

MINUTES

Cherokee County Board of Commissioners

JUNE 15, 2010

REGULAR MEETING

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 6:05 p.m. on Tuesday, June 15, 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 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"

AMENDMENTS TO AGENDA

There were 4 amendments to the agenda: (1) Under Consent Agenda – Add Authorize transfer of \$20,000 from Tax Commissioners' Office salaries to Professional Services to provide allocation of funds in correct account for temporary employee services; (2) Under County Attorney – Add Request approval of Resolution establishing fee of \$100.00 for Special Events Alcohol Permits under Chapter 6 of the Code of Ordinances; (3) Under Announcements - The Cherokee County Roads and Bridges Department announces that Free Home Road closing will be extended through Wednesday June 16, 2010 at 5:00 p.m. for storm pipe replacement; (4) Under County Manager – remove items 9 and 10.

After the Chairman read the amendments, Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded and the result was unanimous approval.

ANNOUNCEMENTS

The **Georgia Water Stewardship Act** went into effect statewide on June 2, 2010. It allows daily outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4 p.m. and 10 a.m. by anyone whose water is supplied by a water system permitted by the Environmental Protection Division. There are copies of the flyer from EPD available on the table outside. If you have questions about outdoor water uses in your area please contact your local water provider.

CALLAHAN GOLF LINKS in association with CHEROKEE COUNTY FIRE & EMERGENCY SERVICES and THE NATIONAL FALLEN FIREFIGHTER FOUNDATION IS PROUD TO HOST **THE 2010 NATIONAL FALLEN FIREFIGHTER FOUNDATION GOLF CLASSIC** Thursday September 30, 2010 beginning at 9:00 a.m with a Shotgun start **REGISTRATION CLOSES SEPTEMBER 20, 2010.**

The Volunteer Aging Council announces their Tenth Annual Gala "**Tropical Nights Luau**" will be held on Saturday, August 28 beginning at 6:30 p.m. at the Bluffs/Northside Cherokee Conference Center. Tickets for \$50 include dinner, auction (silent and live) and entertainment. Contact Mary Mendez at 678-720-2779 for more information. Proceeds will benefit the Meals-on-Wheels Program, Last Stop Emergency Fund, Fan Drive and other programs supported by the Volunteer Aging Council.

AMENDMENT - The Cherokee County Roads and Bridges Department announces that Free Home Road closing will be extended through Wednesday June 16, 2010 at 5:00 p.m. for storm pipe replacement. The road will be closed between Hicks Road and Hwy 372. A posted detour will be provided during the duration of the construction. Local traffic only will be allowed within the detour to access businesses and/or residences. Questions regarding the detour should be directed to the Cherokee County Roads & Bridges at 770-345-5842.

PUBLIC COMMENT

None.

APPROVAL OF WORK SESSION MINUTES FROM JUNE 1, 2010

When Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk, Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and the motion was approved 4-1 with Commissioner Good abstaining, as he was absent from the meeting.

APPROVAL OF REGULAR MEETING MINUTES FROM JUNE 1, 2010

When Chairman Ahrens asked for a motion to approve the Regular Meeting Minutes as submitted by the Clerk, Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded and the Minutes were approved 4-1 with Commissioner Good abstaining.

ZONING SUMMARY FROM JUNE 1, 2010

At the June 1, 2010 meeting the Planning Commission reviewed the following items:

CASE NUMBER : **10-06-015**
APPLICANT : Paul Akbar.
ZONING CHANGE : R-30 & AG to NC
LOCATION : Joe Densmore Lane
MAP & PARCEL NUMBER : 103N11, Parcel 224 part of 220 & 223
ACRES : 8.485
PROPOSED DEVELOPMENT : Office and Retail
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Suburban Growth

PLANNING COMMISSION RECOMMENDATION: Approval with conditions

- Connector Road to be built.
- Maximum building size to 10,000 square feet and maximum height of two stories.
- Work with staff on internal parking.
- Allow use of building materials in Article 7.5-4A and 7.5-3.4B.

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

CASE NUMBER : **10-06-014**
APPLICANT : Phillip Kennedy.
ZONING CHANGE : AG to GC
LOCATION : 1150 Holbrook Campground Road
MAP & PARCEL NUMBER : 03N29, Parcel 002
ACRES : 4.39
PROPOSED DEVELOPMENT : Warehouse Sales
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Suburban Growth

PLANNING COMMISSION RECOMMENDATION: Approval with conditions

- Removal of existing trailer.

Vice Chair/Commissioner Johnston made a motion to approve; Commissioner Hubbard seconded. Before the vote, mention was made that there was a condition recommended by the Planning Commission. Vice Chair/Commissioner Johnston asked to amend his motion to add the condition as recommended by Planning Commission; Commissioner Hubbard seconded again and the final vote was a unanimous approval.

OLD BUSINESS

Request to post parking restrictions in specific locations within Grantham Park Subdivision based on locations that impair proper site distance, and locations that are too close to intersections

Geoff Morton said that they had still been unable to get together with the Sheriff's Office regarding enforcement and asked for a postponement until July 6. Commissioner Bosch made a motion to postpone until July 6; Commissioner Good seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

REMINDER – House Resolution 2039 created the ***Joint Cherokee County Transportation Study and Planning Commission***, sponsored by Representatives Sean Jerguson, Calvin Hill, Charlice Byrd, and Mark Hamilton. The initial meeting has been called for Friday, June 18 at 10 a.m. at the Bluffs in the Commission Conference Room. The Commission consists of all members of the House of Representatives and Senate whose district includes, in whole or in part, Cherokee County. The Commission shall also include the members of the Cherokee County Board of Commissioners and the Mayors of any municipality located, in whole or in part, in Cherokee County.

VICE CHAIR/COMMISSION POST 1

HARRY B. JOHNSTON

COMMISSION POST 2

JIM HUBBARD

COMMISSION POST 3

KAREN BOSCH

Requesting update on utility poles to be removed on Bells Ferry-from February 2 agenda

Geoff Morton had sent a memo to the board earlier regarding status saying that while 2 of the 3 companies had removed their utility poles, the third was still in process. Commissioner Bosch said she had just wanted to get it on the agenda to remind the companies that this was still on the front burner.

Request consideration to install a speed hump on Johnson Dupree Lane

Geoff Morton said that after the request to install speed humps was received, studies were done that supported this. His department had sent letters out to the 8 property owners on the road and had received 5 back with positive comments. His recommendation was to install only one (1) speed hump, since the road is only 600 feet long. Commissioner Bosch made the motion to approve installation of one speed hump; Commissioner Good seconded and there was unanimous approval.

CONSENT AGENDA

1. Approval to award consultant agreement for the CDBG Analysis of Impediments to Fair Housing to William Hanson Associates in the amount of \$14,500 – no County funds
2. Approval of proposal from GIS, Inc. for the purchase of their GIS Fire Mobile Solution Framework and GIS Health Check in the amount of \$25,000
3. Request approval to utilize the City of Smyrna’s RFQ-10-007 (Request for Quotes) and award to Site Med for Cherokee County Fire department annual health and fitness screenings at a cost of approximately \$245 per firefighter. Site Med offers more comprehensive and state of the art services.
4. Approval of request from Georgia Power for right-of-entry at JJ Biello Park for logistical staging area, specifically the parking areas adjacent to the Tennis Center and Valley Playground, to be used in the event of a major hurricane, similar disaster or restoration efforts.

Commissioner Johnston made a statement saying, while he is employed with a sister company of Georgia Power, he saw “no conflict” with his voting on this item.

5. Approval of budget amendment/transfer for the purchase of 10 digital cameras for CID and the renovation of interview rooms and equipment for CID – these items are being purchased with seized funds.
6. Approve cooperative agreement between Cherokee County and the Georgia Forestry Commission regarding increase of fees charged to County
7. Approve request from the Cherokee County Historical Society to lease and locate a History Center and Museum in the Historic Courthouse for a period of 2 years.

AMENDMENT – Authorize transfer of \$20,000 from Tax Commissioners’ Office salaries to Professional Services to provide allocation of funds for temporary employee services

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

COUNTY MANAGER

8. Approve modifications to the Procurement Ordinance to add Section 2.5-1.04 regarding E-Verification/SAVE programs with July 1, 2010 effective date

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

9. Approve agreement between Cherokee County and the City of Woodstock for reimbursement of county purchase of property in downtown Woodstock for purpose of future construction of the Elm Street Cultural Arts Village in the amount of \$436,000, plus other eligible costs – Removed by Amendment
10. Authorize County Manager to execute purchase agreement and closing documents for acquisition of property from Park Bond for price not to exceed \$436,000. plus other customary closing costs (legal, survey, title, taxes) – Removed by Amendment
11. Request approval to award bid to Smith & Associates (Landscape Architects) for A/E Design Services in the amount not to exceed \$83,000 for the design of the 33.9 acre new Kellogg Creek Park located in southwest Cherokee County

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

12. Authorize amendment to existing HDR Engineering – Canton Park Design Contract to add design of two (2) trail segments and bridge design

Vice Chair/Commissioner Johnston made the motion to approve only Trail Segment 1, with a cost of not to exceed \$71,000. as modified during discussion in Work Session; Commissioner Hubbard seconded and the motion received unanimous approval.

13. Request approval of proposal from Rindt-McDuff & Associates to perform methane containment work at the Blalock Road Landfill in the amount of \$82,255.

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

COUNTY ATTORNEY

14. Appeal Hearing for Rodney Ridings whose taxi drivers' permit renewal was denied due to prior felony convictions

Paul Dzikowski first explained that Mr. Ridings had applied to the Marshal's Office for a renewal of his taxi drivers' license when it came due and was denied because of prior felony convictions. The Ordinance had been changed in September, 2009 to remove the language which stated that there must be no felony convictions with the prior 5 year period and was replaced with no set time limit, effective on January 1, 2010. This was merely an administrative hearing as Mr. Ridings had requested an appeal hearing, but there are no procedures in place for such. Before allowing Mr. Ridings to state his case, Mr. Dzikowski said that he did not believe that there was any dispute of the facts of the current Ordinance and the circumstances. Mr. Ridings said that this was his only livelihood and he didn't know what he and his family were going to do if he was not allowed to renew his license.

Mr. Dzikowski came forward again after Mr. Ridings finished and said that as he had indicated in his memo to the board on this appeal, there is nothing in the Ordinance that specifies a right to a waiver of the standards in place at this time; the board began discussion of possibly amending the Ordinance again, enforcing the current ordinance in this action as that was the only choice, telling Mr. Ridings when he said that he should be "grandfathered" under the old Ordinance, that the term "grandfathering or vested rights" was not a term used in license renewals but only in zoning or land use cases.

After further discussion during which board members stressed that if the decision was made to possibly modify the Ordinance, it would still not apply in this case; dialogue continued among the board members regarding the current situation and whether there was any hope for a positive solution for Mr. Ridings case. Commissioner Bosch made a motion to postpone a decision until July 6; Commissioner Hubbard seconded and the motion received unanimous approval.

Commissioner Hubbard then made a motion to advertise and hold a public hearing on July 6 to review possible modifications to the Vehicles for Hire Ordinance; Chairman Ahrens seconded and this motion also received unanimous approval.

15. (A) Notification of annexation from City of Woodstock described as A#056-10, Tax Parcels 92N01-006, 007, 008, 009 and 010, consisting of 7776 Main St. (3.04 acres); 7708 Main St. (1.64 acres); 7674 Main St. (2.05 acres); 7664 Main St. (1.71 acres); and ----Main St. (1.60 acres)(no street number listed with Tax Assessor's office); location is Old Hwy. 5 (Main Street) ½ mile north of Towne Lake Parkway; size total is 10.04 acres;

Current zoning is R-20 Residential; proposed zoning is DT-RO (Downtown Residential-Office); Property is within the former growth boundary.

Mr. Dzikowski said that these 5 properties comprise an unincorporated island within the City of Woodstock and the City proposes to annex these properties under the "Unincorporated Island" provisions in the Annexation statutes and therefore no action necessary.

(B) Notification of annexation from City of Woodstock described as A#057-10, Tax Parcel 15N18172, consisting of 6.59 acres; location is 428 Gunnin Road, Woodstock; current zoning is AG. Proposed zoning is GC with the proposed use being a Landscape business with outside material storage and possible retail sales; Property is within the former growth boundary.

After Mr. Dzikowski completed the reading of the annexation notification, Commissioner Bosch said that after the discussion of this case in the Work Session, it would be her motion to proceed with sending a letter of objection to the City of Woodstock regarding land use, increased density and infrastructure demand/impact; Commissioner Hubbard seconded and the motion received unanimous approval.

16. Approval of Employee Separation Agreement

Mr. Dzikowski said that based on communication in Executive Session during which this Personnel matter was discussed, the employee had conveyed that there was no objection to the Agreement. Commissioner Hubbard made a motion to approve the Employee Separation Agreement; Commissioner Bosch seconded and there was unanimous approval.

AMENDMENT – Request approval of Resolution establishing fee of \$100.00 for Special Events Alcohol Permits under Chapter 6 of the Code of Ordinances.

Mr. Dzikowski said that at the time the Ordinance was amended on May 4th to provide permitting for Special Events and other occasions, there was not a set fee for these. Commissioner Bosch made the motion to approve the fee; Commissioner Good seconded and the motion received unanimous approval.

ADJOURN

When the Chairman asked if there was anything else to come before the board, hearing none, Commissioner Hubbard made a motion to adjourn the regular meeting at 7:01 p.m.; Commissioner Bosch seconded and there was unanimous approval.

These Minutes were approved at the regular meeting on July 6, 2010.