



Cherokee County Board of Commissioners WORK SESSION MINUTES

December 6, 2016

3:00 p.m. | Cherokee Hall

Commissioner/Vice Chairman Brian Poole began Work Session at 3:06 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Brian Poole; County Attorney, Angie Davis; County Clerk, Christy Black. Also present were Agency Directors/Department Heads; the media; and the public. Chairman Ahrens and County Manager, Jerry Cooper, were absent.

Commissioner Poole read various inspirational leadership quotes from 'Right to Lead'.

1. 4th Quarter Service Awards presentation by Lori Thompson.

Ms. Lori Thompson recognized individuals and presented Service Awards to those who served 10 years, 15 years, 20 years, and 25 years of service. The Chairman thanked the recipients for their years of dedicated service and their contribution to the organization and to the community.

2. Discussion of Regular Agenda Items.

PUBLIC HEARING

Consider Amending the Article 7.7-12 Cherokee County Zoning Ordinance as it Relates to Telecommunication Towers.

- 7.1** Mr. Watkins stated this is a request to amend Article 7.7-12 of the Cherokee County zoning ordinance as it relates to telecommunication towers. He stated that the codes have been in place for a very long time and they allow for towers to be placed just about in any location. He stated that it has been advertised for changes to be made to the code starting with Section a. He stated that section (1) (iii) with reference to pre-existing towers or pre-existing antennas will be deleted and introduced back into the ordinance in section (3)(g). Mr. Watkins stated that most of the changes are under (3) "Permitted Uses". He stated that at subsection (i) under "General" the first sentence will be deleted because it refers to a Section C that was a holdover from years prior and didn't refer to the correct section. The addition to the ordinance is "all towers and antennas permitted by this Subsection (a) (3) shall comply with all other requirements of the zoning ordinance, including, but not limited to, Sections 7.7-12a(2)(iv), 7.7-12a(2)(v) and 7.7-12a(2)(vi). Mr. Watkins stated that under paragraph (ii) "specific permitted uses" will be replaced with "location of tower or antennas". In subparagraph a. under (ii) the only thing that is changing is the insertion of the words "is permitted" to show that it is permitted in GC, NC, CP, OI, OD, HI and LI zoning districts. The remainder of the paragraph previously existed. The only additions are presented in yellow which is the case with the remainder of the slides. Mr. Watkins stated that there is the addition of a new paragraph b. under "Permitted Uses" that states that "locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, is permitted in AG zoning district; provided that" and then listed are points (1), (2) and (3) which are new additions as well. Point (1) states that "such tower and antenna be set back from any property

line a distance equal to the height of the tower or antenna”; Point (2) states that “such tower or antenna shall be an alternative tower structure as defined in Article 4” and Mr. Watkins clarified by stating those that are hidden, stealth, look like pine trees or steeples; and Point (3) states “such tower or antenna may not be located on AG property located in a platted residential major or minor subdivision as defined in Article 4”. He stated that listing “minor” is an error, and clarified with stating that major is the typical residential development with new infrastructure and minor is when one piece of property is split into two pieces. He confirmed that it will be corrected between meetings. Mr. Watkins stated that another change under (3) “Permitted Uses” is adding a new paragraph and renaming it from (a) to (c) with the new paragraph stating “locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, is permitted in the PUD zoning districts provided (Mr. Watkins interjected that PUD is a zoning district that allows for a mix of uses, so it will have areas designated as commercial, industrial, residential or amenities and that is the reason for allowing it on those areas designated for those nonresidential uses), however, the tower shall be located on portions of the property designated and approved for non-residential use and shall be set back from any property line a distance equal to the height of the tower or antenna. No tower or antenna may be located on portions of PUD zoned property designated, approved or used for residential or amenity purposes. “Amenity Purposes” shall mean passive and active recreation areas, including, but not limited to, swimming pools, tennis courts, basketball courts, athletic fields, parks, playgrounds, golf courses, pedestrian trails, and reserved greenspace, intended for the enjoyment and benefit or residents in close proximity of the property being used for amenity purposes”. He stated that under that same heading, (b) was renamed (d) and prohibits the location of towers and antenna and supporting buildings in residential districts R-80, R-60, R-40, R-30, R-20, R-15, RM-10 and RM-16 and deleting AG. Mr. Watkins stated the new addition is RD-3, RZL, RA, RTH to the list of districts because they were left out in the original ordinance. He stated the rest of the paragraph is deleted and deals with alternative tower structures. He stated that paragraph (c) is renamed to (e) is mostly existing verbiage with the addition of “may be installed” as it refers to the existence of a structure other than a tower. Paragraph (f) is also existing verbiage with the addition of “may be installed” as it refers to any existing tower so long as the addition adds no more than twenty (20) feet to the height of the exiting tower. Lastly, the addition of paragraph (g) which is an entirely new section dealing with “nonconforming towers and antennas” and which is brought back from paragraph (1)(iii) of this ordinance relating to existing towers. Mr. Watkins stated that this new paragraph reads “any tower or antenna lawfully existing on the effective date of the adoption of this ordinance or an amendment thereto, and any tower or antenna for which a permit has been properly issued shall be considered a legal nonconforming use of the property on which it is permitted and erected and shall be allowed to remain despite otherwise failing to comply with the use restrictions and performance standards of the zoning district in which it is located even if such property should be rezoned in the future to a district that does not permit the tower or antenna; provided, however, notwithstanding the designation as a lawful nonconforming use, any addition or modification of equipment or antenna shall conform to the requirements of this section”. Mr. Watkins clarified the meaning being that if there is a tower on a piece of property and it is rezoned to a residential classification that the tower can remain.

Ms. Davis stated that the version that is in the material of the agenda book is correct regarding the major and minor. Mr. Watkins stated that he just copied over the incorrect material on the presentation. Ms. Davis also addressed the last provision under (1)(iii) regarding existing towers. She clarified that there are other options for addressing existing towers and gave example situations, but the only way for the tower to have to come down is to not include a provision such as this provision to give the option. She stated that in the absence of saying nothing it would be interpreted to have to comply with it being removed.

Scott Gordon commented that he agrees with the provision being there as part of a zoning case going forward because it will allow for flexibility and gives future boards, future staffs, and future projects that flexibility. His only concern being that it doesn't create any issues in terms of precedence for the all or nothing with respect to conversion of zoning, which Ms. Davis commented that that should not be an issue.

ZONING CASES

9.1 Zoning Decision for Exceptional Variance (BOC Dist. 4)

Mr. Watkins stated that the first case on the Agenda is a zoning decision that needs to be made for an exceptional variance. He stated that the Bells Ferry Overlay District runs off of a physical plan that has been produced for that area based on Article 8 of the zoning ordinance which is a traditional neighborhood development ordinance. Within that ordinance there are three different types of neighborhoods.

Mr. Watkins stated that the applicant, Altair Sign and Light, came before the Board at the last meeting and had a Public Hearing regarding property and the Board deferred the decision until the December 6 meeting. The address is 803 Bascomb Commercial Parkway located in the Bells Ferry Overlay District, and they are requesting to erect a wall sign on a building in a Neighborhood General zone within the Bells Ferry Overlay District. He stated that it is a commercial business. It was thought that this area would redevelop as more of a residential look but that has not happened yet.

Within Article 8 there are different requirements for signage and buildings and are assigned to different neighborhood zones. The sign standards allow for one address no more than six inches, one blade sign and no signs in addition to those listed. He stated that the code does allow for someone to request an exceptional variance that comes in front of the Board. He described surrounding zoning and character areas. He recalled the conditions that were proposed. He stated there was a Public Hearing, and it was on the Agenda for a decision.

Scott Gordon stated that at the last meeting he had requested more time for the opportunity to revisit the area in the evening primarily because of the internal illumination. He stated that this area is potentially last on redevelopment, and businesses seem to be thriving and new businesses seem to be settling into the area. He recalled that Mr. Wilson stated at the Public Hearing that he has been at this location for over 25 years. Commissioner Gordon stated that he drove the area a couple of times in the evening and there are a lot of internally illuminated signs and his opinion is that their sign request is one of the more subdued signs. He stated that his recommendation for the evening will be to move forward. He stated that he does not want to put this business at a disadvantage.

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

Mr. Watkins provided a brief overview the case. He stated the rezoning was for 78 acres at 300 Collett Drive from AG to R-20 for development of a residential subdivision. He stated the Public Hearing was held September 6, 2016 and has been through a couple of postponements since that time. The Planning Commission's recommendation was for denial. He described surrounding zoning and character areas. Mr. Watkins stated that a revised site plan has been submitted. He recalled the conditions that were proposed by the applicant which are listed as rezoning to R-20 to be done as a Conservation Design; have

120 days to get a road improvement agreement with Cherokee County and without approval, the property would revert back to its AG zoning classification; total number of 123 total lots or 1.57 dwelling units per acre; development design shall maintain a minimum of 50% of the total acreage in protected conservation greenspace; that neighborhood development shall include a mandatory homeowners' association with responsibility for homeownership and maintenance of the permanent conservation greenspace; design and development shall protect all impounded waters on the property; and development of the property shall include certification by a wetland specialist for the compliance with best management practices to wetlands and ecological areas. He described surrounding zoning and character areas. Mr. Watkins stated that it is not consistent with the Country Estates character area. He stated that the Staff did take the proposed conditions and added to those for the benefit of the Board with some additional language. If the Board is inclined to approve it with the conditions proposed that the property would be rezoned to R-20 with the property being a Conservation Design Community. He stated that the plan that has been submitted is an illustrative plan and has not been reviewed as such for the conservation subdivision ordinance in Article 23 which he stated he wanted to make clear. In the road improvement agreement if an agreement is not executed within 120 days it shall revert back to its AG classification upon due notice and hearing effecting such reversion. Mr. Watkins reminded that anytime there is a condition of a road division there is work that has to be done by staff to initiate a board initiated zoning which requires notice and hearing to affect that reversion. He stated they would recommend that total lots shall be limited to a maximum of 123, the development design shall maintain a minimum of 50% of open space as defined by Article 23. Mr. Watkins stated that most of the language added refers back to Article 23 because it has not been approved a Conservation Design yet. He stated that No. 8 of the new language would say that there is an 85-ft. buffer to be delineated adjacent to the property zoned AG to the south side as required by the Conservation Design Community. He stated that since the revised site plan showed that connection to actually put a condition in for that connection to Woodmont property.

Raymond Gunnin stated that the case would have to be tackled again because after legal review there were some issues that have not been settled and need to be cleared up and that will probably take place after the first of the year.

9.3 Case #16-11-035 Meritage Homes (BOC Dist. 3)

Mr. Watkins provided a brief overview the case. He stated the rezoning was for .46 acres on New Light Road from AG to RZL for development of two residential lots. He stated the Public Hearing was held November 1, 2016 and the Planning Commission's recommendation was for Approval as R-20. He stated that the applicant requested postponement for decision to the January 17 regular meeting and the notice was received last week. He described surrounding zoning and character areas. He recalled the conditions that were proposed.

COMMISSION BUSINESS

10.1 Consider the 2017 Calendar.

Chairman Ahrens requested to consider the 2017 calendar meeting dates. If there is a conflict to inform him or Christy so it can be worked out for next year.

10.2 Consider Reappointment to the Region One EMS Board.

Chairman Ahrens requests to consider reappointing Danny West to the Region One EMS Board.

10.3 Consider Reappointment to the Cherokee County Board of Health.

Chairman Ahrens requests consideration of reappointment of Russ Glen to the Cherokee County Board of Health for a six-year term ending December 31, 2022.

10.4 Consider State Meeting Delegations.

Submit topics to Christy as soon as possible that will be discussed with State Representative State Senate for meeting coming up in January.

CONSENT AGENDA

Geoff Morton, in Mr. Cooper's absence, went over the four items under the **Consent Agenda** portion.

11.1 Donation of Two Motorcycles to the Ellijay Police Department.

Consider authorizing the Sheriff's Office to donate two motorcycles to the Ellijay Police Department that are no longer of use to the Sheriff's Office.

11.2 Donation of Hoses and Nozzles.

Consider approval of a transfer of surplus hoses and nozzles to the Iron City Volunteer Fire Department from Cherokee County Fire Department. These items were removed from a machine that was in operation since January 1999.

11.3 Disposal of Surplus of Miscellaneous Communication Equipment.

Consider approving the disposal of surplus miscellaneous communication equipment and fire equipment that is not being used and is permanently damaged and/or does not meet NFPA Fire standards.

11.4 Recycling Surplus of Obsolete Equipment.

Consider authorizing recycling of a surplus of obsolete equipment form the Public Safety and IT Technology Services. There is a list of Public Safety surplus computer equipment that has been verified through procurement and IT will dispose of it by recycling with Premier Surplus, Inc.

COUNTY MANAGER

Geoff Morton, in Mr. Cooper's absence, went over the five items under the **County Manager's** portion.

12.1 Proposed to the Lowest Bidder.

Consider approval to board the Cherokee County Construction Services Agreement to the lowest responsive bidder and the most responsive bidder for the construction of Woodstock trails from the Towne Lake Pass from the Woodstock Dog Park to Towne Lake Hills South Drive and will be awarded to Integrated Construction and Nobility Inc. in the grand total of \$2,647,711.48.

Mr. Morton stated that the trail basically ties the downtown Woodstock Trails to the Towne Lake area along Noonday Creek from the Woodstock Dog Park to Towne Lake Hill South Drive near the Woodstock Middle School and High School.

Commissioner Gordon stated that there was a letter sent to the Woodstock City Manager Jeff Moon on November 3 for advisory acceptance and inquired if there was any correspondence in return. Mr. Morton replied that there was correspondence received back regarding their acceptance of the proposal which is in the Agenda request. Commissioner Gordon stated that there were some questions regarding the construction budget, and inquired of the nonresponsive total bidder number was in relation to the other bidders. Mr. Morton replied the lowest bidder was Moreland Construction but they missed some items and they sent a letter requesting withdrawal of their proposal, adding that there was a total of five bids. He stated that this also includes construction of a 10-ft. wide multi-use path along Towne Lake Hills South Drive from Towne Lake Parkway to the trail head almost at Woodstock High School. Commissioner Gordon inquired if there was a construction schedule set and he replied that after the contracts are executed and the first of the year they will be holding a preconstruction meeting.

12.2 Federal Grant Award.

Consider accepting a Federal Grant Award for annual funding in the amount of \$210,395.00 and authorize a budget amendment in the amount of \$116,284.00 for the Solicitor General's Office.

The Solicitor General's Office has received a US Department of Justice Victim of Crime Act (VOCA) block grant money since 2014. The grant money currently funds two full-time victim witness applicant positions in the Solicitor's Office. The 2017 award was increased to add two more full-time victim witness applicant positions for the total of four full-time grant funded positions. Additional grant money is required additional match in the amount of \$23,256.00 from the general fund. A budget amendment to increase the grand funds of adoptive revenue and expenses required to allocate additional monies for two new full-time positions have not yet been filled and if not approved, the additional grant funds will be returned to the granting agency.

12.3 District Attorney Grant Award.

Consider accepting an annual District Attorney (VOCA) grant in the amount of \$228,812 on behalf of the District Attorney.

The District Attorney has received their annual US Department of Justice Victim of Crime Act (VOCA) block grant in the amount of \$228,812 for fiscal year 2017. The federal funds in the amount of \$183,050 and the county match funds in the amount of \$45,762 have been budgeted in the adopted FY17 budget. The grant monies fund four full-time victim witness applicant positions in the DA's office. The grant monies have been budgeted in the FY17 adopted budget and therefore a budget amendment is not required.

12.4 Feasibility Study Award.

Consider awarding of a feasibility study for the Heard Road Extension project. This is considering approval of a proposal award for professional services agreement to VHB Inc. for completion of the Heard Road Extension Scoping Study in the conceptual design project in the amount of \$48,400. The airport master plan document was approved and put together in 2010 and appeared in the 2008 in the

Cherokee County Comprehensive Transportation Plan and the purpose was to identify the airport area as a defined district to maximize economic impact by facilitating business development employment and coordinating investment infrastructure. A connection element of the airport master plan area was a road linking Bluffs Parkway and the Cherokee County Airport known as the Heard Road Extension. The end product of this study will be to determine a recommendation for a roadway alignment consisting of a project level concept plan and a report as well as a project cost estimate which includes the engineering, right-of-way, utilities, construction, permit needs, etc. whereby the county can set its project SPLOST budget as well as make a detailed request for proposals for a complete engineering design. The project will be kicked off in January and VHB Inc. has extensive experience in modeling for Cherokee County as they were the traffic modeling consultant for the comprehensive transportation plan which was adopted in March 2016.

12.5 Automatic Aid and Mutual Aid.

Consider automatic aid and mutual aid in an intergovernmental agreement with Cherokee County and Forsythe County and it will authorize the counties to render supplemental fire protection services to the other party in the event of a fire or local emergency. The agencies will also take part in joint training.

COUNTY ATTORNEY

Ms. Davis stated that there was nothing on the agenda that she needed to address.

PUBLIC

Commissioner Poole stated that Ms. Debra Frieden lives on Sixes Road and has been communicating with him via email and would like to address a topic that is not on the agenda but a topic regarding Sixes Road. He asked the Board if they would allow her to address the Board and it was agreed.

Ms. Frieden thanked the Board and stated that there have been issues with Holly Springs and Sixes Road regarding some of their developments that is up against the Falls of Cherokee subdivision. Her intent was to make a suggestion for a district around Sixes Road much like Marietta has done with their historic districts with the focal point being the Sixes (Gresham) Mill. Her suggestion was to designate from the QT to Bells Ferry and the BridgeMill Subdivision the Sixes Mill Historic District in name only which would require the county from Marble Quarry down to BridgeMill to articulate what the district would be. She stated that she spoke with Mayor-Elect Miller with Holly Springs and he thought the idea should be pursued. She stated that this could be a solution to the problem and she would like the opportunity to take part in it if the Board takes it into consideration.

ADJOURN

Hearing no further items, Commissioner Poole made a motion to adjourn to Executive Session at 4:26 p.m. to discuss property acquisition, personnel matters and pending or threatened litigation. Commissioner Gunnin seconded. The resulting vote was Passed, 4-0. Absent: Ahrens