

**(PLEASE NOTE, THIS IS A SUMMARY ONLY OF ACTIONS TAKEN. THIS WILL NOT REPLACE THE MINUTES OF THE MEETING WHICH HAVE TO BE APPROVED.)**

**MEETING SUMMARY**

FOR

**Cherokee County Board of Commissioners**

**FEBRUARY 3, 2009**

**REGULAR MEETING**

**6:00 P.M.**

**CALL TO ORDER**

at 6:09 p.m. by Chairman Ahrens. All Board members present.

**PROCLAMATION FOR NATIONAL BLACK HIV/AIDS AWARENESS DAY**

presented to Virginia Martin, current President of 100 Black Women/Northwest Chapter

**AMENDMENTS TO THE AGENDA**

Two amendments to the agenda: (1) to add under Announcements, the promotion of Captain Robinson; (2) under the County Manager, add approval to award bid for Aerial Photography and LIDAR Acquisition- motion made by Commissioner Bosch; second by Commissioner Hubbard and 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 is "**Severe Weather Awareness Week**"

Chairman Ahrens also reminded all about "**The Big Read-Cherokee**"

Chairman Ahrens congratulated Captain Eddie Robinson for his promotion to Division Chief of Training for Fire-Emergency Services

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

Motion to approve made by Commissioner Hubbard; second by Commissioner Bosch; unanimously approved.

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

Motion to approve made by Commissioner Bosch; second by Commissioner Hubbard; unanimously approved.

**PUBLIC COMMENT**

Speakers were Phillip Kirby, former employee with Fire having problem with Gebcorp; Steve Nelson regarding the Park Bond and no-leash dog park issue.

**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.

Hearing opened by motion from Commissioner Hubbard; second by Commissioner Johnston unanimous to open at 6:31 p.m.; no speakers; hearing closed by motion from Commissioner Hubbard; second by Vice Chair/Commissioner Good at 6:33 p.m. unanimous to close. Motion to proceed with abandonment made by Commissioner Johnston; second by Commissioner Hubbard; 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 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.

Hearing opened by motion from Commissioner Hubbard; second by Vice Chair/Commissioner Good unanimous to open at 6:34 p.m.; no speakers; hearing closed by motion from Commissioner Hubbard; second by Commissioner Bosch unanimous to close at 6:35 p.m. Motion to proceed with abandonment made by Commissioner Hubbard; second by Vice Chair/Commissioner Good unanimously approved.

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**OLD BUSINESS**

<b>CASE NUMBER</b>	: 09-01-001
<b>APPLICANT</b>	: Dr. L. Austin Flint
<b>ZONING CHANGE</b>	: R-40 to GC
<b>LOCATION</b>	: 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.

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## **COMMISSION BUSINESS**

### **CHAIRMAN**

**L. B. AHRENS**

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

Chairman Ahrens gave some statistics from a report he had received as a member of the Water Authority regarding sewage spills

### **COMMISSION POST 1**

**HARRY B. JOHNSTON**

### **COMMISSION POST 2**

**JIM HUBBARD**

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

Motion made by Commissioner Hubbard to approve the Resolution of Support; second by Commissioner Johnston, unanimously approved.

**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 water 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.

Motion made by Commissioner Bosch; second by Commissioner Hubbard, unanimously approved.

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**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

Motion to approve made Commissioner Johnston; second by Commissioner Hubbard, unanimously approved.

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

Motion to approve made by Commissioner Johnston; second by Commissioner Hubbard, approved 4-1 with Vice Chair/Commissioner Good voting nay.

9. Consider award of Park Bond investment banking services – recommending Citigroup

Motion to approve recommendation of Citigroup by Commissioner Hubbard; second by Commissioner Johnston, 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; second by Commissioner Johnston, unanimously approved.

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

Motion to approve made by Commissioner Bosch; second by Commissioner Johnston and unanimously approved.

12. Consider resolution in support of pending legislation known as House Bill 143 to require County and School Board approval for issuance of PILOT Bonds

Commissioner Hubbard made a motion to approve; second by Commissioner Bosch, 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, unanimously approved.

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

Commissioner Hubbard made a motion to approve; second by Commissioner Johnston, unanimously approved.

15. Consider amending approved "Coffee Café" lease with Center Cut Catering, 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, 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; second by Commissioner Johnston, unanimously approved.

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### **COUNTY ATTORNEY**

16. Request authorization for Resolution to authorize the County's power 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 Order to Condemn and Declaration of Taking

Request authorization for Resolution to authorize the County's power 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 Order to Condemn and Declaration of Taking

Presented by Paul Dzikowski of Jarrard-Davis. Motion to approve both made by Commissioner Hubbard; second by Commissioner Johnston, unanimously approved.

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### **ADJOURN**

Chairman Ahrens asked for a motion to adjourn. Motion to adjourn meeting made by Commissioner Hubbard at 7:05 p.m.; second by Commissioner Bosch, unanimously approved.

END OF MEETING SUMMARY