Current Zoning: RZL (County)

(Attach additional sheets, if necessary)

Has an application for rezoning, special use, or variance been applied for in the County within the past five (5) years? *No. _____ If "yes," please provide complete explanation and details in the space below:

*To the best of our knowledge, no applications for rezoning, special use, or
variance have been applied for in the past five years.

(attach additional sheets, if necessary)

Describe the proposed development for the property in question should the annexation be approved, including the appropriate City zoning classification desired. (NOTE: Any annexation request requiring a rezoning in the City will need to be made on the appropriate rezoning request forms for the City of Holly Springs. This annexation petition does not complete the requirements for making a rezoning request).

There are no proposed changes to current use of property as buffer area;
however, we are requesting rezoning to the Holly Springs classification of
TND to correspond with our request for the adjoining 21.2+/- acre parcel.

(attach additional sheets, if necessary)

SUBMITTAL CHECKLIST

The following exhibits must be attached to this Annexation Petition:

- ✓ A copy of the most recent warranty deed or equivalent conveyance of ownership for the property to be annexed; The subject property is part of Master Common Space 4, as described in Deed Book 10296, beginning on Page 166.
- ✓ A copy of the Cherokee County Tax Plat, illustrating the property to be annexed; The subject property is outlined on the tax map.
- ✓ Complete the Applicant & Property Owner(s) Signature Sections, following page;
- N/A Any additional information requested by City Officials.

APPLICANT & PROPERTY OWNERS SIGNATURE SECTION

Bethany Properties Group, LLC
Applicant Name (Please Print)

Bethany Properties Group, LLC
Corporation Name (Please Print)

Manager
Title (Please Print)

By: [Signature]
Applicant Signature
J. David Chatham, Manager

5/27/15
Date

ALL PROPERTY OWNERS (GRANTEES) MUST SIGN BELOW AS INCLUDED ON THE ATTACHED DEED OR CONVEYANCE.

The Orchards of East Cherokee Community Association, Inc.
Property Owner Name (Please Print)

By: [Signature]
Property Owner Signature
Jerry Pontius, President

5/27/15
Date

Property Owner Name (Please Print)

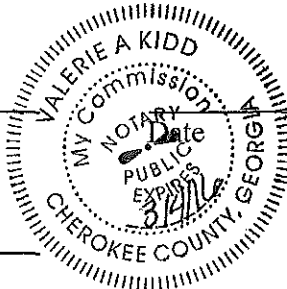
Property Owner Signature

Date

Property Owner Name (Please Print)

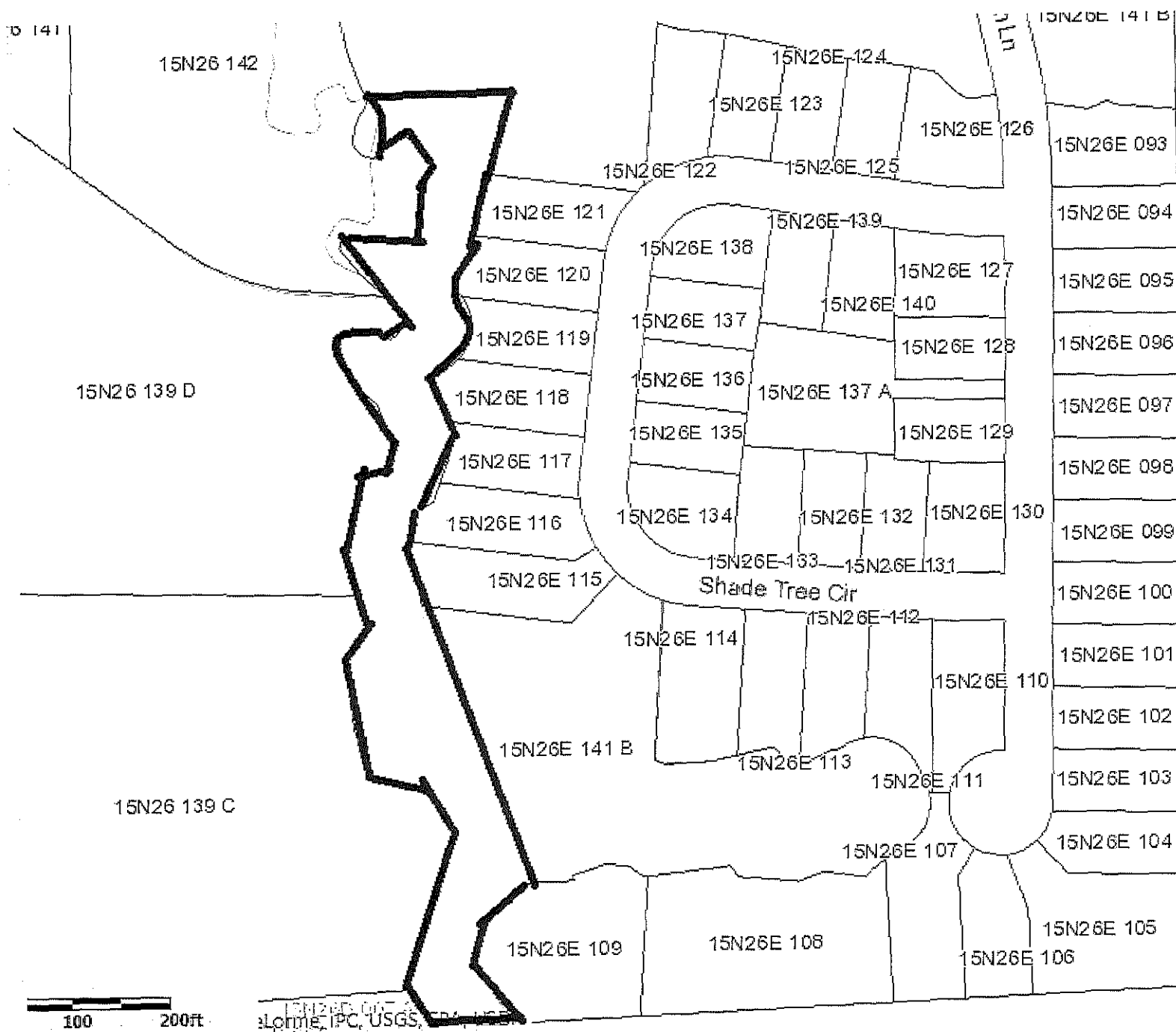
Property Owner Signature

Valerie A. Kidd
Notary (form must be notarized)



Received by: Nancy Moon
City of Holly Springs, Georgia

Date: 5/28/2015





City of Holly Springs, Georgia
Petition for Annexation
100% Method

Please completed one petition per parcel; duplicate this form as needed. Please print or type.

APPLICANT INFORMATION

Date: May 28, 2015

Applicant's Name: Bethany Properties Group, LLC

Corporation Name: Bethany Properties Group, LLC

Mailing Address: 5780 Windward Parkway, Suite 300, Alpharetta, GA 30005

Phone: 678-624-2900

Email: dchatham@chathamlegacy.com

PROPERTY OWNER INFORMATION

Property Owner(s): Estate of Wynell C. Foster

Mailing Address: Attn: Geneva R. Doss, 4410 Whiteleaf Court, Canton, GA 30115

Phone: 404-433-6213

Email: rruskell@gmail.com

PROPERTY INFORMATION

Tax Map #: 15N26 138 Parcel #: 15-0397-0016

Land Lot(s)/District: Land Lot 397, 15th District and Land Lot 432, 2nd District

Physical Address: Vaughn Road, Canton, GA 30115

Property Location Description: LL 397, 15th Dist., 2nd Sect. & LL 432, 2nd Dist., 2nd Sect. of Cherokee Cty, being 21.20 acres +/-, as shown on Boundary Survey recorded in Plat Book 46, Page 59, Cherokee County, GA (Survey attached)

Current Zoning: R80 (county)

(Attach additional sheets, if necessary)

Has an application for rezoning, special use, or variance been applied for in the County within the past five (5) years? *No. _____ If "yes," please provide complete explanation and details in the space below:

*To the best of our knowledge, no applications for rezoning, special use, or
variance have been applied for in the past five years.

(attach additional sheets, if necessary)

Describe the proposed development for the property in question should the annexation be approved, including the appropriate City zoning classification desired. (NOTE: Any annexation request requiring a rezoning in the City will need to be made on the appropriate rezoning request forms for the City of Holly Springs. This annexation petition does not complete the requirements for making a rezoning request).

Property to be developed into a residential neighborhood not to exceed 78
single-family lots. The desired zoning classification is TND.

(attach additional sheets, if necessary)

SUBMITTAL CHECKLIST

The following exhibits must be attached to this Annexation Petition:

- ✓ A copy of the most recent warranty deed or equivalent conveyance of ownership for the property to be annexed; [Vesting deed for the subject property plus additional property; and recorded plat of the subject property.]
- ✓ A copy of the Cherokee County Tax Plat, illustrating the property to be annexed;
- ✓ Complete the Applicant & Property Owner(s) Signature Sections, following page;
- N/A Any additional information requested by City Officials.

APPLICANT & PROPERTY OWNERS SIGNATURE SECTION

Bethany Properties Group, LLC
Applicant Name (Please Print)

Bethany Properties Group, LLC
Corporation Name (Please Print)

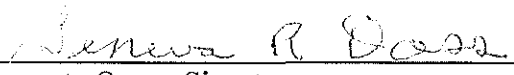
By: 
Applicant Signature
J. David Chatham, Manager

Manager
Title (Please Print)

5/27/15
Date

ALL PROPERTY OWNERS (GRANTEES) MUST SIGN BELOW AS INCLUDED ON THE ATTACHED DEED OR CONVEYANCE.

Geneva R. Doss, as Executor under the Will of Wynell C. Foster, Deceased
Property Owner Name (Please Print)


Property Owner Signature

5/27/15
Date

Property Owner Name (Please Print)

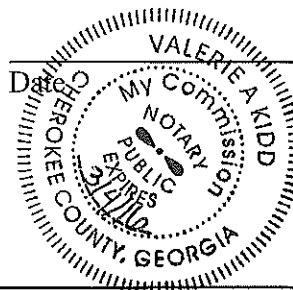
Property Owner Signature

Date

Property Owner Name (Please Print)

Property Owner Signature

Valerie A. Kidd
Notary (form must be notarized)



Received by: Nancy Moon

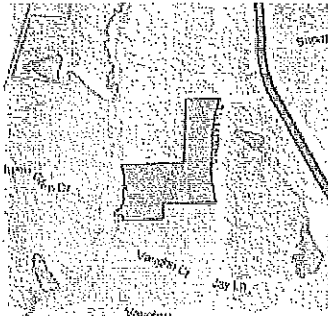
City of Holly Springs, Georgia

Date: 5/28/2015

Geocortex Essentials Parcel Report
Cherokee County, GA

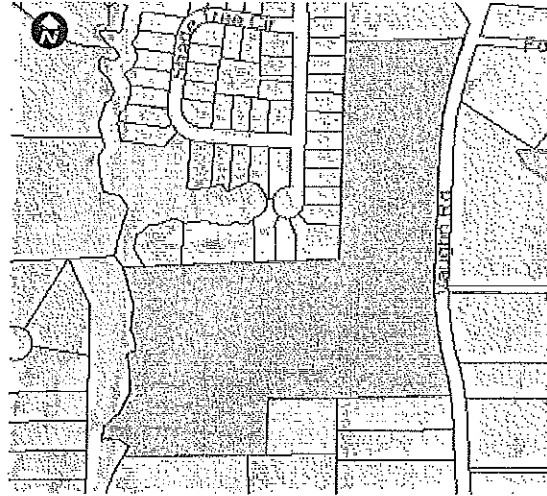
TIN: 15N26 138

Report generated 4/29/2015 4:12:04 PM



Vicinity Map

1: 25,771.75



Tax parcel highlighted in cyan

1: 7,476.23

Tax Parcel Information

TIN: 15N26 138

PIN: 15-0397-0016

Owner: Foster, Wynelle

Billing Address: 4381 Whiteleaf Way Canton GA 30115

Acreage: 21.2

Lot #: -

PB/PG: /

DB/PG: /

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

Per O.C.G.A. § 36-36-113 (set forth in full at the end of this document for your ease of reference), a land use objection can be made by majority vote of the Board of Commissioners in the event of a material increase in burden upon the County which is quantifiable and otherwise meets the requirements of the statute. In order for a land use objection to be considered timely, it must be completed in time for the BOC to vote upon it in open session and served upon the annexing municipality within 30 days of receipt of notice of annexation via statutory overnight delivery or certified mail, return receipt requested

City	Holly Springs
Case Number A-10-2015 & A-11-2015	Applicant Bethany Properties Group, LLC
Receipt of Annexation Notice Date	6/4/2015
30 day period to object expires on	7/4/2015
Meeting date the Board of Commissioners must decide whether to object.	6/16/2015

Staff is requested to review the application for annexation and provide a response to the following questions.

	Yes	No
Is the property to be annexed contiguous to city jurisdictional boundary?	X	
Future Development Map designation	Country Estates / Suburban Living / Community Village Node	
Surrounding / Contiguous City Future Development Map	No Holly Springs designation for this parcel Surrounding: Traditional Neighborhood / Parkway Corridor	
Surrounding County Future Development Map	Country Estates / Suburban Living / Community Village Node	
Does this annexation create an "island" of unincorporated land?		X

1) If the application is granted will there be a material increase in burden upon the County directly related to :

	Yes	No
a) the proposed change in zoning or land use?	X	
b) the proposed increase in density?	X	
c) infrastructure demands related to the proposed change in zoning or land use?	X	



STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

2) Will delivery of services be affected by the annexation?	Yes	No
		X
If the answer to (2) is yes, is the affect on delivery of services directly related to		
a) the proposed change in zoning or land use?		
b) the proposed increase in density?		
c) infrastructure demands related to the proposed change in zoning or land use?		
Note: Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in items (a), (b), and/or (c) of Section 1 above.		

3) If there is a material increase in burden caused by items (a), (b), and/or (c) of Section 1 above, can your department provide evidence of any financial impact?	Yes	No
		X
If the answer to (3) is yes, please provide the evidence		

4) Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?	Yes	No
	X	
If the answer to (4) is no, does the proposed change in zoning or land use result in:		
	Yes	No
a) a use which significantly increases the net cost of infrastructure?		X
b) a use which significantly diminishes the value or useful life of a capital outlay project, as such term is defined in O.C.G.A. 48-8-110, which is furnished by the county to the area to be annexed?		X



STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

If the answer to 4(a) or 4(b) is yes, then:

Yes No

c) Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan?

d) Does the proposed change in zoning or land use differ substantially from the existing uses permitted for the property pursuant to the county's zoning ordinance or its land use ordinances?

Comments:

Planning and Land Use

This area is intended to begin to step down the intensity of land use from the Hickory Flat Community Village to the Country Estates area to the south along Vaughn Road. This proposed development is more intense at 3.44 units per acre than the RZL section of the Orchards which is at 2.37 units per acre. If this project were in the county, a 35-foot buffer would be required against the fire station to the north and against the R-80 to the south. An RD-3 development on this site might yield 63 units, min. 6.36 acres of greenspace and be a better transition to the surrounding R-80. This plan is based on a gated neighborhood with private streets. This eliminates the possibility of extending streets into the adjacent development if the adjacent R-80 parcels develop.

Engineering

In looking at the proposed development plan, the Engineering Department would like to note the following requirements as related to Vaughn Road (County Maintained) and our permitting of the access for the development:

1. The development would donate additional property along the Vaughn Road site frontage to allow for a typical right-of-way width of 50'. This would require the development to set their property line along Vaughn Road a distance of 25' from the centerline.
2. The entrance for the development will require a deceleration lane and possibly a left turn lane on Vaughn Road. Further analysis regarding the left turn lane will be needed.
3. If gated, the distance to the entry box would need to be a minimum of 50 feet from the edge of the travel lane Vaughn Road.

Fire & Emergency Services

The water line along Vaughn Road may need to be replaced in order to provide sufficient water flow from fire hydrants in this development. Our records indicate that the existing line is only 4 inches in diameter. A previous fire that occurred at the corner of Vaughn Rd. and Jay Ln. taxed the existing water supply. If multiple structures had been involved, the water supply would probably have been insufficient. With the proposed increased density of homes, the water line diameter needs to be sized appropriately to provide adequate flow.

The existing bank against the fire station property creates a sight distance problem for fire trucks pulling out of the station driveway. Any development plans should address this issue since additional traffic on Vaughn Road will only make this situation worse.



STAFF REVIEW AND ANALYSIS OF ANNEXATION REQUEST

O.C.G.A. § 36-36-113. Reasons for objection to annexation

(a) The county governing authority may by majority vote object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in [Code Section 36-36-111](#).

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

(1) Result in:

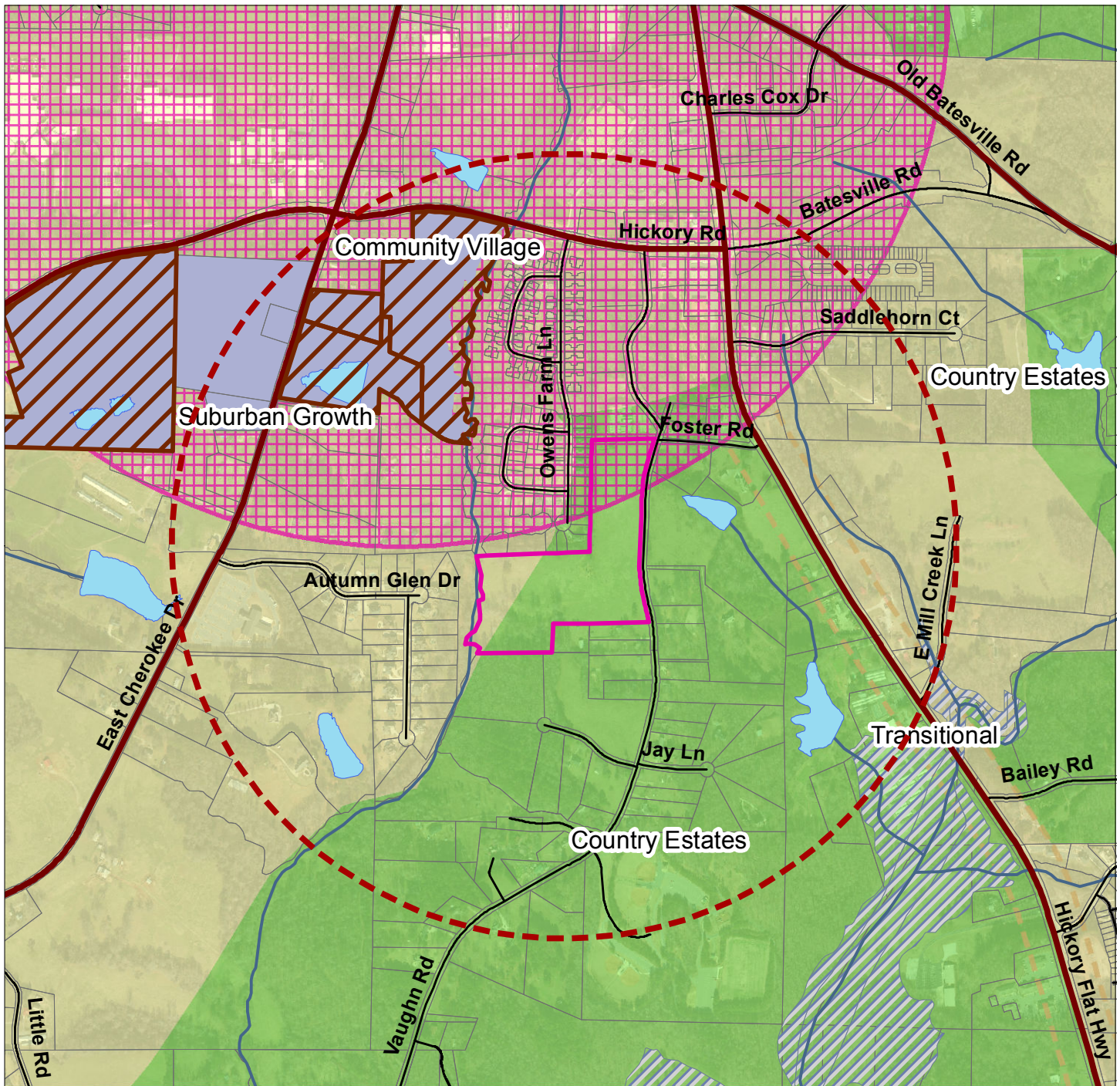
(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in [Code Section 48-8-110](#), which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

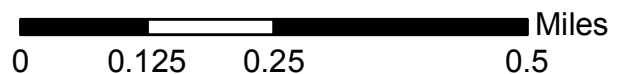
Holly Springs Annex. (A-11-2015) - Bethany Properties

Future Development Map from the Comprehensive Plan



Legend

Annexation Parcels	Character Areas	Development Nodes
Recent PDR Zonings	Natural Preserve	County Crossroads
Major Roads	Rural Places	Hamlet
Streets	Country Estates	Neighborhood Village
1/2 mile radius	Suburban Growth	Community Village
100 Year Flood Zone	Suburban Living	Corridors
Holly Springs	Neighborhood Living	Scenic Corridor
	Bells Ferry LCI	Transitional Corridor
	Urban Core	Development Corridor
	Workplace Center	
	Regional Center	
	Waste Management	



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.

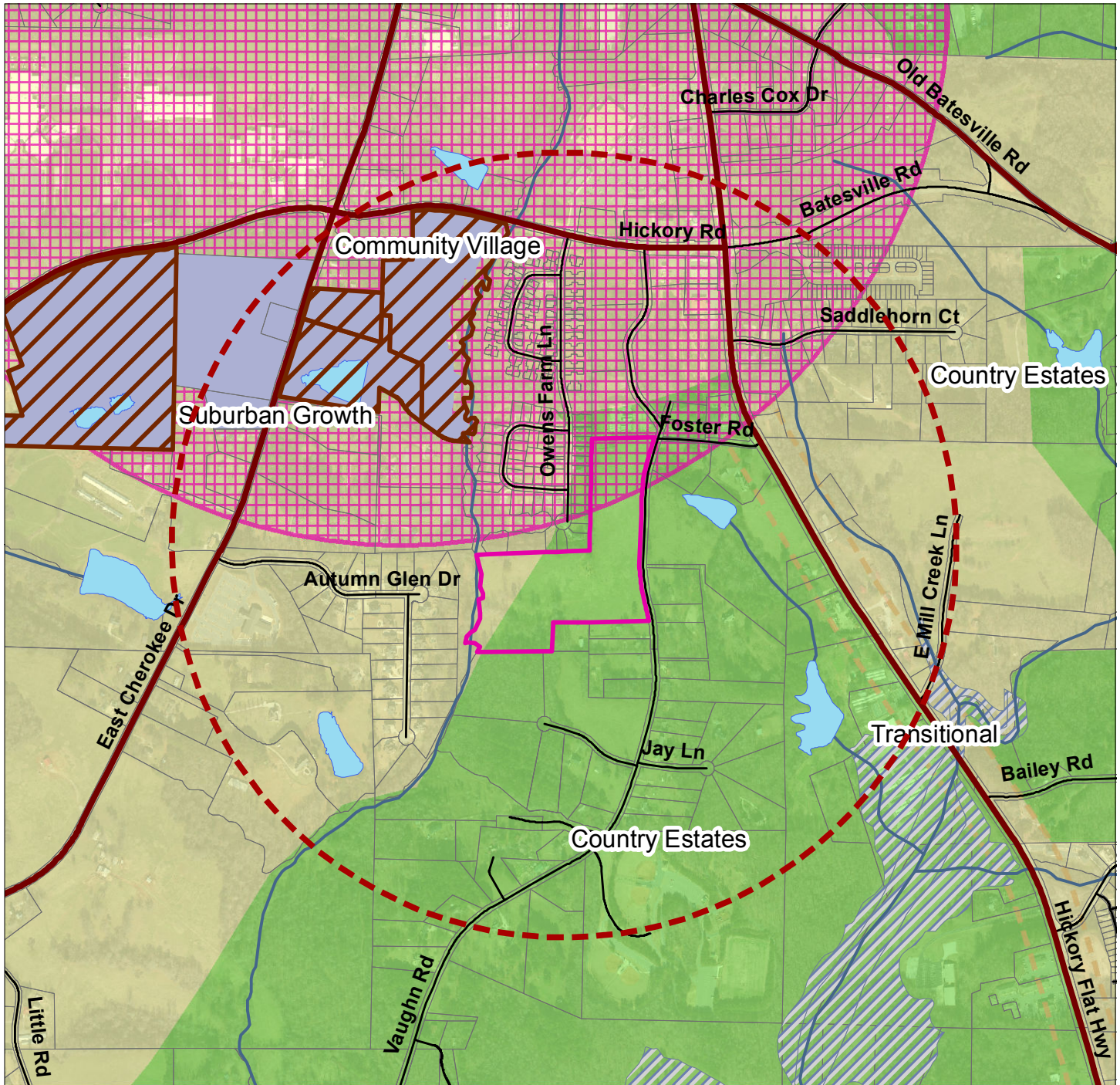


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 11, 2015



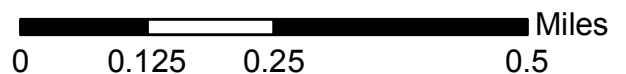
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Future Development Map from the Comprehensive Plan



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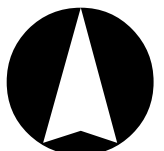
Annexation Parcels		Character Areas		Development Nodes	
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Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 11, 2015



Good day, Mr. Gunnin:

My Name is Al Clary. I live in the Hickory Flat area in the Autumn Glen Subdivision off East Cherokee Drive. I want to make you aware of some significant annexation/rezoning issues affecting Hickory Flats and ask for your help.

Holly Springs wants to annex and rezone 21 acres of property lying just behind The Orchards senior living development along Hickory Road and south of the Cherokee County Fire Station #23 on Vaughn Road. You will be asked whether or not you object to this annexation. We request that you object to this annexation.

Our reasoning is as follows:

Holly Springs has repeatedly shown that it is running “a very loose ship”, when it comes to annexation and rezoning, in order to achieve rapid, high-density development. Unfortunately, this is creating a “feeding frenzy” of developers and real estate agents, who entice local landowners by telling them they can annex into Holly Springs and increase the value of their property.

Holly Springs seems to have an “addiction” for Hickory Flat land. It appears to envision Hickory Flat as another future city hub and even makes that clear in its future land use plan. Holly Springs is well into the process of completely surrounding Hickory Flat with city-owned land yet seems to provide no visible city services to those properties, while increasing the load on traffic, schools, water, sewer, etc.

On this particular rezoning, Holly Springs is not only violating the county’s future land use plan, but also violating their own future land use plan. Even more disturbing, Holly Springs has made a very “sneaky” flanking move. They have enticed The Orchards Homeowners Association to allow the city to annex a sliver of Orchards property about 50 feet wide and several hundred feet long (that is actually a stream buffer) in order to connect this Vaughn Road property with the Mann Property along Hickory Road and invoke the “contiguous” annexation option under Georgia’s annexation law. This allows Holly Springs to create a “land bridge” and continue its march to the east toward Hwy 140.

This rezoning is asking for very high density residential rezoning with lots about 5,000 sq.ft. and 5 feet side setbacks on the 50’ wide lots. This is even more dense than the density approved at the very southern end of Harmony on the Lakes, which even angered many Harmony residents. It is a much higher density than even the second phase of the Orchards. I have attached a link to a plot plan showing my subdivision -Autumn Glen, The Orchards, and the Proposed Vaughn Road development to make my points about location and density.

Here is that link....

<https://app.box.com/s/p3zemxp2kcggi98etlmf2joa109kjk>

The Holly Springs Planning and Zoning Commission will likely vote on this annexation and rezoning on Thursday June 26. The Holly Springs City Council will vote in mid-July.

Please let me know if I can be of any assistance. I would be happy to meet with any county official. I have been in phone contact several times with Ms. Margaret Stallings and she has been a great help and valuable asset.

Below I have listed recent annexation/rezoning cases that make my point about Holly Springs' intentions. The County's GIS system reveals how Holly Springs City Limits are encroaching on Hickory Flat. I have also included a link to the Holly Springs Zoning Map immediately below:

<http://hollyspringsga.us/DocumentCenter/Home/View/33>

Thank you

Al Clary

E-mail: atclary@windstream.net

Home: 770-345-1116 Cell: 423-914-4234

Other Recent Holly Springs annexation/rezoning cases near Hickory Flat:

Last Year

- 112 Units (28 ac) - The Mann Property on Hickory Road (15N26 141&142) - Rezoned to PDR for active senior living
- 230 Units (86 ac) - Rezoned to PDR by Ryland along Hickory Road just west of Sequoyah High School (15N26 037)

This Year

- 94 Units (31 ac) - Rezoned to PDR by Pulte directly across Hickory Road from Sequoyah High School (15N26 051)
- 110 Homes (27+ ac) - Rezoned to PDR and NC by Pulte across Hwy 140 from Harmony on the Lakes (15N25 032)

Other Property likely already in developer discussions:

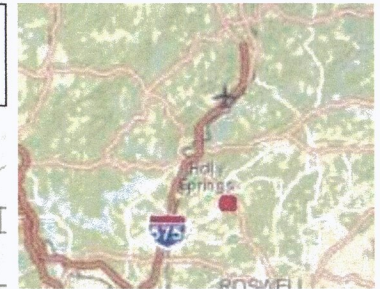
- 30 ac Already Annexed into Holly Springs (15N26 109B) along Hwy 140
- Several pieces of Property just north of Publix along Lower Union Hill road just north of the Hickory Flat Publix including:
 - 22+ ac. 15N26 158&158A
 - 7.5 ac 02N02 068
 - 30 ac 02N02 067



Cherokee County, GA



Proposed Chatham Development on Vaughn Road



Legend

- Schools
- Churches
- Parcels

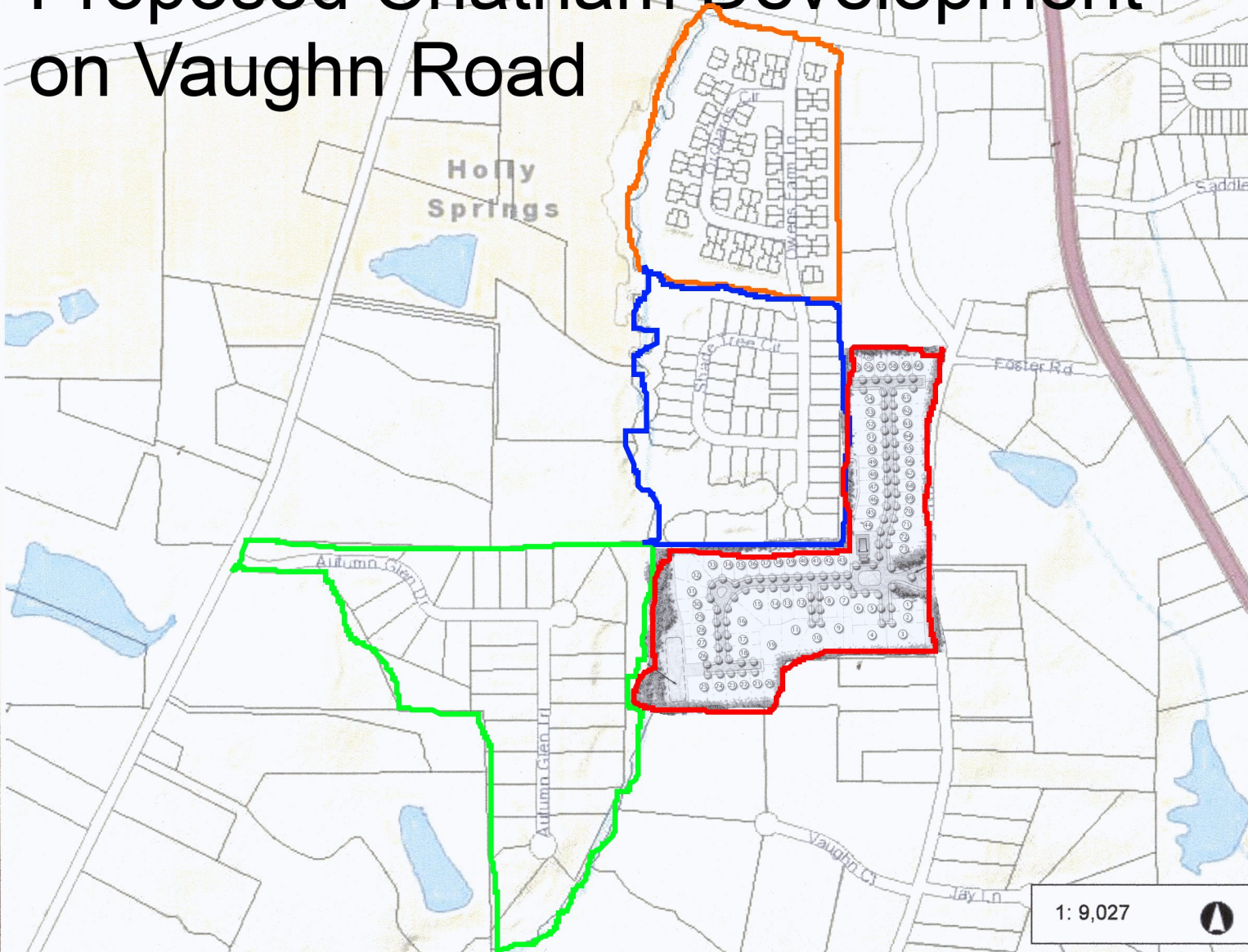
Autumn Glen
1.1 Units/Acre

The Orchards-1
4.78 Units/Acre

The Orchards-2
2.37 Units/Acre

Vaughn Rd.Prop.
3.44 Units/Acre

Notes



1: 9,027



1,504.5 0 752.25 1,504.5 U.S. Survey Feet