



# Cherokee County Board of Commissioners MINUTES

**December 20, 2016**

**Regular Meeting**

**Cherokee County Admin Complex, Cherokee Hall 1130 Bluffs Parkway, Canton, GA30114 6:00 PM**

## **INVOCATION**

**Ted Lester with Christ Covenant Church in Woodstock will give the invocation.**

Ted Lester gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Commissioner Poole 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 6:16 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**

Chairman Ahrens called for a motion to ratify closure of Executive Session at 6:10 p.m.

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

## **3. PRESENTATIONS / PROCLAMATIONS**

## **4. AMENDMENTS TO AGENDA**

**4.1. Add item under Chairman: Appoint Vice Chair.**

**4.2. Add item under County Manager: Purchase Agreement for replacement fire station.**

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

## **5. ANNOUNCEMENTS**

Chairman Ahrens added as a comment that he and his wife had just returned from a week long trip from Honolulu to attend the 75th anniversary of the bombing of Pearl Harbor. He stated that, as many know, his father-in-law, then 2nd Lt. Roy Reid, was in the first B-17 shot down. They crash landed and all survived. He said his father-in-law passed away just last year. He and his wife were able to meet and speak with one of the nine crew members, now 97, and his family. He spoke about how emotional and compelling it was to be there not only at this time period, but to go to the Arizona and to understand that there are still 1,100 men below the surface. He also spoke about the emotional ceremony at the flag pole at Hickam Field on this December 7 with 1,000 folks there with 22 raptors flying over in a missing man formation. He said there was barely a dry eye there. He said it was something they would never forget but it did unfortunately cause him to miss a meeting.

**5.1. Cherokee County School District exceeds State CCRPI average, increases score.**

The Cherokee County School District for the fifth consecutive year has exceeded the State's average score under the College and Career Ready Performance Index (CCRPI) system that annually assesses student academic achievement and progress and increased its average score by more than three (3) points!

**6. APPROVAL OF MINUTES**

**6.1. Approval of Work Session, Executive Session and Regular Meeting Minutes from December 6, 2016.**

Raymond Gunnin made a motion to approve; Steve West seconded. The resulting vote was Passed, 4-0. Abstain: Ahrens

Chairman Ahrens abstained due to being absent from the December 6, 2016 meeting.

**7. PUBLIC HEARING**

**7.1. Request for the creation of a Legacy Lot by Mr. Michael Mann for property located at 4243 North Arnold Mill Road. (BOC District 2)**

Conduct a Public Hearing to consider the request by Mr. Michael Mann for the creation of a Legacy Lot at 4243 North Arnold Mill Road.

Scott Gordon made a motion to open the Public Hearing at 6:21 p.m.; Steve West seconded. The resulting vote was Passed, 5-0.

Ms. Vicki Taylor Lee stated that in 1999 a medical hardship was granted and placement of a manufactured home was allowed on the property at Arnold Mill Road and Jep Wheeler Road. The property is zoned R-40 and is 1.65 acres and the surrounding property is R-40. She stated that permits were issued and everything was done properly. It was discovered in 2015 that the medical hardship for which the trailer was placed no longer existed and the trailer needed to be moved. She stated that she had not heard from them since that time. Mr. Mann purchased the property and would like to build a second home on the property so that his mother can live on the property as well. Ms. Lee stated that it was discussed to rezone the area to R-30 which would accommodate two dwelling units but that would be 1.65 acres of R-30 in an R-40C. She stated that the request is permission for a legacy lot and the requirements being the lot would have to meet the standards of 40,000 sq. ft. and the remaining 31,800. The request is to remove the manufactured home and build a new house on that location and renovate the current house. She stated that there was advertisement and the adjacent property owners were notified.

Applicant, Michael Mann, came forward and stated that the septic tank is already in place

and his expectations when the property was purchased were to have two homes on the property. He stated he was not aware it couldn't be done when the purchase was made.

Scott Gordon made a motion to close the public hearing at 6:25 p.m.;

Ms. Pat England asked from the audience if she could speak. She said she saw on the list that Liz Porter had signed up to speak but that the sheet was gone when she wanted to sign up. She went on to state that she lives across from the property and she opposes the request. She stated that she attended the hearing in 1999 and she felt it was misrepresented at the time it was approved. She stated that the trailer has been there since 1999. Her opinion is that Mr. Mann should follow the current zoning because the majority of the people in the area have to have two or more acres per house.

Chairman Ahrens asked Ms. England to sign up with Ms. Black on the Public Hearing sign-up form.

Scott Gordon stated that he would withdraw his earlier motion to close the Public Hearing and made a new motion to close the Public Hearing; Brian Poole seconded. The resulting vote was Passed, 5-0.

Commissioner Gunnin stated that this is in his district and he thinks he understands what Mr. Mann is attempting to do and that up until now he hasn't heard from anyone.

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

## **8. PUBLIC COMMENT**

Two people signed up to speak:

1. Liz Porter who lives in Hickory Flat signed up to speak about her concern for current traffic in Hickory Flat. She stated that her concern was the traffic capacity and traffic operation during peak hours on Highway 140 in Hickory Flat. She also stated that her concern is the high density developments proposed in Hickory Flat and that there are no immediate plans to improve Highway 140 in Cherokee and Fulton Counties. She questioned if there were site specific traffic studies conducted during the planning for each of the subdivisions and if the cumulative effect of all the subdivisions together have been taken into account. She stated that she would like to see a group come together that can discuss the best way to approach a plan for traffic issues in Hickory Flat. Chairman Ahrens stated that the Board shares her concern and that it is a state highway and was on the TSPLOST for \$200,000,000. He stated the Board is looking for ways to address the issues.

2. Ed Chandler signed up to speak about his concern with the rezoning for denser housing that has taken place in 2016 and a dozen or new subdivisions going up in Hickory Flat. He questioned the plan for expanding the county road net in Hickory Flat. Chairman Ahrens stated that it will not be discussed at the moment, but he stated that next year in November there is the opportunity to renew the SPLOST which is the one cent sales tax and half of that money goes to roads. He stated that the Board is now drafting the kinds of projects that will be addressed. He stated that the Board understands the concerns.

## **9. ZONING CASES**

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

Consider request by Southern Farms Development Company, LLC 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 stated the applicant, Southern Farms Development Company, LLC, is seeking to rezone 71.13 acres at Jep Wheeler Road from R-80 to R-40 for the purpose of putting a residential development on the property. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for denial.

He provided a brief overview the case. He described surrounding zoning and character areas, and stated that the development is to be a conservation design. He recalled there were proposed conditions that were submitted in the original request and stated there have been changes to those conditions submitted. He stated the changes as being 45% of the greenspace as being a part of the conservation design; 100 foot undisturbed buffer around the perimeter; 100 ft. setback along the frontage on Jep Wheeler Road; developer contribution increased to \$250,000 to the county for road improvements; developer to pay for a traffic study to be completed; contribution of \$91,000 to the county school system; all houses to be 3,000 sq. ft. He stated that the rest of the conditions remain the same. Commissioner Gunnin commented on all the discussion over the last few months regarding the case and stated that it's important to adhere to the future development map as much as possible. He stated that R-40 just isn't suitable for the area and would pose several different problems. His opinion is that it needs to be looked at again for a different type of zoning.

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

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

Consider request by Hogan Pond Properties, LLC to rezone 199.4 +/- acres on Hogan Pond Lane and Highway 372 from AG and LI to R-80, R-60 and R-30 for a conservation master planned community.

Mr. Watkins stated that the applicant is seeking to rezone 199.4 +/- acres on Hogan Pond Road and Ball Ground Road from AG and LI to R-80, R-60 and R-30 as a master plan conservation residential development. He stated the public hearing was held November 1, 2016 and Planning Commission's recommendation was for denial. He stated that the applicant is requesting withdrawal without prejudice.

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

**9.3. Case #16-12-042 277 TCL Properties, LLC (BOC Dist. 2)**

Consider request by TCL Properties LLC to rezone 3.5 acres at 277 Tom Charles Lane from R-80 to R-30 for four (4) single family residential homes.

Mr. Watkins stated that the applicant is seeking to rezone 3.5 acres at Tom Charles Lane from R-80 to R-30 for the purpose of putting a single family detached residence on the property. He stated the public hearing was held December 6, 2016 and Planning Commission's recommendation was for approval. Mr. Watkins provided a brief overview the case and described surrounding zoning and character areas.

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

**9.4. Case #16-12-046 Church of God Prophecy (BOC Dist. 1)**

Consider request by Church of God Prophecy to rezone 1.0 +/- acres at 127 Dry Pond Lane from R-80 to AG to combine property with adjacent AG property.

Mr. Watkins stated that the applicant, Church of God Prophecy, is seeking to rezone 5.81 acres on Dry Pond Lane from R-80 to AG for the purpose of putting a church on the property. He stated the public hearing was held December 6, 2016 and Planning Commission's recommendation was for approval. He provided a brief overview the case, and described surrounding zoning and character areas.

Steve West made a motion for approval; Scott Gordon seconded. The resulting vote was Passed, 5-0.

**9.5. 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.

Mr. Watkins stated that the applicant, Georgia-Tennessee Development Partners, LLC, seeks to rezone 78 +/- acres from AG to R-20 at 300 Collett Drive for the purpose of putting a residential neighborhood on the property. He stated the Public Hearing was held September 6, 2016 and Planning Commission's recommendation was for denial. He stated that after quite a bit of work on the application, the applicant requests a withdrawal without prejudice and to begin the process anew. Commissioner Gunnin commented that the plan has been on-going since July. He stated that there has been a lot of change to it and he feels it prudent that once so much change has been made to an application then it should start over and go back through the planning process.

Raymond Gunnin made a motion for approval to allow the withdrawal without prejudice; Steve West seconded. The resulting vote was Passed, 5-0.

Chairman Ahrens announced for those who may be leaving, that EMA had just released a statement that there was a possibility of patchy, freezing fog in portions of North GA tonight through tomorrow morning with the greatest chance of development north of Cedartown to Canton.

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**10. COMMISSION BUSINESS**

**10.1. Chairman Ahrens: Adoption of 2017 Board of Commissioners' Meeting Schedule.**

Chairman Ahrens made a motion to adopt the meeting schedule as presented which excludes the first Tuesday meeting in July which falls on July 4; Scott Gordon seconded. The resulting vote was Passed, 5-0.

**10.2. Chairman Ahrens: Consider appointments to the Cherokee County Development Authority and the Development Authority of Cherokee County.**

Chairman Ahrens stated that this was more of an announcement. Those whose terms will be expiring on December 31, 2016 on the Development Authority of Cherokee County are Steve Holcomb, Wanda Roach, Pat Comeaux, Robert Logan and Mark Goddard and on Cherokee County Development Authority is Ben Looper. He asked the Commissioners to think about candidates for these positions.

**10.3. District 4, Commissioner Gordon: Towne Lake Pass Trail Resolution.**

Consider Joint Resolution with City of Woodstock to dedicate the 'Towne Lake Pass Trail' in memory of Mary Tessa Basford.

Commissioner Gordon asked for the Board's support in dedicating the Towne Lake Pass Trail in memory of the late Mary Tessa Basford. He stated that the City of Woodstock adopted the resolution on December 12.

Scott Gordon read the resolution as a motion; Brian Poole seconded. The resulting vote was Passed, 5-0.

**10.4. Amendment: Chairman Ahrens: Appointment of Vice Chair for 2017.**

Chairman Ahrens appointed Commissioner Scott Gordon as Vice Chairman for 2017. Commissioner Gordon accepted.

Chairman Ahrens commented that the Vice Chair rotates among the District Commissioners. This year it will go to District 4 and next year it will go to District 1 and so forth.

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**11. CONSENT AGENDA**

**11.1. Hickory Road at Stringer Road/Carriage Lane Intersection Improvement - Added Design Services Request.**

Consider proposal from American Engineers, Inc. for additional design services required for the Hickory Road at Stringer Road/Carriage Lane Intersection Improvements project in the amount of \$12,500.00.

**11.2. ARC Aging Subgrant Amendment.**

Consider formally accepting and authorizing the Chairman to execute the SFY17 Sub-grant Agreement Amendment 1 with ARC in the total funding amount of \$731,205.

**11.3. DA Annual Grant Acceptance.**

Consider accepting annual federal grant for the continuation of the STOP Violence Against Women Act formula grant and authorize the Chairman to sign the Subgrant Agreement in the amount of \$70,000.

**11.4. CCSO VOCA Grant Award.**

Consider accepting federal Victim of Crime Act (VOCA) Block Grant monies in the amount of \$96,501 on behalf of the Cherokee Sheriff's Office Criminal Investigation Division (CID), consider authorizing a Budget Amendment in the amount of \$120,626 to allocate the grant monies and County match, and consider creating three new full time positions in CID Unit (Org 3321).

**11.5. Felony Drug Court - Supplemental Grant.**

Consider accepting Supplemental Subgrant Award in the amount of \$35,123 for additional state grant monies on behalf of the Drug Accountability Court, consider authorizing a Budget Amendment to allocate the additional grant funds and consider creating a full-time Compliance Officer Position in Org 2151.

**11.6. Mental Health Court - Supplemental Grant.**

Consider accepting Supplemental Subgrant Award in the amount of \$16,000 for additional state grant monies on behalf of the Mental Health Court and consider approving a Budget Amendment in the amount of \$17,778 to allocate the additional grant monies and required match.

Raymond Gunnin made a motion to approve Consent Agenda; Steve West seconded. The resulting vote was Passed, 4-0. Abstain: Poole

Commissioner Poole abstained from voting due to laws related to Commissioners not re-elected.

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## **12. COUNTY MANAGER**

### **12.1. Trickum Road at Jamerson Road Intersection Improvement Project - Construction Contract.**

Consider award of a construction agreement to CMES, Inc., in the amount of \$436,844.50, for construction of the Trickum Road at Jamerson Road Intersection Improvement Project.

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

### **12.2. Transfer of Assets from Sheriff's Office.**

Consider transfer of assigned weapons of law enforcement officer that is retiring in good standing with the County, contingent upon reimbursement by the Sheriff's Foundation in the amount of fair market value or purchase price.

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

### **12.3. Arborview Parkway Sidewalk & Drainage Improvement Project and Gold Bridge Crossing Sidewalk Project - Construction Contract.**

Consider award of a construction agreement to Lewallen Construction, Inc., in the amount of \$244,574.27, for construction of the Arborview Parkway Sidewalk & Drainage Improvement Project and the Gold Bridge Crossing Sidewalk Project.

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

### **12.4. SR 92 at 3 Locations - Intersection Improvements Construction Contract.**

Consider award of a construction agreement to Bartow Paving Company, Inc. in the amount of \$732,043.00 for construction of Operational Improvements at the intersections of SR 92 and Woodstock Road, Robin Road and Bells Ferry Road.

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

### **12.5. S. Cherokee Lane Improvements - Design Services.**

Consider award of a professional services agreement to BM&K Construction & Engineering in the amount of \$55,000.00 for the design of improvements for a portion of S. Cherokee Lane.

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

### **12.6. Impact Fee Exemption for Adidas/Oeschler Manufacturing Facility in Cherokee 75 Park.**

Consider an Impact Fee Exemption Request with a value of \$ 21,437.33 from Cherokee Office of Economic Development for the new Adidas/Oeschler facility. This business will be involved in manufacturing footwear at this location.

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

**12.7. SR 140 at East Cherokee Drive Intersection Improvement Project - Added Design Services.**

Consider supplemental agreement from AMEC Foster Wheeler, Inc. for additional engineering design services for completion of the SR 140 at East Cherokee Drive Intersection Improvement project in the amount of \$78,000.00.

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

**12.8. Documentation regarding Consolidation of Canton Fire Department.**

Consider approval of documentation regarding consolidation of Canton Fire Department.

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

**12.9. IGA with City of Woodstock related to Animal Control.**

Consider Animal Control Intergovernmental Agreement with City of Woodstock.

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

**12.10. Amendment: Purchase and Sale Agreement for a future fire station.**

Consideration of Purchase and Sale Agreement with Mount Vernon Realty, LLC, for a 3.63 acre parcel located on Hwy. 140, specifically 1755 Reinhardt College Parkway, in the amount of \$450,000 plus a 2% commission.

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

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**13. COUNTY ATTORNEY**

**ADJOURN**

Chairman Ahrens stated that he would like to take this opportunity on behalf of the Board, the staff and the residents, particularly those in District 3, to thank Commissioner Poole for his commitment to serve and to his contribution to Cherokee County in total. He added that it is not an easy road, not an easy path, and it never will be, but that Commissioner Poole has managed his priorities willingly, faithfully and effectively and that we appreciate that. He said we wish him and his family much success in his new business venture.

Chairman Ahrens then wished everyone watching a happy, healthy and safe holiday period. He thanked his colleagues and all the staff for their collaborative and dedicated professional efforts in representing 235,000 folks in this County.

The Chairman asked if there was anything else to come before the Board. Hearing none, Brian Poole made a motion to adjourn at 7:06 p.m.; Steve West seconded. The resulting vote was Passed, 5-0.