

# MINUTES

## Cherokee County Board of Commissioners

NOVEMBER 16, 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 6:08 p.m. on Tuesday, November 16, 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

*"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 four amendments: (1) Under Announcements- add Cherokee County has been presented the *Bronze* award by ARC Green Communities; (2) Under Consent Agenda- add Consider modifications to BOE partnership agreement to add CRPA and Fire/Emergency Services; (3) Under Announcements- add Mention of proclamation given for National Hospice Month; (4) Under County Attorney- add Approval of Separation Agreement (from Executive Session). After the Chairman read the amendments, he asked for a motion. Commissioner Bosch made the motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

### ANNOUNCEMENTS

AMENDMENT *Cherokee County has been presented the **Bronze** award by the Atlanta Regional Commission's Green Communities. In becoming a certified Green Community, Cherokee County has demonstrated leadership in reducing its environmental impact by investing in programs that lead to a more sustainable community. Jerry Cooper*

Early voting for the Statewide runoff election will begin on November 15 through November 24; 8:30am - 5pm at the Cherokee County Elections office 400 East Main Street Canton (only). You can view a sample ballot at:

<http://voter.cherokeega.com/Election%202010/Sample%20Ballott%2011-30-10.pdf>

Election Day is November 30, 2010- Voters may vote at their assigned precinct 7am-7pm.

AMENDMENT Chairman Ahrens mentioned the Proclamation presented earlier in the week proclaiming November as **National Hospice Month**

## APPROVAL OF WORK SESSION MINUTES FROM NOVEMBER 2, 2010

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

## APPROVAL OF REGULAR MEETING MINUTES FROM NOVEMBER 2, 2010

When Chairman Ahrens asked for a motion to approve the Regular Meeting Minutes as submitted by the Clerk, Commissioner Hubbard made the motion to approve; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

## PUBLIC COMMENT

Tommie Weaver was the only speaker; he asked that the Cherokee County Code Section 6- 16 which he said is pre- empted by State law be removed as it references licensed gun carriers. (The code section he referred to is for Alcoholic Beverage licensing) He also said that he is signed up to speak for the public hearing on Adoption of Standards for construction and/or development of indoor and outdoor firing ranges and he would have more to say then.

## PUBLIC HEARINGS

- (1) Consider a request by Beazer Homes to modify a condition of zoning in the Hampton Station Subdivision. (A letter of withdrawal has been received)

No action necessary.

- (2) To consider the adoption of standards for the construction and/or development of indoor and outdoor firing ranges

Commissioner Hubbard made the motion to open the public hearing at 6:16 p.m.; Vice Chair/Commissioner Johnston seconded and the motion was unanimously approved. Tommie Weaver was the only speaker, after Vicki Taylor Lee gave explanation for request. Mr. Weaver wished to be assured that any current firing ranges would be grandfathered in under these new standards. Commissioner Bosch assured him that these would only relate to new construction or development. Commissioner Hubbard made a motion to close the public hearing at 6:20 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

Commissioner Hubbard made a motion to postpone action to December 21 in order to receive further comments from public; Commissioner Bosch seconded and the motion to postpone was unanimously approved.

- (3) Consideration of revisions to the Zoning Districts, the Permitted Uses Table and related sections of the Zoning Ordinance

Commissioner Hubbard made the motion to open the public hearing at 6:24 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval. After Margaret Stallings explained the request with the aid of a PowerPoint presentation, there were two speakers. Ms. Ursula Cox who was concerned that there

was not ample opportunity for an examination of the difference between the current information and the requested revisions; afraid of mistakes and errors. Tommie Weaver echoed the same sentiments. Commissioner Hubbard made the motion to close the public hearing at 6:51 p.m.; Vice Chair/Commissioner Johnston seconded and the motion received unanimous approval. No action taken.

- (4) To consider rezoning 13.7 acres on Old Howell Bridge Road from HC to LI, specifically tax parcels 03N01 070 and 03N01 072

Commissioner Hubbard made a motion to open the public hearing at 6:56 p.m.; Commissioner Bosch seconded and the motion was unanimously approved. Margaret Stallings said reason for board initiated rezone is that this is the only property with the old HC zoning still on it; said the property owners agreed to the re-zone to LI. There were no speakers. Commissioner Hubbard made a motion to close the public hearing at 6:59 p.m.; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

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

---

### UNFINISHED BUSINESS

- A) Consideration of the abandonment of a portion of East Rope Mill Road located in Land Lot 634, 15<sup>th</sup> District, 2<sup>nd</sup> Section – (Abandonment no longer necessary) Geoff Morton updated the Commissioners – No action necessary.
- B) Consideration of the approval of an Intergovernmental Agreement between Cherokee County and the City of Mountain Park to have Cherokee County Roads & Bridges pave an emergency access road over a dam (Per Geoff Morton, the agreement has been re-worked)

Action had been approved on October 19<sup>th</sup> contingent on County Attorney and Mountain Park Attorney working out terms of agreement. Mr. Morton said the new agreement presented was a “go” for all parties. Commissioner Hubbard made the motion to approve; Commissioner Nelms seconded and there was unanimous approval.

---

### COMMISSION BUSINESS

#### CHAIRMAN

L. B. AHRENS

- (I) *To consider a Resolution naming an ACCG Legislative Coordinator – not prepared to name yet*

Work Force Survey – Chair mentioned that this survey is to give the Cherokee Office of Economic Development a clearer picture of how many residents go out of the county to work; still up on their web site at [www.cherokeega.org](http://www.cherokeega.org)

Chair talked about working 4 hours on this past Saturday helping to extend the trails on Garland Mountain.

(II) *Approval of 2011 Commission Meeting Dates*

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

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

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

(III) *Consider acceptance of 0.13 miles of Mount Carmel Church Lane for County maintenance on one mile road program - No action necessary*

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

(IV) *Consider acceptance of 0.12 miles of Stonegate Lane for County maintenance on one mile road program - No action necessary*

**COMMISSION POST 4** **JASON NELMS**

Commissioner Nelms mentioned his absence at the December 7<sup>th</sup> meeting; he will be at the Newly Elected Commissioners conference in Athens.

---

**CONSENT AGENDA**

1. Acceptance of rights- of- way, roadways and appurtenant drainage structures within **Centennial Lakes Townhouses, Pod 6** for County maintenance, including all or part of: Madison Avenue
2. Request approval to purchase necessary radio equipment to replace antiquated public safety radio equipment and to comply with the FCC mandate in the amount of \$134,322.80 from Motorola - E911
3. Request approval to purchase portable 2- way radios for CMANS(Cherokee Multi- Agency Narcotics Squad) for a cost of \$58,561.20 for 20 subscriber units and additional equipment necessary - E911

**AMENDMENT** Consider modifications to BOE partnership agreement to add CRPA and County Fire/Emergency Services

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

---

**COUNTY MANAGER**

4. Approval of and submission of the CDBG 2011 Annual Action Plan to HUD

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

5. Consideration of the acquisition of 541+/- acre tract located on Yellow Creek Road in the amount of \$1.1 million from Park Bond, plus 5% broker commission, contingent upon county attorney approval of purchase and sale agreement and conservation easement to Mountain Conservation Trust (MCT). MCT will pay all cost associated with the conservation easement

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

6. Consideration of the purchase of van for transportation of disabled/handicapped seniors from Senior Services in the amount of \$75,000, with \$42,000 funded by CDBG grant and remaining funded by Parks SPLOST; vehicle will be shared with CRPA Silver Roamers Club

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

7. Consideration of Facilities Use Agreement for Buffington Gym with private group, contingent upon BOE approval, and County Attorney review and approval of FUA

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

8. Consider approval of a Resolution and Intergovernmental Agreement between Cherokee Office of Economic Development/Development Authority and County in conjunction with the acquisition/financing for \$1,992,000 of the 41.5+/- acre Tyson tract for economic development; approval of new financing agreement with SunTrust Bank with 5 year 3.55% fixed rate with 20 yr. amortization

Commissioner Bosch made the motion to approve all; Commissioner Hubbard seconded and the vote was for unanimous approval.

---

**COUNTY ATTORNEY**

9. As requested by the Board of Education, pursuant to Georgia law, a Resolution providing for the levy by the Board of Commissioners and collection of an annual tax by the Tax Commissioner is submitted for consideration for payment of principal and interest for Refunding Bonds in the amount of \$3,470,000 and G.O. Bonds for construction in the amount of \$40,055,000. The annual property tax would only be imposed if ESPLOST (SPLOST for Education) is not renewed

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

AMENDMENT      From Executive Session Acceptance of separation agreement for Brad Shirley, Fire/ES and authorization for Chairman to execute

Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and the vote was for unanimous approval.

---

ADJOURN

After the Chairman asked if there was anything further, hearing none, Commissioner Hubbard made the motion to adjourn at 7:23 p.m.; Vice Chair/Commissioner Johnston seconded and there was unanimous approval.

---