

MINUTES

Cherokee County Board of Commissioners

JANUARY 19, 2010

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 6:05 p.m. on Tuesday, January 19, 2010. Those in attendance were Vice Chair/Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Commissioner Derek V. Good; County Manager Jerry Cooper; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public. Paul Dzikowski was in for Angie Davis.

PLEDGE OF ALLEGIANCE

"Veterans of U.S. military service may proudly salute the flag while not in uniform based on a change in the governing law on 25 July 2007"

ANNOUNCEMENTS

1. Historical Society photo exhibit-Chair noted the exhibit is running this weekend featuring on January 23, Canton Cotton Mills and on the 24th will be Native American Trail of Tears.
2. Remind everyone these sessions are broadcast live on the web
3. Ride Smart update / ARC – Chair noted the program had been a success and for more information on the "guaranteed ride" program, go to www.myridesmart.com
4. Ga Dept of Transportation State plan at www.it3.ga.gov (incorrect in the agenda)
5. Chairman Ahrens mentioned the presentation, which took place at the Work Session, by Judge John Sumner, presiding Judge of Juvenile Court who had asked to recognize the officers involved in the Teen Driving Impact Panel; this is a program begun over a year ago which was established in conjunction with Sheriff Roger Garrison and his staff to educate teens on the seriousness of teen driving. Judge Sumner wanted to present awards to the officers who act as instructors in the classes, the officers were Lt. William Thompson of the Cherokee County Sheriff's Office; Lt, Jeff Hall from the City of Canton Police Department and Sgt. Shane Collie of the City of Woodstock Police Department.

AMENDMENTS TO AGENDA

There was only 1 amendment – to add behind the Zoning Cases – Request to set and advertise a public hearing date for consideration to remove the conditions on Case# 05-08-037.

After the Chairman read the amendment, Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and the amendment was unanimously approved.

PUBLIC COMMENT

None.

APPROVAL OF WORK SESSION MINUTES

When Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk, Commissioner Bosch made the motion to approve; both Commissioner Good and Hubbard seconded and the Work Session Minutes were unanimously approved.

REGULAR MEETING MINUTES FROM January 5, 2010

When Chairman Ahrens asked for a motion to approve the Regular Meeting Minutes as submitted by the Clerk, Commissioner Bosch made a motion to approve; Commissioner Good seconded and there was unanimous approval.

SUMMARY OF ZONING CASES HEARD ON JANUARY 5

CASE NUMBER : 10-01-002
APPLICANT : Theron H. Knight and Judy Trinkle.
ZONING CHANGE : R-80 to R-40
LOCATION : 1331 & 1341 Toonigh Road
MAP & PARCEL NUMBER : 15N21, Parcel 071
ACRES : 4.5
PROPOSED DEVELOPMENT : Residential
COMMISSION DISTRICT : Post 2
FUTURE DEVELOPMENT MAP : Suburban Living

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

- 2.5 acres to R-40, the back 2 acres to remain zoned R-80.
- Plats are to be properly recorded.

Commissioner Hubbard made a motion to approve as proposed by the Planning Commission; Vice Chair/Commissioner Johnston seconded and there was unanimous approval of the motion.

CASE NUMBER : 10-01-003
APPLICANT : Jason Nix.
ZONING CHANGE : R-80 to AG

LOCATION : 2100 Sugar Pike Road
MAP & PARCEL NUMBER : 02N03, Parcel 300
ACRES : 30+/-
PROPOSED DEVELOPMENT : Pumpkin Farm
COMMISSION DISTRICT : Post 2
FUTURE DEVELOPMENT MAP : Country Estates

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

1. Permitted uses limited to the following:
 - Accessory Uses and Structures
 - Bed and Breakfast Inn
 - Customary home occupations
 - Farmers market
 - Farming
 - Forestry
 - Green house and Plant nursery commercial
 - Green house non-commercial
 - Horticulture
 - Household pets raising and keeping
 - Livestock and Poultry for personal pleasure
 - Produce stand
 - Riding stable and academies
 - Single family detached dwelling

Motion by Commissioner Hubbard to approve as proposed by Planning Commission with one additional condition to read as Condition 2 "No outside storage of materials except materials utilized in the ordinary course of the business, as allowed on the property." Vice Chair/Commissioner Johnston seconded and the motion received unanimous approval.

CASE NUMBER : **10-01-005**
APPLICANT : Dana Stewart.
ZONING CHANGE : R-80 to AG
LOCATION : 1260 & 1282 Chattin Drive
MAP & PARCEL NUMBER : 15N19, Parcel 015 & 016
ACRES : 38+/-
PROPOSED DEVELOPMENT : Horse boarding
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Rural Places

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

1. Applicant will submit a Land Disturbance Permit Application to Cherokee County for construction of proposed farm buildings and pasture.
2. Before and upon the construction of the pasture, the applicant will provide Cherokee County with an Erosion and Sedimentation control Plan that shows the implementation of Best Management Practices.

This Plan will be implemented and BMP's maintained during construction and until the site is stabilized.

3. Applicant will obtain building permits from Cherokee County for any barns or farm structures.
4. AG Permitted uses limited to only the following.
 - Accessory Use and Structures
 - Bed and Breakfast Inn
 - Riding Stable & Academies
 - Single Family Detached Dwelling
 - Household pets, Raising and Keeping
 - Livestock and Poultry, Personal Pleasure
 - Customary Home Occupations
 - Farming
 - Greenhouse, Non-commercial
5. Engineering Department comments regarding construction of cul-de-sac are appropriately addressed.

Vice Chair/Commissioner Johnston made the motion to approve as proposed by Planning Commission with the conditions as follows:

1. A plan or survey for any clearing and grading on this property must be reviewed and approved by the County Engineer's office before clearing and grading of more than one acre. The County Engineer's office will require Best Management Practices to ensure that environmentally sensitive areas will be sufficiently protected. The full land disturbance permitting and related processes will be required if necessary to protect environmentally sensitive areas.
2. Applicant will obtain building permits from Cherokee County for any barns or farm structures.
3. AG permitted uses limited to only the following:
 - Accessory Use and Structures
 - Bed and Breakfast Inn
 - Riding Stable & Academies
 - Single Family Detached Dwelling
 - Household pets, raising and keeping
 - Livestock and Poultry
 - Customary Home Occupations
 - Farming
 - Greenhouse, Non-Commercial
 - Large Animal Veterinary Clinic

Commissioner Hubbard seconded the motion and the motion received unanimous approval.

AMENDMENT – Request by Vicki Taylor-Lee to set and advertise a public hearing date to consider the removal of conditions on Case#05-08-037

Commissioner Hubbard made a motion to advertise the public hearing for February 16; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L.B. AHRENS

Ratify request to State Delegation to re-introduce HB 365 ref Transportation SPLOST

Commissioner Hubbard made a motion to ratify: Commissioner Bosch seconded and the motion received unanimous approval.

Reminder for 2009 Review/2010 Outlook

Thursday, January 21, 2010 beginning at 3 p.m. and Friday, January 22, 2010, from 8 a.m. until 1 p.m. at Barnsley Gardens in Adairsville.

VICE CHAIR/COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

COMMISSION POST 3

KAREN BOSCH

COMMISSION POST 4

DEREK V. GOOD

CONSENT AGENDA

1. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Bridgemill** Unit 4F, Phase 2 Subdivision, for County maintenance, including all or part of: Gold Mill Place and Gold Valley Crossing
- 1a. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Bridgemill** Unit 4J Phase II Subdivision, for County maintenance, including all or part of: Westbridge Lane, Westbridge Court and Gold Springs Court

- 1b. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **The Estates @ Brooke Park** Unit 2A Subdivision, for County maintenance, including all or part of: River Estates Parkway, Windsor Estates Way and Ashford Estates Avenue
- 1c. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **The Estates @ Brooke Park** Unit 2B Subdivision, for County maintenance, including all or part of: River Estates Parkway and Waterford Estates Manor
- 1d. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Willow Ridge @ Haynes Crossing** Phase 2A Subdivision, for County maintenance, including all or part of: Willow Ridge Way
2. Request approval for Budget Amendment/Transfer of \$2,695 received from Insurance Recovery to Property Management for repairs and maintenance to replace damaged light pole at Justice Center
3. Request approval to surplus and demo existing one-story frame house and its contents at 102 Linford Lane (acquired during ROW acquisitions for Bells Ferry widening project) formerly used as a Georgia DOT field office

When Mr. Cooper completed his review of the Consent Agenda, Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and the Consent Agenda was unanimously approved.

COUNTY MANAGER

4. Adoption of proposed 2010 Annual Budget

Mr. Cooper recommended adoption of the budget after he completed a brief summary of the changes to the original presentation. Commissioner Hubbard made a motion to approve with changes presented; Vice Chair/Commissioner Johnston seconded and the motion received unanimous approval.

5. Consideration and approval of Resolution setting qualifying fees for various County offices within Cherokee County for the 2010 General Election pursuant to O.C.G.A. § 21-2-131(a)

Commissioner Hubbard made the motion to approve after revisions to the Resolution showing Post 1 and Post 4 fee as the same and deleting the Superior Court Judge; Vice Chair/Commissioner Johnston seconded and the motion was unanimously approved.

6. Request approval to renew contract with Trinity Services Group, Inc. to provide food service to the inmates and staff of the Cherokee Sheriff's Office Adult Detention Center at a cost of \$575,000 with no increased cost to the County for one year

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

7. Approval of contract between Cherokee County and Rindt-McDuff Associates, Inc. (RMA) for the Blalock Road Landfill closure at a cost not to exceed \$154,660

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

8. Request approval of the renewal of standard GDOT 2010 Section 5311 Operating Contract in the amount of \$577,903 for the CATS Rural Transportation Program – cost to County is \$82,000

Vice Chair/Commissioner Johnston made the motion to approve; Commissioner Hubbard seconded, the motion was approved 4-1 with Commissioner Good voting nay.

9. Consider agreement between Cherokee County and JKH Architects to evaluate the Union Hill Community Center and make recommendations for repairs

Vice Chair/Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

10. Request approval of proposal and contract from Butch Thompson Enterprises, Inc. for the construction of the Wade Green Road Enhancement Project in the amount of \$207,866.94

Commissioner Bosch made a motion to approve; Commissioner Good seconded and there was unanimous approval.

11. Request approval of proposal and contract from Cobb EMC for the installation of pedestrian lighting on the Wade Green Road Enhancement Project in the amount of \$222,660.00

Commissioner Bosch made the motion to approve; Commissioner Good seconded and the vote was for unanimous approval.

COUNTY ATTORNEY

ADJOURN

Chairman Ahrens said that he had forgotten to announce that there had also been presentations of "Employee Service Recognition" awards at the Work Session for those employees with 10, 15, 20 and 25 years of service. He thanked the employees for their dedication and service to the County. He asked if there was any further business and hearing none, Commissioner Bosch made a motion to adjourn the regular meeting at 6:55 p.m.; Commissioner Hubbard seconded and there was unanimous approval.

These Minutes were approved at the regular meeting on February 2, 2010.