

# MINUTES

## Cherokee County Board of Commissioners

**JANUARY 20, 2009**

**REGULAR MEETING**

**6:00 P.M.**

### **CALL TO ORDER**

**CHAIRMAN L.B. (BUZZ) AHRENS**

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:07 p.m. on Tuesday, January 20, 2009. Those in attendance were Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Vice Chair/Commissioner Derek V. Good; County Manager Jerry Cooper; County Attorney Ken Jarrard; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public. (Ken Jarrard was sitting in for Angie Davis).

### **PLEDGE OF ALLEGIANCE**

Presentation of the Flag and the Pledge of Allegiance was led by Boy Scout Troop 639 from Woodstock Christian Church with Scoutmaster Jeffrey Layne

### **ANNOUNCEMENTS**

The North Georgia Medical Reserve Corps (MRC) along with Cherokee County Emergency Management and the County Health Department is looking for medical and non-medical volunteers to respond to not only public health emergencies but also a variety of all-hazard responses; anyone interested please call Joanne Mauro at (706) 272-2125, ext. 306 or go to [www.nghd.org](http://www.nghd.org) to learn more about volunteering with the North Georgia Medical Reserve Corps.

Chairman Ahrens also announced the week of February 1-7, 2009 is "Severe Weather Awareness Week" and further details could be found on the web site.

### **AMENDMENTS TO AGENDA**

There were 3 Amendments to the Agenda; (1) Remove the nomination of Quentin Thomas to the Airport Authority from Commissioner Hubbard's portion and place it under Commissioner Good's portion; (2) Also under Commissioner Good's portion, add Resolution regarding the Airport Authority; (3) under the County Manager, remove item 5. After the Chairman read the Amendments, Commissioner Bosch made the motion to approve; seconded by Vice Chair/Commissioner Good and unanimously approved.

**APPROVAL OF WORK SESSION MINUTES and  
REGULAR MEETING MINUTES FROM January 6, 2009**

Commissioner Hubbard said that he would make a motion to approve the Work Session Minutes; Commissioner Johnston seconded and the result was unanimous approval.

Commissioner Bosch made a motion to approve the Minutes as submitted by the Clerk for the Regular Meeting; Vice Chair/Commissioner Good seconded and the Minutes were unanimously approved.

**PUBLIC COMMENT**

Even though he had not signed up to speak because he said the sheet was not there, Chairman Ahrens said that Mr. Steve Garland from Houston, Texas, could speak for the 3 minute time period usually given. Mr. Garland again wanted to urge the board to look for ways to get Federal funds to bolster the budget shortfall this year.

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**SUMMARY OF ZONING CASES HEARD ON JANUARY 6**

**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.

Commissioner Hubbard made a motion to postpone this case until the February 3 meeting; seconded by Commissioner Johnston and unanimously approved.

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**CASE NUMBER** : **09-01-003**  
**APPLICANT** : Technology Properties, LLC  
**ZONING CHANGE** : NC to GC  
**LOCATION** : Cumming Highway  
**MAP & PARCEL NUMBER** : 03N23, Parcel(s)145  
**ACRES** : 1.882 Acres  
**PROPOSED DEVELOPMENT** : Retail/Business office  
**COMMISSION DISTRICT** : 1  
**FUTURE LAND USE MAP DESIGNATION:** Community Village

**PLANNING COMMISSION RECOMMENDATION:** Approval.

Commissioner Johnston made the motion to approve as recommended; Commissioner Hubbard seconded and the result was unanimous approval.

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**CASE NUMBER** : **09-01-004**  
**APPLICANT** : Development Authority of Cherokee County  
**ZONING CHANGE** : GC and R-40 to LI  
**LOCATION** : 6119 James Dupree Road  
**MAP & PARCEL NUMBER** : 21N05, Parcel(s) 273C  
**ACRES** : 53.27 Acres  
**PROPOSED DEVELOPMENT** : Business Park  
**COMMISSION DISTRICT** : 3  
**FUTURE LAND USE MAP DESIGNATION:** Suburban Growth/Development Corridor

**PLANNING COMMISSION RECOMMENDATION:** Approval with condition:

1. Engineering Department's comments to upgrade James Dupree Road.

Commissioner Bosch made the motion to approve as LI with the following conditions: (1) The Declaration of Protective Covenants (the "Protective Covenants"), which are attached hereto as Exhibit "A", shall be incorporated into the Zoning Resolution as if set forth fully herein, and maintenance thereof and compliance therewith shall be a condition of zoning that shall be imposed upon the property irrespective of whether the Protective Covenants are ever recorded or expire or otherwise extinguish upon operation of law at some time in the future. (2) The Protective Covenants, attached as Exhibit "A", shall be recorded and filed in the land records of Cherokee County as provided by law so that the Protective Covenants run with the land. (3) Should the Development Authority of Cherokee County not purchase the property within sixty (60) days of this zoning decision, and until such time as the Development Authority of Cherokee County does purchase this property, the property owner shall assume all obligations of the "Development Authority";

as defined in the Protective Covenants and as provided in the Protective Covenants, the Protective Covenants shall continue as conditions of zoning on the property as required by Condition No. 1 above; and the Protective Covenants shall be reformed to indicate the property owner as the declarant in place of the Development Authority of Cherokee County and shall be recorded and filed in the land records of Cherokee County by the property owner as required by Condition No. 2 above.

(4) Notwithstanding the foregoing conditions, those portions of the Property located within the boundaries of the Highway 92 Village Ordinance as described in Article 16.1.3 of the Cherokee County Zoning Ordinance shall continue to be governed by the restrictions set forth in Article 16.1 of the Cherokee County Zoning Ordinance. Any conflicts between the foregoing zoning conditions and the Article 16.1 shall be resolved in favor of Article 16.1 for those portions of the property located within the Highway 92 Village Ordinance boundaries. (5) All current uses and activities shall cease and all materials and equipment shall be removed from site at a date no later than July 1, 2009. (6) There shall be no heavy truck traffic on James Dupree Road until such time as the road has been upgraded to County standards. Commissioner Bosch said that is in the form of a motion; Vice Chair/Commissioner Good seconded and the result was a unanimous approval.

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## **COMMISSION BUSINESS**

### **CHAIRMAN**

**L.B. (BUZZ) AHRENS**

*Re- appointment of 3 members to Development Authority- Steve Holcomb, Robert Logan and Wanda Roach, whose terms expired 1 January, 2009*

Commissioner Bosch made the motion to re-appoint Steve Holcomb, Robert Logan and Wanda Roach to the Development Authority Board; Commissioner Hubbard seconded and the re-appointments were unanimously approved.

*Re- appointment of Darrell Caudill, Jr. to the Board of Assessors at the request of Chief Assessor John Adams- Mr. Caudill's term expires 24 January, 2009*

Commissioner Johnston made a motion to approve the re-appointment of Mr. Caudill; Commissioner Hubbard seconded and the re-appointment was unanimously approved.

*Request from Region Three MHDDAD Planning Board to re- appoint Irene Butcher, who was originally appointed to fill the unexpired term of Sheila Auffrey and that term has now expired*

Commissioner Hubbard made the motion to approve the re-appointment; Commissioner Good seconded and the re-appointment was unanimously approved.

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

*Re- appointment of JJ Biello to Parks and Recreation Advisory Board-no action necessary*

*Nomination of Quentin Thomas to Airport Authority - Moved by Amendment to Commissioner Good's portion*

**COMMISSION POST 3**

**KAREN BOSCH**

*Re- appointment of Chris Hampton to Parks and Recreation Advisory Board-no action necessary*

**VICE CHAIR/COMMISSION POST 4**

**DEREK V. GOOD**

*Discuss status of Airport Authority lease negotiation changed to:*

*Resolution in support of Airport Authority - **AMENDMENT***

Commissioner Good said that he was presenting a Resolution of Support for the Airport Authority, after some great input at the Work Session by Phil Eberly and current Airport Authority member Dick Hall concerning the current expansion at the airport and the ongoing negotiations with the current FBO provider there. Commissioner Good stated that he was presenting this resolution that reinforces the Airport Authority's bylaws and strengthens this board's commitment toward the airport expansion. Commissioner Good then asked the Chairman if he could read the resolution into the record; Chairman Ahrens said yes. (A copy of the resolution as read by Commissioner Good is attached to these Minutes). After reading the resolution, Commissioner Good said that would be in the form of a motion; Commissioner Bosch seconded and the resolution was unanimously approved.

*Nomination of Quentin Thomas to fill vacancy on Cherokee County Airport Authority - **AMENDMENT***

Commissioner Good said that he would nominate Quentin Thomas to fill the vacancy created when Mr. Bill Johnston resigned; Commissioner Bosch seconded. During discussion, both Chairman Ahrens and Commissioner Hubbard said that they would like to have more time to evaluate other possible appointees for the position. The resulting vote was a 3-2 approval with Chairman Ahrens and Commissioner Hubbard voting nay.

## **CONSENT AGENDA**

1. Consideration of the surplus of (6) six VHS Mobile Vision cameras and transfer to the Flowery Branch Police Department; CCSO now uses digital technology entirely

After Mr. Cooper read the only item on the Consent Agenda, Commissioner Bosch made a motion to approve; Commissioner Good seconded and the resulting vote was for unanimous approval.

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## **COUNTY MANAGER**

2. Consideration of agreement with TAMCO for lease-purchase of 3COM equipment including 3COM Ethernet Switches and Wireless LAN for the Administration Building at a cost of \$342,997.97 contingent on the County Attorney's review and approval of the Professional Services Agreement

Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded. When the Chair asked for any discussion, Mr. Jarrard said he would like to point out that the agreement in the notebooks currently said Forsyth County and he would like to see the motion amended to include changing from Forsyth County to Cherokee County. Commissioner Hubbard agreed to the amendment and Commissioner Johnston also agreed and seconded again. The resulting vote was for unanimous approval.

3. Consideration and approval of Service Delivery Strategy (SDS) recertification and submittal to the Georgia Department of Community Affairs by the end of the month

Commissioner Bosch made the motion to approve; Commissioner Johnston seconded and the resulting vote was a unanimous approval.

4. Request from Engineering to rescind the award of bid to Peek Pavement Markings, Inc. for traffic striping on Towne Lake Parkway - approved in September, 2007

Commissioner Hubbard made the motion to approve; both Commissioners Good and Johnston seconded and the result was a unanimous approval.

5. Request from Engineering to rescind the award of bid to F.E. Sims Enterprises, Inc. for the construction of the Cherokee County Soccer Complex - approved January 6, 2009 - and authorization to re-bid contract in February, 2009

## **WITHDRAWN BY AMENDMENT**

6. Approve the purchase of SAN/Server Hardware from DELL, Inc. to replace existing Deeds SAN, which went out of warranty last year - Clerk of Courts Patty Baker has requested that the hardware be replaced immediately; and approve Professional Services Agreement with DELL for hardware installation contingent on County Attorney review and approval

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

7. Consideration and approval of Fire Services Agreement with the City of Holly Springs for a period of 5 years, commencing on January 1

Commissioner Bosch made a motion to approve, thanking Mr. Cooper and Chief Gunnin for their work on the agreement; Commissioner Johnston seconded and also thanked them. The resulting vote was for a unanimous approval.

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**COUNTY ATTORNEY**

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**ADJOURN**

When the Chairman asked if there was any other business, hearing none, he asked for a motion to adjourn. Commissioner Hubbard made the motion to adjourn the regular meeting at 6:46 p.m.; Commissioner Bosch seconded and the resulting vote was a unanimous approval.

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These Minutes were approved at the regular meeting on February 3, 2009.