

# MINUTES

## Cherokee County Board of Commissioners

SEPTEMBER 6, 2011 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

### CALL TO ORDER

### CHAIRMAN AHRENS

Chairman Ahrens called the 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 Christy Black. 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"*

The Chairman announced that Sheila Corbin had retired on September 2 and Christy Black has been appointed as County Clerk in addition to her current administrative role.

### PROCLAMATION:

To proclaim the week of September 11<sup>th</sup> to the 18<sup>th</sup> as **Firefighter Appreciation Week**.

The Chairman read the proclamation and then presented it to Chief Prather and Chief Robinson.

### AMENDMENTS TO AGENDA

Added item under County Manager's Section:

Requesting acceptance for early use of Soccer Complex by the Cherokee Soccer Association for each field as they become available

Added under Chairman Ahrens' Section:

Consideration of a Memorandum of Agreement with the City of Canton.

Vice Chair/Commissioner Hubbard made a motion to approve the amendments; Commissioner Johnston seconded and the motion was approved unanimously.

### ANNOUNCEMENTS

1. The Georgia Department of Transportation announces that Water Tank Road will be closed to through traffic at the western intersection with SR 20 from September 5 to October 20, 2011, for intersection reconstruction and realignment associated with the SR 20 improvement project. Questions

regarding the detour should be directed to the Georgia Department of Transportation at 770-387-3680.

2. Cherokee County Roads and Bridges Department announces that Ellenwood Drive will be closed between Valley Wood Court down to the cul-de-sac from Monday, August 29 until repairs are complete. Questions pertaining to the road closure should be directed to Roads and Bridges at 770-345-5842.

Geoff Morton stated that the work was complete.

3. Cherokee County Public Safety cordially invites the public to the "***Patriot Day Remembrance***" to join leaders from Cherokee County Sheriff's office, County Commissioners, County Fire and Emergency Services in remembrance of those who gave the ultimate sacrifice on the 10<sup>th</sup> anniversary of the tragic events of September 11, 2001. The ceremony will take place on Monday, September 12 beginning at 8:30 a.m. at the Public Safety Memorial in downtown Canton.
4. **Electronics Recycling Day is coming!** On Saturday, October 29, 2011 from 9 a.m. to 1 p.m. at the Cherokee County Administration Building located at 1130 Bluffs Parkway. This event is made possible by Cherokee County, RecycleTronics, and Waste Management. For more information, please call (404) 394-9601.
5. There will be a Public Meeting for information pertaining to HB277-Transportation Investment Act of 2010 on Monday, September 19 beginning at 6 p.m. with the Cherokee representatives of the ARC Roundtable in Cherokee Hall.

#### **APPROVAL OF WORK SESSION MINUTES FROM AUGUST 16, 2011**

Postponed until September 20 meeting

#### **APPROVAL OF REGULAR MEETING MINUTES FROM AUGUST 16, 2011**

Postponed until September 20 meeting

#### **PUBLIC COMMENT**

One person had signed up. Mr. Joe Robert wanted to speak about a tax payment/tax commissioner issue.

Carolyn Cosby had not signed up but requested to be allowed to make a comment. She made the suggestion that public comment be allowed during the regular meetings on agenda items. Angie Davis said that if public comment were allowed, that every agenda item could potentially become a public hearing, so it could not be allowed.

## **PUBLIC HEARING**

1. In accordance with Section 12-8-24(e) of the Georgia comprehensive Solid Waste Management Act, as amended, the Cherokee County Board of Commissioners will hold a public hearing regarding the issuance of a permit for the proposed Cherokee C&D Landfill Expansion located at 6285 Ball Ground Highway, Ball Ground, Georgia 30107.

No one had signed up to speak. Vice Chair/Commissioner Hubbard motioned to approve; Commissioner Bosch seconded and the motion was approved unanimously.

2. Consideration of the abandonment of a portion of Old Avery Circle in Land Lots 306 and 307 of the 14<sup>th</sup> District, 2<sup>nd</sup> Section on Cherokee County and the determination that said portion of road be abandoned has ceased to be used by the public.

Debbie Stewart had signed up to speak accidentally and chose not to speak. No one else had signed up to speak. As Post Commissioner, Jim Hubbard made a motion to approve; Commissioner Johnston seconded and the motion was approved unanimously.

3. To consider changes to the Building Permit Fee Schedule. Copies of the proposed revisions are on file for review in the Planning and Land Use Department.

No one had signed up to speak. Margaret Stallings gave a presentation outlining the need to request increased fees. Vice Chair/Commissioner Hubbard made a motion to approve; Commissioner Bosch seconded and the motion was approved unanimously.

4. To consider a resolution transmitting the 2011 annual update of the Capital Improvement Element (CIE) and Short Term Work Plan (STWP) to the Atlanta Regional Commission for regional review pursuant to the Georgia Planning Act of 1989.

No one had signed up to speak. Vice Chair/Commissioner Hubbard made the motion to close the public hearing; Commissioner Johnston seconded and the public hearing was closed.

**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

- A. Recommendations for appointment for the Cherokee County Board of Ethics

Appointed Julie Cullins to serve the remaining term of Terry Green which expires January 2017.

The Chairman made a couple of comments regarding the The Board of Ethics Ordinance:

- 1) Consideration to update by expanding the scope of violations.
- 2) Consideration to update terminology to specifically state that all boards and committees are subject to the ordinance.

- B. Amendment: Per discussion in Work Session, Chairman Ahrens said he would like to talk about the Memorandum of Agreement (M.O.A.) with the City of Canton for the purpose of moving forward with the completion of Commerce Parkway between Hwy. 20 and Hwy 140 at Exit 19. He told the board that they did not have to act on this since it was just brought before them. The M.O.A. will allow County Engineer, Geoff Morton, the ability to be a 'key driver' in the project for permitting, and for the technical side. Vice Chair/Commissioner Hubbard commented that he is prepared to support the M.O.A. tonight. Commissioner Bosch commented that she would have liked more time to absorb the information but that she would support it.

Commissioner Johnston made the motion to approve; Vice Chair/Commissioner Hubbard seconded and the motion was approved unanimously.

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**VICE CHAIR/COMMISSION POST 2**

**JIM HUBBARD**

**COMMISSION POST 3**

**KAREN BOSCH**

**COMMISSION POST 4**

**JASON NELMS**

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**CONSENT AGENDA**

- 1. Request to donate surplus property (15 cell phones), no longer needed by the Marshal's Office to Cherokee Family Violence Center.

2. Request to donate surplus property of 4 micro-chip scanners to Pickens County Animal Shelter.
3. Consideration to approve a request from the Georgia DOT to add the relocated portions of White Road and Mt. Carmel Church Lane to the State Route System during the construction of SR 20 and SR 108/Upper Sweetwater Trail intersection.
4. Consideration to approve Settlement and Release agreement for the Bridle Ridge subdivision.

Commissioner Bosch made the motion to approve Consent Agenda; Commissioner Nelms seconded and the motion was unanimously approved.

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## **COUNTY MANAGER**

5. Requesting approval for reimbursement of \$160,000 plus closing costs to the City of Woodstock for the purchase of property along the proposed Woodstock Trails, Downtown Spur.

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

6. Requesting approval to grant a twenty foot easement and perpetual right of way to Cherokee County Water and Sewerage Authority for and over the water lines running within the Soccer Complex at Blalock Road.

Commissioner Nelms made the motion to approve; Commissioner Johnston seconded and the motion received unanimous approval.

7. Requesting approval of the Aquatic Center business plan as was presented to the Parks and Recreation Advisory Board and approved and recommended to the Board of Commissioners on August 8, 2011.

Commissioner Johnston made a motion to approve; Commissioner Bosch seconded and the motion received unanimous approval.

8. Requesting approval of the release of the Aquatic Center design and engineering documents for competitive bidding to the shortlisted and prequalified general and pool and mechanical contractors.

Mr. Cooper suggested they vote to postpone a decision for two weeks to give them time to decide what projects to move forward on to avoid exceeding the remaining parks bond funds thus having to raise the parks bond millage rate.

Vice Chair/Commissioner Hubbard made the motion to approve postponing the request until September 20; Commissioner Johnston seconded and the motion received unanimous approval.

9. Requesting approval to award a construction contract with CW Mathews for the two entrances into East Park off of Hwy 20 and Jack Page Lane in amount not to exceed \$325,000.

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

10. Request to set a Public Hearing on Tuesday, October 4, 2011 to consider repealing and replacing the current "Amusement Activities" ordinance under the Code of Ordinances at Chapter 18, Businesses, Article III Specially Licensed Businesses, Division 3 Amusement Activities, specifically Section 18-141 through 18-145.

Commissioner Bosch made the motion to approve; Commissioner Nelms seconded and the motion received unanimous approval.

11. Increase Roads and Bridges Budget for FEMA funds received in the amount of \$6,972.44.

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

12. Requesting approval to award liability insurance services to One Beacon, through Insurance Offices of America (IOA), as the County's independent insurance agent for a total annual premium of \$638,345.

Commissioner Bosch made a motion to approve; Commissioner Nelms seconded and the motion received unanimous approval.

13. Requesting approval of easement (Smithwick Creek Property) to Atlanta Gas Light contingent upon County Attorney review and approval of easement documents.

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

14. Requesting approval of Victims of Crime Act (VOCA) Grant in the amount of \$87,397 with a \$21,850 match, for a total of \$109,247.

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

15. Requesting approval of Professional Services Agreement with Atlanta Heritage Tour Company for Parks and Recreation's Silver Roamers Senior Trip.

Commission Johnston made a motion to approve; Commissioner Nelms seconded and the motion received unanimous approval.

## **AMENDMENT**

Requesting acceptance for early use of Soccer Complex by the Cherokee Soccer Association for each field as they become available.

Vice Chair/Commissioner Hubbard made a motion to approve; Commissioner Johnston seconded. Commissioner Bosch did not approve of the motion due to the process of going before the Parks and Recreation Advisory Board not being followed. The motion was approved 4-1.

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## **COUNTY ATTORNEY**

16. Request to set a Public Hearing for October 4, 2011 for the Pain Clinic Ordinance.

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

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**ADJOURN**

When the Chairman asked if there was any further business, hearing none, Vice Chair/Commissioner Hubbard made the motion to adjourn at 7:20 p.m.; Commissioner Nelms seconded and the motion received unanimous approval.

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