



Cherokee County Board of Commissioners MINUTES

March 21, 2017

Regular Meeting

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

INVOCATION

David Laycock with Macedonia United Methodist Church will give the invocation.

David Laycock 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 6:05 p.m. Those present included Commissioner Steve West; Commissioner Raymond Gunnin; Commissioner Bob Kovacs; Commissioner Scott Gordon; County Manager Jerry Cooper; County Attorney Chris Hamilton; 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 5:55 p.m. where no action will be brought forward.

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

3. PRESENTATIONS / PROCLAMATIONS

3.1. Proclamation - Donate Life Month April 2017.

Chairman Ahrens read the proclamation. Karen Randall, on behalf of Donate Life, accepted the proclamation. Ms. Randall thanked Cherokee County for showing so much support. She thanked Chairman Ahrens in particular, who had commented that he would be adding indication of being an organ donor to his driver's license, for being proactive in support of this important cause. Ms. Randall went on to say that she was a recipient of an organ donation fifteen years ago.

4. **AMENDMENTS TO AGENDA**

4.1. **Remove item 11.1: Permission to apply for VA Grant for CRPA.**

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

5. **ANNOUNCEMENTS**

Chairman Ahrens added the announcement regarding the Ribbon Cutting ceremony earlier today of Patriot's Park which is off of Kellogg Creek Road in Woodstock, adding that this park was a project resulting from the \$90M Parks Bond referendum. He read through the amenities of the park and stated that it is a real asset to the County and it is officially open today.

6. **APPROVAL OF MINUTES**

6.1. **Approval of Work Session, Executive Session and Regular Meeting minutes for March 7, 2017 as presented by the County Clerk.**

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

7. **PUBLIC HEARING**

8. **PUBLIC COMMENT**

No one signed up to speak.

9. **ZONING CASES**

9.1. **Amendment to Article 9 to allow in accessory structures for home occupations; Amend Article 4 to update definition of Home Occupation.**

Consider amending Article 9 and Article 4 of the Cherokee County Zoning Ordinance to allow Home Occupations to operate from accessory structures.

Mr. Watkins stated that there was a Public Hearing held on March 7 to discuss amending the Ordinance, Article 9, to allow for home occupation accessory structures and detached garages. He stated that if approved, it will amend Article 9.3-2 and 9.3-3 as well as Article 4 of the definition of "home occupation" to also reflect allowing for a Home Occupation in an accessory structure or detached garage.

Commissioner Kovacs stated that based on the conversation in Work Session with regard to possibly some unintended consequences that may occur in some of the larger agricultural lots, his suggestion was to revisit possibly putting a square foot limit or number of employees limit on the amendment.

Bob Kovacs made a motion to table the vote until the April 4, 2017 meeting; Scott Gordon seconded. The resulting vote was Passed, 5-0.

9.2. **Consider request by Manor Lake Development LLC to amend zoning conditions (Zoning Case # 04-06-041) Dist. 3.**

Consider a request by Manor Lake Development LLC to amend zoning conditions (Zoning Case # 04-06-041)

A Public Hearing was conducted on February 21, 2017 to consider the request by Manor Lake

Development and after the hearing, Commissioners voted to table the case until the March 21, 2017 meeting.

Mr. Watkins stated that on March 7, 2017 there was a request by Manor Lake Development LLC to amend zoning conditions of case #01-06-041. They requested to amend several of the 13 conditions that were put into place in 2004 which was going to be for a retail, restaurant and office development project at Holly Street and Bells Ferry Road and Miles Branch Road. The applicant seeks to develop an assisted living memory care facility on the property. Subsequently, they are requesting to amend conditions 4, 5, 6, 7, 9, 10, 11 and 12 while leaving in place conditions 1, 2, 3, 8, and 13. He stated that most of the conditions were related to the development of the retail, restaurant and office development. Mr. Watkins stated that at the last BOC meeting, it was requested that the applicant attend a preliminary plan meeting with the Plan Approval team which they have done. He stated that they have also met with the Stormwater team.

Commissioner Kovacs stated that the reason the applicant was requested to meet with the team and then return was due to a couple of stipulations that the applicant requested be removed with regard to buffers and some road improvements. He stated that those have since been left in place and at this point they are basically requesting to eliminate the conditions that tied it to another project. He stated that this project has less impact on the area than the last project.

Bob Kovacs made a motion to approve the amendment to the stipulations; Raymond Gunnin seconded. Scott Gordon stated that with regard to condition 12, although he appreciated the intent behind the condition, there wasn't anything on the books to use to determine high quality and that everything in Cherokee County has to be built to a certain standard by default. He stated that since the case is being cleaned up and removing what they didn't need, that his suggestion would be to remove condition 12. Bob Kovacs stated that it was previously the same verbiage and referenced the retail facility. He stated that he felt the applicant would entertain striking condition 12 completely and having fewer stipulations.

Bob Kovacs amended the motion to approve the amendment to the stipulations to include striking condition number 12; Raymond Gunnin seconded the amendment. The resulting vote was Passed, 5-0.

Below are the proposed changes to the stipulations as presented March 21, 2017.

#4: Applicant agrees to build the assistant living facility in accordance with the site plan submitted. The facility will be an Assisted Living / Memory Care Community.

#5: All buildings constructed on the property will be constructed to the current Cherokee County codes, which will include 50% stone or brick materials.

#6: Remove, the development will not have flat roofs.

#7: Applicant will work with Cherokee County Officials where to locate the entrances to the community, and any road modifications.

#9: Applicant will adhere to the current NC Code for building square footage, which is 10,000 SF per Acre of land. This would calculate to approx. 55,800 SF.

#10: Applicant agrees to landscape and beautify the property in order that it will be well maintained.

#11: Applicant agrees to maintain the property, replace trees and landscaping, and keep the lot clean, well cut, and well maintained in order that it will not create any problems with neighbors.

Strike : #12: Applicant agrees that the building to be located on the property will be of high quality and built to Cherokee County Standards.

9.3. Case #17-03-005 Georgia-Tennessee Development Partner, LLC (BOC Dist. 2)

Consider request by Georgia-Tennessee Development Partner, LLC to rezone 79.24 acres at 300

Collett Drive from AG to R-30 for a residential community.

Consider request by Georgia-Tennessee Development Partner, LLC to rezone 79.24 acres at 300 Collett Drive from AG to R-30 for a residential community. Mr. Watkins provided a brief overview the case. He stated the Public Hearing was held March 7, 2017 and Planning Commission's recommendation was for denial. He described surrounding zoning and character areas and described the future development map.

Commissioner Gunnin stated that the case has been going on for a long time with many discussions, and the Planning and Zoning Commission's recommendation was for denial.

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

9.4. Case #17-03-008 Arthur Sarkisian (BOC Dist. 3)

Consider request by Arthur Sarkisian to rezone 3.18 acres at 440 Victoria Road from NC to GC for a storage lot.

Mr. Watkins provided a brief overview the case. He stated the Public Hearing was held March 7, 2017 and Planning Commission's recommendation was for denial. He described surrounding zoning and character areas and the future development map.

Commissioner Kovacs stated that the applicant and property owner requests to table a decision because much of the opposition voiced that the Planning Commission meeting was with regard to the existing property on the other side of the access road to the development behind the property being discussed and is also owned by the same applicant. He stated that the Planning Commission was concerned he wasn't maintaining the buffers that were required between that piece and the residential and that he would not maintain them as well on the property being proposed. He stated that Vicki Taylor Lee has been in contact with the applicant and property owner about meeting there with an arborist to see whether the existing buffers are in compliance or make sure they get up to compliance to give the residents behind more comfort.

Bob Kovacs made a motion to table until the meetings are held and they have more information; Steve West seconded. The resulting vote was Passed, 5-0.

9.5. Case #17-03-009 John L. Lineberger (BOC Dist. 1).

Consider request by John L. Lineberger to rezone 2.34 acres at 5911 Cumming Highway from R-80 to GC for retail sales with office.

Mr. Watkins provided a brief overview the case. He stated the Public Hearing was held March 7, 2017 and Planning Commission's recommendation was for approval as NC. He described surrounding zoning and character areas and the future development map. Commissioner West stated that he spoke with the attorney representing the property owner and that they would like to try to get the rezoning to GC. Commissioner West stated that the applicant requested to table until the April 4, 2017 meeting to come up with a GC plan and the conditions that will work for that plan.

Steve West made a motion to table until the April 4, 2017 meeting; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

10. COMMISSION BUSINESS

10.1. District 2, Commissioner Gunnin: Request to consider an appeal of the Zoning Board of Appeals affirmation of the Zoning Administrator's decision.

Consider a request by Ms. Lydia Moll appealing the Zoning Board of Appeals affirmation of the Zoning Administrator's decision March 2, 2017 and to set a public hearing for April 18, 2017.

Vickie Taylor Lee stated the request is for an appeal by Lydia Moll, owner of property at 3097 S. Cherokee Lane. She stated that Ms. Moll came in requesting a business license following a complaint and an investigation by the Marshal's office. Ms. Moll stated that she had been in business since 1968 predating the zoning ordinance. Ms. Taylor Lee stated that not enough documentation was submitted to be able to declare her as legally operating a business predating the zoning ordinance. She stated that therefore, Ms. Moll appealed the decision to the ZBA who affirmed the decision that she was not legally nonconforming. Ms. Taylor Lee stated that Ms. Moll is now appealing to the Board of Commissioners.

Commissioner Gunnin stated that the area was in his district and he had seen a lot of information on the situation. He stated that Ms. Moll has been in business for many years, and it is his intention to try to work through some of the issues surrounding the appeal and arrange a situation with Ms. Moll to find a solution to work within the code.

Raymond Gunnin made a motion to call for a Public Hearing on April 18, 2017; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

10.2. District 4, Commissioner Gordon: Robert W. and Catherine M. James' petition to the Zoning Board of Appeals.

Consider a request by the Lake Forrest HOA, Inc. and Lake Tarn Lakelot Assoc., Inc. to hear an appeal of the variance granted Robert W. and Catherine M. James by the Zoning Board of Appeals to extend the Highway 92 Village Overlay to their entire property and to set a public hearing on April 18, 2017.

Ms. Vicki Taylor Lee stated that the appeal to a decision made by the ZBA granting an extension of the Highway 92 Village Overlay District to Mr. and Mrs. James on March 2, 2017. She stated that Mr. and Mrs. James came to the ZBA with two requests: to extend the boundary to include all of their property; and to increase the density from the allowable six (6) dwelling units an acre attached dwelling units to eight (8). She stated that the ZBA granted the extension of the boundary to include all of their property, but they were denied their request to increase density. She stated that the zoning ordinance is a little grey on who can appeal the ZBA's decision, but airing on the side of caution, it is being allowed that the neighbors be heard.

Commissioner Gordon stated that the property is in District 4, and that there was a good conversation in Work Session and he feels it was the right decision to make in light of the ordinance language.

Scott Gordon made a motion to call for a Public Hearing on April 18 to hear the details of the appeal; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

11. CONSENT AGENDA

11.1. AMENDED: REMOVED ITEM FOR FURTHER REVIEW.

Department of Veterans Affairs 2017 Adaptive Sports Grant for CRPA.

Consider Granting Permission to Submit Application by Cherokee County for Department of Veterans Affairs 2017 Adaptive Sports Grant.

11.2. HEAT Grant Application.

Consider authorizing the Cherokee Sheriff's Office (CSO) to apply for the 2017 GOHS HEAT Grant in the amount of \$265,640.

11.3. Startup Grant for Cherokee Veterans Accountability Court.

Approval of submission of a FY2018 grant from the Criminal Justice Coordinating Council in the amount of \$89,096.65 to start the Cherokee Veterans Accountability Court.

Scott Gordon made a motion to approve the two items on the Consent Agenda; Bob Kovacs seconded. The resulting vote was Passed, 5-0.

12. COUNTY MANAGER

12.1. Purchase of Cherokee Sheriff's Office CID and Patrol Vehicles.

Consider approval to purchase ten (10) new vehicles for the Cherokee Sheriff's Office from Wade Ford and Shottenkirk Dodge, fully equipped, for a total expenditure of \$416,879.91.

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

12.2. CDBG - CAPER Submission to HUD.

Consider approval of 2016 Consolidated Annual Performance and Evaluation Report (CAPER) for submission to the U. S. Department of Housing and Urban Development (HUD).

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

12.3. The purchase of two portable X-Ray and two Metal Detectors for the Court House.

Consider an award to Point Security for two Smiths Detection X-Ray systems with related hardware and two walk through metal detectors for a total amount of \$85,551.26.

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

12.4. Animal Shelter Vehicle Purchase.

Consider authorizing a Budget Amendment for the Animal Shelter Fund and approving purchase from lowest bidder, King Ford, in the amount of \$36,451 for a new truck for the Animal Shelter, in addition, approval of release of lien.

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

12.5. Insurance Settlement and Release for Asphalt Paver Accident.

Consider accepting a settlement and release agreement with Southern Mutual Insurance Company for \$75,000.00 and a Budget Amendment to go towards the purchase of the new asphalt paver for the Roads & Bridges Department.

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

12.6. Purchase of Asphalt Paver for Roads & Bridges.

Consider approval for purchase of a new asphalt paver for the Roads & Bridges Department, from the highest scored proposer, Tractor and Equipment Company, in the amount of \$337,900.00.

Bob Kovacs made a motion to approve; Raymond Gunnin seconded. The resulting vote was

Passed, 5-0.

12.7. Purchase of Two Tandem Dump Trucks for Roads & Bridges.

Consider approval of award to Rush Truck Centers, in the amount of \$267,402.00 (\$133,701.00 per truck) for the purchase of two new Tandem Dump Trucks for the Roads & Bridges Department.

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

12.8. Resolution Regarding the Rental of Community Rooms in Various Fire Stations.

Consideration of a Resolution to Modify the Fees and Policies for the Rental of Community Rooms in Various Fire Stations.

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

12.9. Meals on Wheels Vehicle Purchase.

Consider awarding purchase of two outfitted Meals-on-Wheels Food Trucks from the low bidder, Delivery Concepts East, in the total amount of \$105,764 and consider authorizing a Budget Amendment to the SPLOST 2012 Fund.

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

13. COUNTY ATTORNEY

ADJOURN

The Chairman asked if there was anything else to come before the Board. Hearing none, Scott Gordon made a motion to adjourn at 6:45 p.m.; Bob Kovacs seconded. The resulting vote was Passed, 5-0.