

MINUTES

Cherokee County Board of Commissioners

APRIL 21, 2009

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners for Tuesday, April 21, 2009, to order at 6:06 p.m. Those in attendance included: 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, department heads, the media and the public. County Attorney Angie Davis was absent, Paul Dzikowski sat in for her.

PLEDGE OF ALLEGIANCE

CHAIRMAN AHRENS

AMENDMENTS TO AGENDA

There were three amendments to the agenda: (1) add Proclamation for "Building Safety Week"; (2) Under County Manager - add Approval to change definition of disability/disabled to same as LTD Plan; (3) Under County Attorney - from Executive Session - add Approval to withdraw objection to arbitration with City of Canton/Crafton Properties. After the Chairman finished reading the amendments, he asked for a motion. Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded; the result was a unanimous approval.

PROCLAMATION

To proclaim the week of April 26 through May 2 as ***2009 National Crime Victims' Rights Week***

Chairman Ahrens asked Josh Nation, Chairman of the Domestic Violence Task Force to bring the representatives from the District Attorney's Office; Solicitor's Office; and the DFACS Office to the front for the presentation of the proclamation. Mr. Nation then spoke about some of the events that were planned.

Chairman Ahrens presented a Proclamation to Glenda Casteel, Director of Building Inspections, in observance of ***Building Safety Week*** -AMENDMENT

PRESENTATION

Jo Ann Birrell from Waste Management presented 2008 Host Fees check for \$2,923,858.20 and also announced Electronics Recycling Day on May 2

ANNOUNCEMENTS

Chairman Ahrens said that he had received a letter from Kennesaw State University recognizing several high school students from Creekview and Sequoyah in the “Juried Art Exhibition”

APPROVAL OF WORK SESSION MINUTES FROM APRIL 7, 2009

Chairman Ahrens asked for a motion. Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded; the resulting vote was for unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 7, 2009

Chairman Ahrens asked for a motion. Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded; and the result was unanimous approval.

PUBLIC COMMENT

Mrs. Beth Young had signed up to speak about the School Bus Depot being built on Lower Bethany Road saying that the Board of Education was not observing the conditions of the agreement with the County.

PUBLIC HEARING

To consider modifying the licensing qualifications under the Alcoholic Beverage Ordinance; to modify the procedures used to enforce this portion; to modify the method to be applied for measurement of distances for restrictions on the location of businesses engaged in the sale of alcoholic beverages contained therein.

Commissioner Hubbard made the motion to open the public hearing at 6:31 p.m.; both Commissioners Good and Johnston seconded; the motion to open received unanimous approval. Paul Dzikowski explained that the amendments were made to clarify certain procedures and enforcement options; establish a pre-license training requirement; relax the residency requirements to require that the applicant can be a resident of the State, rather than a resident of Cherokee County, for twelve months; changing the hours for serving provision to reflect the extended serving hours until 2:00 a.m.; adding the provision of *special events* that have been approved in advance and in writing to the Marshal’s Office such as motorcycle bike nights, car shows, and similar events which may take place in the parking area of a licensed establishment; the measurement of distances has been amended to match the State’s minimums for distances from churches and schools, and to allow flexibility in the restrictions imposed to distances from residentially zoned property, particularly with respect to mixed use and master planned developments. Mr. Dzikowski also mentioned that there was an amendment deleting the prohibition of “Happy Hour” promotions as well as adding language to clarify to whom the excise taxes are paid, which is to the Marshal along with the required excise tax report. There were no speakers either for or against.

Commissioner Hubbard made the motion to close the public hearing at 6:33 p.m.; Commissioner Bosch seconded, the resulting vote was unanimous approval to close.

Commissioner Bosch made a motion to approve modifications with a change to distances from convenience stores the same as for major grocery stores; Vice Chair/Commissioner Good seconded; there was a unanimous approval of the motion.

ZONING SUMMARY FOR APRIL 7, 2009

CASE NUMBER : 09-04-008
APPLICANT : Betty Thomas
ZONING CHANGE : R-40 to GC
LOCATION : State Route 140 a/k/a Reinhardt College Parkway
MAP & PARCEL NUMBER : 14N16, Parcel 034
ACRES : 1.00 Acres
PROPOSED DEVELOPMENT : General Commercial Purposes
COMMISSION DISTRICT : 1
FUTURE DEVELOPMENT MAP : Suburban Growth/Transitional Corridor
PLANNING COMMISSION RECOMMENDATION: Approval with conditions

- No auto repair, body shop or mini storage.
- Architectural site plans per City of Canton's Overlay Zone Community Standards Ordinance.

Commissioner Johnston made a motion to approve with the conditions recommended by the Planning Commission, with a change in the wording to condition 2 to read as follows: Architectural site plans to substantially conform to City of Canton's Overlay Zoning Community Standards Ordinance. Commissioner Hubbard seconded; and the motion received unanimous approval.

COMMISSION BUSINESS

CHAIRMAN **L. B. AHRENS**

Appointment to Board of Tax Assessors to fill unexpired term of Scott McElroy through June 30, 2012

Because a resignation has not been received, Chairman Ahrens said that he would postpone this item for 2 weeks or the May 5 meeting.

Letter Request from Cherokee County Board of Ethics to increase compensation of its secretary from \$100 per quarter to \$150 per quarter. The Ethics Board approved this item at their 07 April 2009 meeting, and is forwarding to BOC for consideration

Commissioner Hubbard made the motion to approve; Commissioner Johnston seconded; the vote was unanimous for approval.

5. Approval of Settlement and Release Agreement for the Tyson Woods Phase II subdivision

Commissioner Bosch made a motion to approve; Commissioner Johnston seconded; there was unanimous approval of the agreement.

6. Approval of Development Agreement between Cherokee County and VC Properties, Inc.

Commissioner Bosch made the motion to approve; Vice Chair/Commissioner Good seconded; and there was unanimous approval of the agreement.

7. Approval of design services contract with URS Corporation, for design of intersection improvements at Trickum Road at Jamerson Road in the amount of \$23,624.57

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

8. Transfer vacant position in Building Inspections to Human Resources

Commissioner Bosch made the motion to approve the request; Commissioner Hubbard seconded; the resulting vote was for unanimous approval.

9. Consideration of the acceptance of funds in the amount of \$3,210,980 for the Neighborhood Stabilization Program (NSP)

Chairman Ahrens made a motion to postpone a decision to May 5th; Commissioner Hubbard seconded; there was unanimous approval to postpone.

10. Definition of disability/disabled - change current definition to that of Long Term Disability (LTD) Plan to more closely conform to standard -
AMENDMENT

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

COUNTY ATTORNEY

11. From Executive Session - Withdrawal of objection to pending arbitration with City of Canton annexation request from Crafton Properties - **AMENDMENT**

Commissioner Johnston made the motion to approve; Vice Chair/Commissioner Good seconded; the motion received unanimous approval.

12. **Dos Equis Restaurant and Sports Bar** located at 5653 Bells Ferry Road -
Alcoholic Beverage Violations

Marshal's Office recommends revocation of Alcoholic Beverage License; on March 8, 2009 this establishment was charged with selling and serving alcoholic beverages to minors, selling and serving alcohol after 2:00 a.m.; advertising alcoholic drink specials; allowing dangerous weapons inside the establishment while there is proven evidence of acts of violence and disorderly conduct at this establishment.

After hearing from Chief Marshal Ray Waters and Captain Edward Lacey from the Sheriff's Office that there had been calls to this establishment since January, 2008; and allowing the owner to respond, Vice Chair/Commissioner Good made a motion to approve the recommendation of the Marshal's Office to revoke the Alcoholic Beverage License effective immediately and to direct the County Attorney's office to prepare a letter formally notifying the owner and licensee of the board's decision as well as explaining the appeal process and authorizing the Chairman to endorse the letter. Commissioner Bosch seconded the motion and there was unanimous approval of the action.

ADJOURN

After ascertaining there was no further business, the Chairman asked for a motion to adjourn. Commissioner Hubbard made the motion to adjourn the regular meeting at 7:40 p.m.; Commissioner Bosch seconded and the motion to adjourn was unanimously approved.