

MINUTES

Cherokee County Board of Commissioners

MAY 17, 2011 REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:05 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

Three amendments were (1) Under County Manager – Request approval of 4th Amendment to ARC FY2011 budget contract; (2) Under County Attorney – Add re-consideration of appeal filed by Community Bank of Pickens County re Case No. 09-03-003V; (3) From Executive Session – Under County Attorney – Authorize Chairman to execute settlement agreement with Legendary Tarn. After the Chairman read the amendments, he asked for a motion. Vice Chair/Commissioner Hubbard made the motion to approve; Commissioner Johnston seconded and there was unanimous approval.

Presentation of Proclamation by Chairman Ahrens and Commissioner Nelms for "Dixie Speedway Day"

Commissioner Nelms read and presented the proclamation along with Chairman Ahrens to Mr. and Mrs. Mickey Swims, owners of Dixie Speedway

ANNOUNCEMENTS

Cherokee County Senior Services is running "**Operation Military Parcels**" A military letter writing and package drive during the months of May and June. Make a difference for a service man or woman and let them know they are remembered and appreciated. Donations and letters may be dropped off at the Senior Center on Univeter Road; for more information, contact Patricia Kenny at (770) 345-6730 or email at pkenny@cherokeega.com

APPROVAL OF WORK SESSION MINUTES FROM MAY 3, 2011

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

APPROVAL OF REGULAR MEETING MINUTES FROM MAY 3, 2011

Chairman Ahrens asked for a motion, Vice Chair/Commissioner Hubbard made the motion to approve; Commissioner Johnston seconded and the motion received unanimous approval.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

- (1) To consider the abandonment of a portion of Industrial Drive located in Land Lot 1220 of the 15th District, 2nd Section and the determination that said portion of road has been re-aligned and the portion has ceased to be used by the public

Vice Chair/Commissioner Hubbard made the motion to open the public hearing at 6:14 p.m.; Commissioner Bosch seconded and the motion to open was a unanimous approval. Geoff Morton explained request. No speakers. Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:15 p.m.; Commissioner Bosch seconded and there was unanimous approval.

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

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- (2) To consider a request from the Cherokee County Development Authority for modification/removal of conditions 2, 3, and 5 on Case#09-01-004; 55 +/- acres located on James Dupree Road at Land Lots 1056 and 1105, 21st District, 2nd Section

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:16 p.m.; Commissioner Johnston seconded and the motion received unanimous approval. Jeff Watkins explained request. No speakers. Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:17 p.m.; Commissioner Bosch seconded and the motion received unanimous approval.

Commissioner Bosch made the motion to approve with the removal of conditions 1, 2, 3, 4 and 5, leaving only Condition 6 as the sole condition which is

"There shall be no heavy truck traffic on James Dupree Road until such time as the road has been upgraded to County standards". Commissioner Nelms seconded and the vote was for unanimous approval.

- (3) Consideration of request from the Cherokee County Development Authority to rezone 42 acres +/- of property on James Dupree Road at Land Lot 1057, 21st District, 2nd Section; currently zoned AG, asking for LI for business/industrial park

Vice Chair/Commissioner Hubbard made the motion to open the public hearing at 6:18 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval. Jeff Watkins explained request. Only one speaker, Curtis McWaters who said he had questions that no one seemed to be able to answer and his property is adjacent to this property. Jeff Watkins and Sotir Christopher, the engineer hired by the Development Authority came up and gave the board some information that answered Mr. McWaters questions. Vice Chair/Commissioner Hubbard made the motion to close the public hearing at 6:24 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

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

- (4) Consideration of request from the Cherokee County Development Authority to rezone 6 acres+ of property on James Dupree Road at Land Lot 1033, 21st District, 2nd Section; currently zoned R-40, asking for LI for business/industrial park

Vice Chair/Commissioner Hubbard made the motion to open the public hearing at 6:28 p.m.; Commissioner Bosch seconded and there was unanimous approval. Jeff Watkins explained request. No speakers. Vice Chair/Commissioner Hubbard made the motion to close the public hearing at 6:29 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

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

REQUEST

Request to set and advertise a Public Hearing for June 7, 2011 to consider a petition for modification to buffer requirements, in Bridgemill Subdivision on residential lot located at 129 Misty Valley Drive in Land Lot 214, 15th District and backing up to Army Corps of Engineers property.

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

ZONING SUMMARY

CASE NUMBER : 11-04-006
APPLICANT : Woodrow Wilson McClure, Jr.
ZONING CHANGE : R-40 to GC
LOCATION : Waleska Road
MAP & PARCEL NUMBER : 91N28-057B & 057E
ACRES : .34
PROPOSED DEVELOPMENT : Commercial
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Suburban Growth

PLANNING COMMISSION RECOMMENDATION: Approval w/condition;

Adherence to the City of Canton Overlay Zone Community Standards Ordinance guidelines as it pertains to landscaping and signage.

Commissioner Johnston made a motion to approve as GC with revised conditions as presented by Jeff Watkins/Vicki Taylor-Lee; Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

OLD BUSINESS

Discussion and possible adoption of "Precious Metals Dealers" ordinance

Commissioner Nelms made the motion to approve a final version once additional changes were made by County Attorney; Commissioner Bosch seconded and the vote was for unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

(A) *Summary of ARC LINK trip to Seattle*

Brief synopsis given.

(B) *Request for re-appointment of Scott Rule to Cherokee County Library Board of Trustees for a term beginning July 1, 2011 – June 30, 2014*

Chairman Ahrens made the motion to approve the re-appointment; Commissioner Johnston seconded and the vote was for unanimous approval.

- (C) *Reminder - Still need one appointment to the DBHDDAD (Department of Behavioral Health, Developmental Disabilities and Addictive Diseases) Regional Planning Board*

Commissioner Nelms said he might know of someone. He asked the County Clerk to send him information on this board.

- (D) *Sunday alcohol retail sales-discussion of timeline for public hearing, resolution, etc.*

Commissioner Bosch made the motion to advertise a public hearing for June 21; Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

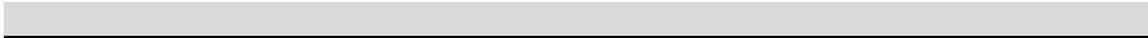
COMMISSION POST 1 **HARRY B. JOHNSTON**

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

COMMISSION POST 3 **KAREN BOSCH**

COMMISSION POST 4 **JASON NELMS**

Moved to beginning of meeting for presentation.



COUNTY MANAGER

- (1) Requesting approval of change order to PSA with HDR Engineering, Inc. on East Park property on Highway 20 in the amount of \$91,496.00 for survey and engineering design services for the pump station and main sewer line system

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

- (2) Requesting acceptance of proposal by *Top Tennis Group* for management of Cherokee Tennis Center at JJ Biello Park

Commissioner Nelms made the motion to approve; Commissioner Johnston seconded and the vote was for unanimous approval.

- (3) Approval to award construction contract/agreement to Woody's Agricultural Services, Inc. for preparation and grassing of the soccer playing fields at the Soccer Complex at Blalock Road in the total amount of \$494,510.00 with a contingency fund of \$75,000. The Soccer Association has agreed to contribute \$100,000, in two equal payments of \$50,000, to offset the cost of the work

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

AMENDMENT Request approval of 4th Amendment to ARC FY2011 budget contract for additional income received of \$1,566 to be assigned to Home Delivered Meals program; \$5,566 of newly allocated funding to be assigned to new program Homemaker-Respite

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

COUNTY ATTORNEY

AMENDMENT Re-Consideration of appeal filed by Community Bank of Pickens County, Case No. 09-93-003V, since remanded back from Superior Court for negotiation and settlement. If approved, a public hearing should be set and advertised for June 7.

Commissioner Nelms made the motion to approve public hearing to be advertised; Commissioner Bosch seconded and the vote was for unanimous approval.

AMENDMENT From Executive Session – Authorize Chairman to execute Settlement Agreement in case against property at 5230 Legendary Tarn, Acworth and other parties

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

ADJOURN

When the Chairman asked if there was any other business, hearing none, Vice Chair/Commissioner Hubbard made a motion to adjourn at 7:14 p.m.; Commissioner Johnston seconded and the vote was for unanimous approval.

These Minutes were approved at the regular meeting on June 7, 2011.