



Cherokee County Board of Commissioners WORK SESSION MINUTES

August 1, 2017

3:00 p.m. | Cherokee Hall

Chairman Ahrens began Work Session at 3:09 p.m. Those present included Commissioner Steve West; 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. Commissioner Raymond Gunnin arrived late having been in a meeting with a constituent.

The Chairman discussed history topics having just watched the movie Hacksaw Ridge. He stated that the several people from the Planning and Zoning department were temporarily absent from the meeting due to being in court.

Chairman Ahrens addressed the Senior Services Center. He stated that Director Tim Morris and Mr. Cooper have met to discuss the lifelong community initiative which has existed for several years. He stated that the timing both with the blueprint that will be coming forward soon, the economic downturn and with some significant development opportunity, the County will be able to step forward with that initiative. He stated that it addresses the 55 plus community from the point of services, healthy lifestyles, transportation and affordable housing. He stated that there was an initiative in 2007/2008, but there were reasons to back off from it. He stated that Cherokee County was one of the very first counties in the metro area to step forward. He stated that it brings together working relationships with the cities because a lot of the services and living locations are likely to be in municipal boundaries. He stated that 2007/2008 there was approximately 30 people from the community divided into different groups, and he stated that there was a lot of progress made at that time. He stated that there was a decent draft that came together at that time. Commissioner Gordon stated that it was very interesting during the comprehensive transportation planning process to see that the senior population was there and their desire for the expansion of the CATS system was registerable on the surveys. Chairman Ahrens stated that he has seen the CATS system being used for doctor appointments as well because they have no other way to get to their appointments.

ANNOUNCEMENTS

5.1. Fund Raiser for Senior Center.

Mark your calendars for the Hotdog Lunch Fundraiser for the Senior Center! It is an annual fundraiser being held Friday, August 18th from 11:30 to 1:00 at the Senior Center on Univeter Road.

Chairman Ahrens stated that there is a Public Hearing that was agreed to be held by the Board of Commissioners following a decision made by the Zoning Board of Appeals. He stated that Planning Staff was not present to do the presentation, and Commissioner Gunnin was away from the meeting temporarily in a meeting upstairs. He stated that he would like to move on to the next topic of the Agenda until the return of Commissioner Gunnin. He stated that the Public Hearing had to do with the Zoning Board of Appeals affirming the Zoning Administrator's decision concerning the operation of a kennel, which is a nonconforming use on South Cherokee Lane. He stated that it is zoned R-80, and there is no business license. Chairman Ahrens stated that the applicant is asking the Board of Commissioners to overturn the Zoning Board of Appeals, as well as the Zoning Administrator's

decision. He stated that a certain element arose and that is attorney Parks Huff had been representing the applicant since the middle of last year and is no longer representing the applicant. He stated that it is now Michael Bray that will be representing the applicant. He stated that the case goes back to June of 2016.

ZONING CASES

9.1 Case #16-12-045 Collett Family, LLC (BOC Dist. 1).

Note: Letter requesting a 90-day postponement was received on July 28, 2017.

Consider request by Collett Family, LLC to rezone 102.519 acres on East Cherokee Drive from AG to R-30 and R-20 for a single family residential development.

Chairman Ahrens stated that the Public Hearing was July 11, 2017, and the Planning Commission's recommendation was for denial. He stated that Mr. Michael Bray from Bray and Johnson sent a letter dated July 28, 2017 requesting a 90-day postponement for the Public Hearing. Chairman Ahrens inquired from County Attorney Chris Hamilton if there is a time constraint regarding such requests on the applicant's side. He stated that once the Planning Commission makes their recommendation a tolling begins and he said he could not remember the start point. Mr. Hamilton replied that he needed more time to study the County's procedures and that he would get back to him after the break. Chairman Ahrens stated that the case was in District 1 which is Commissioner West's district.

9.2 City of Holly Springs Annexation Notice - Holly Springs Pkwy.

Consider annexation request from the City of Holly Springs for approximately 8.9 acres on Holly Springs Parkway at the intersection with Riverside Way.

County Attorney Chris Hamilton stated that the previous issue with the annexation was that there was a curable defect in the descriptions for the annexation. He stated that earlier in the week, Planning and Development received the legal description which cures that particular issue. He stated typically, if it's the Board's pleasure, they can take a motion to send a letter to the City with Staff's suggested conditions and go from there.

Chairman inquired if there were certain conditions, restrictions, recommendations or suggestions that the Board might be able to move forward with, and he stated that he has had no conversations. Commissioner Kovacs stated that there was some Staff situations that were to be put in a letter but that there was no legal standing. Chairman Ahrens stated that he did not remember what they were, and Commissioner Kovacs stated that the issues were buffers and the stormwater pond and the location of the pond being part on County and part on City property. Chairman Ahrens commented that it was a circumstance where there was a strip of land in between the two parcels to insure that there wasn't an island being created and yet you cannot really divide the parcels unless it's to avoid creating an island.

Chairman Ahrens suggested going into the Commission Business section of the Agenda.

COMMISSION BUSINESS

10.1. Chairman Ahrens: Ratify Planning Department letter template.

Consider ratification of Planning Department template and project fact list to be used by applicant for Public Participation Meeting notifications.

Chairman Ahrens stated that the request is for the Board of Commissioners to ratify the current Planning Department's template and project fact list that applicants use for public participation meeting notices. He stated that the fact list is not necessarily being followed. The Chairman stated that it does not in any way affect any other changes that may be made to Article 18, but it does formalize the public venue of the expectation level. He inquired as to what the consequences would be if applicants don't follow what is required. Commissioner Gordon stated that it could be deemed an incomplete process and therefore it would not move forward. He stated that it is not process for the sake of process and all the pieces are legitimate pieces of information that would justify the need and the desire for public participation. He stated that he felt it important to address the issues of the template before the changes take place to Article 18. He stated that it is a precursor to what is ahead and it cleans up a big hole.

Chairman Ahrens stated that it will be much more meaningful. Discussion ensued about possible changes and Chairman Ahrens stated that there may be a foot distance change as far as neighbors are concerned. Commissioner Gordon stated that the current situation has not improved, so he is ready to get it ratified. Chairman Ahrens stated the importance of getting people to sign up as interested parties because anyone in the County can get the notifications. He stated that people on the list will see the notifications before they have applied formally with the Planning Department for rezoning. Commissioner Gordon stated that the template as it currently exists has been vetted at least twice by the Planning Commission. He said that normally he would like to send it back to them but based on all the meetings that have taken place, it is the most current.

Chairman Ahrens inquired from Opie Bowen, Staff Attorney, if there was any information regarding the City of Holly Springs annexation notice that they needed to be aware of. Mr. Bowen responded there was no further information that the Board needed to be aware of. Commissioner Kovacs stated that there would not be any structures being built on the island, and all the actual housing will be in the City.

10.4. District 4 -Commissioner Gordon: Request to consider hearing an appeal to the denial by the Zoning Board of Appeals to a variance petition heard July 6, 2017.

Consider a request by Dennis Smith on behalf of Mirramont Community Association to hear his appeal of the denial of his petition by the Zoning Board of Appeals.

Commissioner Gordon stated that he has asked County Attorney Chris Hamilton to look into this item because he was out of town and a lot occurred while he was gone. He stated that he hasn't had an opportunity to talk to the ZBA or go back and listen to the tape. He stated that he was not sure if there were any time constraints or not. He inquired from Mr. Hamilton if he could table this because it would give him an opportunity to do more research before calling for a Public Hearing. Mr. Hamilton stated that the zoning ordinance is very specific and you either have to vote to hear the appeal or turn it down. Commissioner Gordon stated that it would be his intent to carry it over to a Public Hearing even though he is not in the habit to do that with a unanimous denial from the ZBA. He stated that he cannot in good conscious make a ruling or recommendation on an item that he is not fully versed on and he needs more time. Chairman Ahrens stated that a lot of people don't understand the ZBA process and what their criteria are. He stated that the case has to do with not allowing freestanding signs in the Bells Ferry

Overlay, not allowing for nonconforming signs and not allowing signs to be replaced with LED signs. He stated that there are a lot of pieces to it. Commissioner Gordon stated that he wanted to be careful with unanimous decisions made by the ZBA. He stated that he did not want to send a message that appeals will automatically be listened to. He stated that the extended circumstances on this case has left him a little unprepared, and he doesn't feel it appropriate to make a motion on something that he hasn't been able to prepare for. He stated that he would like to schedule the Public Hearing going forward since it is the only way to achieve more time.

Commissioner Kovacs inquired about amending the Agenda to add an item under his portion to discuss a Public Hearing in the near future regarding golf cart ordinances. He stated that the topic came up on Thursday at a Sheriff Precinct meeting. He stated that he discussed with Mr. Bowen the current state requirements and how to incorporate those into Cherokee County. Commissioner Kovacs stated setting it for the end of September to get a proposed ordinance together. Chairman Ahrens stated that he got involved with it three years ago and it is a "messy" subject. Commissioner Kovacs stated that Georgia State Police have been patrolling areas with regard to golf cart usage. Chairman Ahrens stated that he would like to see an initiative coming from the HOAs. Commissioner Gordon stated that he would like to maintain state regulations and add only what is absolutely necessary at the County level. Commissioner Kovacs stated that the challenge is that the state regulations require the County to adopt them and put up signs.

CONSENT AGENDA

Mr. Cooper went over the three items under the **Consent Agenda** portion.

11.1. Purchase of twenty-five (25) TASERs

Consider approval to purchase twenty-five (25) TASERs, along with holsters, cartridges, and battery packs, for the Cherokee Sheriff's Office in the amount of \$34,897.56.

11.2. Sheriff Budget Amendment.

Consider authorizing a Budget Amendment in the amount of \$70,600 to the SPLOST 2012 for the Sheriff Office to increase allocated revenues and expenses.

11.3. Veteran's Park Easements.

Consider granting easements and perpetual rights-of-ways to Cherokee County Water & Sewerage Authority (CCWSA) for domestic and irrigation water services meters for Veterans Park located at 7345 Cumming Highway.

COUNTY MANAGER

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

12.1. Canton Road Sidewalk Project - Supplemental Design Services Agreement.

Consider a request from Moreland-Altobelli Associates, Inc. for additional design services for the Canton Road Sidewalk Project in the amount of \$29,881.14.

Mr. Cooper stated that it is a federal funding of \$817,804 and required a local match of 20% which includes design, purchases of right-of-way, utility relocation and construction costs. He stated that the project will include construction of the sidewalk along Canton Road and Cobb County to Stockwood Drive. He stated that the County will save significant dollars if the design is changed from a six foot sidewalk to a five foot sidewalk.

12.2. 2017 Resurfacing Contract - Supplemental Agreement No. 1.

Consider approval of Supplemental Agreement No. 1 for the 2017 Resurfacing Program to include resurfacing of additional five (5) roadways totaling 2.5 miles, to CW Matthews Contracting Company, Inc. in the amount of \$416,036.55.

12.3. East Cherokee Drive at Holly Springs Parkway/Old Highway 5 Intersection Improvement Project - Supplemental Agreement No. 3.

Consider Supplemental Agreement No. 3 from CMES, Inc. in the amount of \$37,500.00, for the East Cherokee Drive at Holly Springs Parkway/Old Highway 5 Intersection Improvement Project.

12.4. Fire Station 21 Kitchen and Bathroom Remodel.

Consider approval to award the County's standard construction services agreement to Blueland Services, LLC in the amount of \$59,355.84 to remodel the kitchen and men's bathroom at Fire Station 21.

12.5. Purchase of Three (3) Battalion Chief Vehicles and Equipment.

Consider approval to purchase three (3) Chevrolet 2500 trucks from the low bidder, Auto Nation Chevrolet for a total cost of \$131,133.00. Additionally, consider approval to equip each truck with radios from the state contract holder, Motorola for a total cost of \$18,603.87 and consider approval to equip each vehicle with lights from the low bidder, 144th Marketing Group for a total cost of \$20,295.00.

COUNTY ATTORNEY

13.1. Referendum Resolution - SPLOST 2018.

Consider approval of Referendum Resolution for SPLOST 2018.

County Attorney Chris Hamilton stated in order to get on the November 7 ballot with all the requirements, the call of election has to go from before the Board of Elections within the 90 days. He stated that on the Agenda for the evening is a Resolution to authorize the call of the election for the SPLOST voting to take place on November 7, 2017.

PUBLIC HEARING

7.1 Public Hearing to consider an Appeal of the Zoning Board of Appeals affirmation of the Zoning Administrator's decision by Ms. Lydia Moll.

Conduct a Public Hearing to consider a request by Ms. Lydia Moll appealing the Zoning Board of Appeals affirmation of the Zoning Administrator's decision.

Mr. Watkins stated that the Zoning Board of Appeals affirmed the decision of the Zoning Administrator related to Ms. Lydia Moll operating a kennel on her property zoned R-80 on South Cherokee Lane. He stated that Ms. Moll believes she is legal non-conforming and/or grandfathered status but evidence has not been presented to support this. Ms. Moll appealed the Zoning Administrator's decision. He stated that the Zoning Board of Appeals voted to affirm the Zoning Administrator's decision, so Ms. Moll has appealed that decision to the Board of Commissioners. Mr. Watkins stated that it has been postponed several times at the request of the applicant to give her time to deal with a complaint and citation being issued out of the Marshal's office. He stated that the Public Hearing is scheduled for the evening meeting to hear Ms. Moll's appeal of the decision. Chairman Ahrens inquired what would happen with the applicant and/or what would be the consequences if the decision was affirmed. Mr. Watkins stated that having eight or more animals being cared for is considered a kennel, and she would have to cease operating as a kennel or reduce the number of animals to the point that it would longer be considered a kennel.

9.1 Case #16-12-045 Collett Family, LLC (BOC Dist. 1) (continued).

Chairman Ahrens stated that there was previous discussion regarding the 90-day postponement request on the zoning. Chris Hamilton stated that if the Board consented on the 90-day postponement then there is no penalty as far as the applicant is concerned. Mr. Watkins inquired if Mr. Hamilton was referring to the tolling of the action and Mr. Hamilton replied yes. Mr. Watkins stated that if there was a motion for postponement then it would stop the tolling. He stated that if the Board is willing to entertain the 90 days, he is of the understanding that the applicant is looking to develop the property without having to submit for zoning.

COMMISSION BUSINESS (continued)

10.2. District 2 - Commissioner Gunnin: Request to consider an appeal of the Zoning Board of Appeals denial.

Consider a request by Mr. Alan Miller, representing the Anchor Christian Academy, to hear an appeal of a denial by the ZBA on July 20, 2017.

Mr. Watkins stated that Anchor Christian Academy is in an existing facility on Hwy. 140. He stated that they looked to move to the location on Bailey Road in an existing church to use their existing building to operate the school. He stated that the only caveat to the particular clause in the ordinance is that private schools need to have five acres of land, and one of the clauses states that it needs to be on an arterial or a collector. He stated that Bailey Road is not considered a collector. Mr. Watkins stated that Bailey Road is a local road, so they have requested a waiver of that particular section which was denied by the Zoning Board of Appeals. He stated that the applicant is coming to the Board of Commissioners to consider the

denial and if the Board does decide to hear the denial, the earliest date for the Public Hearing would be September 5, 2017.

10.3. District 2 - Commissioner Gunnin: Request to consider an appeal of the Zoning Board of Appeals decision.

Consider a request by Ms. Jo Anne Eggleston to hear an appeal to the decision by the Zoning Board of Appeals at the July 6, 2017 public hearing.

Vicki Taylor-Lee stated that Ms. Eggleston came to the Zoning Board of Appeals requesting a variance to the number of livestock she is allowed on her property. She stated that Ms. Eggleston is on approximately 2.5 acres. She stated that Ms. Eggleston has a horse and would be allowed two horses, but she wants two horses and to be allowed to breed up to ten goats. Vicki stated that the Zoning Board of Appeals told Ms. Eggleston she could have one horse and two goats or the two horses only. She stated that Ms. Eggleston is appealing that decision, and she would like the Board of Commissioners to hear her appeal. Chairman Ahrens stated that he wasn't sure how it is a hardship case.

10.4. District 4 -Commissioner Gordon: Request to consider hearing an appeal to the denial by the Zoning Board of Appeals to a variance petition heard July 6, 2017.

Having been absent at the beginning of the meeting, Vicki Taylor-Lee provided some details on the case. She stated they have a sign on Bells Ferry Road and Mr. Smith wants to change it to a LED. She stated that there are three or four codes that go against the Overlay District. She stated it is nonconforming now because it is a freestanding sign. He stated that the applicant was heard on July 6, 2017, and was denied unanimously. She stated that the people living in the back did not want the LED sign. She stated that Mr. Smith requested to appeal several times and wants to pursue. She stated that he is also asking about renovating the current sign for tenant plaques. He stated that the hardship is that people in the commercial section do not have a way to advertise where they are located. She stated that he is requesting the Board of Commissioners to hear his appeal.

Chairman Ahrens stated again for the sake of Mr. Watkins who may not have been in attendance when Commissioner Kovacs had earlier requested consideration to amend the Agenda. He stated that Commissioner Kovacs requested amending the Agenda for the evening's meeting to add under his section to consider some type of ordinance regarding golf carts. He stated that it would be set for the September 19, 2017 meeting which would give him time to respond to initiatives, HOAs and Public Safety.

Chairman Ahrens stated that he would also request an amendment to the Agenda to add the announcement of the opening of Veteran's Park on Hwy. 20 on Monday, August 14th.

ADJOURN

Hearing no further items, Scott Gordon made a motion to adjourn to Executive Session at 4:08 p.m. to discuss property acquisition, personnel matters and pending or threatened litigation; Bob Kovacs seconded. The resulting vote was Passed, 5-0.