



# Cherokee County Board of Commissioners MINUTES

**March 7, 2017**

**Regular Meeting**

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

## **INVOCATION**

**Lynne Saunders with Papa's Pantry in Woodstock will give the invocation.**

Lynne Saunders gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Commissioner Kovacs 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 6:10 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Bob Kovacs; 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 the closure of Executive Session at 5:45 p.m. where no action will be brought forward.

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

## **3. PRESENTATIONS / PROCLAMATIONS**

### **3.1. Proclamation - Child Molestation Awareness Month.**

Chairman Ahrens read the proclamation and presented it to Maddison Faulkner, a student who chose as her Senior Project to help the children in Cherokee County by bringing awareness to this issue.

### **3.2. Amendment: Proclamation - Agriculture Day in Cherokee County.**

Chairman Ahrens read the proclamation, stating that he would be presenting it at the Ag Expo on Friday.

4. **AMENDMENTS TO AGENDA**

4.1. **Add item under County Manager's Portion: Trickum Road at Jamerson Road Intersection Improvement Project Supplemental Agreement.**

4.2. **Add item: Proclamation, Agriculture Day.**

4.3. **Add item under Chairman Ahrens' section: Communication to City of Holly Springs City Council.**

4.4. **Add item under Chairman Ahrens' section: Letter to State Delegation regarding SB2.**

Bob Kovacs made a motion to approve the amended 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 Meeting Minutes from February 21, 2017 as presented by the County Clerk.**

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

7. **PUBLIC HEARING**

7.1. **Amendment to Article 9 Home Occupations to allow in accessory structures.**

Conduct a Public Hearing to consider amending Article 9 of Cherokee County Zoning Ordinance to allow Home Occupations to operate from accessory structures.

Scott Gordon made a motion to open the Public Hearing at 6:16 p.m.; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

Mr. Watkins discussed the proposed amendment to Article 9 of the Cherokee County Zoning Ordinance which relates to home occupations, specifically amending Section 9.3-2 and 9.3-3 relating to the development standards which will allow for the inclusion of operating home occupations within an enclosed accessory building or detached garage. He addressed amending Article 9.3-2 to say "Except for permitted outdoor instructional services, the home occupation shall be conducted within the enclosed living area of the home which may include the basement or within an enclosed accessory building or detached garage", and amending 9.3-3 to say "A home occupation and any storage of goods, materials, or products connected with a home occupation shall be allowed in an accessory building or detached garage". Mr. Watkins said the amendment was advertised.

Chairman Ahrens inquired if there was any response and Mr. Watkins responded that no calls or emails have been received. Chairman Ahrens then stated that no one had signed up to speak and called for a motion to close the Public Hearing.

Scott Gordon made a motion to close the Public Hearing at 6:18 p.m.; Bob Kovacs

seconded. The resulting vote was passed, 5-0.

Mr. Watkins stated that something was left out in Work Session that he wanted to address. He stated that since the words “or within an enclosed accessory building or detached garage” was added to the Section 9.3-2, it needed to be added to the definition of “home occupation” in Article 4 in Rules and Definitions. He stated that the definition now reads as “the home occupation is an occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise conducted entirely within the dwelling with equipment customarily used for household purposes involving no display of articles or products. A customary home occupation includes the accommodation of not more than two borders or rumors”. Mr. Watkins stated that his suggestion is to add the new sentence, “or within an enclosed accessory building or detached garage” behind the first mention of carried on within a dwelling unit in that definition and strike “conducted entirely within a dwelling” and strike the last sentence of the definition that mentions rumors and borders.

Bob Kovacs made a motion to approve 7.1 with the additional modifications to the definition in Article 4 per Mr. Watkins recommendations; Raymond Gunnin seconded. Steve West stated that he would like to table until the next meeting. He stated that he has some issues and uses of the ordinance that he would like to study on. Scott Gordon stated that he is not opposed to revisiting the ordinance. He stated that he understands the concerns about the detached garage versus one that happens to stand off of one’s property. He stated the he appreciates Mr. Watkins information given in Work Session regarding 7,000 occupational certificates and 4,700 of them are home occupations. He stated that it is a big part of what is in the County and cannot be taken lightly, making changes to or expanding, and there are implications both ways. He stated his concerns are the unintended consequences that haven’t been looked at, and there is some non-permissible language, and some prohibited home occupations. He inquired as to if the Board should entertain expanding that and he commented that it also places a lot of responsibility on the Planning Director to make a lot of the calls without a lot of specificity that you can stand on necessarily. He stated that he would like a little more time as well before a final decision is made. Commissioner West stated that it’s the different uses of it that is his concern.

Bob Kovacs withdrew his motion for approval; Raymond Gunnin withdrew his second.

Bob Kovacs made a motion to table a final decision on item 7.1 until March 21 to allow time for further review; Steve West seconded. The resulting vote was Passed, 5-0.

## **8. PUBLIC COMMENT**

Three people signed up to speak:

1. Thomas Weaver signed up to request that the CATS bus transportation system add additional service areas in the City of Canton. Chairman Ahrens commented that it is on the radar.
2. Kerry Leudke signed up to speak about traffic issues on Hwy. 140 and Arnold Mill Road and requested a moratorium on high density rezoning projects until a plan can be reviewed. She gave a letter to the Board.
3. John Long signed up to speak about the 'gridlock on Hwy. 140' between 7 a.m. and 9 a.m. and the evening rush hour. He requested a moratorium on new developments that could feed traffic onto the 140 corridor until a solution can be reached. He gave the Board a letter. Chairman Ahrens stated that there are some legal consequences so there will be no dialogue at this time.

## **9. ZONING CASES**

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**10. COMMISSION BUSINESS**

**10.1. District 1 - Steve West: Appointment to the Cemetery Preservation Committee for the remainder of a four-year term to expire December 31, 2018.**

Steve West appointed Larry Eubanks to the Cemetery Preservation Committee. He stated that this was a replacement for the remaining term of John Cadle who served for many years and had decided to step down.

**10.2. Amendment: Chairman Ahrens - Communication to City of Holly Springs City Council regarding annexation of property at Univeter Road.**

Chairman Ahrens addressed this amended item at the end of the agenda.

**10.3. Amendment: Chairman Ahrens - Letter to State Delegation related to SB2.**

Chairman Ahrens addressed this item at the end of the agenda.

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**11. CONSENT AGENDA**

**11.1. Transfer of Funds from CCAC Personnel to CCAC Operating.**

Consider Transfer of Funds from Cherokee County Aquatic Center Personnel to Aquatic Center Operating in the amount of \$12,500 for added services in HVAC and Pool Equipment Contract Services.

**11.2. FY17 Grant Budgets.**

Consider approving Budget Amendments to the County adopted FY17 Budget to roll unspent grant monies.

**11.3. Surplus office equipment and furniture.**

Approval for the Solicitor-General's office to surplus obsolete office equipment and furniture.

**11.4. Georgia Family Connection Partnership Fiscal Agent.**

Consider serving as Fiscal Agent for the Georgia Family Connection Partnership Grant for the period July 1, 2017 through June 30, 2018.

**11.5. Grant of Easement to CCWSA for a Water Meter/Vault.**

Consider approval of the Water Easement Agreement to Cherokee County Water and Sewerage Authority to allow for the installation of a water meter/vault at the new Bells Ferry Fire Station.

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

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**12. COUNTY MANAGER**

**12.1. Budget Amendment to Use CRPA Reserves.**

Consider a Budget Amendment to Use CRPA Reserves for the Purchase of Equipment & Repairs in Parks.

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

**12.2. SPLOST Budget Amendment.**

Consider authorizing a Budget Amendment to allocate \$280,289 in SPLOST 2012 collections to Roads and Bridges for the purchase of two tandem dump trucks.

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

**12.3. 2016 Post-Audit Budget Amendment.**

Consider 2016 Post-Audit budget amendment. The County collected an additional \$4,797,803 in unbudgeted revenue and used \$1,297,863 of reserves, for expenditures over budget of \$6,095,666 for fiscal year 2016.

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

**12.4. CDBG Annual Action Plan Amendments for 2013, 2014, and 2016.**

Consider approval of the amendment to the 2013, 2014, and 2016 CDBG Annual Action Plans.

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

**12.5. Marshal's Office Renovations Contract.**

Consider awarding County's standard Construction Services Agreement to lowest priced, highest scored proposer, Latimer Construction, in the amount of \$1,299,484 for the renovations to the County Marshal's Office.

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

**12.6. Update Ordinance 38-55 Regarding Enforcement of Pawn Shop Article.**

Approve an update to Article II Section 55 of Chapter 38 of the Code of Ordinances of Cherokee County, Georgia to reflect the updated provisions of House Bill 492 passed during the 2015-2016 meeting of the Georgia General Assembly, with said update being codified in O.C.G.A. § 16-11-173.

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

**12.7. Adoption of the 2016 Annual Impact Fee Report & STWP Update.**

Consider adopting the 2016 Annual Impact Fee Report & STWP Update.

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

**12.8. Leasing of vehicles for CRPA with Enterprise Fleet Management.**

Consider the leasing of vehicles for CRPA under current leasing agreement with Enterprise Fleet Management and authorize the County Manager to sign the Quotes to initiate the lease process.

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

**12.9. Amendment: Trickum Road at Jamerson Road Intersection Improvement Project - Supplemental Agreement No. 1.**

Consider Supplemental Agreement No. 1 for the Trickum Road at Jamerson Road Intersection Improvement Project from CMES, Inc. in the amount of \$25,481.00.

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

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13. COUNTY ATTORNEY

**No County Attorney Items.**

**Amendment: Chairman Ahrens: 10.3 Letter to State Delegation regarding SB2.**

Chairman Ahrens stated that he wanted to address Senate Bill 2 which would make the permitting process more efficient and more effective, and in an effort to do that has created significant hurdles and significant unfunded mandates and is digging deeply into county and city municipal permitting licensing processes. He stated that it passed the Senate unanimously and is now in the House. He stated that Lieutenant Governor Cagle was the one who introduced it into the Senate. He stated that the Cherokee County Board of Commissioners has been asked by the Association of County Commissioners of Georgia to give an opinion on the Bill. Chairman Ahrens stated that there was a lengthy discussion in Work Session regarding the Bill, and that Cherokee County is way ahead of other counties in the processes and timelines. He stated that the Bill would mandate a lot more detail and reporting work and set up a basis where if a permit was not delivered by a certain date there would be a reduction in the fee and it is convoluted. Chairman Ahrens requested the Board to consider sending a letter to the Small Business Committee of which Representative Wes Cantrell sits on the committee and they will have committee meetings this week. He stated that the Board's discussions at the Work Session were centered on sending a letter to the committee indicating some specifics of concern and to voice an opposition to the Bill moving forward. He stated that Ms. Davis gave some guidance on specific points that would be articulated to them and asked Commissioner Gordon to consider drafting the letter. The Chairman asked Ms. Davis to review some of the points.

Ms. Davis stated that it is an unfunded mandate creating not only new procedures and policies that will have to be put in place, but it also creates a new reporting scheme which could mean bigger government in terms of the county having to have new staff dedicated to reporting requirements annually, as well as new staff on the state level that will have to accept those reporting requirements. She stated that at a state level they are supposed to award a categorical rating so that is a new process that will enlarge state government with that perspective. She stated that in addition, it could create some abuse in two different facets. She stated that if someone requested an expedited review process it could be abused from a county perspective by staff incurring overtime charges and incur additional costs by the county that would not otherwise be foreseen or intended. On the flip side, it could result in additional charges to the public that otherwise might not be employed. She gave an example stating that Cherokee County has an expedited review process, but the County has never charged an excess rate for the service. She stated that the statute says that a county can charge up to double that if the Bill passes. She stated that in some ways it is an opportunity for abuse in terms of charges that she isn't sure are supportable under the law that states that charges must equate to the effort and services that are provided. She stated that it also penalizes counties who otherwise have efficient processes in place like Cherokee County does. She commented that Cherokee County takes very seriously a streamlined efficient process that has been put in place by the County Manager and his staff. She stated that in her opinion it is unfair for counties to have these additional requirements if they are already doing what is needed and required. She stated the final point they mention as reporting justification is transparency in government which already exists and is required through the Open Meeting and Open Records Act, so to put another layer of transparency is an unnecessary additional requirement. Chairman Ahrens stated that we can apply for a ready for partnerships certification program which means we would have to provide a bunch of information to be certified.

Chairman Ahrens made a motion to address a letter to the Small Business Committee stating the

concerns; Steve West seconded. Bob Kovacs stated that the state representative should be copied as well. Scott Gordon stated that he would work with Ms. Davis on preparation of the letter. The resulting vote was passed, 5-0.

**Amendment: Chairman Ahrens: 10.2 Letter to City of Holly Springs City Council / Annexation of property located at Univeter Road.**

Chairman Ahrens stated that he and Commissioner Kovacs attended the City of Holly Springs City Council Work Session, and the annexation of 100 acres at Univeter Road was discussed. He stated that 80 acres will be rezoned and 20 acres will be annexed and not rezoned but just providing a bridge. He stated that based on discussions that they heard, he believes it is incumbent upon the Board to restate and reemphasize the November 4, 2016 letter that was sent to the full City Council stating specifically the concerns and requests of the Board that they deny the annexation and rezoning. Chairman Ahrens stated that in the letter, the Board indicated a suggested build out of 80 residential units on 80 acres amongst other factors. He stated that during the course of the meeting, it was indicated that commissioners had committed to a zoning of R20 should that be denied and come back to the County, which would be 160-170 units. Chairman Ahrens stated that that is absolutely an incorrect statement, that no Cherokee County Commissioner made any commitment whatsoever.

Chairman Ahrens requested authorization to allow him to send a letter, which a draft would be available beforehand, restating the Board's initial concerns and to affirm to the Council that none of the Cherokee County Board of Commissioners has committed to any future density to the City of Holly Springs, adding that that was his motion; Bob Kovacs seconded.

Ms. Davis wanted to clarify a statement made by Chairman Ahrens wherein he stated "no committed density to the City of Holly Springs" because she stated that what was spoken about earlier was there has been no commitment to the applicant for that density in the city. The Chairman stated that that was correct, it was the applicant who made the statement. He stated that he would have a draft for the Board to review, and he wanted the Board to hear some of it beforehand. He stated that the situation is an important one. He stated that there are two parcels that are providing contiguity to the City of Holly Springs up to Univeter Road with an 80 acre rezoning that started at 237 units, it went down to 200 units, and now there is discussion of 160. He stated that it is immediately adjacent to Indian Knoll Elementary School at the traffic light in the corner. He stated that if it occurs it would take an area away from what is the core of the City of Holly Springs and would allow any future potential annexations in unincorporated Cherokee, including up to Brick Mill Road which then goes to the City of Canton.

Having a motion and second, the resulting vote passed, 5-0.

**ADJOURN**

Hearing no further items to come before the Board, Scott Gordon made a motion to Adjourn at 7:00 p.m; Raymond Gunnin seconded. The resulting vote was Passed, 5-0.