

MINUTES

Cherokee County Board of Commissioners

JUNE 7, 2011

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:03 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 Clerk Sheila R. Corbin. Also present were Agency Directors/Department Heads; the media; and the public. (Paul Dzikowski in for Angie Davis.)

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 County Manager – Postpone item#5 regarding modifications to Personnel Policies Manual; (2) Under Commissioner Johnston – Add Validate County Manager's offer for downtown Post Office to remain in administration building rent-free; (3) Under Consent Agenda – Add Approval of "48 Hour Film Project" location release agreement; (4) Under Consent Agenda – Move item 2 to County Manager portion.

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

ANNOUNCEMENTS

REMINDER 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; and they have partnered with Cherokee Recreation & Parks for drop offs at 7545 Main St., in Woodstock as well. For more information, contact Patricia Kenny at (770) 345-6730 or email at pkenny@cherokeega.com (There are flyers out front if anyone is interested)

APPROVAL OF WORK SESSION MINUTES FROM MAY 17, 2011

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

APPROVAL OF REGULAR MEETING MINUTES FROM MAY 17, 2011

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

PUBLIC COMMENT

Three people had signed up to speak; Jay Patouillet, Trish Croft and Russ Caso wished to speak in support of the Landscape Maintenance Agreement for Sixes Road ROW and Bells Ferry ROW.

PUBLIC HEARINGS

- (1) To consider an appeal by Community Bank of Pickens County for denial of variance to reduce a building setback at 321 Red Fox Drive, Canton – Case No. 09-03-003V – Paul Dzikowski

Vice Chair/Commissioner Hubbard made the motion to open the public hearing at 6:14 p.m.; Commissioner Johnston seconded and there was unanimous approval. Mr. Dzikowski gave a synopsis of the case and said an agreement had been reached with Community Bank after the bank had filed an appeal in Superior Court and the court had remanded the case back to the Board. Mr. Benson Chambers, an attorney representing Community Bank then came forward and said that his client would accept the condition of landscape improvements if the variance was approved. There were no speakers. Vice Chair/Commissioner Hubbard made the motion to close the public hearing at 6:17 p.m.; seconded by Commissioners Nelms and Johnston; the vote was for unanimous approval to close.

Commissioner Johnston made a motion to approve the variance with the landscaping plan improvements as presented; Commissioner Bosch seconded and the motion received unanimous approval.

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- (2) To consider an appeal filed by Aqua Design Pools & Spas for encroachment into 25 ft. undisturbed buffer to construct a pool, pool deck and landscaping at 129 Misty Valley Drive, Canton – Case No. 97-03-007 – Vicki Taylor Lee

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. Mrs. Lee gave a brief explanation of the request, stating that the Corps of Engineers had been contacted as the property backs up to their property and a letter had been received from them stating their approval of the request. There were no speakers. Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:20 p.m.; Commissioner Bosch seconded and the motion received unanimous approval to close.

Commissioner Bosch made a motion to approve the request; Commissioner Nelms seconded. During discussion, Commissioner Bosch amended her motion to ask that a copy of the COE letter be included with the letter granting the request; Commissioner Nelms seconded the amendment. The final vote was for unanimous approval.

REQUEST

Set a Public Hearing for July 5, 2011 to hear a request by Province Development, Inc. for a modification of zoning condition #18 in Case 05-06-044 which requires mandatory elevators in each unit – Vicki Taylor Lee

Commissioner Bosch made the motion to approve the request to set a public hearing for July 5, 2011; Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

Set a Public Hearing for the Technology Ridge Redevelopment Plan and Opportunity Zone application for June 21, 2011 – Margaret Stallings

Commissioner Johnston made a motion to approve the request to set a public hearing for June 21, 2011; Vice Chair/Commissioner Hubbard seconded and the vote was for unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

(A) *Transportation investment act: project list and telephone town hall*

Chairman Ahrens stated Cherokee project list had been reviewed by GDOT Planning Director Todd Long, who had added a project which is Hwy. 20 West from I-575 to Hwy. 108 at a cost of \$110 million dollars because both Bartow and Forsyth had included their portions of Hwy. 20 in their project lists.

The project list had been forwarded to the ARC Roundtable for their assessment in the evaluation process. Cherokee projects has a total dollar amount of \$690 million; the regional tax if approved by the voters in the 10-county Metro Atlanta region will generate \$8 billion over 10 years.

Chairman Ahrens said ARC had arranged to conduct a telephone town hall meeting beginning on Monday, June 13 for 6 nights for two hours each night. Members of the ARC Board of Directors would come in on their respective night for one hour and answer questions that came into a certain phone number. Chairman Ahrens said he and Mayor Downing from Holly Springs would be there on Tuesday, June 14 beginning at 6 p.m. for one hour and encouraged anyone with questions, comments or concerns to call in during that time. If the number given of 888-886-6603 was busy, leave a message and there would be a response.

(B) *ARC - citizen member appointment. Ten year realignment of districts by legislature.*

Informational only.

(C) *Request for re-appointment of Angela Kuter and Janice Prather to the DFCS Board; their appointments expire June 30, 2011. These appointments are for 5 year terms.*

Vice Chair/Commissioner Hubbard made a motion to approve reappointments for terms beginning July 1, 2011 and continuing to June 30, 2016. Commissioner Nelms seconded and the vote was for unanimous approval.

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

COMMISSION POST 1

HARRY B. JOHNSTON

AMENDMENT *Validate the county manager's offer, if they choose to accept, for the downtown Canton Post Office to remain in the former county administration building rent-free after expiration of the current lease, except for utilities and direct maintenance expenses to avoid out-of-pocket cost to county taxpayers. The county reserves the right to cancel this arrangement with reasonable notice when the building is sold or a paying tenant wants the space.*

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

VICE CHAIR/COMMISSION POST 2

JIM HUBBARD

CONSENT AGENDA

- (1) Requesting approval of budget amendment/transfer from Insurance Recovery to Fire Operations Vehicle Maintenance of \$12,974.05 for repairs to Engine 21 involved in accident
- (2) **AMENDMENT** – Moved to County Manager’s portion
- (3) Request approval to award contract for concrete crushing services to Waste Eliminator in the amount of \$19,600.00

AMENDMENT – Approval of “48 Hour Film Project” location release agreement for follow-up documentary on “The Odd Life of Timothy Greene” of which a portion was filmed at the Arts Center earlier this year.

Vice Chair/Commissioner Hubbard made a motion to approve all items; Commissioner Johnston seconded and there was unanimous approval.

COUNTY MANAGER

- (4) Consider approval of Settlement and Release Agreement for the Belmont Trace subdivision between Cherokee County and A.C.A. Properties, LLC a/k/a ACA Properties LLC and Anthony Avarello for exchange of property, specifically Lots 102 and Lot 118, Belmont Trace Subdivision, Unit 2; for the discharge of ACA from any obligation regarding the Final Topping, the street curbs and the detention pond in the subdivision.

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

- (5) Consider modifications to Personnel Policies Manual – POSTPONE to June 21st **AMENDMENT**
- (6) Consider modifications to Landscape Maintenance Agreement with Tri-Scapes to add scope of services for Sixes Road ROW and Bells Ferry Road ROW maintenance in the amount of \$19,200 for a period of 1 year beginning June 1, 2011. Bridge Mill Community Association has agreed to pay costs up to \$20,000 for the landscape maintenance.

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

- (7) Approval of standard annual GDOT 2012 Section 5311 Operating Contract in the amount of \$463,464.00 for the CATS Rural 5311 Transportation Program

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

- (8) Cherokee County Fire and Emergency Services would like to establish an approved vendor list for service providers that will assist citizens after they have been affected by a disaster on/in their property; 1-800-BOARDUP and Red Cross will be the initial contacts. All charges will be billed to the homeowner's insurance.

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

AMENDMENT - Requesting approval to award surveying services to Johnston Surveying, LLC to provide boundary and topographical surveying services for the 4 Ball Ground Park sites and the Waleska County Park site in the amount of \$21,500

Vice Chair/Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded; Commissioner Johnston recused himself as this is his son's company and therefore he would not vote. Motion to approve passed 4-0.

COUNTY ATTORNEY

ADJOURN

After the Chairman asked if there was anything further to come before the Board, hearing none, Vice Chair/Commissioner Hubbard made the motion to adjourn at 7:00 p.m.; Commissioner Bosch seconded and there was unanimous approval.

These Minutes were approved at the regular meeting on June 21, 2011.