

# MINUTES

## Cherokee County Board of Commissioners

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

### CALL TO ORDER

### CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:04 p.m. on Tuesday, April 6, 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"*

### ANNOUNCEMENTS

Chairman Ahrens announced that he had received an e-mail from Mayor Donnie Henriques of the City of Woodstock, informing him that GDOT had awarded the bid of \$17.5 million dollars to begin construction on the Rope Mill [now Riverwalk] Interchange at I-575 in early summer.

Bells Ferry Place will be closed at 8:00 a.m. beginning Monday April 5<sup>th</sup>, 2010 until Thursday April 8<sup>th</sup>, 2010 at 5:00 pm for pipe replacement. A detour will be posted. This is off Bells Ferry Road south of Hwy 92. Any questions should be directed to Roads and Bridges Dept. 770-345-5842.

Notification of vote by Development Authority to change name

The Chairman said a recent called meeting of the Development Authority had resulted in the board approving to change the name of the Authority to a dba (doing business as) called the Cherokee Office of Economic Development, in an effort to attract more varied business interests; also at the same meeting, it was voted to change Misti Martin's title from Director to President.

From Cherokee Dept of Family and Children Services [DFCS] **April is 'Child Abuse Awareness Month'**

### AMENDMENTS TO AGENDA

None.

**APPROVAL OF WORK SESSION MINUTES FROM COMBINED MEETING OF MARCH 2 AND MARCH 16, 2010**

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

**APPROVAL OF REGULAR MEETING MINUTES COMBINED MEETING OF MARCH 2 AND FROM MARCH 16, 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 the vote was for unanimous approval.

**PUBLIC COMMENT**

The only person to sign up wanted to speak about a zoning case on the agenda and the Chairman explained that this was not allowed.

**SUMMARY OF ZONING CASES**

At the March 16, 2010 meeting the Planning Commission reviewed the following items:

CASE NUMBER	: <u>10-03-011</u>
APPLICANT	: <u>Gary Anthony Mulkey</u>
ZONING CHANGE	: <u>AG to R-80</u>
LOCATION	: <u>6930 East Cherokee Drive</u>
MAP & PARCEL NUMBER	: <u>03N06, Parcel 164</u>
ACRES	: <u>5.56</u>
PROPOSED DEVELOPMENT	: <u>Residential</u>
COMMISSION DISTRICT	: <u>Post 1</u>
FUTURE DEVELOPMENT MAP	: <u>Country Estates</u>

**PLANNING COMMISSION RECOMMENDATION:** Denial

Commissioner Johnston made the motion to approve as R-80; Commissioner Hubbard seconded and the motion was approved by a vote of 4-1 with Commissioner Bosch voting nay.

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CASE NUMBER	: <u>10-02-007</u>
APPLICANT	: <u>Mani Farhan</u>
ZONING CHANGE	: <u>R-40 to NC</u>
LOCATION	: <u>14386 Cumming Hwy</u>
MAP & PARCEL NUMBER	: <u>03N29, Parcel 065</u>
ACRES	: <u>0.436</u>
PROPOSED DEVELOPMENT	: <u>Take - out Restaurant / Retail</u>

**COMMISSION DISTRICT  
FUTURE DEVELOPMENT MAP**

: Post 1  
: Country Estates/Transition Corridor

**PLANNING COMMISSION RECOMMENDATION:** Approval with condition

1. No more encroachment than shown on plans

Vice Chair/Commissioner Johnston made a motion to approve as NC with 2 different conditions (1) Setback variances are not approved; (2) Any front setback variance requests must be approved by the Board of Commissioners. Commissioner Hubbard seconded and there was unanimous approval.

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**UNFINISHED BUSINESS**

A public hearing was held on March 16, 2010 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. A motion to postpone the decision until April 6 was made by Commissioner Hubbard in order to gather additional information.

Commissioner Hubbard made a motion to uphold the decision by Zoning Board of Appeals to deny; Vice Chair/Commissioner Johnston seconded and the vote was for unanimous approval to deny.

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**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

*Request for letter of approval by Cherokee County (required by State) for The Walker School to obtain a Special Event Alcoholic Beverage Permit Application, including approval for wine to be auctioned for an event to be held on April 24 at the home of Steve Marcinko*

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

*Request for letter of approval by Cherokee County (required by State) for the CDA (Childhood Development Association) 2010 Down Home Derby on May 1<sup>st</sup> to obtain Special Event Alcoholic Beverage Permit Application, including approval for donated wine to be auctioned*

Commissioner Good made the motion to approve; Commissioner Hubbard seconded and the motion received unanimous approval.

*Request from Cherokee County DFCS for board appointment to fill vacancy left by the death of Mildred Holmes; there is a recommendation from the Director of DFCS of Mrs. James Perry (Nina) Morris, who has expressed an interest. The appointment will serve the unexpired term beginning April 6 2010 extending through June 30 2014*

Commissioner Hubbard made the motion to approve appointment of Mrs. Nina Morris; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

*Information from ARC Aging Services re funding reductions*

*Census update - Cherokee County at 63% participation - updated daily*

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

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

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

**COMMISSION POST 4**                                      **DEREK V. GOOD**

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**CONSENT AGENDA**

1. Approval of budget amendment/transfer of funds from Insurance Recovery in the amount of \$572.81 to Vehicle Maintenance for repairs of CATS bus involved in accident
2. Consider approval of a request by the Etowah Valley Homeowners Association to remove existing Bradford Pear trees within the median of Etowah Valley Drive
3. Consideration of approval of Local Aid Agreement between Cherokee County and the Georgia Department of Transportation for the 2011 LARP Resurfacing of various County roads. The agreement, in the amount of \$411,039.78 covers 12.59 miles of resurfacing on 14 roadways.

Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and the motion was unanimously approved.

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**COUNTY MANAGER**

4. Approval of the PY 2009 CDBG Consolidated Annual Performance and Evaluation Report for submission to HUD

Mr. Cooper stated that 3 major projects including the renovations to the Cherokee Day Training Center, Anna Crawford's Children's Center and the Ball Ground Senior Center expansion had been a part of the funding from this; while eight other entities began new or expanded existing programs. Commissioner Hubbard made the motion to approve submittal; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

5. Consider resolution to modify defined benefit retirement plan to ensure that beneficiary receives an annuity if employees' death occurs while employed

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

6. Consider resolution to modify defined benefit retirement plan to make participation mandatory

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

7. Consider purchase of property (former Security State Bank building) for relocation of Tax Commissioner's Office in Woodstock

Mr. Cooper said that SPLOST funds would be used for the purchase and the cost would be less than the cost of the lease on the old Etowah Bank building on Hwy. 92, which they currently occupy. Commissioner Good made a motion to approve; Commissioner Bosch seconded and there was unanimous approval.

8. Consider moving forward with final design and bidding for renovation of the Union Hill Community Center; renovation/construction bids will be submitted to the BOC at a later date for consideration

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

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## **COUNTY ATTORNEY**

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## **ADJOURN**

After verifying there was no other business, Chairman Ahrens asked for a motion to adjourn. Commissioner Hubbard made the motion to adjourn at 6:36 p.m.; Commissioner Bosch seconded and the motion was unanimously approved.