

# MINUTES

## Cherokee County Board of Commissioners

FEBRUARY 17, 2009

REGULAR MEETING

6:00 P.M.

### CALL TO ORDER

### CHAIRMAN

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:12 p.m. on Tuesday, February 17, 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 Angie Davis; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public.

### PLEDGE OF ALLEGIANCE

Presentation of the Flags and the Pledge of Allegiance was led by the Color Guard of Explorer Post 469 from Cherokee County Fire and Emergency Services. The National Anthem will be played on the saxophone by James Stokely. (Mr. Stokely was ill and unable to attend.)

After the Pledge of Allegiance, the Chairman asked Chief Eddie Robinson and the members of the Explorer Post to remain standing down front until the Announcements portion.

### AMENDMENTS TO AGENDA

There were two amendments to the Agenda, they were (1) Under County Manager – add item#9 – Adopt Series 2009 GO Bond Resolution and approve Bond Purchase Agreement; (2) Under County Manager – add item #10 – Authorize the Chairman to execute letter or resolution to add Southwest and Waleska library to future funding list by State. After the Chairman read the amendments, Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and the amendments were unanimously approved.

### ANNOUNCEMENTS

(1) Chairman Ahrens asked Division Chief Eddie Robinson to come forward and assist him in recognizing the members of Explorer Post 469 from Cherokee County Fire and Emergency Services, who had won a first place award for the **Save Your Skin** event at a recent competition in Gatlinburg, where there were 3,000 people from twelve states gathered to participate in this year's event; Chief Robinson also announced that the members of Explorer Post 469 had won national recognition from the Boy Scouts of America Learning for Life Division when they were awarded the **National Explorer Excellence Award**.

Chairman Ahrens congratulated the Explorers and their advisors who Chief Robinson named.

**(2)** While Major Edward Lacey read the accomplishments, Sheriff Roger Garrison presented commendations to Deputy George Rose and Deputy Darin Downey who on January 2, 2009 captured burglars during the commission of their crime in south Cherokee; and also to Deputy John Brookshire, Corporal Joe Pelletier and Deputy Mark Kershner who were instrumental in the apprehension of the 6 vandals at J.J. Biello Park on January 20, 2009. The Chairman congratulated the deputies and Sheriff Garrison said that he would like to start doing this type of ceremony more often.

### **PUBLIC COMMENT**

None.

### **APPROVAL OF WORK SESSION MINUTES FROM FEBRUARY 3, 2009**

Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk. Commissioner Bosch made a motion to approve; Vice Chair/Commissioner Good seconded and the Work Session Minutes were unanimously approved.

### **APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 3, 2009**

After Chairman Ahrens asked for a motion on the Regular Meeting Minutes as submitted by the Clerk, Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and the Regular Meeting Minutes were unanimously approved.

---

### **ZONING SUMMARY FOR FEBRUARY 3, 2009**

**CASE NUMBER** : 09-01-002  
**APPLICANT** : Dr. L. Austin Flint  
**ZONING CHANGE** : R-40 to GC  
**LOCATION** : Cumming Highway  
**MAP & PARCEL NUMBER** : 14N23C, Parcel 037B  
**ACRES** : 6.749 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, services and repair, and convenience store with gas pumps.
4. Engineering requirements to upgrade Key Drive.
5. Applicant shall work with staff to explore site design that would be pedestrian friendly and preserve insofar as possible existing environmental elements of the site.

Mr. Watkins said that the conditions showing on the agenda were incorrect and the corrected conditions were 1. No mini-warehouse storage; 2. Compliance with the City of Canton’s signage and streetscape design requirements; 3. Indoor storage warehouses limited to three stories.

Commissioner Johnston said that he would make a motion to approve as GC with the corrected conditions as recommended by the Planning Commission; Commissioner Hubbard seconded. During discussion, Commissioner Bosch said that she believed that Commissioner Johnston might want to add the word “Substantial” to the beginning of Condition 2. Commissioner Johnston agreed and amended his motion to include the wording to read as “on Condition 2. Substantial compliance...”; Commissioner Hubbard amended his second and the resulting vote was for unanimous approval of the amended motion.



**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

**COMMISSION POST 3**

**KAREN BOSCH**

**VICE CHAIR/COMMISSION POST 4**

**DEREK V. GOOD**



**CONSENT AGENDA**

1. Request approval to award bid to low bidder, Labor Only Recover, to replace the flat roof on the South Annex Recreation Building at a cost of \$21,500

2. Request approval to award bid to low bidder, Cherokee Floor Covering, to replace the carpeting at the South Annex Recreation Building at a cost of \$15,795.06
3. Request adoption of the 2009-2013 Citizen Participation Plan as required by HUD for CDBG Entitlement
4. Consideration and approval of agreement between Cherokee County Fire and Emergency Services and Appalachian Technical College to provide clinical rotation for EMT-1 students to participate as third riders on Cherokee County Ambulances to allow students to complete their requirements as set forth in the National Registry EMT-1 curriculum
5. Confirmation of correction of error on February 3 agenda regarding the "Consider resolution in support of pending legislation known as HB 143 to require County and School Board approval for issuance of PILOT Bonds"; this should have read HB 63
6. Request approval of 2<sup>nd</sup> budget amendment for FY09 ARC Aging Services budget to reflect reduction of \$9,995; the units and persons served will remain the same
7. Consideration and approval of Professional Services Agreement with PBS&J for Intelligent Transportation System (ITS) Consulting Services, not to exceed \$25,000
8. Consideration and approval of Cooperative Lease Agreement for Rural Fire Defense between Georgia Forestry Commission and Cherokee County; consideration and approval of Rural Fire Defense Memorandum of Understanding between Georgia Forestry Commission and Cherokee County

After Mr. Cooper completed reading the Consent Agenda, Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded and the resulting vote was a unanimous approval.

---

## **COUNTY MANAGER**

9. **Adopt Series 2009 GO Bond Resolution and Bond Purchase Agreement - AMENDMENT**

Mr. Cooper gave a brief overview of the information given by Bryce Holcomb during the Work Session saying that the bonds were successfully marketed this morning with a favorable market yield rate of 3.833% and an all-in rate of 4.088% over the 20 year period.

This gives us a significant advantage in today's market and Mr. Cooper said that he was proud of the upgrade to a Standard & Poor rating of AA+ with Moody's maintaining the same AA+. Mr. Cooper further stated that it is his goal to achieve a AAA rating from both Standard & Poor and Moody's in the near future. He then asked a motion on both the adoption of the Series 2009 GO Bond Resolution and approval of the Bond Purchase Agreement for \$45 million dollars. Commissioner Hubbard made the motion to approve both, after saying that he would like to thank Mr. Cooper for his efforts; Vice Chair/Commissioner Good seconded and the motion was unanimously approved.

10. Authorize Chairman to execute letter or resolution to add Southwest and Waleska library to future funding list by the State – **AMENDMENT**

Mr. Cooper stated that the Impact Fee Program and current SPLOST Program identifies two libraries for construction in the future, one of those libraries is included on the State funding list. The Northeast library is included in that funding list, but there is also funding, allocated for the future from the two programs for the Southwest library as well. Mr. Cooper said that what was being asked tonight was to authorize the Chairman to approve a letter or resolution submitted to the Sequoyah Regional Library system to add not only the Southwest Library but also the Waleska Library to the future funding list by the State. The motion to approve was made by Commissioner Bosch, after a question from Vice Chair/Commissioner Good regarding clarification of exactly which one was already on the funding list; Commissioner Hubbard seconded the motion and the resulting vote was for unanimous approval.

#### **COUNTY ATTORNEY**

---

#### **ADJOURN**

The Chairman asked if there was any other business, on hearing none, he asked for a motion to adjourn. The motion to adjourn the regular meeting was made by Commissioner Hubbard at 6:39 p.m.; seconded by Commissioner Bosch and unanimously approved.

---

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