

MINUTES

Cherokee County Board of Commissioners

FEBRUARY 2, 2010 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

CALL TO ORDER

CHAIRMAN

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:10 p.m. on Tuesday, February 2, 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 Attorney Angie Davis; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public.

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"

AMENDMENTS TO AGENDA

1. After Public Hearing – add Request to hear an appeal from Justin Drive LP regarding a denial of a variance request by the Zoning Board of Appeals. 2. Under Commissioner Bosch – add Direct staff to begin enforcement of the business owners who have one or more portable signs, in addition to their permitted sign; and to determine and present amendments to the Sign Ordinance for more stringent compliance regarding portable and/or temporary signs. When the Chairman finished reading the amendments, Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

ANNOUNCEMENTS

Commissioner Johnston announced a Town Hall meeting to be held here at the Conference Center, in one of the smaller rooms, on Tuesday, February 9 at 7 p.m.

APPROVAL OF WORK SESSION MINUTES FROM JANUARY 19, 2010

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; Commissioner Hubbard seconded and the vote was for unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM JANUARY 19, 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 Hubbard seconded and there was unanimous approval.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

- 1) Consideration of appeal to denial by the Zoning Board of Appeals for Charles Jamison/Gordon Clements 09-12-16V variance request

Commissioner Hubbard made the motion to open the public hearing at 6:14 p.m.; Commissioner Bosch seconded and there was unanimous approval. Jeff Watkins gave a brief explanation of this request for an additional 10 foot variance, which was denied by the Zoning Board of Appeals, in order to build an attached 2 car garage there with an enclosed breezeway between the garage and house. Mr. Jamison stated that they had made an error in their assumption of the location of the property line.

Charles Jamison, and Gordon Clement the property owner, had both signed up to speak and when called Mr. Jamison said that there was no objections by the adjacent property owners and they could not move the garage to the front of the house, which had been suggested by one of the members of the ZBA, because it would require digging up the driveway and flower beds. Mr. Clement said that because of the way the lot ran and where the house sat, this should be considered a hardship. There were no other speakers. Commissioner Hubbard made the motion to close the public hearing at 6:27 p.m.; both Commissioners Johnston and Bosch seconded and there was unanimous approval.

During discussion, Chairman Ahrens asked Mr. Roy Taylor, current Chairman of the Zoning Board of Appeals to come up and give their perspective when they heard the case. Mr. Taylor explained that this request was the 2nd which had been received from Mr. Jamison on behalf of Mr. Clement; the first request was for a 35 foot variance into a 50 foot side yard setback in September, 2009, which was granted. Mr. Taylor said that on December 3, 2009, Mr. Jamison returned to the ZBA requesting an additional 10 feet, making the total encroachment 45 feet into a 50 foot side yard setback. According to Mr. Taylor, the 2nd request was denied based on staff recommendations by a vote of 3-2.

Vice Chair/Commissioner Johnston made a motion to approve the request; Chairman Ahrens seconded, however the motion failed by a vote of 2-3.

Commissioner Hubbard made an alternate motion to deny; Commissioner Good seconded and this motion passed by vote of 3-2.

AMENDMENT

Request to agree to hear an appeal from Justin Drive LP regarding a denial of a variance request by the Zoning Board of Appeals - Vicki Taylor-Lee

Commissioner Good made a motion to hear the appeal and advertise a public hearing for March 2; Commissioner Hubbard seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Consider request made by Cherokee County Board of Ethics for appointments to fill the vacancies for 2 members (must be Republicans) and 1 re-appointment requested for Gil Howard, whose term expired 1 January 2010

Motion by Commissioner Bosch to re-appoint Gil Howard for a 7 year term; Commissioner Hubbard seconded and the vote was for unanimous approval.

Motion by Commissioner Bosch to appoint Terri Green to fill vacancy of Dan Campbell; Vice Chair/Commissioner Johnston seconded and the vote was a unanimous approval.

Authorize chair to sign MOA with Regional Transit Committee

Chairman Ahrens explained that the MOA was to formalize the County's earlier commitment to provide \$10,000 in funding. Commissioner Hubbard made the motion to approve; Chairman Ahrens seconded and the vote was for unanimous approval.

Summary of 2009 highlights and 2010 outlook

Review of items discussed at recent retreat along with a PowerPoint presentation giving facts and figures which the Chairman discussed.

Update on FEMA reimbursements ref September flood

\$635,000 has been requested as reimbursement for monies spent of which the FEMA share is \$475,000; County has already received \$220,000 which has been used to repair and replace infrastructure damaged during the flood.

Update on ARC leadership, key committee chairs, and Chairman's outreach

Tad Leithead, a citizen member is the new Chairman for the ARC Board, for the first time in board history; Chairman Ahrens has been asked to chair the Environmental Land Use Committee

Update on Census 2010

Census questionnaire should be going out soon; information posted on County web site with a link to the State; mailers with Cherokee Water and Sewer Authority bills and the cities

VICE CHAIR/COMMISSION POST 1 **HARRY B. JOHNSTON**

COMMISSION POST 2 **JIM HUBBARD**

COMMISSION POST 3 **KAREN BOSCH**

Discussion of authorization for letter to AT&T regarding old utility poles along Bells Ferry from Victoria Drive south to the Cobb County line.

Commissioner Bosch said that she was asking for authorization to sign a letter prepared by Geoff Morton formally requesting that AT&T remove those remnants of 46 telephone poles along Bells Ferry Road. Commissioner Bosch made a motion to approve the request: Commissioner Good seconded and the vote was a unanimous approval.

AMENDMENT - *Direct staff to begin enforcement of the business owners who have one or more portable signs, in addition to their permitted sign; and to determine and present amendments to the Sign Ordinance for more stringent compliance regarding portable and/or temporary signs.*

Commissioner Bosch said that this request was the result of complaints she had received from constituents driving along Bells Ferry Road and she had gone out and taken pictures of these signs. Commissioner Bosch said that she was aware that portable signs are prohibited in the Sign Ordinance but to her knowledge, no enforcement had ever taken place regarding the signs.

Commissioner Bosch made a motion to recommend that staff begin enforcing the Sign Ordinance, specifically for portable signs, on those business owners who have both a monument style sign as well as a one or more portable signs to be effective March 1st; Commissioner Good seconded and there was unanimous approval.

COMMISSION POST 4

DEREK V. GOOD

CONSENT AGENDA

1. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Bradshaw Glen Conservation** Subdivision for County maintenance, including all or part of: Glen Mill Way and Glenview Court
 - 1a. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Creekwood Place** Subdivision for County maintenance, including all or part of: Creekwood Trail and Brookhaven Court
 - 1b. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Highland Village Residential Development** for County maintenance, including all or part of: Highland Village Lane and Highland Village Drive
 - 1c. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Fernwood Creek Conservation Neighborhood** for County maintenance, including all or part of: Fernwood Drive, Moss Court and Fernwood Place
 - 1d. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Autumn Ridge Unit 1A-1** for County maintenance, including all or part of: Harvest Ridge and Autumn Trail
 - 1e. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Autumn Ridge Unit 1B-1** for County maintenance, including all or part of: Autumn Trail, Red Oak Boulevard and Acorn Drive
 - 1f. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Autumn Ridge Unit 1C-1** for County maintenance, including all or part of: Harvest Ridge, Acorn Drive and Conifer Trace
 - 1g. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Autumn Ridge Unit 1D-1** for County maintenance, including all or part of: Hay Meadow Place, Acorn Drive and Mulberry Drive

2. Consider budget for old administration building project as approved but not included in the approved 2010 Budget. Increase revenue from Rent and Royalties (\$88,412) and Repairs and Maintenance (\$88,412).
3. Reimbursement of mileage expense of \$203.25 to Commissioner Bosch for the period of September 24, 2009 through January 29, 2010

When Mr. Cooper completed reading the Consent Agenda, Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

COUNTY MANAGER

4. Consideration of transfer of property for necessary roadway right-of-way and easements required for construction of the Hunt Road Priest Road Connector Project

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

5. Consideration of approval of a revised Memorandum of Understanding between the Cherokee County School System and Cherokee County for construction of the Hunt Road/Priest Road Connector project

Commissioner Bosch made a motion to approve; Vice Chair/Commissioner Johnston seconded and the vote was for unanimous approval.

6. Consideration and approval of an agreement between Cherokee County Fire and Emergency Services and Northside Hospital – Cherokee for our Paramedic and/or EMT students to perform their clinical rotations at Northside Hospital – Cherokee. Agreement is contingent upon the County Attorney's approval of the contract. This will allow students to complete their requirements as set forth in the National Registry curriculum.

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

7. Approval to fill five (5) vacant positions in Roads & Bridges, funded for 2010

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

8. Consider Professional Services Agreement with Pond & Company to complete design concepts at \$4,900 each for the Hwy 20 park site (Funk Property) and the Kellogg Creek park site.

Vice Chair/Commissioner Johnston made a motion to approve; Commissioner Bosch seconded and the vote was for unanimous approval.

9. Consider request for approval to advertise and send RFP for bids and proposals to complete design, specifications and construction drawings for the former City Club facility. (Changed from original agenda)

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

- 10a. Consider approval and purchase of Utility Vehicle for Park Operations Division from Park Bond program. Recommend low bid of \$13,137.83 from Cycle Nation.

- 10b. Consider approval and purchase of scissor lift for use in Park Operations and Property Maintenance Division from Park Bond program. Recommend low bid of \$20,020.00 from Sunbelt Rentals.

These two were combined. Commissioner Good made the motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

COUNTY ATTORNEY

ADJOURN

After the Chairman asked if there was any further business, hearing none, Commissioner Hubbard made a motion to adjourn the regular meeting at 7:15 p.m.; the motion was seconded by Commissioner Bosch and received unanimous approval.

These Minutes were approved at the regular meeting on February 16, 2010.