

MINUTES

Cherokee County Board of Commissioners

JULY 5, 2011

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:07 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

Only one amendment was added – Consideration of referendum on ballot for Sunday retail beer and wine sales. After the Chairman read the amendment, he asked for a motion. Commissioner Bosch made the motion to approve; Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

ANNOUNCEMENTS

Commissioner Bosch announced the Third Annual Memorial Ride for the Kevin Phillip Mahurin Motorcycle Awareness Foundation to take place on Saturday, July 9, 2011, with registration beginning at 9 a.m. at *K-otic Kustoms* 6406 Bells Ferry Road. The ride is to benefit motorcycle safety and recognition.

July is National Parks and Recreation Month

July is National Parks and Recreation Month and Cherokee County has some great leisure opportunities for you and your family! CRPA offers a wide range of athletic programs, summer camps or instructional programs. For more information, call CRPA @ 770-924-7768, visit our web site @ www.crpa.net or check out our new Facebook page!

With five weekends in July we encourage you to "Rock Your Park" and visit one of your parks each weekend. Play tennis, kick the ball around with your children, visit a playground, enjoy a nice walk on a walking trail or take your horse on a trail ride. For information on our entire park system, visit www.crpa.net.

APPROVAL OF WORK SESSION MINUTES FROM JUNE 21, 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 JUNE 21, 2011

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

PUBLIC COMMENT

One person had signed up, Mrs. Carolyn Cosby asked to speak again regarding the question as to whether to put on the ballot a referendum for the voters to decide on Sunday retail beer and wine sales and the amount of opposition against this.

AMENDMENT

Consideration of referendum on ballot for Sunday retail sales of beer and wine.

County Attorney Angie Davis asked for a motion to rescind the motion made on June 21 by Vice Chair/Commissioner Hubbard to postpone decision until July 19 and approved unanimously.

Vice Chair/Commissioner Hubbard made the motion to rescind his previous motion to postpone; Commissioner Nelms seconded and there was unanimous approval.

Vice Chair/Commissioner Hubbard then made a motion to put a referendum to ask the question for Sunday retail sales of beer and wine on November ballot, contingent on the Board of Education putting their SPLOST renewal on ballot; Commissioner Bosch seconded and the motion received unanimous approval.

PUBLIC HEARINGS

(1) First public hearing on Millage rate increase

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:24 p.m.; Commissioner Bosch seconded and the motion was unanimously approved.

Mr. Cooper gave a PowerPoint presentation explaining the need for an increase in the millage rate. There were 2 people signed up to speak. Chairman Ahrens called Robbie Wesley, who stated he is against any kind of tax increase.

Chairman Ahrens called Carolyn Cosby who said she was speaking on behalf of the Tea Party Patriots group and she wants to see a committee formed to help find ways to save more money and reduce government further and not increase taxes. No other speakers. Vice Chair/Commissioner Hubbard made the motion to close the public hearing at 6:40 p.m.; Commissioner Bosch seconded and the vote to close was unanimously approved. No action taken.

- (2) Request to consider a Modification of Zoning Condition #18 in Case No. 05-06-044-Province Development, Inc.

Vice Chair/Commissioner Hubbard made the motion to open the public hearing at 6:41 p.m.; Commissioner Bosch seconded and there was unanimous approval. Jeff Watkins explained request. The only speaker was, Mr. David Swales, who is with Province Development, the applicant. Mr. Swales gave their explanation of the request, saying they would be able to sell more units, if this were an option rather than mandatory. No other speakers. Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:46 p.m.; Commissioner Bosch seconded and the motion to close received unanimous approval.

Commissioner Bosch made a motion to grant the request to modify condition #18 and make elevators an option with the additional stipulation that each unit shall include preparation for the elevator base, correct dimensions for the elevator, as well as wiring, phone and power; Vice Chair/Commissioner Hubbard seconded and the vote was for unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

A. Consideration of one-time, incentivized, voluntary retirement plan

Chairman Ahrens said there was a fair amount of discussion on this subject at the Work Session, with some of the pros, the cons, the measurable and the unknowns. Questions as to how many might possibly take this option, what if any or many of those could remain open for a number of years, etc.

We will look for recommendations from Mr. Cooper and his staff, for the next meeting, on a department head/agency head initiated program that may have some of the same elements, such as how much separation would be eligible, what if any other benefits might be covered for any period of time.

B. Consideration of Board of Commissioners' post redistricting based on 2010 census [postponed from last meeting]

Chairman Ahrens began by saying that this item has to do with the voting posts in the County; over a 10 year period and based on the demographics and location of where people are, there has been significant changes resulting in a lot of work with GIS and using data from Elections as well. Part of the reason for doing this now is to get it to the State legislators because they are the ones who will ultimately decide. The board is hoping they can take it up during the summer session.

The Chairman continued stating we would like Mr. Woycke from GIS to put the final touches on, if he has the final census tracts and work within 2-3% margin of error to keep the spirit of what Commissioner Bosch and Commissioner Johnston have been working on, with input from Commissioner Nelms and Commissioner Hubbard. Commissioner Bosch said the only thing she would ask is they be allowed to review the finished product before sending it to the local delegation. Commissioner Bosch asked Commissioner Johnston if he would summarize the changes they had been working on.

Commissioner Johnston said they would move the southwest 3 precincts from Post 3 to Post 4, those being Kellogg, Bells & Oak Grove. The precincts that would move to Post 3 would be the remainder of Sutallee, which would be the majority, moving from Post 1 to Post 3; the remainder of Toonigh would move from Post 2 to Post 3. And that is the majority of the Toonigh precinct that would move. And a small portion of the Bascomb precinct, specifically the Wyngate neighborhood would move from Post 4 to Post 3. Those three precincts that were previously divided would no longer be divided.

In addition, moving to Post 3 would be approximately 60% of the Teasley precinct from Post 1, with an approximate dividing line being everything to the west of Butterworth Road. Precincts that would move to Post 2 would be the Lickskillet precinct would move from Post 4 and the remainder of the Woodstock precinct, which is actually the FBC precinct, would move from Post 4 to Post 2. That would no longer be a split precinct. Finally the remainder of the Free Home precinct would move from Post 2 to Post 1, so that would no longer be a split precinct. There will only be one split precinct, which is the Teasley precinct.

Commissioner Bosch then made a motion to accept the map labeled as JK1 contingent on Joe Woycke in GIS providing any additional figures or numbers and the changes as explained by Commissioner Johnston with final version, after review, to be forwarded to the local delegation for possible inclusion in summer session vote. Commissioner Nelms seconded and the vote was for 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**

CONSENT AGENDA

- (1) Approve Contribution Agreement between Cherokee County and USDA Natural Resources Conservation Services for FY2011. Agreement is effective through September 30, 2012. County will be reimbursed up to \$14,925 toward cost of Conservation Administration
- (2) Approval of CDBG Cooperation Agreement for 2012-2014 between Cherokee County and the City of Nelson
- (3) Approve budget amendment/transfer of purchase of services grant for Juvenile Court in the amount of \$5,000 to be used for psychological evaluations
- (4) Approve budget amendment/transfer for sale of assets at auction in the amount of \$51,340
- (5) Approve the renewal of existing IGAs (Intergovernmental Agreements) with the Cities of Ball Ground, Holly Springs and Woodstock to administer and conduct Special/Municipal Elections
- (6) Requesting board approval of GEMA-EMPG Grant 2011 for \$85,142.00; \$42,571.00 will be provided by GEMA with the 50% matching funds provided by local EMA funds already approved in 2011 budget
- (7) Requesting approval for a renewal/extension of existing HVAC maintenance contract with Carrier Commercial Services with a reduction in cost per year of \$11,700.

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

COUNTY MANAGER

- (8) Consideration and approval of Resolution to write-off uncollectable 2005 EMS balance of \$1,733,675.08

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

- (9) Consideration of the imposition of a .75 cents fee per transaction for prepaid wireless and adoption of Ordinance to allow E911 to collect the revenue from prepaid wireless providers to be used only for E911

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

- (10) Consideration and acceptance of of the 2012-2013 DHS (Department of Human Services) Annual Contract for funding of the 5310 program in the amount of \$206,636.; this provides transit services for the Elderly, Persons with Disabilities and other transit dependent clients

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

- (11) Consideration and approval of Business Plan and Budget for CCYB (Cherokee County Youth Basketball) for 2011-2012 season and as recommended by the CRPA Advisory Board

Commissioner Nelms made the motion to approve; Commissioner Johnston seconded and the motion was unanimously approved.

- (12) Consideration of request to submit list of eight (8) roadways for a total length of 13.96 miles in need of resurfacing to GDOT for funding under the 2012 LMIG (Local Maintenance and Improvement Grant)

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

- (13) Request approval to advertise and set a public hearing for August 2 to correct reference to Georgia code section in the Procurement Ordinance

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

COUNTY ATTORNEY

- (14) Requesting 21 day suspension of the Alcoholic Beverage License of Justa Bar located at 6380 Bells Ferry Road, to be followed by 12 month probation, for Alcoholic Beverage Ordinance violation (non-compliance) on May 13, 2011

Mrs. Davis asked Deputy Marshal Dwayne Casteel to come forward and present the charges. After doing so, Mrs. Davis asked if there was anyone in attendance who wished to speak on behalf of Just Bar. Mr. Brad Barnett came up and spoke.

Mr. Barnett said they hoped they have solved the problems and requested that the Board not follow the Marshal's recommendations. Commissioner Nelms made the motion to accept the Marshal's recommendation; Commissioner Johnston seconded. After discussion, Commissioner Nelms amended his motion to accept a 14 day suspension with 12 month probation; Commissioner Johnston agreed to amendment. The motion was approved 4-1 with Chairman Ahrens voting nay.

- (15) Requesting 30 day suspension of the Alcoholic Beverage License of Bells Ferry Texaco located at 5634 Bells Ferry Road, to be followed by 12 month probation, for selling alcoholic beverage to persons under age 21

Again, Mrs. Davis asked Deputy Marshal Casteel to come forward and after he spoke, asked if there was anyone there representing Bells Ferry Texaco. Mr. C.B. Blair came forward and asked to hand out a written apology to the Board. He also requested that the Board not follow the recommendations of the Marshal.

Commissioner Bosch made a motion to change the suspension to 21 days and 12 month probation; Commissioner Nelms seconded and there was unanimous approval.

- (16) Requesting 30 day suspension of the Alcoholic Beverage License of Balla Food Mart located at 6742 Bells Ferry Road, to be followed by 12 month probation, for selling alcoholic beverage to person under age 21

Mrs. Davis asked Deputy Marshal Casteel to come forward; then asked if there was anyone representing Balla Food Mart. Mr. Tom Roach stated he was the attorney representing Balla Food Mart and said that pro-active steps had been taken since the incident.

Commissioner Nelms made a motion to change the suspension to 14 days and 6 months probation, to be effective midnight tonight; 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 the motion to adjourn at 8:19 p.m.; Commissioner Bosch seconded and the vote was for unanimous approval.

These Minutes were approved at the regular meeting on July 19, 2011.