

# MINUTES

## Cherokee County Board of Commissioners

OCTOBER 5, 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 6:12 p.m. on Tuesday, October 5, 2010. Those in attendance were Vice Chair/Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Commissioner Jason Nelms; 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

CHAIRMAN AHRENS

*"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

Declaring the week of October 3-10, 2010 as **Cherokee County 4H Week**

Chairman mentioned that the proclamation had actually been picked up by Paul Pugliese and some 4Her's on Monday because they were not able to attend the meeting. The Chairman then read a few paragraphs from a copy of the proclamation.

### AMENDMENTS TO AGENDA

There were five amendments: (1) Under County Manager's portion-add Approve acquisition of 226+ acres for park land; (2) Under the County Manager's portion – add Consideration to insert two additional tiers to employee health insurance rates; (3) Under Announcements – add Burn Ban lifted; (4) Move Chairman's item regarding Update on HB 277 after Public Comment; (5) Under County Attorney-Notification of Ball Ground annexations. After the Chairman read the amendments, he asked for a motion. Commissioner Bosch made the motion to approve the amendments; Commissioner Hubbard seconded and there was a unanimous approval.

### ANNOUNCEMENTS

The National Park Service has finally approved Canton's Historic District. The Historical Society filed the application in May, 2007, and the District was listed on September 23, 2010 with 344 contributing historic structures.

Cherokee County Planning and Land Use was just awarded the Outstanding Planning Document for a Large Community for their Cherokee County Community Patterns Document by the Georgia Planning Association

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**AMENDMENT#3** – The Georgia Forestry Service has lifted the “Burn Ban”; you may now apply for daily permits from October 1, 2010 to April 30, 2011. For more information, check the Georgia Forestry web site at <http://www.gatrees.org> .

### **APPROVAL OF WORK SESSION MINUTES FROM SEPTEMBER 21, 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 Nelms seconded and the vote was for unanimous approval.

### **APPROVAL OF REGULAR MEETING MINUTES FROM SEPTEMBER 21, 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 Nelms seconded and there was unanimous approval.

### **PUBLIC COMMENT**

Thomas Weaver said he wanted to thank the Board for their prompt response to his complaint about CATS.

### **AMENDMENT#4** – Chairman – Update on HB 277/Regional Transportation Tax

Chairman announced that State Representative Sean Jerguson is one of three legislators appointed as non-voting members of the Executive Committee of the 21-member State Transportation Roundtable. He asked Rep Jerguson to come forward to give his view of this appointment, and his expectation of the process going forward. Rep. Jerguson said he is delighted to serve in this capacity so that Cherokee County is certain to be represented, even if in a non-voting status. He mentioned that the first meeting of the Roundtable is likely to be in November at which time the 5-member Executive Committee will be formed out of the Roundtable members. He said that there should be sufficient time to identify and prioritize a project list that will be included in the Regional Transportation Tax which will be voted in August, 2012.

### **PUBLIC HEARING**

- (1) To consider revisions to Article 7.7-9 of the Cherokee County Zoning Ordinance to allow for the raising and keeping of backyard chickens on residential property

Commissioner Hubbard made the motion to open the public hearing at 6:26 p.m.; Vice Chair/Commissioner Johnston seconded and the motion to open received unanimous approval.

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Mr. Watkins explained that this amendment was to allow more chickens to be kept on residential property, currently only one is allowed.

A total of 20 people had signed up to speak, the majority in favor of the amendments; one who said this was in conflict with State law and another who urged caution but was in support; and 2 others who asked to speak on the merits of the turkey.

Commissioner Hubbard made a motion to close the public hearing at 6:57 p.m.; Vice Chair/Commissioner Johnston seconded and the motion to close received unanimous approval. Vice Chair/Commissioner Johnston asked to make a statement and told the audience that this was not taking away anything, but making it easier on those who wanted to keep chickens on residential property.

Vice Chair/Commissioner Johnston made the motion to adopt as drafted with the following additions to viii which should read as "Provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure and surrounding area must be kept free from trash and accumulated droppings. Dead birds must be disposed of in a sanitary manner." Commissioner Hubbard seconded and there was unanimous approval.

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### **REQUEST FOR PUBLIC HEARING**

To consider the adoption of *Range Design Criteria* produced by the U.S. Department of Energy, Office of Health, Safety and Security as the official minimum criteria for the establishment of indoor or outdoor shooting ranges in Cherokee County; as well as possible adoption of the Whole Building Design Code, a program of the National Institute of Building Sciences

Commissioner Hubbard made a motion to advertise a public hearing for November 16; Commissioner Bosch seconded and there was unanimous approval.

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### **COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

*Update HB 277- State Regional Transportation Bill-Moved by*  
**AMENDMENT#4**

**VICE CHAIR/COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

**COMMISSION POST 3**

**KAREN BOSCH**

*Update of Citizen SPLOST committee and launch of website...*  
<http://www.keepthepenny.com/>

Commissioner Bosch mentioned the web site and said it is still being built on. She also mentioned the group's Facebook page "Citizens for a Better Cherokee County" and urged the audience to go there and volunteer, help with fund raising, anything to get the word out.

**COMMISSION POST 4**

**JASON NELMS**

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**CONSENT AGENDA**

1. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Brookfield @ Haynes Crossing** Subdivision for County maintenance, including all or part of: Brookfield Court
- 1a. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Willow Ridge @ Haynes Crossing, Phase II** Subdivision for County maintenance, including all or part of: Spring Lake Trail, Spring Lake Creek, Spring Lake Hills, Spring Lake Cove and Spring Lake Court
2. Request approval to award low bid to Southeastern Commercial Flooring for the replacement of carpeting in the District Attorney's offices and the Grand Jury Room at the Justice Center at a cost of \$20,466.
3. Consider approval of a proposal from Sunbelt Structures, Inc., for grading modifications on two parcels of the Priest Road/Hunt Road Connector Project, in the amount of \$11,700.00

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

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**COUNTY MANAGER**

4. Requesting approval to award contract for services at the Justice Center to Carrier Corporation at a cost of \$215,334. (Department of Energy grant funds)

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

5. Approval to award Cooper Carry's proposal for A/E Programming, Design and Construction Document Development and Construction Administration Services for the Cherokee County Aquatics Center and Park, in the contract not-to-exceed amount of \$656,476.

Commissioner Bosch made the motion to approve; Commissioner Nelms seconded and there was unanimous approval.

6. Consideration of CRPA Advisory Board recommendation that Cherokee County – through the Cherokee Recreation and Parks Agency, partner with the Board of Education and Cherokee Youth Basketball Association during the youth basketball 2010-2011 season to provide enhanced youth recreational basketball program in school gymnasiums

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

**AMENDMENT#1** – Approve acquisition of 226.86 acres of park land located on Ficklen Church Road north of Lake Allatoona, owned by Jim Willoughby and Joe Sewell, for \$14,700/acre, or \$3,334,842.

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

**AMENDMENT#2** – Consideration and approval of additional 2 tiers added for 2-county employees medical insurance rates

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

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## **COUNTY ATTORNEY**

**Alcoholic Beverage Violation** – Marshal's Office requests 15 day suspension of alcoholic beverage license followed by 12 month probationary period. Alcoholic beverage sold to person under age of 21 at Jordan's Quick Mart located at 5234 Little Refuge Road. This is first offense. (Continued from September 21<sup>st</sup>)

Mrs. Davis said that the attorney for Jordan's Quick Mart, Mr. Billy Hasty, has again requested this case be continued until October 19. Commissioner Hubbard made the motion to continue to October 19; Commissioner Nelms seconded and the vote was for unanimous approval.

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**Alcoholic Beverage License Revocation** – Marshal's Office requests that all alcoholic beverage licenses for Hop-In#2 Mobile located at 514 Arnold Mill Road, Woodstock be revoked; alcoholic beverage sold to a person under the age of 21, this is third offense.

After hearing from Deputy Marshal Bobby Free and the licensee, Commissioner Nelms made a motion to accept the recommendation of the Marshal's Office to revoke the licenses; Commissioner Bosch seconded. Before the vote could be called, it was mentioned that there should be an effective date in the motion. Commissioner Nelms amended his motion to make the revocation effective at midnight tonight, October 5, 2010; Commissioner Bosch seconded and there was unanimous approval.

**AMENDMENT#5** Notification of Ball Ground annexations 2010-A-01 and 2010-A-02

Vice Chair/Commissioner Johnston made the motion to request the County Attorney's office investigate the contiguity questions; Commissioner Hubbard seconded and there was unanimous approval.

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## **ADJOURN**

After asking if there was any other business, hearing none, the Chairman asked for a motion. Commissioner Bosch made the motion to adjourn at 7:39 p.m.; Commissioner Hubbard seconded and there was unanimous approval.

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These Minutes were approved at the regular meeting on October 19, 2010.