



Cherokee County Board of Commissioners MINUTES

November 15, 2016

Regular Meeting

CHEROKEE HALL, 1130 Bluffs Parkway, Canton, GA 30114 6:00 PM

INVOCATION

Elbert Davis with the City of Covenant Church in Holly Springs will give the invocation.

Mr. Davis gave the invocation.

PLEDGE OF ALLEGIANCE

Chairman Ahrens 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 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. Commissioner Raymond Gunnin was absent due to a family event.

2. RATIFY CLOSURE OF EXECUTIVE SESSION

Chairman Ahrens called for a motion to ratify the closure of Executive Session at 5:50 p.m. where no action will be brought forward.

Brian Poole made a motion to approve; Scott Gordon seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

3. PRESENTATIONS / PROCLAMATIONS

4. AMENDMENTS TO AGENDA

5. ANNOUNCEMENTS

5.1. Executive Order from Governor Deal bans the ignition of fireworks.

Due to the ongoing drought conditions, Governor Deal has issued an Executive Order banning the ignition of fireworks in many counties, including Cherokee County, until further notice.

School District Education SPLOST.

Chairman Ahrens added a comment. He stated that he was asked to serve as Chair on the committee to educate and inform citizens on the continuation of the 1% sales tax. He said he was delighted that it passed, adding that it is important to our school district in order for them to continue at such a high level of performance.

6. **APPROVAL OF MINUTES**

6.1. Approval of Work Session and Executive Session minutes as presented by the Clerk.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 3-0. Abstain: Poole Absent: Gunnin

Brian Poole abstained due to being absent from the November 1, 2016 Work Session and Executive Session meetings.

6.2. Approval of Regular Meeting minutes as presented by the Clerk.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

7. **PUBLIC HEARING**

7.1. Exceptional Variance for a Wall Sign in Bells Ferry Overlay.

Hold a public hearing and consider granting an exceptional variance for a wall sign.

Brian Poole made a motion to open the public hearing at 6:11 p.m.; Raymond Gunnin seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

Mr. Watkins stated that applicant, Altair Sign and Light, is asking to erect a wall sign at 803 Bascomb Commercial Parkway in the Bells Ferry Overlay District. He stated that the area sits in a zone within the overlay district that has a regulating plan for that entire district that assigns different neighborhood types or different neighborhood zones and this particular area has been looked at as a redevelopment area and therefore was designated as a neighborhood general zone within that overlay district. He referenced that Neighborhood General signage standards allows for addresses and blade signs to be present but does not allow for a wall sign. He stated that in other neighborhood zones and neighborhood center zones in the Bells Ferry area they would allow for such a sign. He stated that the wall sign will face Bells Ferry Road. The applicant is asking the Board of Commissioners to consider the wall sign for their particular building.

Ms. Felicia Johnson, representing Altair Sign, spoke on their behalf. She stated that the wall sign would front Bells Ferry Road, and the current freestanding sign is in a parking lot shared by other establishments and it is difficult to identify which building the sign belongs to. She stated that she recognizes this is a special district and would like to put up a sign that is accompanying in the effort that is planned for the area.

One person signed up to speak:

Brad Wilson, general manager for Gerber Collision for 25 years and which is located at this location, spoke in support of the request by of Altair Sign and Light. He stated that the biggest problem with the freestanding sign is identifying the correct building. He stated that there is a tree in front of the standing sign and he guessed that 50% of customers pass by because of the sign not being seen.

Brian Poole made a motion to close the public hearing at 6:15 p.m.; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

Commissioner Gordon commented that this was discussed in work session and that he appreciated Mr. Wilson and Ms. Johnson coming forward to discuss it. He stated that he would like to go back out to the site now that he had a better understanding of the situation. He stated that the sign that they are requesting is appropriate to the building and not out of keeping with the rest of the character of the remaining part of that street or area. He added that a key concern is how many people have illuminating signs versus how many do not.

Scott Gordon made a motion to carry over to the December 6 meeting once the area is visited again; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

8. PUBLIC COMMENT

Four people signed up to speak:

Chairman Ahrens announced that if anyone signed up to speak about a zoning matter that has already had a Public Hearing that they would not be allowed to speak about the case.

1. Liz Porter spoke with concerns about zoning cases being postponed.
2. Pat Anglin signed up to speak about zoning postponements. She declined to speak when called on, stating that Ms. Porter's remarks echoed her concerns.
3. Ed Chandler spoke about traffic concerns on East Cherokee in the Hickory Flat area, saying that high density growth needs to slow down until roads can be upgraded at least.
4. John Long spoke about concerns with zoning cases being postponed. He suggested that if an applicant requests a postponement that they have to go through the process again.

9. ZONING CASES

9.1. Case #16-09-025 Georgia-Tennessee Development Partner, LLC (BOC Dist. 2)

Consider the request by Georgia - Tennessee Development Partner, LLC to rezone 78 +/- acres at 300 Collett Drive from AG to R-20 for a conservation subdivision.

Note: Received letter dated October 17th with revised site plan and request to postpone to November 15 meeting.

Mr. Watkins provided a brief overview the case. He stated the public hearing was held September 6, 2016 and Planning Commission's recommendation was for denial. He stated that the meeting was postponed from October 18, 2016 to this meeting by request of the applicant. He described surrounding zoning and character areas. He recalled the conditions that were proposed. He stated the rezoning was for 78 plus acres at 300 Collett Drive from AG to R-20 to utilize the conservation design. He stated that the applicant/developer or its designee was to enter into a road improvement agreement within 120 days of approval. If agreement is not reached, the zoning will revert back to the original AG. There would be a total of 123 lots or 1.57 dwelling units per acre. Development design shall maintain a minimum of 50% of total acreage of greenspace. Neighborhood development shall include a provision for an HOA with responsibility for homeownership and maintenance of greenspace. Design and development shall protect all impounded waters on the properties from disturbance or contamination. Development of the property shall include certification by a wetland specialist for the compliance with best management practices to wetlands and sensitive ecological areas.

Chairman Ahrens stated that this was in District 2 and that he was standing in for Commissioner Gunnin due to his absence. He stated that he has significant concerns about

the zoning. He stated that additional information was to be received by Commissioner Gunnin, so he wasn't aware of what the information contained. The Chairman opened the floor for additional input from other commissioners.

Steve West made a motion to postpone to December 6; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

9.2. Case #16-11-035 Meritage Homes of Georgia, Inc. (BOC Dist. 3)

Applicant is requesting to rezone 0.47 acres at 469 New Light Road from AG to RZL for two (2) single family residential lots.

Mr. Watkins provided a brief overview the case. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for approval as R20. He stated the rezoning was for .46 acres on New Light Road from AG to RZL for two residential lots. He described surrounding zoning and character areas. He recalled the conditions that were proposed. He stated that a letter from their attorney was received at 12:50 requesting postponement until December 6, 2016.

Brian Poole made a motion to postpone to December 6; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

9.3. Case #16-11-036 Mark Shirey (BOC Dist. 2)

Applicant is requesting to rezone 26.04 acres at 965 Bailey Road from R-80 to AG for farming and to place property into conservation.

Mr. Watkins provided a brief overview the case. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for approval. He stated the rezoning was for 26.04 acres at 965 Bailey Road from R-80 to AG for purpose of a farm and a residence. He described surrounding zoning and character areas.

Steve West made a motion for approval; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

9.4. Case #16-11-037 Menna Development Company Inc., LLC (BOC Dist. 4)

Applicant is requesting to rezone 6.39 acres at 5306 Woodstock Road from R-40 to RD-3 for single family detached units and a variance to remove alley provision, Art. 7.4-1.1 (d) 5

Mr. Watkins provided a brief overview the case. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was approval as submitted. He stated the rezoning was for 6.39 acres at 5306 Woodstock Road from R-40 to RD-3 for the purpose of a putting a single family detached residential neighborhood on the property. He described surrounding zoning and character areas. He stated that in this proposed site plan the applicant is requesting relief from Section 741.1 of Deed 5 in which RD-3 requires 30% of the lots to have alley access. He stated that it is consistent with the character of the area and that 30% will be open space as required by the RD-3 requirements.

Scott Gordon stated that it has good buffers and does tie into what is happening in the surrounding area. He stated that it did get unanimous approval from the Planning Commission.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

9.5. Case #16-11-039 Southern Farms Development Company, LLC

Applicant is requesting to rezone 71.13 acres at Jep Wheeler Road from R-80 to R-40 for a conservation subdivision.

Note: Received request on 11/15/2016 to defer the case until December 20.

Mr. Watkins provided a brief overview the case. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for denial. He stated the rezoning was for 71.13 plus acres at Jep Wheeler Road from R-80 to R-40 for a residential neighborhood. He stated that there is a request by the applicant to postpone to December 20. He described surrounding zoning and character areas. He recalled the conditions that were proposed. Chairman Ahrens stated that he would accept the request by applicant's attorney to postpone until December 20, 2016. Scott Gordon stated that he was against the request for postponement being that the request came at such a late notice. He also stated and that there was a lot input from the public and that the public was present at the meeting. Chairman Ahrens stated that he had asked the applicant earlier if he would consider another date and he indicated he would not.

Chairman Ahrens made a motion to accept the attorney for the applicant's request to postpone to December 20; Steve West seconded. Scott Gordon commented that he was not in favor of postponing this case, adding that just today the letter came to postpone it and a lot of folks have come out tonight. Brian Poole said that he agreed with Scott Gordon's concerns, but that he concurred with the Chairman to go along with the process as we've been doing. The resulting vote was Passed, 3-1, Nays: Gordon Absent: Gunnin

9.6. Case #16-11-038 Hogan Pond Properties, LLC (BOC Dist. 1)

Applicant is requesting to rezone 199.4 +/- acres on the southeast side of Hogan Pond Lane, northeast of Highway 372 from AG and LI to R-80, R-60 and R-30 for a conservation master planned community.

Note: Email received from applicant for a deferral of the case to the December 20 meeting.

Mr. Watkins provided a brief overview the case. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for denial. He stated the rezoning was for 199.4 acres at 100, 211, 256, 594 Hogan Pond Lane and 4303 Ball Ground Road from AG and U to R-80, R-60 and R-30 for the purpose of master plan conservational residential community. He pointed out that in the center of the aerial view was the LI District. Applicant has requested postponement until December 20, 2016. He described surrounding zoning and character areas and recalled the conditions that were proposed.

Steve West commented that unlike the previous case, this one gave notice last Wednesday after meeting with the property owner and the developer that they would like to go over the plan again. They are willing to have another public participation meeting before coming back to this Board.

Steve West made a motion to grant the postponement to December 20; Scott Gordon seconded. The Chairman suggested a conversation to push it out even further to the first meeting in January since there is a full slate for the December 6 planning. Steve West said they are not a big hurry. Chairman Ahrens stated that they have come to us a couple of times and they have really been listening and making a genuine effort to address directionally. They know that from the outset that R30/R40 are not part of the plan, so they are working the R60/R80 and whatever way or alternatives. He added that they do have the discretion to have another Public Hearing if they feel there's been substantial change. Scott Gordon stated that he was fine with postponing this case because the applicant has made a great effort in addressing any concerns that the public may have and notified the Board in advance so that they could let folks know before they take time out of work to come up here only to

find out it's being postponed.

Having a motion and a second and comments, the Chairman called for a vote. He restated the motion to approve to postpone the meeting to December 20 or later. Scott Gordon referenced the concerns that Mr. Long spoke about earlier, stating that this is what he was asking about, the pThe resulting vote was Passed, 4-0. Absent: Gunnin

10. COMMISSION BUSINESS

10.1. Chairman Ahrens: Discussion of 2017 Board of Commissioners' Meeting Dates.

This item was deferred for the evening.

10.2. Chairman Ahrens: Consider Appointments to Ethics Board.

1. Consider reappointment of Gil Howard for another seven-year term on the Board of Ethics for a term expiring January 2024 as recommended by the Ethics Board Chair.
2. Consider appointment for upcoming vacancy on the Board of Ethics for a seven-year term expiring January 2024.

Chairman Ahrens stated that the first Ethics Board appointment was a Board appointment. He said that the Board of Ethics Chair recommended Mr. Gil Howard's reappointment and Mr. Howard wishes to continue serving. He added that Mr. Howard has been a very active participant who brings a wealth of knowledge to the Board.

Steve West made a motion to reappoint Gil Howard to the Board of Ethics; Brian Poole seconded. Chairman Ahrens commented that the reappointment was for another seven-year term, expiring in January 2024. The resulting vote was Passed, 4-0. Absent: Gunnin

Chairman Ahrens indicated that the next appointment to be considered was the Chair's appointment. He said he had a lengthy list of candidates and selected Mr. Steve Divine to fill the upcoming vacancy. He read through some of Mr. Divine's experiences and background. Mr. Divine is involved in the community in a number of activities including a board member of the Boys and Girls Club and a board member of the Cherokee County Education Foundation.

Chairman Ahrens appointed Mr. Stephen Divine to the Board of Ethics for a seven-year term beginning in January 2017 and expiring January 2024.

10.3. District 2, Commissioner Gunnin: Request for approval of private streets in the Hickory Commons subdivision located off Batesville Road near its intersection with Hickory Flat Highway.

Consider a request for the designation of private streets pursuant to Article 5, Section 5.5-6.1 of the Cherokee County Zoning Ordinance within the Hickory Commons subdivision (BOC District 2).

Vicki Taylor Lee gave an overview of the request. She said that the roads were built to County standards and that engineering had no objections to the request. Steve West stated that this was in Commissioner Gunnin's district but in his absence he would make a motion to approve the privatization of streets in the Hickory Commons subdivision.

Steve West made a motion to approve; Scott Gordon seconded. The resulting vote was

11. CONSENT AGENDA

11.1. Animal Shelter Grant.

Consider accepting grant donation of \$1,000 from Maddie's Fund on behalf of the Animal Shelter and consider authorizing a Budget Amendment to increase the County FY17 revenues and expenditures.

11.2. Sports Medicine Education Agreement With Northside Hospital Cherokee.

Consider extending the Sports Medicine Education Agreement With Northside Hospital Cherokee.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

12. COUNTY MANAGER

12.1. Noonday Creek Trail Feasibility Study - Project Framework Agreement with Georgia DOT.

Consider a Project Framework Agreement with the Georgia DOT for Cherokee County to contract preliminary engineering services for the Noonday Creek Trail Feasibility Study. The County's share of all costs will be reimbursed by the City of Woodstock.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

12.2. SPLOST Funds from Holly Springs for Fire Vehicle/Equipment Purchase 11/3/16.

Authorize budget amendment in the amount of \$84,745.81 in the SPLOST Fund.

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 3-0. Abstain: Poole Absent: Gunnin

Commissioner Poole abstained due to laws pertaining to commissioners who were not re-elected.

12.3. A portion of the Sale of Assets proceeds to fund a part-time HR position going to full-time.

Authorize budget amendment in the amount of \$28,753.00 to allocate Sale of Assets proceeds to fund 1/2 of salary/taxes/benefits of FTE position in HR, reallocate PT salary/taxes to FTE position; FTE position will be funded 50% from Fund 100 and 50% from Fund 605.

Steve West made a motion to approve; Scott Gordon seconded. The resulting vote was Passed, 3-0. Abstain: Poole Absent: Gunnin

12.4. Trucking Services Contracts for Roads & Bridges.

Consider awarding four (4) standard County Professional Services Agreements to all proposers of the Trucking Services RFP for the Roads & Bridges Department, at a total price of \$375,000.00.

Steve West made a motion to approve; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

12.5. Intergovernmental Agreement (IGA) to authorize Tax Commissioner to bill property owners on behalf of City of Canton for Ad Valorem Taxes.

Consider Intergovernmental Agreement between Cherokee County and the City of Canton to

authorize the Tax Commissioner to bill property owners on behalf of the City of Canton for ad valorem taxes.

Brian Poole made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

12.6. Review and consideration of selecting Beacon Risk Strategies as Cherokee County's Stop Loss reinsurance carrier effective January 1, 2017.

Review and approval of Beacon Risk Strategies as Cherokee County's Stop Loss reinsurance carrier effective January 1, 2017.

Steve West made a motion to approve; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

12.7. FY2018 CATS GDOT 5311 Application.

Consider approval of FY2018 GDOT CATS 5311 application in the amount of \$304,934.00 for operating assistance and \$103,696.00 for capital costs associated with the CATS 5311 Rural Transportation Program. Cherokee County's obligation will be \$152,567.00 for operations and \$10,370.00 for capital (2 buses).

Scott Gordon made a motion to approve; Steve West seconded. The resulting vote was Passed, 3-0. Abstain: Poole Absent: Gunnin

12.8. Northside Hospital-Cherokee Partnership: Safe Kids

Consider partnership agreement with Northside Hospital-Cherokee whereby Northside Hospital-Cherokee will pay \$30,000 annually for a period of 5 years to be used for the Safe Kids Cherokee Program managed by the Cherokee Fire & Emergency Services Agency and the Cherokee County Wellness Program.

Steve West made a motion to approve; Scott Gordon seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

13. COUNTY ATTORNEY

13.1. Annexation notice from City of Holly Springs regarding property located at Univeter Road at McArthur Drive.

This annexation involves approximately 2.757 acres of property off of Univeter Road and McArthur Drive (Tax Parcel 15N19 183), which (is expected to) branch off of City property from the pending Univeter Road annexation.

Ms. Davis stated this property is located at Batesville Road and Hwy. 140 in District 2. She stated that the Hickory Commons Subdivision is requesting permission to have private straights. They submitted the final plat and it has been held up until such time as approval is obtained. It was built to county standards with no objection to making it private roads.

The Chairman made a motion as stated by the County Attorney; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

13.2. Waiver of Conflict.

Consider approval of Waiver of Conflict related to Forsyth County agreement.

Ms. Davis explained that the waiver was due to the fact that the law firm she is affiliated with represents Cherokee County and Forsyth County. She stated that the fire chiefs of the two counties wish to have the mutual aid/automatic aid agreement that they've been practicing to be memorialized in writing. She added that there is no adversarial terms and

she sees no conflict in authorizing the Chairman to execute the agreement.

Chairman Ahrens made a motion to approve; Brian Poole seconded. The resulting vote was Passed, 4-0. Absent: Gunnin

Chairman Ahrens made a couple of comments:

First, he wished everyone a happy and safe Thanksgiving.

He then announced that he would not be at the December 6 meeting because he and his wife would be in Honolulu to attend the 75th Anniversary of Pear Harbor. He briefly told the story of his late father-in-law who was in the very first plane shot down. The plane made a crash landing and all survived. One of those crew members, now 97 years old, will be there as well and they will get to meet him.

ADJOURN

The Chairman asked if there was anything else to come before the Board. Hearing none, Brian Poole made a motion to adjourn at 7:08 p.m.; Steve West seconded. The resulting vote was Passed, 4-0. Absent: Gunnin