

MINUTES

Cherokee County Board of Commissioners

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

CALL TO ORDER

CHAIRMAN

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:09 p.m. on Tuesday, February 3, 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 Clerk Sheila R. Corbin; Agency Directors and Department Heads; the media and the public. (County Attorney Angie Davis was absent; Attorney Paul Dzikowski sat in for the firm.)

PROCLAMATION

Chairman Ahrens presented the Proclamation designating February 7, 2009 as **“National Black HIV/AIDS Awareness Day”** in Cherokee County to Virginia Martin, current President of the National Coalition 100 Black Women/Northwest Georgia Chapter.

AMENDMENTS TO AGENDA

Chairman Ahrens read the amendments to the agenda and they were: **1.** Under Announcements – add Captain Eddie Robinson has been promoted to Division Chief of Training for Cherokee County Fire and Emergency Services; this is effective on February 8. **2.** Under County Manager – add item re: Approval to award bid for Aerial Photography and LIDAR Acquisition for GIS/Mapping.

Commissioner Bosch made a motion to approve the amendments; Commissioner Hubbard seconded and the amendments were unanimously approved.

ANNOUNCEMENTS

Chairman Ahrens announced that the February, 2009 issue of Georgia Trend Magazine has a comprehensive article on Cherokee County.

Chairman Ahrens reminded everyone that 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.

Chairman Ahrens read 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 or call 678-494-4251.

AMENDMENT- Chairman Ahrens announced that Captain Eddie Robinson has been promoted to Division Chief of Training for Cherokee County Fire and Emergency Services, the promotion is effective February 8. Captain Robinson has been with the County since 1995, where he served as a Volunteer Firefighter in Hickory Flat; in 1999 he became a paid Firefighter and was promoted to Health & Safety Officer on January 4, 2001. Captain Robinson has been living in Cherokee County since 1991 off Univeter Road and has been married to his wife Lorrie for 19 years, with whom he has two children, Kenny, 9 and Candace 17.

APPROVAL OF WORK SESSION MINUTES FROM JANUARY 20, 2009

Chairman Ahrens asked for a motion on the Minutes as submitted by the Clerk. A motion to approve was made by Commissioner Hubbard; seconded by Commissioner Bosch and unanimously approved.

APPROVAL OF REGULAR MEETING MINUTES FROM JANUARY 20, 2009

Chairman Ahrens asked for a motion for the Minutes as submitted by the Clerk. The motion to approve was made by Commissioner Bosch; seconded by Commissioner Hubbard and unanimously approved.

PUBLIC COMMENT

Speakers were Phillip Kirby, a former employee with Fire who was having a problem with Gebcorp and he wanted to let the board know so that corrections could be made to keep any other employee from going through what he had gone through; Steve Nelson had several questions regarding the Park Bond and also whether there would be any no-leash dog parks built.

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 3rd 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.

Commissioner Hubbard made the motion to open the public hearings at 6:31 p.m.; Commissioner Johnston seconded and the motion to open was unanimously approved. Chairman Ahrens asked Geoff Morton to conduct the public hearings. Mr. Morton said that back in the 1990's, the residents on Hendrix Lane had asked the County to take the road over and maintain it; at that time the property owners at the end on one side had donated right-of-way while the property owner on the other side had not, so the pavement ended at the property line of Mrs. Kennemore. She had asked that the right-of-way donated be deeded back to her. No speakers had signed up either for or against. Commissioner Hubbard made a motion to close the hearing at 6:33 p.m.; Vice Chair/Commissioner Good seconded and the motion to close was unanimously approved.

A motion to proceed with the abandonment was made by Commissioner Johnston; Commissioner Hubbard seconded and the motion was unanimously approved.

- 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 2nd District, Second Section and Land Lot 582 of the 3rd 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.

The motion to open the public hearing was made by Commissioner Hubbard at 6:34 p.m.; Vice Chair/Commissioner Good seconded and the motion to open was unanimously approved. Mr. Morton said that in this case GDOT had made improvements to the intersection of Sugar Pike Road and Highway 140 such as realigning the intersection and the property owners had asked for the existing right-of-way to be deeded back to them. There were no speakers either for or against. Commissioner Hubbard made a motion to close the hearing at 6:35 p.m.; Commissioner Bosch seconded and the motion to close was unanimously approved.

Commissioner Hubbard made a motion to proceed with the abandonment; Vice Chair/Commissioner Good seconded and the motion was unanimously approved.

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.

Commissioner Johnston made a motion to approve as GC with the following conditions: 1) Substantial compliance with the City of Canton's signage and streetscape design requirements; 2) No mini-warehouses; 3) Upgrade Key Drive to meet County standards between any commercial access to this property and Highway 20; 4) Applicant will work with staff to explore site design that would be pedestrian friendly and preserve insofar as possible existing environmental elements of the site. Second by Commissioner Hubbard, unanimously approved.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Comment on Cherokee Water and Sewerage Authority re Spill report

Chairman Ahrens read from a report that he had received as a member of the Authority; stating that there had been a 61% reduction in sewer spills between 2007 and 2008 and a 70% reduction in total volume.

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

Commissioner Hubbard said that he had received a request from two property owners who had been caught up in the Harmony on the Lakes annexation to

assist them in getting their property de-annexed from the City because they received no City services and had to travel some distance from their property before being in the City limits. Commissioner Hubbard made a motion to approve the Resolution of Support for deannexation that the property owners could take to the City to begin the process; Commissioner Johnston seconded and the motion was unanimously approved.

COMMISSION POST 3

KAREN BOSCH

VICE CHAIR/COMMISSION POST 4

DEREK V. GOOD

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.

After Mr. Cooper completed reading the Consent Agenda, the Chairman asked for a motion. The motion to approve was made by Commissioner Bosch; Commissioner Hubbard seconded and the Consent Agenda was unanimously approved.

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

The motion to approve was made by Commissioner Johnston; seconded by Commissioner Hubbard and unanimously approved.

8. Approval of the submittal of GDOT annual application renewal for FY 2010 5311 Rural Public Transportation grant funding

Commissioner Johnston made a motion to approve; seconded by Commissioner Hubbard resulting in a 4-1 approval with Vice Chair/Commissioner Good voting nay.

9. Consider award of Park Bond investment banking services – Citigroup was recommended by Mr. Cooper after exhaustive research and elimination process

Commissioner Hubbard made the motion to approve the recommendation of Citigroup; seconded by Commissioner Johnston and unanimously approved.

10. Consider submittal of application to Army Corp of Engineers for J.J. Biello Park mitigation

Commissioner Hubbard made a motion to approve; seconded by Commissioner Johnston and unanimously approved.

11. Consider amendment to Prison Health Services Agreement to correct the base monthly installment from \$145,062.50 to \$142,062.50

A motion to approve was made by Commissioner Bosch; seconded by Commissioner Johnston and unanimously approved.

12. Consider resolution in support of pending legislation known as HB 143* to require County and School Board approval for issuance of PILOT Bonds (*HB 143 referenced in error, should be HB 63, to be confirmed at February 17 meeting)

Commissioner Hubbard made a motion to approve; seconded by Commissioner Bosch and unanimously approved.

13. Consider resolution in support of future location of public library facilities in Waleska

Commissioner Bosch made a motion to postpone this item; Commissioner Good seconded and unanimously approved.

14. Consider FOCUS request for County to remain as fiscal agent for Family Connection Grant

Commissioner Hubbard made a motion to approve; seconded by Commissioner Johnston and unanimously approved.

15. Consider amending approved "Coffee Café" lease, including: lessee responsible for cost of build-out and equipment in lieu of deposit; lessee to be given opportunity to bid for vending service; modify utility rate charged from .013% to .010% of total building utility costs; and, change effective date to March 4, 2009

Vice Chair/Commissioner Good made a motion to approve; seconded by Commissioner Hubbard and unanimously approved.

AMENDMENT – Approval to award bid for Aerial Photography and LIDAR (Light Detection and Ranging) Acquisition to lowest qualified bidder, Kucera International at a cost of \$109,950 for GIS/Mapping

Commissioner Hubbard made a motion to approve; seconded by Commissioner Johnston and unanimously approved.

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

These items were presented by Paul Dzikowski of Jarrard and Davis as a "friendly" condemnation because of a cloudy chain of title; the property owner listed was aware and had no problem with this being done in order to get the road improvements completed.

Commissioner Hubbard made a motion to approve both requests; Commissioner Johnston seconded and the motion was unanimously approved.

ADJOURN

Chairman Ahrens said if there was no other business, he would entertain a motion to adjourn. The motion to adjourn the regular meeting was made by Commissioner Hubbard at 7:05 p.m.; seconded by Commissioner Bosch and unanimously approved.

These Minutes were approved at the regular meeting on February 17, 2009.