

SUMMARY

Cherokee County Board of Commissioners

NOVEMBER 3, 2009 REGULAR MEETING CHEROKEE HALL 6:00 P.M.

CALL TO ORDER

CHAIRMAN

Chair called at 6:16 p.m. All members present.

PLEDGE OF ALLEGIANCE

CHAIRMAN

"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

Five amendments to the agenda: (1) Under Commissioner Bosch – add Request for temporary road closure of Ridge Road between Sixes Road and Bells Ferry Road for the "Back to Bethlehem" program at Hopewell Baptist Church, for December 5-13th from 6 pm until 10 pm; (2) Under Announcements – add Notification by North Georgia Health District, late Monday afternoon, of the receipt of 4100 doses of H1N1 Injectable Vaccine; (3) Under Announcements – add Results of Electronics Recycling on Saturday, October 24 here at the Administrative Building; (4) Under Announcements – add Recognition of CRPA's Superintendent of Operations Michael Brantley; (5) Under Announcements – add Commissioner Johnston announcing a second Town Hall meeting.

Hubbard motion to approve; Bosch second; unanimous approval.

ANNOUNCEMENTS

Notification received from DCA regarding "Approved Status" of "**Opportunity Zone**" in SW Cherokee County-**Chairman**

Garland Mountain Horse & Hiking Trails will have a "soft" opening on Saturday, November 21 around noon-**Chairman**

Notification by North Georgia Health District, late Monday afternoon, of the receipt of 4100 doses of H1N1 Injectable Vaccine-**AMENDMENT**

Recognition of Michael Brantley, CRPA Superintendent of Operations, being named 2009 Georgia Recreation & Parks Association District 5 Distinguished Professional of the Year for 2009 – **AMENDMENT**

Results of Electronics Recycling on Saturday, October 24 here at the Administrative Building-**AMENDMENT**

Commissioner Johnston announcing a second Town Hall meeting-**AMENDMENT**

APPROVAL OF WORK SESSION MINUTES FROM OCTOBER 20, 2009

Bosch motion to approve; Hubbard second; unanimous approval.

APPROVAL OF REGULAR MEETING MINUTES FROM OCTOBER 20, 2009

Bosch motion to approve; Hubbard second; unanimous approval.

PUBLIC COMMENT None.

PUBLIC HEARING

Consideration of request by Byron Kizer to modify a condition of zoning on Case No. 02-09-029 (Eric Ratner) **Vicki Taylor Lee**

Hubbard motion to open the public hearing at 6:27 p.m.; Bosch second; unanimous approval. Lee explained request; Kizer spoke; no other speakers. Bosch motion to close public hearing at 6:34 p.m.; Hubbard second; unanimous approval.

Bosch motion to deny request for removal of NC uses; Good second; unanimous approval.

REQUESTS

- (1) Request to set a public hearing on December 1, 2009 to consider removal of the condition on Case No. 92-07-054, Bank of Canton, which stipulates for bank use only. Request is from potential purchaser Connelly Realty-**Vicki Taylor Lee**

Hubbard motion to approve; Good second; unanimous approval.

- (2) Request to set a public hearing on December 1, 2009 to consider the adoption of an application and fee schedule for requests for modifications and waivers of conditions of zoning-**Vicki Taylor Lee**

Bosch motion to approve; Good second; unanimous approval.

- (3) Request to set a public hearing on December 1, 2009 to consider the adoption of a fee schedule for requests for Zoning Certifications-**Vicki Taylor Lee**

Bosch motion to approve; Hubbard second; unanimous approval.

OLD BUSINESS-ZONINGS FROM OCTOBER 20, 2009

CASE NUMBER : **09-09-015**
APPLICANT : Crim Development, Inc.
ZONING CHANGE : R-40 to GC
LOCATION : 2475 and 2559 Cumming Hwy
MAP & PARCEL NUMBER : 14N23A, Parcel 015 & 016
ACRES : 4.54
PROPOSED DEVELOPMENT : Retail Development
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Suburban Growth/Neighborhood Village Node

PLANNING COMMISSION RECOMMENDATION: Approval to NC with conditions:

1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy. 20 frontage.
2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy. 20 frontage, immediately adjacent to the curb described in Condition #1 above.
3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy. 20 frontage immediately adjacent to the grass strip described in Condition #2 above.
4. Development of the property shall include a minimum 10-foot wide landscape strip along the length of the Ga. Hwy. 20 frontage, immediately adjacent to the sidewalk described in Condition #3 above. The landscape strip described in this condition shall contain the following:
 - a. Sugar Maple trees (either "Legacy" or "Green Mountain" variety) with a minimum caliper of 3" at a point 6" above ground level and minimum height of 14 feet, planted not less than every 65' along the length of the Ga. Hwy. 20 frontage.
 - b. Not less than 2 understory trees from the list attached as "Exhibit "A" for each tree required in (a) above.
 - c. Not less than 30% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".
5. In addition to the County's existing sign regulations, signage on the property shall comply with the following (where there is a conflict between this condition and the County's Zoning Regulations, the more restrictive provision shall apply):
 - a. Any freestanding sign shall be monument style with an 18"-24" brick base (or a reasonably similar alternative material approved by the Zoning Administrator).
 - b. The total height of any freestanding sign (including the base) shall not exceed 5 feet, if the sign is less than 10 feet from the right-of-way of Hwy. 20.

- c. The total height of any freestanding sign (including the base) shall not exceed 8 feet, if the sign is at least 10 feet from the right-of-way of Hwy. 20.
- d. The maximum sign area of any freestanding sign shall be 32 square feet per face.
- e. No freestanding sign shall have more than two faces.
- f. All signs on the property shall be interior illuminated.
- g. No changeable copy boards shall be allowed.

Johnston motion to approve as recommended with the addition of 2 conditions shown as (6) Required buffer to be undisturbed except for clean-up of kudzu and undesirable brush, and the planting of additional vegetation where needed to establish an effective visual screen; and (7) An eight (8) foot wooden privacy fence located at or inside the inner edge of the required buffer along the Brooke Park residential development. Hubbard seconded; unanimous approval.

CASE NUMBER : 09-09-016
APPLICANT : Crim Development, Inc.
ZONING CHANGE : R-40 to GC
LOCATION : 2333 Cumming Hwy
MAP & PARCEL NUMBER : 14N23A, Parcel 017
ACRES : 9.01
PROPOSED DEVELOPMENT : Retail Development
COMMISSION DISTRICT : Post 1
FUTURE DEVELOPMENT MAP : Suburban Growth/Transition Corridor
PLANNING COMMISSION RECOMMENDATION: Approval to NC with conditions:

- 1. Development of the property shall include a 30" curb and gutter to current Georgia Department of Transportation standard along the Ga. Hwy. 20 frontage.
- 2. Development of the property shall include a minimum 4-foot wide grass-strip along the length of the Ga. Hwy. 20 frontage, immediately adjacent to the curb described in Condition #1 above.
- 3. Development of the property shall include a minimum 6-foot wide concrete sidewalk with 20 foot on center expansion joints along the length of the Ga. Hwy. 20 frontage immediately adjacent to the grass strip described in Condition #2 above.
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- b. Not less than 2 understory trees from the list attached as "Exhibit "A" for each tree required in (a) above.
 - c. Not less than 30% ground coverage utilizing shrubs from the list attached hereto as Exhibit "A".
5. In addition to the County's existing sign regulations, signage on the property shall comply with the following (where there is a conflict between this condition and the County's Zoning Regulations, the more restrictive provision shall apply):
- a. Any freestanding sign shall be monument style with an 18"-24" brick base (or a reasonably similar alternative material approved by the Zoning Administrator).
 - b. The total height of any freestanding sign (including the base) shall not exceed 5 feet, if the sign is less than 10 feet from the right-of-way of Hwy. 20.
 - c. The total height of any freestanding sign (including the base) shall not exceed 8 feet, if the sign is at least 10 feet from the right-of-way of Hwy. 20.
 - d. The maximum sign area of any freestanding sign shall be 32 square feet per face.
 - e. No freestanding sign shall have more than two faces.
 - f. All signs on the property shall be interior illuminated.
 - g. No changeable copy boards shall be allowed.

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COMMISSION BUSINESS

CHAIRMAN

L. B. AHRENS

Airport Authority appointment to replace Bob Davis (status)

Hubbard motion to postpone action to November 17; Good second; unanimous approval.

ARC Volunteer Program – part of the Aging Services Committee

COMMISSION POST 1

HARRY B. JOHNSTON

Discussion of Park Bond Program Budget and Priorities - Recreation Advisory Board Recommendation

COMMISSION POST 2

JIM HUBBARD

COMMISSION POST 3

KAREN BOSCH

Amendment to National Sign Plazas Agreement for Kiosk Signage

Bosch motion to approve amendment to include directional business signs; Good second; unanimous approval.

Discussion of Caterer Policy for the Conference Center

Bosch motion to approve amendments; Good second; unanimous approval.

Discussion of accommodations for Food Lion, Bells Ferry Road - remove until further information received

*Request for temporary road closure of Ridge Road between Sixes Road and Bells Ferry Road for the "Back to Bethlehem" program at Hopewell Baptist Church, for December 5-13th from 6 pm until 10 pm – **AMENDMENT***

Bosch motion to approve; Good second; unanimous approval.

VICE CHAIR/COMMISSION POST 4

DEREK V. GOOD

CONSENT AGENDA

1. Acceptance of rights-of-way, roadways and appurtenant drainage structures within **Heritage Plantation on the Etowah** subdivision for County maintenance, including all or part of: Heritage Plantation Drive, Heritage Creek Trail and Cain Creek Overlook
2. Request approval of 2010 CDBG Annual Action Plan for submission to the U.S. Department of Housing and Urban Development
3. Request approval for the renewal of Inmate Commissary Services from Southern Sheriff's Supply for Cherokee County Sheriff's Office Adult Detention Center
4. Consideration and approval of an Encroachment Agreement with the Development Authority of Cherokee County to allow the modification of an

entrance monument and landscaping in the Airport Industrial Drive right-of-way

5. Consideration and approval of Local Aid Agreement between Cherokee County and the Georgia Department of Transportation for the 2010 LARP Resurfacing of various County roads
6. Consider renewal of Drug and Alcohol Testing Policy; identification of certified lab-Qualysis
7. Consider renewal of lease between Cherokee County and Revolution Church for a period of one year for \$4,000/month

Hubbard motion to approve; Good second; unanimous approval.

COUNTY MANAGER

8. Request approval of 2010 GDOT 5311 Rural Transportation ARRA Capital Contract in the amount of \$301,500. No match required

Hubbard motion to approve; Johnston second; approved 4-1 with Good voting nay.

9. Approval and award of bid and contract with Consolidated Telecom of Dallas, Texas for the provision of telephone service and equipment for use by the inmates of the Cherokee County Sheriff's Office Adult Detention Center

Hubbard motion to approve; Good second; unanimous approval.

10. Consideration and approval of a proposal from F.E. Sims Enterprises, Inc. for the installation of an additional sediment pond and erosion control devices at the Cherokee County Soccer Complex for \$34,130

Bosch motion to approve; Hubbard second; unanimous approval.

11. Consider approval of Blue Cross Blue Shield (BCBS) Administrative Services Agreement for Cherokee County Inmate Program at Adult Detention Center

Hubbard motion to approve; Bosch second; unanimous approval.

12. Consideration and approval of agreement with ABUCK, Inc. for Station 3 repairs/improvements for a total of \$21,898

Hubbard motion to approve; Bosch second; unanimous approval.

12a. Consideration and approval of proposal from Atlas Environmental Services, LLC for asbestos abatement and mold clearance at Fire Station 3; in addition, request approval to issue purchase order in the initial amount of \$2,500; request authorization to increase the amount, (not to exceed budgeted amount) if warranted

Hubbard motion to approve; Good second; unanimous approval.

COUNTY ATTORNEY

ADJOURN

Hubbard motion to adjourn at 7:21 p.m.; Bosch second; unanimous approval.

The Planning Commission meeting has been cancelled for November 3, 2009.