

MINUTES

Cherokee County Board of Commissioners

AUGUST 17, 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 6:20 p.m. on Tuesday, August 17, 2010. Those in attendance were Vice Chair/Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Sheila R. Corbin; Agency Directors/Department Heads; the media and the public. (Commissioner Derek Good was absent.)

PLEDGE OF ALLEGIANCE

CHAIRMAN

"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"

PROCLAMATION

Recognizing Cherokee County Firefighters on behalf of MDA

Angela Brown from the local MDA office, Captain Chad Arp and Fire Educator Cheri Collett from the Cherokee County Firefighters along with the family of Dylan Schopmann who benefits directly by funds collected in Cherokee County, came up to hear the Chairman read the Proclamation. After the Chairman presented the Proclamation to Fire Educator Cheri Collett, who is the organizer of this year's bucket brigade of Firefighters, all received a standing ovation from the audience.

AMENDMENTS TO AGENDA

There were six (6) amendments: (1) Under Announcements – add Road Closure notification for Epperson Road; (2) Under Chairman – add Re-appointment of Ann Bradshaw to DFCS Board; (3) Under Chairman – Request to approve Intergovernmental Agreement and Ordinance from City of Ball Ground, contingent upon the receipt of corrected documents, to conduct election; (4) Under Chairman – Approve Resolution to adopt Community Patterns as a policy guide; (5) From Executive Session – Under County Manager – add Approval of voluntary retirement agreement; (6) Under County Attorney and move behind this category – add Request for direction in drafting resignation agreement with terms and conditions, for Commissioner Derek Good.

After the Chairman read the Amendments, he asked for a motion. Commissioner Bosch made a motion to approve the amendments; Commissioner Hubbard seconded and the Amendments were approved 4-0.

AMENDMENT – From Executive Session – County Attorney Request direction from board to draft a resignation agreement with terms and conditions for Commissioner Derek Good.

Commissioner Bosch made the motion to approve the request; Commissioner Hubbard seconded and the motion received 4-0 approval. Commissioner Bosch read the following statement from Commissioner Good, "I will be resigning my position as the Cherokee County Commissioner for Post 4 effective immediately. It is my desire to no longer be a distraction from the important and vital work the Board of Commissioners does."

ANNOUNCEMENTS

- 1) The Cherokee County Roads and Bridges Department announces that Fate Conn Road will be closed for road construction beginning Monday August 16, 2010. Fate Conn Road will be closed only between Bluff's Pkwy and Heard Road. Beginning Tuesday August 17, 2010 through Wednesday August 18, 2010 Fate Conn Road will be closed between Hwy 5 and Heard Road. There will be road construction on some sections of Fate Conn Road at all times. A posted detour will be provided during the duration of the construction. Local traffic only will be allowed within the detours to access businesses and homes. Questions regarding the detour should be directed to the Cherokee County Roads and Bridges Department at 770-345-5842
- 2) **Volunteer Aging Council Reminder** *the VAC's major fund raiser of the year will be Saturday August 28 at 6:30 pm, here at the Northside Cherokee Conference Center. The theme is 'Tropical Nights Luau'. The VAC provides important financial support for the County's Meals on Wheels program which serves more than 50,000 meals to needy seniors. Other VAC programs provide assistance in building ramps, stocking food pantries, and especially this summer free fans. Tickets are \$50 per person. Call 678-269-6677 or visit website www.vac-cherokeega.org*
- 3) In order to improve site usability and customer service, Cherokee County has launched an updated look and feel for the main county website today.
- 4) **AMENDMENT** – Cherokee County Roads and Bridges Department announces Epperson Road will be closed between Henson Road and Hog Farm Circle for pipe replacement beginning Monday, August 23 at 8:00 a.m. until Friday, August 27 at 5:00 p.m. A detour will be posted and questions regarding the road closure should be directed to the Roads and Bridges Department at 770-345-5842.

PUBLIC COMMENT

Mr. William Scroggs from Johnson-Dupree Lane wanted to ask when the speed hump that was approved on June 15 would be installed. Chris Robinson wanted to know when the Garland Mountain Road paving project would begin.

APPROVAL OF WORK SESSION MINUTES FROM AUGUST 3, 2010

When Chairman Ahrens asked for a motion to approve the Work Session Minutes as submitted by the Clerk, Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and the Work Session Minutes were approved 4-0.

APPROVAL OF REGULAR MEETING MINUTES FROM AUGUST 3, 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 there was a 4-0 approval.

ZONING SUMMARY FROM AUGUST 3, 2010

CASE NUMBER	: <u>10-08-017</u>
APPLICANT	: <u>George & Patricia McLain</u>
ZONING CHANGE	: <u>R-80 to GC</u>
LOCATION	: <u>5008 Sugar Pike Road</u>
MAP & PARCEL NUMBER	: <u>02N06, Parcel 017</u>
ACRES	: <u>5.7</u>
PROPOSED DEVELOPMENT	: <u>Office</u>
COMMISSION DISTRICT	: <u>Post 2</u>
FUTURE DEVELOPMENT MAP	: <u>Country Estates</u>

PLANNING COMMISSION RECOMMENDATION: Denial
APPLICANT HAS REQUESTED A 60 DAY POSTPONEMENT

Commissioner Hubbard made a motion to postpone to October 19; Vice Chair/Commissioner Johnston seconded and the motion to postpone received a 4-0 approval.

CASE NUMBER	: <u>10-08-018</u>
APPLICANT	: <u>Highridge Partners, Inc.</u>
ZONING CHANGE	: <u>GC & R-40 to GC & NC</u>
LOCATION	: <u>Corner of Holly St. & Bells Ferry Rd</u>
MAP & PARCEL NUMBER	: <u>15N08, Parcels 113 & 114A</u>

ACRES : 15N07, Parcels 002 & 004
: 9.20
PROPOSED DEVELOPMENT : Medical & Health Services
COMMISSION DISTRICT : Post 3
FUTURE DEVELOPMENT MAP : Suburban Living / Transition Corridor

PLANNING COMMISSION RECOMMENDATION: Approval with conditions

- The northern entrance along Bells Ferry Road should be a right in/right out driveway with an exclusive northbound right turn lane. The right turn lane should be extended to Holly Street to provide an exclusive right turn lane onto Holly Street.
- The southern entrance along Bells Ferry Road is a full entrance access driveway. A southbound exclusive left turn lane and a northbound exclusive right turn lane should be provided.
- This driveway should also line so that it does not limit access to the General Commercial property on the west side of Bells Ferry Road near this location.
- Prohibit use of any gas station or convenience store.

Commissioner Bosch made the motion to approve as recommended by Planning Commission including conditions, with additional conditions as follows:

- The design of the buildings shall be Craftsman-style with the following elements:
- Exterior clad with a brick or natural stone base and wood or cement siding above
- Vertically proportioned windows and doors with Craftsman style trim
- Rectangular or battered columns (if used)
- Sloped, overhanging roofs with bracket details

Commissioner Hubbard seconded and the motion was approved 4-0.

CASE NUMBER : 10-07-016
APPLICANT : James & Barbara Kirk
ZONING CHANGE : R-80 to AG
LOCATION : 399 Buford West Way
MAP & PARCEL NUMBER : 15N19, Parcel 122
ACRES : 14.25
PROPOSED DEVELOPMENT : Farming and Greenhouse Use
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Rural Places

PLANNING COMMISSION RECOMMENDATION: Approval

Vice Chair/Commissioner Johnston made a motion to approve as recommended by Planning Commission with the addition of 5 conditions:

1. No commercial poultry or swine
2. No storage or staging of heavy equipment for use primarily on other sites
3. No processing or sales of agricultural products not native to the site
4. No commercial greenhouses
5. No small-animal veterinary clinic

Commissioner Hubbard seconded and the motion was approved 4-0.

PUBLIC HEARINGS

- (1) Consideration of amendment to Alcoholic Beverage Ordinance, specifically to provide for the regulation of on-premises consumption of alcoholic beverages in cigar shops

Commissioner Hubbard made a motion to open the public hearing at 6:46 p.m.; Commissioner Bosch seconded and the motion received 4-0 approval. Mrs. Davis gave a brief explanation of the request and amendment. The Chairman called the first speaker who was Tom Ware, who said he opposed the amendment because it could cause more drunk driving and it sounded like a stand-alone bar to him. The next speaker was Tom Resape, who is the cigar shop owner who had first approached Commissioner Good. Mr. Resape said that he did not want to open a bar, he was only trying to accommodate customers who came in from the nearby golf courses and asked for beer. He said his hours are not conducive to someone sitting there from morning until night drinking and then driving drunk; he typically does not open until 10 a.m. and closes by 8 p.m. And the expensive hand-rolled cigars he offers are not for everyone. One other person had signed up to speak, but when the Chairman called the name, the woman said she decided not to speak after all. Commissioner Hubbard made a motion to close the public hearing at 6:51 p.m.; Vice Chair/Commissioner Johnston seconded and there was a 4-0 approval.

Commissioner Hubbard made the motion to deny the request; Vice Chair/Commissioner Johnston seconded and the vote was 3-1 to deny with the Chairman voting in favor.

- (2) Consider transmittal of the 2010 Cherokee County Capital Improvement Element (CIE) and Short Term Work Program (STWP) Annual Update to DCA and ARC including approval of Resolution to Transmit

Commissioner Hubbard made a motion to open the public hearing at 7 p.m.; Vice Chair/Commissioner Johnston seconded and there was a 4-0 approval.

Margaret Stallings explained that this is the annual update and gave a brief explanation of the differences in some categories. No speakers had signed up. Commissioner Hubbard made the motion to close the public hearing at 7:04 p.m.; Vice Chair/Commissioner Johnston seconded and there was a 4-0 approval.

Commissioner Hubbard made the motion to approve as requested; Vice Chair/Commissioner Johnston seconded and the motion received a 4-0 approval.

REQUEST

Request a public hearing be advertised for September 21st to consider adoption of the Bells Ferry Livable Centers Initiative Five Year Plan Update and transmittal to the Atlanta Regional Commission

Commissioner Bosch made the motion to approve request; Commissioner Hubbard seconded and the motion was approved 4-0.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Update re: Regional Transportation Bill – GDOT draft guidelines

Chairman Ahrens said that he included this item as much to get a public record reference; a Draft criteria has been received from GDOT and this is available on the GDOT web site at dot.ga.gov called "TIA" (Transportation Investment Act 2010). Draft comments are due back by the end of September, the GDOT Director will revise those and provide those as a recommendation to the round table. The round table membership consists of ten county commissioners, ten mayors (and your mayoral representative is Tim Downey from Holly Springs) and the mayor of Atlanta. This round table will actually set the final criteria. Then it will be determined how projects become eligible for the list based on available funding; the same round table with the assistance of an executive committee will be tasked with coming up with the project lists, that will be available for public viewing prior to the primary in August 2012.

Update re: GebCorp Pension Trustee Board-Employee Information

This item was primarily for the benefit of the staff during the Work Session but to explain a bit. The Chairman is a member of the Trustee Board and recently attended a meeting.

The good news is that the Defined Benefit Plan, which is the retirement funding that is paid out to employees who have already retired or who are eligible to retire, has come back very strongly, in the low 600's from a low in 2007 of 460.

Update re: ARC population projections for 2010 – Informational

Cherokee population is up at 209,000 with a cumulative growth rate of 4% over the decade of 2000-2010.

AMENDMENT – *Request from DFCS Board to re-appoint Ann Bradshaw*

The Chairman said that a letter had been received from the DFCS Board who stated that Mrs. Ann Bradshaw's term expired June 30, and she is interested in being re-appointed.

Commissioner Hubbard made the motion to re-appoint Ann Bradshaw; Commissioner Bosch seconded and there was a 4-0 approval.

AMENDMENT – *Approval of resolution to adopt "Community Patterns" as a policy guide*

Chairman said this item came from the Work Session, after a presentation by Jeff Watkins and Margaret Stallings, have presented a summary of what comprises Community Patterns, and have asked that these Community Patterns be adopted via Resolution as a policy guide.

Commissioner Bosch made a motion to approve and after Vice Chair/Commissioner Johnston seconded, asked to outline the next steps which include considering zoning districts and permitted uses changes in October as well as in Spring 2011 drafting the Development Code, which will be a combined Zoning Ordinance and Development Regulations. The Chairman thanked her for including those and asked for a vote on the motion. The resulting vote was a 4-0 approval.

AMENDMENT – *Request approval of Intergovernmental Agreement with City of Ball Ground to conduct elections-contingent on receipt of corrected documents*

The Chairman said that an Intergovernmental Agreement and Resolution had been received from the City of Ball Ground for the Elections Office to conduct elections; however, the Agreement was dated 2009 and the Resolution should have been an Ordinance so corrected documents would need to be submitted before the ballots were ordered.

Commissioner Hubbard made a motion to approve, contingent on receiving the corrected documents; Vice Chair/Commissioner Johnston seconded and the motion received a 4-0 approval.

VICE CHAIR/COMMISSION POST 1

HARRY B. JOHNSTON

"Backyard chickens"

Commissioner Johnston said there had been several requests over the years and more so recently for residential areas to have what are commonly called "backyard chickens". It seems that this is a growing trend allowed in many jurisdictions including the City of Atlanta. Commissioner Johnston continued saying that he had come up with a framework to be considered which includes in residential zoning on 20,000 square foot lots or larger, up to 6 birds; 40,000 square feet or larger, up to 12 birds and on 80,000 square foot or larger lots, up to 25 birds. This would require a 25 foot setback for any facility housing the birds from the property line as well as a total setback from any other residence of 60 feet. A minimum size would have to be determined for a covered coop and a fenced run might be 2 square feet per bird in the coop. There would be requirements that the coop and the run be kept in a sanitary condition; only hens would be allowed, no roosters and no slaughter on the premises. Commissioner Bosch asked what about when there is more than enough eggs for the family and they are asked to sell some of the excess. Commissioner Johnston said that was another consideration. The Chairman asked about rabbits being included as well. Commissioner Johnston agreed to include rabbits.

Commissioner Johnston said he would make a motion to advertise a public hearing for September 21 to consider amendments to those portions of the Zoning Ordinances and Code of Ordinances, specifically Animal Control relating to backyard chickens and rabbits; Commissioner Hubbard seconded and the motion was approved 4-0.

COMMISSION POST 2

JIM HUBBARD

Commissioner Hubbard asked to introduce Boy Scout Troop 910 and their Scoutmaster from Marietta and one from Creekview High School ROTC. There are 4 candidates for Eagle Scout, they are required to interview a public official. Commissioner Hubbard said he would accompany the Troop upstairs after the meeting to be interviewed.

COMMISSION POST 3

KAREN BOSCH

Appointment to Wrecker Service Advisory Board-Jason Daniels
(Individual appointment) No other action necessary

COMMISSION POST 4

DEREK V. GOOD

CONSENT AGENDA

1. Approval of \$15,000 grant received by Cherokee County Fire-Emergency Services for HazMat received through GEMA and budget amendment/transfer of funds for purchase of emergency response equipment
2. Request approval to award RFP to Municipal Emergency Services (MES) for the purchase request to purchase 20 SCBA (Self Containment Breathing Apparatus) in the amount of \$115,165.
3. Request approval to award of bid to LaFarge and Vulcan for annual Stone contract for Roads & Bridges
4. Consider approval of Geotechnical/Soil Testing agreement with Construction Testing & Analysis, Inc. in the amount of \$5,730, contingent upon county attorney approval, for Sheriff's Office Training Facility Project
5. Request approval to surplus copiers that have already been replaced in various locations of Sheriff's Office

After Mr. Cooper read the items on the Consent Agenda, Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and the Consent Agenda was approved 4-0.

COUNTY MANAGER

6. Request approval of amendment to current Waste Management Contract

Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and the amendment received a 4-0 approval.

7. Approve 1 year space lease with My Corner Office LLC to provide coffee, drinks and other food services at The Bluffs coffee area space with a tentative opening date of September 7

Vice Chair/Commissioner Johnston made the motion to approve; Commissioner Bosch seconded and the motion was approved 4-0.

8. Consider Referendum Resolution and Intergovernmental Agreement with all cities for renewal of SPLOST Program

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded. Commissioner Hubbard said that he would like to thank Mr. Cooper for negotiating this Agreement with the cities so that it works out best for all concerned. Vice Chair/Commissioner Johnston said that he wanted to mention a couple of things, first that while the current SPLOST does not expire until 2012 and it seems like this may be "jumping the gun" to get a renewal SPLOST approved by the voters so soon, it is best to get it out in front of the voters so that the renewal, if approved, can start as soon as the current one expires. This is also the last opportunity to not have to call a Special Election just for the SPLOST. Second, roughly half of the total money raised in renewal SPLOST funds will be going toward transportation, essentially road projects. Third, there is a loosely related matter going on with the City of Holly Springs involving a Growth Boundary Agreement which has already been approved and presented to the board. While there was too much on the agenda to be acting on this tonight, he believes they will be acting on it at the next meeting in 3 weeks or September 7. Chairman Ahrens said he would like to thank Mayor Hobgood and the City of Canton for working with the board on this as well. He then asked for a vote on the motion and the motion was approved 4-0.

9. Consider award of bid and contract to architectural/engineering team for design of the SR 20 East Park. Recommendation is to award bid to HDR Engineering at a not to exceed cost of \$340,000.

Vice Chair/Commissioner Johnston made the motion to approve; Commissioner Hubbard seconded and when the Chairman asked for comments, Vice Chair/Commissioner Johnston said this is the lowest bid of the top 5 and they included some things that most of the others did not, such as the design of the traffic light, turn lanes, accel/decal lanes. No other comments, the motion was approved 4-0.

10. Consider approval of purchase agreement for 199.2 acres Forestar property, nearest road is Ficklen Church Road, for greenspace for price of \$4,720/acre, which includes real estate commission

Vice Chair/Commissioner Johnston made the motion to approve the purchase; Commissioner Hubbard seconded and the motion received a 4-0 approval.

11. Consider approval of purchase agreement for 62+ acres Ford property north of Lake Allatoona and adjacent to the Forestar property for greenspace for price of \$10,000/acre

Vice Chair/Commissioner Johnston made a motion to approve this purchase; Commissioner Hubbard seconded and there was a 4-0 approval.

12. Consideration and approval of new Professional Services Agreement for Benefit Consulting Services to ShawHankins LLC for \$103,800

Commissioner Bosch made the motion to approve the request; Commissioner Hubbard seconded and there was a 4-0 approval.

13. Consideration and approval of Early Retiree Reinsurance Program application for reimbursement from Federal government which the County is eligible to receive to date over \$25,000 and future reimbursements to be administered by ShawHankins LLC, at no additional cost

Commissioner Bosch made a motion to approve; Vice Chair/Commissioner Johnston seconded and the motion was approved 4-0.

14. Consideration of the approval of the issuance of \$10.767 Million RZED (Recovery Zone Economic Development) bonds to most competitive bidder for issue, to be used for the Park Bond program

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and the motion received a 4-0 approval.

15. Consideration to submit list of 11 roadways, for a total of 20 miles, in need of resurfacing to GDOT for funding under the 2011 Local Maintenance and Improvement Grant (LMIG), should receive approximately \$984,000

Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Johnston seconded and the request was approved 4-0.

AMENDMENT – From Executive Session – Approval of Voluntary Retirement/Separation Agreement for Sheriff's Office employee to cover the medical cost up to age 65

Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and there was a 4-0 approval.

COUNTY ATTORNEY

ADJOURN

When the Chairman asked if there was any other business, hearing none Commissioner Hubbard made the motion to adjourn the regular meeting at 7:45 p.m.; Commissioner Bosch seconded and the motion to adjourn was approved 4-0.

These Minutes were approved at the Regular meeting on September 7, 2010.