

MINUTES

Cherokee County Board of Commissioners

October 4, 2011

REGULAR MEETING CHEROKEE HALL 6:00 P.M.

INVOCATION

Lynn Eynmon gave the invocation.

CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting to order at 6:08 p.m. Those present included 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"

AMENDMENTS TO AGENDA:

1. Requesting to add a proclamation for Red Ribbon Week on October 23 – 31, 2011.
2. Adding the announcement of early voting.
3. Requesting to add the notice of annexation from the City of Canton.

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

PROCLAMATIONS:

1. Proclaiming Wednesday, October 12, 2011 as Fellowship of Christian Athletes Day on the occasion of their 2nd Annual Fields of Faith event.

The Chairman read the proclamation and presented it a member of FCA who then invited everyone to attend the Fields of Faith event at Cherokee High School's Tommy Baker Field on October 12 at 7:00 p.m.

2. Proclaiming the week of October 23 – 31, 2011 as Red Ribbon Week in support of the efforts against the use of illicit drugs.

The Chairman read the proclamation and presented it to two members of the Youth Marine Corp League, Gage and Athan Bennett.

ANNOUNCEMENTS

1. Old Mill Road between SR20 and Arbor Hill Road will be closed to through traffic for reconstruction from Monday 10/10/11 at 8am - Friday 10/21/11 at 5pm. RESIDENTS ONLY WILL BE ALLOWED IN CONSTRUCTION AREA
There will be a posted detour. Questions regarding the road closure should be directed to the Roads & Bridges Department at 770-345-5842.
2. North Georgia Health District's Drive-by flu clinic for Cherokee County is on Friday, October 7 from 9:00 a.m. to 5:00 p.m. at the Northside-Cherokee Conference Center at Bluffs Parkway. The cost is \$20 for the regular flu shot and \$52 for the high-dose vaccine. More information can be found at www.nghd.org. "The best protection against influenza is a flu shot".
3. Cherokee Friends of Recovery is hosting their 2nd annual 5K fun run (Twilight Run F.O.R. Cherokee) at Hobgood Park on Saturday, October 29 at 8:00 p.m. The event is to promote public awareness of the DUI/Drug Treatment Court which helps rehabilitate habitual drunk drivers. Proceeds to benefit Cherokee Friends of Recovery Foundation, Inc.
4. 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.
5. 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.

6. AMENDED: Early Voting for November 8, 2011 Election

Early voting for Cherokee County residents will begin on October 17 through November 4 from 8:30 a.m. to 5:00 p.m. at the Cherokee County Elections Office located at 400 E. Main Street in Canton; Woodstock Library at 7735 Main Street early voting will begin October 31 through November 4, 8:30 a.m. to 5:00 p.m.

APPROVAL OF WORK SESSION MINUTES FROM September, 2011.

Vice Chair/Commissioner Hubbard made a motion to approve the Work Session minutes; Commissioner Bosch seconded and the motion was approved unanimously.

APPROVAL OF REGULAR MEETING MINUTES FROM September 20, 2011.

Commissioner Bosch made a motion to approve the minutes; Commissioner Nelms seconded and the motion was approved unanimously.

PUBLIC COMMENT

Four people signed up to speak:

1. Conrad Quagliaroli spoke against building the Aquatic Center. He said he does not feel that it will be used by any more than 5% of citizens and that we don't really need it. He also said he felt the TSPLOST should be scrapped because it is basically sending money to Atlanta.

Chairman Ahrens clarified that the penny SPLOST will generate \$280 Million over the 10 years and Cherokee County will receive \$270 Million, a 96% return.

Commissioner Bosch commented on the projected use of the Aquatic Center, saying that Blanket's Creek right down the road gets 10,000 visitors a month.

2. Cynthia Miller spoke against the Aquatic Center due to the state of the economy.
3. Lawrence Mrozinski spoke against the Aquatic Center asking the Board to forestall this expenditure due to the economy.
4. Larry Smith spoke against the Aquatic Center. He said the people of this county have already experienced tax increases so he would like the Board to Consider putting off the project at this time.

PUBLIC HEARING

1. To consider an ordinance by The Board of Commissioners of Cherokee County to amend Chapter 18 regarding Businesses, so as to require Pain Management Clinic Occupation Tax Certificate; to repeal conflicting provisions; to provide for an effective date; and for other purposes.

Vice Chair/Commissioner Hubbard made a motion to open the public hearing at 6:30 p.m.; Commissioner Johnston seconded and there was unanimous approval.

Angie Davis gave a summary of the Pain Clinic Ordinance and went over the latest draft ordinance. She said that due to the state law against regulating the clinics, the only way to monitor the clinics somewhat was by requesting additional information be submitted during Tax Occupation Certificate process. The additional information would include identifying clearly who the license is being issued to.

No one had signed up to speak. Vice Chair/Commissioner Hubbard made a motion to close the public hearing at 6:43 p.m., Commissioner Johnston seconded and there was unanimous approval.

Commissioner Johnston made a motion to adopt the ordinance with the comment that it wasn't much, but under state law that was all they could do, Commissioner Nelms seconded. There was unanimous approval.

2. To Consider repealing and replacing current Amusement Activities ordinance Chapter 18, Businesses, Article III Specially Licensed Businesses, Division 3 Amusement Activities, specifically Section 18-141 through 18-145.

Vice Chair/Commissioner Hubbard made the motion to open the Public Hearing at 6:45 p.m., Commissioner Nelms seconded and there was unanimous approval.

Jeff Watkins made a presentation explaining the need to repeal the current Amusement Activity Ordinance to include more types of events. He said that the current process has no consistency and customers will show up at different departments to start the approval process. If the new ordinance is approved, all applicants will come to the Development Services Center and through the approval workflow, all departments will receive notification of the event in a more timely manner. The permit fee is \$50.

No one had signed up to speak. Commissioner Bosch made a motion to close the public hearing, Commissioner Nelms seconded and there was unanimous approval.

Commissioner Bosch made a motion to approve, Commissioner Nelms seconded and there was unanimous approval.

COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

- A. Misti Martin, Chair of Georgia Economic Developers Association (GEDA)

The Chairman recognized Misti Martin for being elected as Vice Chair to the Georgia Economic Development Association.

He also recognized Misti Martin for being on this month’s cover of Georgia Trend Magazine, Georgia’s Best 40 under 40.

He added that both of these accomplishments are another example of Cherokee County’s Unique Selling Points.

- B. Airport Authority wins Airport Project of Year from Georgia Airports Association.

The Chairman said that he attended Airport Runway Extension Ribbon Cutting ceremony the night before and that there was a terrific turn out for the event. He said that the day before the ribbon cutting, Georgia Airports Association announced that the Airport Authority was awarded Airport Project of Year. He stated that this was excellent recognition for Cherokee County and another example of Cherokee County’s Unique Selling Points.

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. Request to ratify County Manager approval/execution of contract with FlexCorp in the amount of \$17,628. Five bids were received ranging from \$17,628 to \$26,841.

2. Requesting approval of Transportation Enhancement Memorandum of Understanding between Cherokee County and Georgia DOT for SR 92 and Robin Road Enhancement Project.

Commissioner Bosch made a motion to approve the consent agenda. Vice Chair/Commissioner Hubbard seconded and there was unanimous approval.

COUNTY MANAGER

3. Requesting that the Board accept and approve proposal from NOVA Engineering and Environmental, dated August 12, 2011 to provide testing services for the Aquatic Center project.

Jerry Cooper reviewed the details of the proposal from NOVA for testing work to do be done for the Aquatic Center. He explained that the proposal was contingent upon a future contract for construction of the Aquatic Center.

Commissioner Bosch made a motion to approve, Commissioner Johnston seconded and there was unanimous approval.

4. Request to set public hearing for November 1 under 47 U.S.C. §546 (a) preserving our rights to formal negotiations under federal and state law in the event that no agreement can be reached through informal negotiations with Comcast. The public hearing will afford the public in the franchise area appropriate notice and participation for the purpose of (a) identifying the future cable-related community needs and interests, and (b) reviewing the performance of the cable operator under the franchise during the then current franchise term.

Mr. Cooper said that in negotiating the renewal of the franchise agreement with Comcast Cable, there are a couple of items he would like to see worked out such as cable services being provided to County buildings, particularly Public Safety. He said that he would get a draft out the next day with the details.

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

5. Requesting approval of Benefits Committee Recommendations regarding modifications to the healthcare plan, Including: 1) Adoption of CHN Wellness Program and increase employee deductible from \$500 to \$750. 2) Non-participants in Wellness Program pay \$100 / pay period, and 3) Tobacco use surcharge of \$20 / pay period.

Mr. Cooper summarized the lengthy discussion held during the Work Session

regarding the Health Care Plan. He requested approval to adopt the CHN Wellness Program, an increase in deductible from \$500 to \$750, the non-Participant surcharge of \$100 per pay period, and the tobacco use surcharge of \$20 per pay period as recommended by the Benefits Committee.

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

COUNTY ATTORNEY

AMENDMENT: City of Canton Annexation

Angie Davis said that her office received a notice of annexation from the City of Canton the day before. She said that since the response deadline would pass before the next meeting date, it needed to be discussed tonight. She said that she'd like to call to the Board's attention that the property was donated to the city for the purpose of building a park and to give a tax credit to the seller. She said at one point there was supposed to have been a gas station going in. She is waiting on verification on that discrepancy in purpose.

Commissioner Johnston stated that the property is within the Growth Boundary so he feels that they need to honor the agreement, even if the purpose is for a gas station. He did say that he would like to see the results of the discrepancy in writing but that likely they would still approve.

Commissioner Bosch asked had anyone heard of a park going in there. Commissioner Johnston stated that he heard there was possibly a baseball field planned.

Chairman Ahrens said that at the Canton City Council meeting, they spoke about the property being a donation more than anything.

Commissioner Johnston made motion to take no action, Vice Chair/Commissioner Hubbard seconded. There was unanimous approval to take no action.

ADJOURN

The Chairman asked if there was any further business. Hearing none, Vice Chair/Vice Chair/Commissioner Hubbard made the motion to adjourn at 7:07 p.m.; Commissioner Bosch seconded and the motion received unanimous approval.