

MINUTES

Cherokee County Board of Commissioners

APRIL 19, 2011

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:04 p.m. Those present include Commissioner Harry B. Johnston; 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.

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 seven amendments: (1) Under Appearances-add John R. Moeller, Jr., MUST Ministries to update the board on vision/future for Cherokee County; (2) Under Announcements – add The 6th annual "Touch-A-Truck" event will be held on Saturday, April 23; (3) Under Announcements – add Cherokee County and the United Way will have a "Yard Sale" on Friday, April 22; (4) Under Announcements – add Initiative from the Fire Marshal's Office, an opportunity to sign up for the "Fire Corps" on Thursday, April 21; (5) Under the Chairman's portion – add Joint Resolution in Support of Ball Ground and Canton Opportunity Zone designation; (6) Under the Chairman's portion – add Proclamation for "Donate Life Month"; (7) Under Commissioner Hubbard's portion – add Reminder for Electronic Recycling Day on Saturday, May 7.

After the Chairman read the Amendments, Vice Chair/Commissioner Hubbard made the motion to approve; Commissioner Nelms seconded and there was unanimous approval.

APPEARANCE

***John R. Moeller, Jr.**, President & CEO of **MUST Ministries**, updated the board on the future vision/goals for Cherokee County, including the commission of a feasibility study on relocating to a larger facility. He also introduced Kim Loesing and Seth Tuttle, who are officers in the organization.*

ANNOUNCEMENTS

AMENDMENTS – [1] On Saturday, April 23rd from 10 a.m. until 12:30 p.m., the 6th Annual "TOUCH-A-TRUCK" event will be held at the Twin Creeks Softball Complex at J.J. Biello Park West.

[2] Cherokee County in conjunction with United Way are having a "Yard Sale" on Friday, April 22nd from 8 a.m. until 2 p.m. on the courtyard between the Justice Center and the Historic Courthouse; there will also be **FREE** Hot Dogs available from 11 a.m. until 2 p.m. provided by IBM Southeast Federal Credit Union.

[3] Cherokee County Fire-Emergency Services is recruiting volunteers for the "Fire Corps Program". The Fire Corps programs assist fire and EMS departments by utilizing volunteers for non-emergency support functions allowing emergency personnel to concentrate on their core duties of emergency response. For information contact: Cherokee County Fire-Emergency Services, Fire Marshal's Office, Sgt. Babette Davis at bdavis@cherokeega.com or (770) 721-7809. The next meeting is here at the Bluffs on Thursday, April 21 at 6:30 p.m.

APPROVAL OF WORK SESSION MINUTES FROM APRIL 5, 2011

When the Chairman asked for a motion, Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and the motion received unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM APRIL 5, 2011

Chairman Ahrens asked for a motion, Commissioner Bosch made the motion to approve; Commissioner Nelms seconded and the vote was for unanimous approval.

PUBLIC COMMENT

Carolyn Cosby asked to speak about the "Sunday Alcohol Retail sales" being on the ballot and stated she was not in favor. Thomas Weaver said he is support of this question being on the ballot. The third person was Martha Cowart, who wanted to speak about the Quik Trip rezoning, but as the public hearing for this had already taken place, the Chairman explained that she could not speak.

PUBLIC HEARINGS

- (1) To consider modifications to Chapter 38, Article II regarding **Pawn Shops**; and to repeal Chapter 18, Article III, Division 4, specifically Section 18-166 through 18-177.

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:28 p.m.; Commissioner Johnston seconded and the vote was for unanimous approval.

Lt. Thomas Pinyan from the Sheriff's Office, Criminal Investigations Division, explained his original request for modification of the Pawn Shop Ordinance. Mrs. Angie Davis reviewed the changes made since last draft posted. Mr. Thomas Weaver was the only speaker and stated he was comfortable with the changes that had been made in support of the State law on firearms. No other speakers.

Vice Chair/Commissioner Hubbard made the motion to close the public hearing at 6:30 p.m.; Commissioner Bosch seconded and there was unanimous approval.

Commissioner Nelms made a motion to approve as stated by the County Attorney Mrs. Davis; Commissioner Bosch seconded the motion. Discussion ensued with Commissioner Johnston asking for further changes in the language, particularly as it applies to Section 38.51, paragraph (g) regarding the last sentence and security video footage. Commissioner Nelms agreed to amendment to include the change in the sentence and the addition of paragraph (h) with the language regarding security video footage and the required length of time kept.

Chairman Ahrens asked for a vote on the original motion and second and received unanimous approval. Mrs. Davis asked Chairman Ahrens for a vote to be taken on the amendment as well. Vice Chair/Commissioner Hubbard made the motion to approve amendment; Commissioner Johnston seconded and this vote was for unanimous approval.

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- (2)** To consider repealing Chapter 18, Article III, Division 7, Precious Metals Dealers, at Section 18-281; to create a new Article V in Chapter 38 regarding **Precious Metals Dealers**.

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:43 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

Lt. Thomas Pinyan came back up and explained that he had also brought this ordinance to the attention of the board for modifications, especially as regards the reporting requirements. There were no speakers.

Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:46 p.m.; Commissioner Johnston seconded and the vote was for unanimous approval.

After discussion among board members, it was determined that a postponement was in order for the County Attorney's office to make changes and bring back for review.

Commissioner Bosch made a motion to postpone the decision for 2 weeks or until May 3rd meeting; Commissioner Nelms seconded and there was unanimous approval.

ZONING SUMMARY FOR APRIL 5

CASE NUMBER : **11-04-005**
APPLICANT : Michael King for Glenn White
ZONING CHANGE : R-40 to AG
LOCATION : 4296 Union Hill Road
MAP & PARCEL NUMBER : 02N06-261A
ACRES : 2.06
PROPOSED DEVELOPMENT : Rural Residential
COMMISSION DISTRICT : Post 2
FUTURE DEVELOPMENT MAP : Country Estates

PLANNING COMMISSION RECOMMENDATION: Denial

Vice Chair/Commissioner Hubbard made the motion to follow the Planning Commission recommendation of denial; Commissioner Johnston seconded and the vote was for unanimous approval.

CASE NUMBER : **11-04-007**
APPLICANT : QuikTrip Corporation
ZONING CHANGE : R-40 to GC
LOCATION : Hwy.20 @ Old Doss Road
MAP & PARCEL NUMBER : 14N23A,024A, portion of 023 & 026
ACRES : 4.237
PROPOSED DEVELOPMENT : Convenience Store w/gas
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Transitional Corridor/Suburban Living

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

1. That no further development be allowed on Tract 2, which is currently owned by Billy Hasty (excluding the small portion which QuikTrip is purchasing) after the retention pond and the slope easement are completed.
2. That Old Doss Road be realigned and improvements made to Highway 20 along with a traffic signal, with the approval of Cherokee County and the DOT, before QuikTrip is allowed to obtain their Certificate of Occupancy and open.
3. That the conditions of Resolution 09-05-010 – Dr. Austin Flint, be applied to this piece of property also.

Jeff Watkins said that applicant had requested postponement for 2 weeks to try to work out road issues.

Commissioner Johnston made a motion to postpone for 2 weeks or until May 3rd meeting; Vice Chair/Commissioner Hubbard seconded and the motion received unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

(A) *Discussion re HB69/SB10 "Sunday Sales of Beer and Wine" and consideration of including on November 2011 ballot*

Chairman Ahrens said he wanted to bring up, even though the bill has not been signed by the Governor yet. After discussion, no decision was made.

(B) *Update - Transportation Investment Act 2010, project submittals*

Chairman Ahrens stated all projects had been submitted to ARC, total of 437 projects for \$29 billion dollars. Estimated value of Transportation Tax if passed is \$8 billion dollars.

(C) *Update search underway for new Executive Director of the Atlanta Regional Commission [ARC]*

Chairman Ahrens has been named head of search committee; nationwide search to replace retiring Director Chick Krautler.

AMENDMENT – Consider approval of Joint Resolution of Cherokee County, Ball Ground and Canton of need for redevelopment areas within Cherokee County, Ball Ground and Canton and opportunity zone designation.

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

AMENDMENT – Letter received from Lifelink of Georgia requesting a Proclamation be prepared and signed designating April as "DONATE LIFE MONTH"

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

COMMISSION POST 1

HARRY B. JOHNSTON

VICE CHAIR/COMMISSION POST 2

JIM HUBBARD

AMENDMENT – Reminder Electronics Recycling will be held on Saturday, May 7th in the back parking lot of Canton City Hall beginning at 9 a.m.

COMMISSION POST 3

KAREN BOSCH

(D) Request a public hearing be set for a Board initiated rezoning of approximately 42 acres from AG to LI, being further described as a part of Parcel 285, on Tax Map 21N06 (Tyson property)

Commissioner Bosch made a motion to advertise and set public hearing for May 17; Commissioner Nelms seconded and the vote was for unanimous approval.

(E) Request a public hearing be set for a Board initiated rezoning of approximately 6 acres from R-40 to LI, being further described as a part of Parcel 285, on Tax Map 21N06 (Dunn property)

Commissioner Bosch made the motion to advertise and set public hearing for May 17; Commissioner Nelms seconded and there was unanimous approval.

(F) Request a public hearing be set for consideration of Modifications to the Conditions of Zoning from Case No. 09-01-004 (Woodtech property)

Commissioner Bosch made a motion to advertise and set public hearing for May 17; Commissioner Nelms seconded and the motion received unanimous approval.

COMMISSION POST 4

JASON NELMS

CONSENT AGENDA

1. Request approval of contract with consultant Bob McAllister for creation of Aquatic Center Business Plan and Operational Study at a cost not to exceed \$9,000-Park Bond
2. Request approval for "Option to Renew" Cintas Uniform contract from May 7, 2011 through May 8, 2012 for Roads and Bridges

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

COUNTY MANAGER

3. Request approval to award Pond & Company bid for Master Planning, Programming, Architectural and Engineering Services for the Fire Training Center in the amount of \$169,850.00

Vice Chair/Commissioner Hubbard made a motion to approve; both Commissioners Johnston and Bosch seconded and there was unanimous approval.

4. Requesting approval of a project called the "Glass Kennel Door Sponsorship Program" to replace the current chain link gates and side panels in the adoption kennel of the Animal Shelter; the Animal Shelter would solicit sponsors for each door at a cost of \$800 and part of the sponsorship would include a donor's plaque on the door

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

COUNTY ATTORNEY

5. Consideration of 90 day extension on moratorium on "Pain Clinics"

Commissioner Bosch made a motion to approve; both Commissioner Nelms and Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

ADJOURN

The Chairman said if there was no other business, he would entertain a motion to adjourn. Vice Chair/Commissioner Hubbard made the motion to adjourn at 7:32 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

These Minutes were approved at the regular meeting on May 3, 2011.