



# Cherokee County Board of Commissioners WORK SESSION MINUTES

**March 7, 2017**  
**3:00 p.m. | Cherokee Hall**

Chairman Ahrens began Work Session at 3:10 p.m. Those present included Chairman Ahrens; 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.

## **1. Discussion to Consider Mixed Use Ordinance.**

Chairman addressed the subject of a mixed use ordinance stating that Jeff Watkins, along with some outside sources, had developed a draft of the ordinance. He stated that he wanted to approach the Board with the draft for discussion. He stated that the ordinance is different than a TND and there are potential areas in the County where the ordinance could apply.

Mr. Watkins stated that over the course of the years there have been many opportunities where he has met with people proposing sizeable projects. He stated that they wanted to do mixed use projects, but the only mixed use ordinance available was the TND ordinance. Mr. Watkins stated that the TND ordinance is limited by location and useful in more urban areas and has its own quirks. He stated that there is no other way to handle these projects without setting up situations where you are using multiple zoning districts and granting various ordinances for set back and buffers. He stated that the new mixed use ordinance would be used for large tracts of land 500 acres or more. Mr. Watkins addressed several areas of the drafted mixed use ordinance which included: conditional uses, overall design requirements, density, development standards, development standards additional requirements, the village core area, transportation system, open space, architectural standards, approval process, revisions to approved MUV application, environmental considerations, and conditional use permit; criteria to be considered. He stated that there was the PUD ordinance, but the problem with the PUD ordinance was that it was used as a single use. Using PUD created a single use residential district that didn't mix uses and was typically used in higher densities. Chairman Ahrens commented that it would be something like LCI, which would give a vision of what the concept plan would be. Mr. Watkins reiterated that this is just a draft to get the conversation started.

Mr. Watkins introduced Jill Arnold with Pursley, Friese and Torggrimson and she addressed the Board. She stated that she has worked with Mr. Watkins for a couple of months on the drafting of the mixed use ordinance. She stated that the mixed use application is limited due to the minimum of 500 acres. She stated that she is a 2014 graduate of Georgia Tech and she used the concepts she learned in planning school as her basis on assisting Mr. Watkins in drafting the mixed use ordinance. She stated that she works in land use and zoning and she works primarily in the metropolitan area. She has surveyed several jurisdictions and pulled pieces from several jurisdictions that either worked or did not work for them. She stated that Jeff and his staff have edited the ordinance. Chairman Ahrens stated that there have been two areas in the past that have been looked at for this type of development and this ordinance could be applied to those situations. Commissioner Kovacs stated that the 500 minimum requirements was a concern leaving the people with 100 acres with nothing but a TND. He stated that if there is going to be a mixed

use ordinance his suggestion is to do it for smaller amounts as well so that it could benefit more projects. Mr. Watkins stated that he is also addressing the idea that would consider a more infill mixed use, but there is no way to deliver it as of now. Commissioner Gordon stated that it would be problematic to take a mixed use ordinance of this type requiring at least 500 acres into a greenfield piece of property away from utilities such as water, sewer, etc. He stated that he would like to see some language in the ordinance regarding infrastructure contributions. His concern is using this ordinance in this type of area without road connectivity. Mr. Watkins stated the DRI would relate to the infrastructure requirements, so it might be an idea to use certain information from the DRI to bind the projects. Commissioner Gordon inquired if Mr. Watkins could see the County looking to a form based code. Mr. Watkins replied that he has done a lot of research on it and it's a significant shift in how to address it. He stated that they try to interject some of those form base items with the RD3 District and TND Ordinance being some of them and we could move closer to the form base code. He stated that there was a community patterns book adopted several years prior that was to be a supplement and part of the comp plan in the character areas. He stated that taking that another step would be creating a form base code based on those character areas and community patterns, which has been something that has been discussed at great length. The problem with the form based code and using a kind of transect is that you end up with using only one transect that is useful in our area. Commissioner Gordon stated that he would like to know what other counties are doing as far as form based codes. He commented that anything over 500 acres should require a CAT stop, and something that size without transit would be a mistake. Mr. Watkins stated that this is a draft and all comments are welcomed. Commissioner Gordon stated that the first issue that needed to be addressed regarding a form based code would be the infrastructure with getting the power, sewer, water and getting people in and out. Chairman Ahrens stated that it is a Board goal to get water availability to areas where it is needed. He stated that it was his goal to just get the draft in front of the Board for discussion. His stated that his suggestion is to think about these and other aspects and revisit it again the first week in April. Chairman Ahrens stated it important to let the community who may be interested in this type of project be aware that it is being addressed.

## **2. Discussion of Regular Agenda Items.**

### **Presentations/Proclamations**

#### **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.

Mr. Watkins addressed the amendment of 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 for Public Hearing. Chairman Ahrens inquired if it stipulates specific functions that a home occupation can or cannot do and does this change that? Mr. Watkins read aloud the home occupational ordinance and standards, as well as the permitted uses for home occupations. He also read aloud the list of prohibited and permitted uses. Chairman Ahrens commented that he believes it gives people more opportunity to have a home occupation, but it may challenge some of the prohibited uses. Mr. Watkins stated that as of February 8, 2017, of the 7,000 occupational tax certificates issued, 4,700 of those are home occupations; eighty-three percent of all home occupations claim less than two full-time employees; and the average revenue received from home occupations for occupational tax certificates is \$30. Commissioner West inquired if there is a square footage limit on a building. Mr. Watkins read aloud from accessory structures, stating that it should not be larger than the foot print of the primary structure. There was a brief discussion between Mr. Watkins and the Board regarding enforcement of home occupation business regulations. They discussed wanting home business occupations to be successful and grow and move onto a bigger facility at that point. Mr. Watkins reminded the Board that accessory buildings are allowed ten feet away from the home structure, and there is a limit to how many buildings and the size of the buildings allowed depending on the zoning.

### **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.**

### **CONSENT AGENDA**

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

- 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 totaling \$259,623.

- 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.

## **COUNTY MANAGER**

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

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

Consider a Budget Amendment to Use CRPA Reserves for the Purchase of Equipment & Repairs and maintenance in Parks for a total amount of \$165,000.

### **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.

### **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.

### **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.

### **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.

### **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.

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

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

### **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.

**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.

Chairman Ahrens stated that he would like to add a couple of items.

**COMMISSION BUSINESS: CHAIRMAN AHRENS**

**Letter to delegation related to SB 2.**

Chairman Ahrens stated that he wanted to address Senate Bill 2 in which the Board was asked to give their views on the Bill. He stated that the email from ACCG informed that Representative Wes Cantrell was on the committee. He stated that he understood the need for expediting the permitting process, but he felt the Bill was very complex and cumbersome. He inquired if Ms. Davis was aware of the Bill. She replied that she was aware of the Bill, and some feel that it is for some counties that just drag out their processes and don't allow development to proceed. She feels that is primarily the focus, and it layers a lot of additional burdens just on the reporting aspect. She stated that there are many other remedies that could be employed because this is creating bigger State government just by the requirements being made.

Chairman Ahrens commented that the ACCG is trying to negotiate a better way. Commissioner Gordon stated that some of the original language in the Bill required a two week turnaround for projects for review regardless. He stated that it may work for small developments, but the larger ones could require more than a two-week turnaround for review. Mr. Cooper stated that it was ironic that Cherokee County is looked upon from jurisdictions throughout the country and Canada and asked how we get our permitting accomplished in such a short time frame. He stated that last year it was an average of 14.5 days, and that involved small and large projects. He stated that the process Cherokee County has in place is working, and staff is always evaluating that process to find ways to do the job even better. He commented that the State is going to do a rating; they are going to have a building infrastructure transparency score. He stated that he is curious as to how they are going to dig into the numbers on each jurisdiction and get the accurate numbers, and stated that Cherokee County is always transparent with that information. Commissioner Kovacs stated that he can see why this would need to be used in certain jurisdictions where they are slow about turnaround, but he doesn't feel that it will solve the problem. He stated that the people who are proposing these Bills have not actually been through the process, and there is no upside for Cherokee County. Commissioner Gordon stated that he questions if the Bill has unfunded mandates.

Chairman Ahrens inquired if the each of the Board of Commissioners would like to communicate back to the committee or take a collective detail view. Ms. Davis stated that there wasn't a resolution prepared but it could be done by motion. Chairman Ahrens suggested making an amendment and putting it on the Agenda for the meeting. Ms. Davis stated that it would be more persuasive to specifically identify some concerns as to why the opposition and not just oppose. Those points being the unfunded mandate of new

reporting requirements and that requiring larger government on the County and State level for new reporting system, penalizing counties who already take seriously the timely obligation, and there are so many loopholes that could put the developer into the situation of making deadlines be missed are examples. Mr. Cooper stated concern for abuse in financial situations.

**Letter to City of Holly Springs City Council related to the annexation of property 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 99 acres at Univeter Road was discussed. He stated that 79 acres will be rezoned and 20 acres will be annexed and not rezoned. He stated the public could speak and that based on discussions that they heard most were against the annexation. They allowed the attorney for the applicant to speak, and the applicant was asked a few questions. He stated that there has been a contention, however derived, that if the City of Holly Springs does not give whatever rezoning is being requested, then the County will, and he does not know where that information comes from. He stated that it has never been a topic of conversation, but just the opposite. The applicant stated that he had commitments from the majority of the Board of Commissioners for R20 zoning, which is basically 160 units. Chairman Ahrens stated that he told the Mayor that he would not sign up for Public Hearing, but he would be happy to answer any questions that he or the Council may have. He stated that he did speak and reiterated the letter that was sent by the Board of Commissioners in November where a statement was made about a recommended density of 80 units on the 79 acres without specifying a zoning category and that was the number communicated to the City. He stated that he told the Council he would not grant R20 and that the statement made by the applicant would represent contract zoning which is illegal, and secondly, it could be interpreted as a vote by the Board of Commissioners not in the public view. Chairman Ahrens stated that he asked the applicant to state the commissioners that he spoke to that made that commitment, at which the applicant did not respond.

The Chairman stated that he sent a lengthy email to the City Council, this body and the applicant. He indicated at tonight's meeting he would be requesting the Board of Commissioners to restate the points in the November letter, specifically the reference to 80 units. He would like to also state in the letter that in his communications with the City Council he indicated from a one commissioner point of view that there could be some flexibility up to 100. He would also like to state in the communication that the Board of Commissioners would like for them to have the letter in front of them when they make their decision. He stated he isn't sure the format to use, but the second piece is that the Board of Commissioners request that the applicant retract his statement in a letter to the Holly Springs City Council and that he apologize for implicating the Board of Commissioners and that he indeed does not have commitment from any of the Board of Commissioners for any level of zoning except for the 80. He stated that by implication there is misrepresentation to the entire City Council on a very important vote that is coming up for a new mayor.

Chairman Ahrens stated that he would be asking for a vote to amend the agenda this evening for the Board's approval to send communication to the City Council. He inquired if Ms. Davis had any thoughts on the matter. She stated that the record should be set truthfully and positively. She stated that this is a huge project and can have a huge impact on the County and not just the City if they do annex it. She stated that a concern on the Board of Commissioners' part is not having adequate information and misinformation because the Planning Commission did not have available to them the letters prepared by the Board and therefore did not have the benefit of the Boards' position in front of them. If they had had those letters, they would have seen unanimously what the Board had to say about the density and what was acceptable.

#### **COUNTY ATTORNEY**

#### **ADJOURN**

Hearing no further items, Scott Gordon made a motion to adjourn to Executive Session at 4:57 p.m. to discuss property acquisition, personnel matters and pending or threatened litigation. Raymond Gunnin seconded. The resulting vote was Passed, 5-0.