

**(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**

### **Cherokee County Board of Commissioners**

**MARCH 17, 2009**

**REGULAR MEETING**

**6:00 P.M.**

#### **CALL TO ORDER**

**CHAIRMAN AHRENS**

Chair called to order at 6:10 p.m. All board members present. Dale "Bubba" Samuels was present for County Attorney Angie Davis.

#### **PLEDGE OF ALLEGIANCE**

**CHAIRMAN AHRENS**

#### **PRESENTATION**

*Presentation of Commendation Awards to Corporal Tommy Thompkins; Deputy Michael Lowe; Deputy Chris Bryant; Deputy Quinn Bolis by Chief Deputy Vic West and Major Edward Lacey (Sheriff Garrison unable to attend)*

*Presentation by Chief Deputy Vic West for the approval of the submittal of the Edward Byrne Memorial Justice Assistance Grant application for the Cherokee County Sheriff's Office; For public comment portion, Johnston motion to open at 6:15 p.m.; seconded by Bosch, unanimous to open. No speakers. Motion by Johnston to close at 6:16 p.m.; seconded by Hubbard, unanimous to close. Motion by Hubbard to approve submittal of application; second by Good, unanimous approval.*

*Joanne Mauro, MRC (Medical Reserve Corps/Volunteer Disaster Response Team) Coordinator for North Georgia Health District, will give a brief overview of the North Georgia MRC program (Ms. Mauro not able to attend, Chairman noted that he understood Cherokee County had a large showing during orientation.)*

#### **AMENDMENTS TO AGENDA**

One amendment to agenda - Under County Manager - add item "Consider amending original Transportation Improvement Plan (TIP) to include additional projects for public transportation (CATS) from \$283,753 to \$870,000". Motion by Hubbard to approve; seconded by Johnston, unanimously approved.

**ANNOUNCEMENTS**

Commissioner Bosch announced “Priest Road Closing”. Chairman mentioned Employee Service Awards at Work Session. Commissioner Johnston spoke about GRTA expansion of additional 5 busses to Woodstock only effective April 6<sup>th</sup>.

**PUBLIC COMMENT**

None.

**APPROVAL OF WORK SESSION MINUTES FROM MARCH 3, 2009**

Bosch motion to approve; Hubbard second, Good abstained, approved 4-0.

**APPROVAL OF REGULAR MEETING MINUTES FROM MARCH 3, 2009**

Bosch motion to approve; Hubbard second, Good abstained, approved 4-0.

**ZONING SUMMARY FOR MARCH 3, 2009**

**CASE NUMBER** : 09- 02- 005  
**APPLICANT** : Scott Highway 20, LLC  
**ZONING CHANGE** : R-80 to GC  
**LOCATION** : Highway 20  
**MAP & PARCEL NUMBER** : 14N29, Parcel(s) 038A  
**ACRES** : 2.00 Acres  
**PROPOSED DEVELOPMENT** : Retail  
**COMMISSION DISTRICT** : 1  
**FUTURE DEVELOPMENT MAP** : Suburban Growth / Neighborhood Village

**PLANNING COMMISSION RECOMMENDATION:** Approval of NC

Johnston motion to approve as GC; Hubbard second; unanimous approval.

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**CASE NUMBER** : 09- 03- 006  
**APPLICANT** : Grover Swilley, Curtis Swilley and Mark Moore  
**ZONING CHANGE** : R-40 to OI  
**LOCATION** : Highway 20  
**MAP & PARCEL NUMBER** : 03N29, Parcel(s) 008 & 008A  
**ACRES** : 26.31 Acres  
**PROPOSED DEVELOPMENT** : Office and Institutional Uses  
**COMMISSION DISTRICT** : 1  
**FUTURE DEVELOPMENT MAP** : Suburban Growth / Neighborhood Village

**PLANNING COMMISSION RECOMMENDATION:** Approval with conditions:

1. Maximum single building size 50,000 square feet.
2. Maximum building height of three stories
3. Maximum parking ratio not to exceed four per thousand square feet
4. Buildings pulled up close to the roads as practical, in effort to disperse parking to the side and rear.

Johnston motion to approve as recommended by Planning Commission; Hubbard second; unanimous approval.

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**CASE NUMBER** : 09- 03- 007  
**APPLICANT** : Robert L. and Louise W. Mann  
**ZONING CHANGE** : R-80 to AG  
**LOCATION** : Brick Mill Road  
**MAP & PARCEL NUMBER** : 15N19, Parcel(s) 124B  
**ACRES** : 13.15 Acres  
**PROPOSED DEVELOPMENT** : Residential farm use  
**COMMISSION DISTRICT** : 1  
**FUTURE LAND USE MAP DESIGNATION** : Rural Places

**PLANNING COMMISSION RECOMMENDATION:** Approval with conditions:

1. No Commercial Agricultural business.

Johnston motion to approve as AG with modification to condition of “No commercial scale poultry, swine or greenhouse operations.” Hubbard second, unanimous approval.

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Request to schedule public hearing to consider adopting SW Cherokee Corners Redevelopment Plan and Bells Ferry Redevelopment Plan – Jeff Watkins

Motion made by Bosch to advertise and hold public hearing on April 7<sup>th</sup>; second by Good, unanimous approval.

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**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

*Discussion regarding a replacement appointment to the Board of Tax Assessors for Mr. Scott McElroy, who was called back to active duty recently, and whose term does not end until June 30, 2012*

Decision was made to solicit applications on the web site to be sent to the County Clerk, who would then copy and forward to the Board of Tax Assessors for review

and recommendations; also to request a formal letter of resignation from Scott McElroy via the Board of Tax Assessors. Will bring up for discussion again on April 21<sup>st</sup>.

**COMMISSION POST 1** **HARRY B. JOHNSTON**

**COMMISSION POST 2** **JIM HUBBARD**

**COMMISSION POST 3** **KAREN BOSCH**

**VICE CHAIR/COMMISSION POST 4** **DEREK V. GOOD**

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**CONSENT AGENDA**

1. District Attorney's Office requests approval for employees to submit a bid to purchase surplus computers, with a minimum of \$50.00 per computer

Mr. Cooper said because of State mandated requirements, a procedure would have to be followed. Bosch made a motion to approve to run ads and receive sealed bids; Johnston seconded. Before a vote could be taken, Mr. Samuels said that the motion should be amended to declare the equipment surplus, as required by State law. Bosch agreed to amend motion to include; Johnston seconded amendment; motion and amendment unanimously approved.

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**COUNTY MANAGER**

2. 2008 Budget Amendment/Transfer from Law Library funds \$220,000 to General Fund

Hubbard motion to approve; Bosch second, unanimous approval.

3. 2008 Budget Amendment/Transfer to EMS to cover shortfall of \$613,717.49

Bosch motion to approve; Hubbard second; unanimous approval.

4. Consideration and approval of submittal of DHR 2010 Annual Application for funding to off-set operating costs associated with the CATS Rural Transportation Program

Johnston motion to approve; Hubbard second; motion approved 3-2 with Bosch and Good voting nay.

5. Consideration of Property and Casualty Rate Stabilization Agreement between Cherokee County, Public Entities of America (PEA) and Trident

Insurance Services, LLC (Trident) to provide insurance coverage subject to conditions

Good motion to approve; Hubbard second; unanimous approval.

6. Consideration of lease agreement between Cherokee County and Georgia Department of Veterans Affairs for Veterans' office space (1,500 square feet) located in the Historic Courthouse

Hubbard motion to approve; Johnston second; unanimous approval.

**AMENDMENT** - Consider amending original Transportation Improvement Plan (TIP) to include additional projects for public transportation (CATS) from \$283,753 to \$870,000

Johnston motion to approve; Hubbard second; motion approved 3-2 with Bosch and Good voting nay.

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**COUNTY ATTORNEY**

7. Request approval for Resolution of Eminent Domain for Parcel 3/west side of Mill Creek Road or 0.328 acres; and for Parcel 4/east side of Mill Creek Road or 0.183 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.

Hubbard motion to approve; Johnston second; Unanimous approval.

8. **Bells Ferry Shell** located at 6425 Bells Ferry Road - Alcoholic Beverage License requested to be suspended for six (6) months followed by twelve (12) month probation-the store is currently on 12 month probation for the same violation in September 28, 2007/placed on probation on 4/1/2008. Any violations during these periods will result in the alcoholic beverage license being revoked.

Motion by Good to follow recommendation of Marshal's Office; second by Bosch. Mr. Samuels asked for amendment to motion to require Alcohol Ordinance Training and to state effective date and time of March 18 at 12:01 a.m. Good agreed to amendments; Bosch seconded amendments. Unanimous approval for motion and amendments.

- 8a. **Hop- In Mobile** located at 514 Arnold Mill Road - Alcoholic Beverage License requested to be suspended for six (6) months followed by twelve (12) month probation; at time of violation, this store was already on 12 month

probation for the same violation on February 2, 2008. Any violations during these periods will result in the alcoholic beverage license being revoked.

Motion by Good to follow recommendation of Marshal's Office; second by Bosch. Mr. Samuels asked for amendment to motion to state effective date and time of March 18 at 12:01 a.m. Good agreed to amendments; Bosch seconded amendments. Unanimous approval for motion and amendment.

8b. **Bells Ferry Marathon** located at 6742 Bells Ferry Road - Alcoholic Beverage License requested to be suspended for six (6) months followed by twelve (12) month probation-the store is currently on 12 month probation for the same violation on June 13, 2008. Any violations during these periods will result in the alcoholic beverage license being revoked.

Motion by Good to follow recommendation of Marshal's Office; second by Bosch. Mr. Samuels asked for amendment to motion to state effective date and time of March 18 at 12:01 a.m. Good agreed to amendments; Bosch seconded amendments. Unanimous approval for motion and amendment.

8c. **Food Depot** located at 5530 Bells Ferry Road - Alcoholic Beverage License requested to be suspended for six (6) months followed by twelve (12) month probation-the store is currently on 12 month probation for the same violation on July 1, 2008. Any violations during these periods will result in the alcoholic beverage license being revoked.

Motion by Good to follow recommendation of Marshal's Office; second by Bosch. Mr. Samuels asked for amendment to motion to require Alcohol Ordinance Training and to state effective date and time of March 18 at 12:01 a.m. Good agreed to amendments; Bosch seconded amendments. Unanimous approval for motion and amendments.

8d. **Soprano's Pizza d/b/a N.Y. Pizza Dept.** located at 3760 Sixes Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Bosch second; unanimous approval.

8e. **Baxter's Groceries** located at 14865 Hwy. 92 - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee

and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Bosch second; unanimous approval.

8f. **Texaco** located at 3780 Sixes Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Bosch motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Hubbard second; unanimous approval.

8g. **CVS Pharmacy** located at 3785 Sixes Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Bosch motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Good second; unanimous approval.

8h. **Sweetwater Quick Stop** located at 4230 Knox Bridge Hwy. - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Bosch second; unanimous approval.

8i. **Chevron Quick Mart** located at 6410 Bells Ferry Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Bosch second; unanimous approval.

8j. **Quick Food Mart** located at 504 Arnold Mill Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Hubbard second; unanimous approval.

8k. **Hobgood Chevron** located at 5195 Towne Lake Parkway - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Good motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Bosch second; unanimous approval.

8l. **Chevron** located at 10451 Bells Ferry Road - Alcoholic Beverage Violation of selling an alcoholic beverage to a person under 21 years of age on January 31, 2009; request twelve (12) months probation, owner, licensee and clerks must attend Alcohol Ordinance Training class. Any violations during this probation period would result in license being suspended or revoked. (First offense)

Bosch motion to suspend license for 15 days, with effective date of March 18 and time of 12:01 a.m., after suspension begin 12 month probation, require Alcohol

Ordinance Training. Any violations during this probation period would result in lengthier suspension or revocation. Hubbard second; unanimous approval.

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**ADJOURN**

Hubbard motion to adjourn at 8:24 p.m.; Bosch second, unanimous approval.