



# AGENDA

## Cherokee County Board of Commissioners

FEBRUARY 3, 2009 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

### CALL TO ORDER

CHAIRMAN

### PROCLAMATION

Proclamation presented designating February 7, 2009, as "***National Black HIV/AIDS Awareness Day***" in Cherokee County

### ANNOUNCEMENTS

Chairman Ahrens will announce the week of February 1-7, 2009 as "***Severe Weather Awareness Week***". Details can be found on the County web site or on the Office of Homeland Security-Emergency Management web site at [www.cherokeega-ema.org](http://www.cherokeega-ema.org).

Chairman Ahrens will announce a reminder for *The Big Read-Cherokee* which is an initiative by the Towne Lake Arts Center in partnership with the Sequoyah Regional Library System and several other organizations that have events scheduled around the County beginning February 17 and going all the way to March 29. For more information there is a link on the Cherokee County web site that will take you to the Towne Lake Arts Center web site or you can visit the site at [www.tlaclive.org](http://www.tlaclive.org) or call 678-484-4251.

### AMENDMENTS TO AGENDA

### APPROVAL OF WORK SESSION MINUTES FROM JANUARY 20, 2009

### APPROVAL OF REGULAR MEETING MINUTES FROM JANUARY 20, 2009

### PUBLIC COMMENT

## **PUBLIC HEARINGS**

- 1) Notice is hereby given that the Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the abandonment of a portion of Hendrix Lane located in Land Lot 214 of the 3<sup>rd</sup> District, Second Section of Cherokee County and the determination that said road has ceased to be used by the public to the extent that no substantial public purpose is served by it.
  
  - 2) Notice is hereby given that the Cherokee County Board of Commissioners shall conduct a Public Hearing regarding the abandonment of portions of Sugar Pike Road located in Land Lot 571 of the 2<sup>nd</sup> District, Second Section and Land Lot 582 of the 3<sup>rd</sup> District, Second Section of Cherokee County and the determination that said road has ceased to be used by the public to the extent that no substantial public purpose is served by it.
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## **OLD BUSINESS**

**CASE NUMBER** : **09-01-001**  
**APPLICANT** : Dr. L. Austin Flint  
**ZONING CHANGE** : R-40 to GC  
**LOCATION** : Cumming Highway  
**MAP & PARCEL NUMBER** : 14N23, Parcel(s) 034  
**ACRES** : 5.68 Acres  
**PROPOSED DEVELOPMENT** : Retail  
**COMMISSION DISTRICT** : 1  
**FUTURE LAND USE MAP DESIGNATION:** Neighborhood Village  
**PLANNING COMMISSION RECOMMENDATION:** Approval with conditions:

1. Approval of General Commercial zoning;
  2. Compliance with the City of Canton's signage and streetscape design requirements;
  3. Permitted uses under Neighborhood Commercial plus the following:
    - Service station, fast food, liquor store, planned shopping center, tire sales, service and repair, and convenience store with gas pumps.
  4. Meet Engineering requirements to upgrade Key Drive;
  5. Applicant will work with staff to explore site design that would be pedestrian friendly and preserve in so far as possible existing environmental elements of the site.
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## **COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

*Comment on Cherokee Water and Sewerage Authority re Spill report*

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

*Citizen request for de-annexation from the City of Holly Springs and Resolution of Support*

**COMMISSION POST 3**

**KAREN BOSCH**

**VICE CHAIR/COMMISSION POST 4**

**DEREK V. GOOD**

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## **CONSENT AGENDA**

1. Final acceptance of rights-of-way, roadways and appurtenant drainage structures within **The Falls @ Mill Creek, Phase 4** subdivision for County maintenance, including all or part of: Toonigh Way, Little Shoals Drive, Pine Log Court, Pine Log Lane, Little Shoals Court and Little Shoals Place
2. Request approval of the renewal of the Professional Services Agreement with Wetland and Ecological Consultants to perform miscellaneous jurisdictional waters consulting services for County roadway and parks construction projects.
3. Request approval to award bid to low bidder Herndon Heating and Air to replace 6 rooftop package units on the South Annex Recreation Building for \$57,656.00
4. Consider amendment to 2009 Budget for Insurance Recovery in the amount of \$31,829.09 for payment by Trident for damages that occurred at Children's Shelter
5. Consider agreement with Sawnee EMC to provide right-of-way for installation of 3-phase power to Blalock Road Recycling Center location
6. Request approval of agreement with Quest Lab to allow for Fire Personnel to have blood labs completed if they have been exposed to contaminants during the performance of their duties.

## **COUNTY MANAGER**

7. Approval of a proposal from Ace Grading Company, for the construction of the Arnold Mill Road at Mill Creek Road Intersection Improvement Project for \$715,670.50
  8. Approval of the submittal of GDOT annual application renewal for FY 2010 Rural Public Transportation grant funding
  9. Consider award of Park Bond investment banking services
  10. Consider submittal of application to Army Corp of Engineers for J.J. Biello Park mitigation
  11. Consider amendment to Health Services Agreement to correct the base monthly installment from \$145,062.50 to \$142,062.50
  12. Consider resolution in support of legislation to require County and School Board approval for issuance of PILOT Bonds
  13. Consider resolution in support of future location of public library facilities in Waleska
  14. Consider FOCUS request for County to remain as fiscal agent for Family Connection Grant
  15. Consider amending approved coffee vending lease, including: lessee responsible for cost of build-out and equipment in lieu of deposit; lessee option for vending service; modify utility rate charged from .013% to .010% of total building utility costs; and, change effective date to March 4, 2009
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## **COUNTY ATTORNEY**

16. Request authorization for Resolution of Eminent Domain for 0.040 acres of required right-of-way for the Arnold Mill Road at Mill Creek Road Intersection Improvement Project and authorization for Chairman to execute condemnation proceedings for same

Request authorization for Resolution of Eminent Domain for 0.035 acres of required right-of-way for the Arnold Mill Road at Mill Creek Road Intersection Improvement Project and authorization for Chairman to execute condemnation proceedings for same

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## **ADJOURN**

**Cherokee County Planning Commission  
Public Hearing  
Agenda  
Tuesday, February 3, 2009  
7:00 p.m.**

**NEW CASES:**

**CASE #09-02-005 – Scott Highway 20, LLC** requesting to rezone 2.00 acres from R-80 to GC for retail purposes. Property is located on Highway 20 at the intersection with Weaver Circle and Scott Road in Land Lot 275 of the 14th District, 2<sup>nd</sup> Section and being more particularly described as Cherokee County Tax Map 14N29, Parcel 038A.

**(APPLICANT HAS REQUESTED TO BE POSTPONED UNTIL MARCH 3, 2009)**

**OLD CASES:**

**CASE #09-01-002 – Dr. L. Austin Flint** requesting to rezone 6.749 acres from R-40 to GC for retail purposes. Property is located at the intersection of Cumming Highway Land Lot 267 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section and being more particularly described as Cherokee County Tax Map 14N23, Parcel 34.