

MINUTES

Cherokee County Board of Commissioners

MARCH 15, 2011

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:13 p.m. Those present included Vice Chair/Commissioner Jim Hubbard; Commissioner Karen Bosch; Commissioner Jason Nelms; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Sheila R. Corbin. Also present were Agency Directors/Department Heads; the media; and the public. (Commissioner Harry B. Johnston is on vacation out of the country.)

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

None.

ANNOUNCEMENTS

- [1] *2011 Cherokee County Senior Olympics beginning April 2 to April 29; cost to register is \$12.00, except for golf; there are 15 events. Registration at <http://www.ccsrolympics.org/> Deadline to register is March 21st.*
- [2] *There will be a called meeting of the Board of Ethics on Monday, March 21, 2011 at 6 p.m. in the Bridge Mill Community Room at the Bridge Mill Fire Station located at 9550 Bells Ferry Road (there was not a quorum at the meeting on March 3)*

APPROVAL OF WORK SESSION MINUTES FROM MARCH 1

When the Chairman asked for a motion, Vice Chair/Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and the motion was approved 4-0.

APPROVAL OF REGULAR MEETING MINUTES FROM MARCH 1

Chairman Ahrens asked for a motion, Commissioner Nelms made a motion to approve; Vice Chair/Commissioner Hubbard seconded and the vote was for a 4-0 approval.

PUBLIC COMMENT

Hugh Rowland wanted to speak about "urban blight" in their subdivision. Mr. Rowland mentioned that he was a real estate broker and had been fighting this problem for some time.

Vice Chair/Commissioner Hubbard asked Mr. Rowland what the address was on this property he was talking about and whether it was Legendary Tarn and if so, they (the board members) had been looking at pictures upstairs for this. Mr. Rowland said he was concerned about how this could make the County look that he was proud of the County, but he was concerned that anyone seeing this property might be turned away. He would like to see an ordinance be passed that would help something be done about those properties that are a blight on the County. When Mr. Rowland finished speaking, Chairman Ahrens told him that they were trying to find the right solution to deal with properties like this.

PUBLIC HEARING

Consider abandoning a portion of Fate Conn Road located in Land Lot 223 of the 14th District, 2nd Section and the determination that said portion of road has been realigned and the portion to be abandoned has ceased to be used by the public.

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:19 p.m.; Commissioner Nelms seconded and the motion was approved 4-0.

Geoff Morton explained reason for request as old right-of-way no longer necessary after road re-alignment. Mr. Morton said the abandoned property would be returned to the owners. There were no speakers either for or against.

Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:20 p.m.; Commissioner Nelms seconded and the motion to close was approved 4-0.

Vice Chair/Commissioner Hubbard made the motion to approve the abandonment; Commissioner Bosch seconded and the vote was for a 4-0 approval.

REQUEST

To advertise and set a public hearing to consider modifications to the Pawn Shop Ordinance

Chairman Ahrens said there had been a presentation at the Work Session earlier by Lt. Thomas Pinyan of the Sheriff's Office on this particular subject; Lt. Pinyan had provided some background and also some proposed modifications to the current Pawn Shop Ordinance as well as a separate Ordinance related to gold and gem dealers.

Commissioner Bosch said she would make a motion to request a public hearing be advertised for April 19 to consider modifications to the current Pawn Shop Ordinance, Commissioner Nelms seconded. During discussion, Vice Chair/Commissioner Hubbard said that it was discussed at the Work Session to have the County Attorney review the two current Pawn Shop Ordinances as well as

the proposed ordinance from the Sheriff's Office and come up with a modified ordinance to include a possible electronic reporting requirement, a repeal of the earlier (1992) Pawnshop Ordinance and potential inclusion of or a separate Precious Metals and Gems dealers ordinance. After some clarification by the County Attorney as to the language of the public hearing ad and whether 2 public hearings would need to be held; she said no, the Chairman asked for a vote and the motion was approved 4-0.

ZONING SUMMARY FOR MARCH 1

CASE NUMBER	: <u>11-03-004</u>
APPLICANT	: Lafarge Building Materials, Inc.
ZONING CHANGE	: <u>AG to HI</u>
LOCATION	: <u>Bethesda Trail</u>
MAP & PARCEL NUMBER	: <u>04N03, 041A</u>
ACRES	: <u>11.6</u>
PROPOSED DEVELOPMENT	: <u>Buffer</u>
COMMISSION DISTRICT	: <u>Post 1</u>
FUTURE DEVELOPMENT MAP	: <u>Suburban Living</u>

PLANNING COMMISSION RECOMMENDATION : Denial

Vicki Taylor-Lee said they had received a request to postpone. Vice Chair/Commissioner Hubbard made a motion to postpone to April 5; Commissioner Nelms seconded and the motion to postpone was approved 4-0.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Approval of project list ref transportation investment act referendum summer 2012

After the Chairman summarized the process for the audience saying that the legislature had passed HB 277 called the Transportation Improvement Act 2010 which requires each jurisdiction in the Metro Region, that's cities and counties must submit project lists for the Regional Transportation Tax referendum that will be put before the voters the summer of 2012.

The Chairman said these are projects that will be funded by the Regional Transportation Tax and they cover a span of activities from transit to road improvements to maintenance to bridges, etc.

The County's list will be submitted to the Department of Transportation's Planning Director along with everyone else's. The Planning Director will check these lists against certain criteria that must be met and will provide to a Roundtable of 21 members what is called an "Unconstrained List". The Roundtable will have 2 months to review those lists and submit back to the Planning Director a "constrained list".

The Chairman mentioned that he has a Resolution from the City of Woodstock Council supporting this list and a letter from the Mayor of Ball Ground supporting this list. He further said that Mayor Tim Downing of Holly Springs was planning to discuss it one more time with his council at their next meeting. And finally he would be meeting on Thursday with Mayor Gene Hobgood from the City of Canton.

Chairman Ahrens made the motion to approve the list of projects to be submitted along with the required documentation by the 30 March deadline to the appropriate parties; Vice Chair/Commissioner Hubbard seconded and the motion was approved 4-0.

Chairman Ahrens said he wanted to add something that was not on the agenda, but it had to do with the number of emails each of the board members receive about litter and trash on the roadways. He had a copy of the most recent report from Dr. Jackie McMorris regarding the litter pickup done for the first quarter of this year and this was dated March 6. Some of the figures the Chairman read were 207 miles of roadways had been cleared including 8 times on I-575. There were 148 tires picked up; 3,600 trash bags that total 72,000+ pounds or 36 tons in two and half months. All the pick-up had been done by community service workers and probationers. Commissioner Bosch said she thought it was important to note that was with no State funding.

COMMISSION POST 1 **HARRY B. JOHNSTON**

VICE CHAIR/COMMISSION POST 2 **JIM HUBBARD**

COMMISSION POST 3 **KAREN BOSCH**

Request from Charles and Betty Holden to deannex property located at 1358 Sixes Road from Holly Springs

Commissioner Bosch asked Vicki Taylor-Lee to give some details on the request. Mrs. Lee said that Mr. Holden had come to her about couple of weeks ago requesting information about de-annexing his property from the City of Holly Springs and back into the County. She gave him the list of requirements and as you are aware, a Resolution from the County is first on the list in support of the de-annexation. He followed up with her on March 3rd with the letter you have in your notebooks.

Commissioner Bosch asked Mrs. Lee to acknowledge some concerns over fees that the City of Holly Springs wanted to charge.

Mrs. Lee said that Mr. Holden had been hit with a \$17,000 annual storm water fee by the City and he did not believe they were impacting the City and should not have to pay this fee. Commissioner Bosch said she would make a motion to approve preparation of resolution of support for de-annexation of the property; Commissioner Nelms seconded.

Vice Chair/Commissioner Hubbard said he wanted to make it clear that the resolution was to take them back into the County services. Mrs. Lee said it would be subject to the City's approval. After this, the Chairman asked for a vote on the motion and the resulting vote was a 4-0 approval.

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

1. Request approval from the Cherokee County Water & Sewerage Authority (CCWSA) of the preliminary Sewer Study recommendation prepared by the East Park project architects & engineers, HDR Engineering
2. Approval of proposal from NOVA Engineering & Environmental, LLC to conduct additional geotechnical investigation and soil borings of the site for the proposed new Aquatic Center off Gresham Mill Parkway in the amount of \$20,000
3. Request approval of budget amendment/transfer from portion of salaries to use for parks maintenance uniforms and training for professional development and certifications of \$10,200
4. Approval to donate two Sheriff's Office Patrol vehicles currently assigned for Precision Immobilization Technique (PIT) training to the Georgia Public Training Center (GPSTC)
5. Approval of 2010 Consolidated Annual Performance and Evaluation Report (CAPER) for submission to HUD reporting on \$939,194 Community Development Block Grant (CDBG) funding

After Mr. Cooper completed the reading of the Consent Agenda, Vice Chair/Commissioner Hubbard made the motion to approve the Consent Agenda items; Commissioner Bosch seconded and the vote was for a 4-0 approval.

COUNTY MANAGER

6. Approval to award construction contract to Woody's Agricultural Services, Inc. in the amount of \$435,727.;

with requested contingency funds of \$49,273. for a total of \$475,000 for soccer complex irrigation system and installation of 3 wells - Park Bond

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

7. Approval to award construction contract to Classic Plains Construction, LLC in the amount of \$1,834,600.; with requested contingency funds of \$50,000. for a total of \$1,884,600. for improvements and additions to Hobgood Park - Park Bond

Commissioner Nelms made a motion to approve; Commissioner Bosch seconded and the motion received a 4-0 approval.

COUNTY ATTORNEY

City of Canton Annexation

Tax parcel(s): 15N13 – 011
Address: 4125 Marietta Hwy, Canton
Location: Racetrac gas station just north of I-575 and Marietta Hwy interchange
Size: 0.922 acres
Owner: Racetrac Petroleum, Inc.
Applicant: (same as owner)
Current zoning: GC
Proposed zoning: C-2
Proposed use: Continued use as Racetrac station after construction of new building Future Dev Map: Neighborhood Village

The property subject to the annexation is within the growth boundary. The parcel is surrounded by City property with commercial uses, including the adjacent Kroger supermarket and another gas station.

After Mrs. Davis reviewed the item, there were no objections, so no action was necessary.

ADJOURN

When the Chairman asked if there was any other business to come before the board, hearing none, Vice Chair/Commissioner Hubbard made the motion to adjourn at 6:51 p.m.; Commissioner Bosch seconded and the motion to adjourn was approved 4-0.