

# SUMMARY

## Cherokee County Board of Commissioners

MAY 17, 2011

REGULAR MEETING

6:00 P.M.

### CALL TO ORDER

CHAIRMAN AHRENS

Chair called at 6:05 p.m. All members present.

### 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 4<sup>th</sup> 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.

Hubbard motion to approve; Johnston second; unanimous approval.

---

### **Presentation of Proclamation by 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](mailto:pkenny@cherokeega.com)

---

### APPROVAL OF WORK SESSION MINUTES FROM MAY 3, 2011

Hubbard motion to approve; Nelms second; unanimous approval.

### APPROVAL OF REGULAR MEETING MINUTES FROM MAY 3, 2011

Hubbard motion to approve; Johnston second; 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 15<sup>th</sup> District, 2<sup>nd</sup> Section and the determination that said portion of road has been re-aligned and the portion has ceased to be used by the public

Hubbard motion to open at 6:14 p.m.; Bosch second; unanimous approval. Geoff Morton explained request. No speakers. Hubbard motion to close at 6:15 p.m.; Bosch second; unanimous approval.

Nelms motion to approve; Bosch second; unanimous approval.

---

- (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, 21<sup>st</sup> District, 2<sup>nd</sup> Section

Hubbard motion to open at 6:16 p.m.; Johnston second; unanimous approval. Jeff Watkins explained request. No speakers. Hubbard motion to close at 6:17 p.m.; Bosch second; unanimous approval.

Bosch 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". Nelms second; 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, 21<sup>st</sup> District, 2<sup>nd</sup> Section; currently zoned AG, asking for LI for business/industrial park

Hubbard motion to open at 6:18 p.m.; Bosch second; unanimous approval. Jeff Watkins explained request. 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. Hubbard motion to close at 6:24 p.m.; Bosch second; unanimous approval.

Bosch motion to approve as requested; Nelms second; 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, 21<sup>st</sup> District, 2<sup>nd</sup> Section; currently zoned R-40, asking for LI for business/industrial park

Hubbard motion to open at 6:28 p.m.; Bosch second; unanimous approval. Jeff Watkins explained request. No speakers. Hubbard motion to close at 6:29 p.m.; Bosch second; unanimous approval.

Bosch motion to approve; Nelms second; unanimous approval.

---

### **REQUEST**

Request to set and advertise a Public Hearing for June 7, 2011 to consider a petition for modification to buffer requirements, between Bridgemill Subdivision and Army Corps of Engineer property, on residence located at 129 Misty Valley Drive in Land Lot 214, 15<sup>th</sup> District

Bosch motion to approve request; Nelms second; unanimous approval.

---

### **ZONING SUMMARY**

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

**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.

Johnston motion to approve as GC with revised conditions as presented by Jeff Watkins/Vicki Taylor-Lee; Hubbard second; unanimous approval.

---

**OLD BUSINESS**

Discussion and possible adoption of "Precious Metals Dealers" ordinance

Nelms motion to approve final version once additional changes made by County Attorney; Bosch second; 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*

Ahrens motion to approve re-appointment; Johnston second; 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.

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

Bosch motion to advertise public hearing for June 21; Hubbard second; 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

Hubbard motion to approve; Johnston second; unanimous approval.

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

Nelms motion to approve; Johnston second; 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

Johnston motion to approve; Hubbard second; unanimous approval.

**AMENDMENT** Request approval of 4<sup>th</sup> 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

Bosch motion to approve; Nelms and Hubbard second; 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.

Nelms motion to approve public hearing to be advertised; Bosch second; unanimous approval.

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

Nelms motion to approve; Bosch second; unanimous approval.

---

**ADJOURN**

Hubbard motion to adjourn at 7:14 p.m.; Johnston second; unanimous approval.