COMBINED SUMMARY

Cherokee County Board of Commissioners

MARCH 2 and 16, 2010 REGULAR MEETING 6:00 P.M.

CALL TO ORDER **CHAIRMAN AHRENS**

Chair called at 6:06 p.m. All members present. Paul Dzikowski 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"

Presentation of the flag and the Pledge of Allegiance will be led by the Cherokee County Fire and Emergency Services Explorers Post #469 Honor Guard

The National Anthem was played by James Stokely; other members of the Honor Guard were Daniel Thatcher, Jake Byrd, Daniel Henao and Sarah Deblois.

RECOGNITION

Chairman Ahrens and the Board of Commissioners will recognize the Cherokee County Fire and Emergency Services Explorer Post #469 members who once again placed first in 2 of the events at the annual Winterfest 2010 competition

Brief thank you to the Board for their support by Training Chief Eddie Robinson and a summary of the activities which took place during the competition.

AMENDMENTS TO AGENDA

Six amendments which were: (1)Under Announcements-add Nominations for RLI (ARC Regional Leadership Institute); (2)Under Announcements- add recognition of "Georgia Rides to the Capitol 2010" on Tuesday, March 23; (3) Under Chairman-brief Census update; (4) Under Requests-Approve date for advertisement for public hearing to take comments on Alcoholic Beverage Ordinance amendments; (5)Under County Manager – add Amendments to the "Death Benefits" portion of the Defined Benefits plan; (6)Move from Requests, the public hearing for GDOT 5311 Rural Transportation Program and make the third public hearing.

Hubbard motion to approve; Bosch second; unanimous approval.

ANNOUNCEMENTS

*Chairman Ahrens announced a Proclamation for **Georgia Census Week** to urge citizen participation in completing and mailing back the Census form.*

Commissioner Bosch announced that she is having a Town Hall meeting on Tuesday, March 23 at 6:30 p.m. in the Community Room at Cherokee County Fire Station 22, located at 9550 Bells Ferry Road, Canton; discussion will include the new park at Kellogg Creek Road and Victoria Road.

Chairman announced the availability of the ARC Regional Leadership Institute nominations. **AMENDMENT**

Chairman announced the "Georgia Rides To The Capitol" on Tuesday, March 23 to raise support for the development of a regional scale bicycle network of both on-road facilities and multi-use trails, and cycling connections to major transit facilities, activity centers, and schools. The web site is http://www.georgiaridestothecapitol.org for more information. **AMENDMENT**

APPROVAL OF WORK SESSION MINUTES FROM FEBRUARY 16th

Hubbard motion to approve; Bosch second; unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM FEBRUARY 16th

Good motion to approve; Johnston second; unanimous approval.

PUBLIC COMMENT

Mr. Steven Deal of 1475 Kellogg Creek Road asked to speak about property and the houses on the property that the County had purchased for parks near him that were causing considerable concern because they were in such bad shape and not secure against "squatters and rodents". Mr. Tom Ware said that he wanted to voice his opposition to the attempt by the City of Woodstock to annex a portion of I-575 through the legislature; he said he felt like they were looking for another revenue generator. When the Chairman asked if anyone else wished to speak, Mr. David Stukas of 2435 Westland Way, stood up and said that he had signed up on the wrong sheet, but he wanted to speak about his neighbors and their attempt to be a very loud "heavy metal" band which was disturbing his peace and tranquility. Mr. Stukas said he would like to see the noise ordinance changed to reflect lowering the level of noise and the hours when there could be no disturbances.

PUBLIC HEARING

From March 2 Agenda: To consider an appeal from Justin Drive 1, LP regarding the denial by the Zoning Board of Appeals to the reduction of the required 200 foot setback (for animal care facilities) to 95 feet.

Hubbard motion to open the public hearing at 6:35 p.m.; Bosch second; unanimous to open. Mrs. Vicki Taylor Lee came up and explained the reason for the appeal. First to speak in favor was Jack Arnold from the Ownership Group, who owns the shopping center where the applicant wishes to open an upscale indoor animal care facility; next Ms. Lorre LaMarca, the applicant, who explained the reason for the request saying that the area she was requesting the reduction for would be to take the dogs in her care out for potty breaks during the day. It would not be used to leave the dogs outside for any long periods of time.

There were no others in favor, so the Chairman called for the first person who had signed up in opposition, Mr. Bob Tunis, who stated that he lived on Justin Drive, he was also president of the HOA and they were concerned about the possible noise and smells. When Mr. Tunis was finished, the Chairman asked Mr. Roy Taylor, who is the current Chairman of the Zoning Board of Appeals to come up. Mr. Taylor said that the members of the Zoning Board of Appeals believed that this request was not in their purview and that was why they had voted to deny. After Mr. Taylor sat down, the Chairman allowed Mr. Arnold to come back up and rebut some of the points made by the opposition. Motion to close the public hearing at 7:05 p.m. was made by Bosch; Hubbard second; unanimous to close. The board then discussed for a short time.

Hubbard motion to postpone decision until April 6; Bosch second and the motion to postpone was approved by a vote of 4-1 with Johnston voting nay.

March 16 Agenda: To consider a request that the official zoning map of Cherokee County be amended to rezone property owned by Cherokee County on Priest Road from R-40 to RTH.

Hubbard motion open at 7:17 p.m.; Bosch second; unanimous to open. Mr. Geoff Morton gave a brief explanation for the request. There were no speakers. Bosch motion to close at 7:18 p.m.; Hubbard second; unanimous to close.

Bosch motion to approve as submitted, with original zoning conditions intact; Good second; unanimous approval.

AMENDMENT – Required GDOT public hearing to take comments for the GDOT 5311 Rural Transportation Program

Hubbard motion to open at 7:22 p.m.; Good second; unanimous to open. Dr. Jackie McMorris gave a brief explanation for the public hearing saying that as a part of the annual application for funds from the program, it is required to advertise and take comments from the public. There were no speakers. Hubbard motion to close at 7:23 p.m.; Johnston second; unanimous to close. No action necessary.

REQUESTS

From March 2 Agenda

To set a public hearing for April 20th to consider the adoption of the Airport Area Master Plan as a minor amendment to the Comprehensive Plan

Hubbard motion to set public hearing for April 20; Bosch second; unanimous approval.

To set a required public hearing for GDOT application for 5311 Rural Transportation Program-submission of application was approved February 16 – MOVED BY AMENDMENT TO PUBLIC HEARINGS

AMENDMENT – Request to advertise for public hearing on April 20 to consider the amendments to the Alcoholic Beverage Ordinance

Bosch motion to approve; Hubbard second; unanimous approval.

UNFINISHED BUSINESS **Postponed from February 16**

CASE NUMBER	: **10-01-001**
APPLICANT	: Dean Woodall Investments, LLC.
ZONING CHANGE	: AG to GC
LOCATION	: Hwy 20
MAP & PARCEL NUMBER	: 22N12, Parcel 036
ACRES	: 55.66
PROPOSED DEVELOPMENT	: Business Commercial
COMMISSION DISTRICT	: Post 1
FUTURE DEVELOPMENT MAP	: Suburban Growth/ Neighborhood Village/ Scenic Corridor

PLANNING COMMISSION RECOMMENDATION: Motion for approval failed to pass.

Johnston motion to approve as the following: Approve the re-zoning as a mixture of General Commercial (GC) and Neighborhood Commercial (NC). GC zoning will apply to western portion of the property, specifically defined as all property lying within 1, 100 feet of the western property boundary along Upper Sweetwater Trail. The remainder of the property will be zoned NC.

Condition: A 125 foot buffer to be left adjacent to all residentially and agriculturally zoned properties to the south of the property, with the outer 100 feet to remain undisturbed. The inner 25 feet may be disturbed and landscaped.

Hubbard second; unanimous approval.

COMMISSION BUSINESS

CHAIRMAN **L. B. AHRENS**

From March 2: *Update of Legislative Activities, in particular HB 365 regarding TSPLOST*

Chairman said that this bill would amend the SPLOST legislation to add Transportation as a specific category; and that he, Commissioner Bosch and Mr. Cooper had met with Representative Earl Ehrhart, who is a strong advocate of the bill to let him know of Cherokee County's interest in getting the bill passed.

March 16: *Request from the Board of Tax Assessors to consider the re-appointment of Larry Berry, whose term expires on March 27th and Dennis Conway, whose term expires on April 1st.*

Hubbard motion to approve reappointments; Good second; unanimous approval.

Opportunity Zone update **AMENDMENT**

Chairman said the most recent map from DCA included almost all of the properties that we wanted. We are still negotiating for a handful of parcels that the Development Authority owns. It would be fair to say that we are 90-95% in agreement about the map.

Guns and Hoses 5K **AMENDMENT**

Chairman said the "Guns and Hoses Run" this year was very successful with 407 runners competing. Sheriff's Office or Guns had 195 signed up and their charity was CASA; the Fire Department or Hoses had 212 signed up and their charity was the Kaleidoscope House and will receive $1060. This is the fourth year that this run has been held.

Recap of action at called meeting of Resource Recovery Development Authority – deleted

Update on Census **AMENDMENT**

Chairman said that some 70,000 reminder cards had gone out in water bills from the Water & Sewer Authority and there were print ads planned.

VICE CHAIR/COMMISSION POST 1 HARRY B. JOHNSTON

COMMISSION POST 2 JIM HUBBARD

Appointing Joann Hamilton to Animal Control Advisory Board, effective April 1 to fill the remainder of Debra Haynes (who is moving out of state) term, which expires December 31, 2012.

Elizabeth Semler to the Planning Commission, effective April 1 to fill the remainder of Debra Haynes term, which expires December 12, 2012.

Both of these are individual appointments, therefore no action by the board is necessary.

COMMISSION POST 3 KAREN BOSCH

COMMISSION POST 4 DEREK V. GOOD

Appointing Joey Gilkey to the Cherokee Parks and Recreation Advisory Board to complete the remainder of Kenny Smoak's term, which expires December 31, 2010
Individual appointment

CONSENT AGENDA

From March 2 Agenda:

1. Reimbursement of mileage and expenses of $532.50 for Chairman Ahrens for the period of 9/1/2009 to 2/4/2010

2. Approval of bid for the repair and replacement of one septic holding tank to two separate tanks for improved usage at J.J. Biello Park/Twin Creeks Softball Complex to Welchel Plumbing in the amount of $10,250

3. Approval of bid and purchase of tilt trailer for Park Operations from Nettie Ga. Trailer Sales in the amount of $4,195 to be used to transport scissor lift

4. Approval of bid and purchase of core aerifier for Park Operations from Jerry Pater Turf in the amount of $16,703.95

5. Approval of bid and purchase of verti-cutter for Park Operations from ChemEquip in the amount of $7,600

6. Request to consider approval to accept five traffic signals (I-575 NB @ Towne Lake Parkway, I-575 SB @ Towne Lake Parkway, State Route 92 @ Bells Ferry Road, State Route 92 @ Robin Road, and State Route 92 @ Wade Green Road) from GDOT for operation and maintenance by Cherokee County

7. Consideration and approval of standard agreement between Cherokee County Fire and Emergency Services and Medix College to provide clinical rotations for Medix College EMT-1 students, contingent upon County Attorney review and approval

---

March 16 Agenda:

8. Consider approval of a grant of underground electric easement to Sawnee EMC at Sequoyah Park

9. Consider approval of a grant of underground electric easement to Cobb EMC at Riverside/Biello Park

10. Consider approval of a Professional Services Agreement with Quality Tire Recycling, LLC, to perform tire recycling and disposal services for the Cherokee County Fleet Services facility

Bosch motion to approve Consent Agenda from March 2 and March 16; Good second; unanimous approval.

COUNTY MANAGER

From March 2 Agenda:

11. Request to award bid and contract for new/replacement fencing for multiple County parks to Mauldin & Cook in the amount of $299,745

Hubbard motion to approve; Bosch second; unanimous approval.

12. Request to renew 2011-2012 Georgia Department of Human Services (DHS) 5310 application for transportation of elderly persons and persons with disabilities

Johnston motion to approve; Hubbard second; unanimous approval.

13. Request approval and acceptance of Homeland Security Grant for SWAT equipment for Cherokee Sheriff's Office in the amount of $251,000 with no matching funds required; name J. Robby Westbrook as Applicant's Agent

Bosch motion to approve; Good second; unanimous approval.

14. Consider selection of Architectural/Engineering Team for the City of Canton Park Project, and award of standard professional services contract to HDR Engineering in the amount of $275,000; contingent upon county attorney review and approval

Johnston motion to approve; Hubbard second; unanimous approval.

15. Consider selection of Architectural Firm for design of renovations to former City Club, and award of standard professional services contract to JKH Architects in the amount of $38,500; contingent upon county attorney review and approval

Hubbard motion to approve; Bosch second; unanimous approval.

March 16 Agenda

16. Consider approval of bid and contract from Beatty Construction Company, Inc., for the installation of three (3) CATS bus shelters in the City of Canton, in the amount of $47,362.00. (using ARRA funds)

Hubbard motion to approve; Johnston second; 4-1 approval with Good voting nay.

17. Consider approval of proposals from Mitigation Credit Sales, LCC in the amount of $56,900.00 for purchase of stream mitigation credits, and Foxwater, LLC in the amount of $30,750.00 for purchase of wetland mitigation credits, required to satisfy Army Corps of Engineers permitting for the construction of the Priest Road/Hunt Road Connector project

Bosch motion to approve; Hubbard and Good second; unanimous approval.

18. Consider approval of a proposal and contract from Sunbelt Structures, Inc., for the construction of the Priest Road/Hunt Road Connector Project, in the amount of $2,197,433.66

Bosch motion to approve; Good second; unanimous approval.

AMENDMENT – Request approval to amend Defined Benefit Retirement Plan, specifically an amendment to Death Benefits, change to annuity benefit

Bosch motion to approve; Good second; unanimous approval.

COUNTY ATTORNEY

March 16 Agenda

19. Consider the revocation of Alcoholic Beverage Licenses held by Chang Chun Wu for violating Section 6-4, subsection b-5 and b-7 and Section 6-20, subsection d-4 of the Cherokee County Alcoholic Beverage Ordinance

Good motion to follow Marshal's recommendation to revoke the alcoholic beverage licenses, effective midnight tonight, of Chang Chun Wu dba Buffalo House; Bosch second; unanimous approval.

Commissioner Bosch said that she would like to make a statement for the record regarding Mr. Steven Deal's earlier comments about the parkland property on Kellogg Creek Road and Victoria Road. She wanted to state that the property and houses will be visited tomorrow with the intention of boarding them up, cleaning up the areas around them and ultimately taking them down, in order to alleviate the concerns of the neighbors.

ADJOURN

Hubbard motion to adjourn at 8:55 p.m.; Bosch second; unanimous approval.