YOUR ATTENTION, PLEASE!
There will be a joint meeting of the members of the Ball Ground City Council and their Mayor Rick Roberts with the Cherokee County Board of Commissioners at 5:30 p.m. before the regular meeting to discuss a growth boundary agreement for the City of Ball Ground.

Chairman Byrd called the Board of Commissioners’ portion to order at 5:45 p.m. Present were Vice Chair/Commissioner Ilona Sanders; Commissioner J.J. Biello; Commissioner Harry B. Johnston; Commissioner Derek Good; County Manager Jerry Cooper; County Attorney Mark Mahler and County Clerk Sheila R. Corbin. The City of Ball Ground was represented by their Mayor Rick Roberts; Councilman Ashley Holcomb; Councilwoman Andi Stoner; Councilman Frank Homiller and Councilman John Byrd. Councilman Ashley Holcomb made the motion to approve the “Growth Boundary Agreement and Map”; Councilman Frank Homiller seconded the motion and the agreement was unanimously approved by all members. The Chair then called for a motion to approve the County portion of the agreement; Commissioner Good made the motion to approve; Commissioner Sanders seconded and the agreement was unanimously approved by all Board members. Councilman Holcomb asked the members of the Board to attend one of their Council meetings whenever it was convenient and then made a motion to adjourn the City’s portion of the meeting; Councilwoman Stoner seconded and the resulting vote was unanimous approval. The Chair then asked for a motion to adjourn the County’s portion; Commissioner Sanders made the motion to adjourn at 5:48 p.m.; Commissioner Good seconded and the County’s motion to adjourn was unanimously approved.

MI NUTES

Cherokee County Board of Commissioners
MARCH 16, 2004
REGULAR MEETING
6:00 P.M.

CALL TO ORDER CHAIRMAN J. MICHAEL BYRD

The regular meeting of the Cherokee County Board of Commissioners was called to order at 6:02 p.m. on Tuesday, March 16, 2004 by Chairman J. Michael Byrd. In attendance was Vice Chair/Commissioner Ilona D. Sanders; Commissioner J.J. Biello; Commissioner Harry B. Johnston; Commissioner Derek V. Good; County Manager Jerry Cooper; County Attorney Mark Mahler; County Clerk Sheila R. Corbin; several department heads; the media and the public.

INVOCATION REVEREND LARRY BAKER
FROM PRAYER & PRAISE FELLOWSHIP

PLEDGE OF ALLEGIANCE CHAIRMAN
PROCLAMATIONS

Proclaiming Saturday, March 20th as “MASTER GARDENER APPRECIATION DAY”

Chairman Byrd asked Mary Ellen Roos and Jean Garner to come up and then read the proclamation for “Master Gardener Appreciation Day” . Mrs. Roos urged everyone to come to the clinics that would be held on March 20th at various locations for gardening questions.

Proclaiming April 2004 as “NATIONAL CHILD ABUSE PREVENTION MONTH”

This item was deleted. The proclamation will be presented at the April 6th meeting.

AMENDMENTS TO THE AGENDA

The Chair read the amendments to the agenda; they were (1) Under Commissioner Good – move items re Litter Control and Vicious Animals to the April 6th meeting; (2) Under Consent Agenda – add item “F” Approval of Annual Cooperative Agreement between Cherokee County and Natural Resources Conservation Service/United States Department of Agriculture. (3) Remove proclamation for National Child Abuse Prevention Month to April 6th meeting. After the reading, the Chair asked for a motion to approve the amendments, Commissioner Sanders made the motion to approve; Commissioner Good seconded and the amendments received unanimous approval.

APPROVAL OF MINUTES FROM MARCH 2, 2004 MEETING

The Chairman asked for a motion to approve the minutes as submitted by the County Clerk. Commissioner Good made a motion to approve; Commissioner Sanders seconded and the minutes were unanimously approved.

PUBLIC HEARING

Concerning a proposal to close Mauldin Lane at State Route 140 in conjunction with the intersection improvement at Univeter Road

Mr. Mahler opened the public hearing at 6:10 p.m. explaining what the public hearing was for and asking anyone who wanted to speak to come forward. The first person was Mr. Carlton Hendrix who spoke in opposition to the closing. The second person was Jim Copeland who was opposed to the closing. The third to speak was Debbie Mauldin Weaver who also spoke in opposition. The fourth person to speak was Roy Cain who was in favor of the closing. After Mr. Cain spoke, and there were no others to come forward, Commissioner Biello made a motion to postpone a decision on the closing until the April 20th meeting so that further research into other alternatives could be done. Commissioner Sanders seconded the motion, the Chair called for a vote and the motion received unanimous approval.
The people who had signed up for public comment were there for a rezoning case on the agenda and because the public hearing had already been held, they were not allowed to speak. The others were there for the public hearing on the closing of Mauldin Lane and had already spoken.

**SUMMARY OF ZONING CASES HEARD MARCH 2, 2004**

1. **CASE NUMBER**: 04-01-002
   - **APPLICANT**: Margaret V. Sapp
   - **ZONING CHANGE**: AG and R-80 to R-20
   - **LOCATION**: East Cherokee Dr. & Union Hill Rd.
   - **MAP & PARCEL NUMBER**: 02N01/117, 139
   - **ACRES**: 340 +/-
   - **PROPOSED DEVELOPMENT**: Equestrian Residential Community
   - **COMMISSION DISTRICT**: 2
   - **FUTURE LAND USE MAP DESIGNATION**: Agriculture/Forestry

   **PLANNING COMMISSION RECOMMENDATION**: Approval of R-30 with the following conditions:
   
   (1) Applicant must meet conditions stated on the Garvis Sam’s letter dated February 17, 2004.
   
   (2) Applicant must meet DRI conditions and review by Engineering.

After Mr. Watkins read the summary on this case, the Chairman asked if there was any discussion. Commissioner Biello said that he just did not believe that this belonged in this particular area. He said if it was on Trickum Road, he’d vote for it all the way. When Commissioner Biello finished, the Chairman asked if there was any additional discussion, and then made a motion to approve as an R-40 with a true one home per acre development or a maximum of 340 homes. The minimum size would increase from 2200 square feet to 2400 square feet and all the other conditions in the letter from Garvis Sams, who represents the applicant, with the exception of the changes mentioned above, open green space consisting of 112 acres, and right-of-way shall be 40 feet in width with 24 feet back of curb to back of curb. Commissioner Sanders seconded the motion. The Chair asked for any discussion and Commissioner Biello spoke again saying that he could understand maybe an R-60, but he could not support an R-40. Commissioner Johnston said that he would offer a substitute motion of R-60 with the same conditions offered with the same exceptions; Commissioner Biello seconded the substitute motion. The Chair stated if it was an amendment, he would not accept it. Commissioner Johnston said that it was not an amendment and the motion would need to be voted on before the Chairman’s motion. The Chair asked for any discussion on the substitute motion by Commissioner Johnston, there was none and the vote was called on that motion. The motion failed by a vote of 2-3 with Commissioners Johnston and Biello voting aye and the Chairman and Commissioners Sanders and Good voting nay.
The Chair then asked for any additional discussion on his original motion, there was none and the vote was called. The resulting vote was 4-1 in favor with Commissioner Biello the only dissenting vote.

2. CASE NUMBER
   APPLICANT: Lynn T. Sewell
   ZONING CHANGE: R-80 to GC
   LOCATION: Cumming Hwy at Weaver Cir.
   MAP & PARCEL NUMBER: 14N29/Part of 038
   ACRES: 2.55 +/-
   PROPOSED DEVELOPMENT: Automotive Center
   COMMISSION DISTRICT: 1
   FUTURE LAND USE MAP DESIGNATION: Undeveloped within the City of Canton Transition Zone.

PLANNING COMMISSION RECOMMENDATION: Approval with the following conditions:

(1) To allow legal non-conforming status to residence on property.
(2) Auto repair center only.
(3) Applicant is to improve Weaver Road to two lane road from the property entrance on that road to Cumming Hwy.

Commissioner Sanders made a motion to approve with the conditions as recommended; Commissioner Johnston seconded. The Chair asked for any discussion, Commissioner Biello said that if Weaver Road needs to be widened, it should only be widened on the property that the applicant owns. Commissioner Sanders said that she would amend her motion to include that the road only has to be improved where the applicant’s property is contiguous to Weaver Road and that improvements to the road must meet minimum County standards. Commissioner Johnston said he would accept the amendments. The Chair asked for any other discussion, there was none and the vote was called. The resulting vote was a unanimous approval.

3. CASE NUMBER
   APPLICANT: Tam & Debbie Forrester
   ZONING CHANGE: AG to R-40
   LOCATION: Steels Bridge Road
   MAP & PARCEL NUMBER: 15N02/37, 37A
   ACRES: 5.49
   PROPOSED DEVELOPMENT: Residential Uses
   COMMISSION DISTRICT: 3
   FUTURE LAND USE MAP DESIGNATION: Medium Density Residential

PLANNING COMMISSION RECOMMENDATION: Approval with the following conditions:

(1) Zoning buffer along the West and North property line (adjacent to PUD) be reduced to 30 feet.
Commissioner Sanders made a motion to approve with conditions as recommended by the Planning Commission; Commissioner Good seconded. The Chair asked how many homes would be on the property; Mr. Watkins answered that there would be a total of 3. The Chair asked for any additional discussion, there was none and the vote was called. The motion to approve with the condition as recommended by the Planning Commission received unanimous approval.

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4. **CASE NUMBER**: 04-03-016  
**APPLICANT**: Michael & Elizabeth Johnson  
**ZONING CHANGE**: R-80 to AG  
**LOCATION**: Sugar Pike Rd & Old Brown Rd  
**MAP & PARCEL NUMBER**: 02N06/002, 012  
**ACRES**: 10.37  
**PROPOSED DEVELOPMENT**: Horse Farm  
**COMMISSION DISTRICT**: 2  
**FUTURE LAND USE MAP DESIGNATION**: Low Density Residential

**PLANNING COMMISSION RECOMMENDATION**: Approval

Commissioner Biello made the motion to approve; Commissioner Johnston seconded. There was no discussion and the resulting vote was for unanimous approval.

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5. **CASE NUMBER**: 04-03-017  
**APPLICANT**: Guy Lathem  
**ZONING CHANGE**: R-40 to GC  
**LOCATION**: Butterworth Road  
**MAP & PARCEL NUMBER**: 15N13A/30, 33  
**ACRES**: 2.92  
**PROPOSED DEVELOPMENT**: Commercial Storage Warehouses  
**COMMISSION DISTRICT**: 3  
**FUTURE LAND USE MAP DESIGNATION**: Undeveloped within the City of Canton Transition Zone and the I-575 Mixed-Use Corridor

**PLANNING COMMISSION RECOMMENDATION**: Approval

Commissioner Sanders made a motion to approve; Commissioners Biello and Good seconded. When the Chair asked for any discussion, Commissioner Johnston said that he would like to see it zoned NC instead. Commissioner Sanders said that she stood firm on her original motion. The resulting vote was a 4-1 approval with Commissioner Johnston voting nay.
6. **CASE NUMBER**
   : 04-03-019

**APPLICANT**
: Bell Corners, LLC

**ZONING CHANGE**
: R-80 to GC and OI

**LOCATION**
: Cumming Hwy & Harmony Dr.

**MAP & PARCEL NUMBER**
: 03N05/46, 48

**ACRES**
: 3.6 +/-

**PROPOSED DEVELOPMENT**
: Retail and Business Center with convenience store

**COMMISSION DISTRICT**
: 1

**FUTURE LAND USE MAP DESIGNATION**
: Industrial

**PLANNING COMMISSION RECOMMENDATION:** Approval of GC (General Commercial) for both parcels

Before the summary was read, Chairman Byrd stated that he would have to recuse himself from this case as he had a financial interest in it and turn the meeting over to Vice Chair Sanders for this portion.

After the summary was read, Commissioner Good made a motion to approve; Commissioner Johnston seconded. Commissioner Biello said that he was trying to get a traffic light there but other than that he had no discussion. Vice Chair Sanders then called for a vote and the vote was for unanimous approval.

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**COMMISSION BUSINESS**

**CHAIRMAN**
: J. Michael Byrd

Announcing the award of “The Certificate of Achievement for Excellence in Financial Reporting” by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report, to Cherokee County and Amy J. Davis, Finance Director

**COMMISSIONER – POST 2 – EASTERN DISTRICT**
: J.J. Biello

Discussion re: Paintball operations on property at Lower Bethany and Old Hwy. 5

Commissioner Biello asked Mr. Mario Marisco to come forward and explain his situation. After he did so, Commissioner Biello made a motion to allow Mr. Marisco to continue to operate his business until December as a legal non-conforming use; Commissioner Sanders seconded. The Chair asked for any discussion, there was none and the vote was called. The resulting vote was unanimous approval.

Discussion re: Multi-way stop evaluation at Hickory Fairway Drive and Masters Circle

Commissioner Biello made a motion to approve the installation of multi-way stop signs at the intersection as recommended by the Engineering Department; Commissioner Sanders seconded and the resulting vote was unanimous approval.
Re-appointment of Scott McElroy and Dennis Conway to the Board of Tax Assessors

Commissioner Sanders made a motion to re-appoint Scott McElroy and Dennis Conway to the Board of Tax Assessors; Commissioner Biello seconded and the resulting vote was unanimous approval.

Request for installation of 2 speed tables in Woodlands subdivision common area

Commissioner Sanders stated that she had received a request from the Homeowners Association for the speed tables to be installed in the amenities or commons area and she made a motion to approve the same. Commissioner Biello seconded the motion and the resulting vote was a unanimous approval.

Discussion re: adding at least 2 commercial zonings a month to the Planning Commission calendar

Commissioner Sanders said that she believed that in order to get more commercial business into the County, it was necessary to make some concessions in the rezoning application process and she would like to make a motion to allow for 2 additional zonings on the Planning Commission calendar if they were Commercial rezonings or anything other than residential or agriculture bringing the total number to 8 on those calendars; Commissioner Good seconded the motion and the resulting vote was a 4-1 approval with Commissioner Biello voting nay.

Discussion re: honoring those Cherokee County residents who have served in the military in the past 2 years and are now returning home

Commissioner Sanders said that she would like to make a motion to honor the returning service people of Cherokee County with a proclamation; Commissioner Johnston seconded. During discussion, Commissioner Biello asked for a friendly amendment to make the proclamation naming a day for them. Commissioners Sanders and Johnston accepted the amendment. The vote was called and the result was a unanimous approval.

Speed humps – Jessie Lane

Commissioner Johnston said that he had been approached by homeowners on Jessie Lane and had asked Engineering to conduct a traffic study; the result was that speed humps were recommended and he made a motion to approve the installation of them. Commissioner Sanders seconded and the resulting vote was for unanimous approval.

Commercial and Industrial Architectural Standards
Commissioner Johnston said that this was still not ready and he would like to make a motion to postpone a decision until the April 6th meeting; Commissioner Sanders seconded and the request was unanimously approved.

COMMISSIONER - POST 4 - WESTERN DISTRICT  Derek V. Good

Discussion re: Litter Control – changed to April 6th meeting

Discussion re: Vicious animals – changed to April 6th meeting

Request for change of meeting date on May 4th

Commissioner Good stated that he would be out of town on the May 4th meeting date and he would like to make a motion to change the Board of Commissioners meeting only to Thursday, May 6th to begin at 4 p.m. with the work session at 2 p.m. He then clarified that the Planning Commission would still meet on May 4th at 7 p.m. which was their regular time. Commissioner Sanders seconded the motion and the resulting vote was for unanimous approval.

CONSENT AGENDA

A. Acceptance of streets, roads, rights-of-ways and appurtenant drainage structures in White Oaks subdivision, including White Oaks Lane

B. Approval of a 5 year contract with ALLTEL for a replacement internet service provider at the cost of $2,280 per month

C. Approval of renewal contract with CINTAS Uniform Services for Roads & Bridges

D. Approval of proposal from Bankhead Contracting Co., Inc. to extend the left turn lane on Towne Lake Parkway at Towne Lake Hills South Drive, westbound, in the amount of $62,667.04

E. Approval of contract with Burman-Warren, Inc. for installation of a traffic signal at the intersection of SR 92 and Northpoint Parkway in the amount of $58,818.23

F. Approval of Annual Cooperative Agreement between Cherokee County and Natural Resources Conservation Service/United States Department of Agriculture

After Mr. Cooper read the Consent Agenda items, Commissioner Sanders made a motion to approve; Commissioner Good seconded and the Consent Agenda was unanimously approved.

COUNTY MANAGER  Jerry W. Cooper

G. Approval of annual 2005 ARC award of $481,358.00 with a required County match of $35,138. for Senior Services programs
Commissioner Sanders made a motion to approve; Commissioner Johnston seconded and the request was unanimously approved.

COUNTY ATTORNEY  R. Mark Mahler

H. Notification of annexation by the City of Canton of 1.37 acres of property known as 705 Transit Avenue - current zoning is residential-proposed zoning is commercial-hotel

I. Notification of annexation by the City of Canton of 1.42 acres located at 720 Transit Avenue- current zoning is GC-proposed zoning is C-2

J. Notification of annexation by the City of Canton of 32.2 acres of property located at Oakdale Rd., Winooki Dr., Farm Rd., Wonewok Dr., and Valley Rd. -current zoning is R-40-proposed zoning is R-1

Mr. Mahler explained that these were for informational purposes only; there was no land use dispute.

K. Request for legacy lot status on 3 acre property at Arliss Drive and Miguel Jorge Lane for Doris Joiner

Commissioner Sanders made a motion to approve; Commissioner Biello seconded and the request was unanimously approved.

L. Request for legacy lot status for Miranda Reberiego on Fields Chapel Road

Commissioner Johnston made a motion to approve the request; Commissioner Biello seconded the motion and the request was unanimously approved.

M. Request for addition to the wrecker rotation zones by Neese Towing, Inc.

Chairman Byrd made a motion to recommend this request go to the Wrecker Service Advisory Board; Commissioner Sanders seconded and the motion was unanimously approved.

N. Request for Public Hearing to be set regarding the proposed text amendments to the Zoning Ordinance for R-15 Single Family Residential District

Commissioner Sanders made a motion to have the Planning Commission hold the public hearing on this item on April 6th; Chairman Byrd seconded the motion. During discussion, Commissioner Johnston asked if a more suitable name could be found before that time. Mr. Watkins said that he would call it whatever the Board wished. The resulting vote was for unanimous approval.
ANNOUNCEMENTS

The Chairman asked if there were any announcements and when there were none, he said that he had one. He asked to recognize the Mayor Pro Tem for Holly Springs Sean Jergenson who was present at the meeting.

ADJOURN

There being no other announcements, the Chair called for a motion to adjourn. Commissioner Sanders made the motion to adjourn the regular meeting at 7:15 p.m.; Commissioner Johnston seconded and the resulting vote was unanimously approved.