

# MINUTES

## Cherokee County Board of Commissioners

NOVEMBER 17, 2009

REGULAR MEETING

6:00 P.M.

### CALL TO ORDER

CHAIRMAN AHRENS

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:15 p.m. on Tuesday, November 17, 2009. Those in attendance were Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Bosch; Vice Chair/Commissioner Derek V. Good; County Manager Jerry Cooper; County Attorney Angie Davis; County Clerk Sheila R. Corbin; 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

There were five amendments to the agenda. (1) Under County Manager – add Consideration and approval of the retention of the Fully Insured Medical Plan-Development Authority and Grant position. (2) Under Announcements - add Recognition of Joint Initiative of the Development Authority and Chamber of Commerce “Global Entrepreneurship” to raise communication and awareness in the community of the opportunities in Cherokee County. (3) Under Announcements – add Reminder that victims of the September floods only have until Monday, November 23<sup>rd</sup> at midnight to apply for assistance from FEMA. (4) Recognize 2<sup>nd</sup> award given to Parks and Recreation for innovation and implementation of the “Lineman” program by the Georgia Association of Parks and Recreation. Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval. County Attorney Davis reminded the Chairman of another amendment. (5) Move item 14 under County Attorney to after Public Hearing. Commissioner Hubbard made a motion to approve; Vice Chair/Commissioner Good seconded and there was unanimous approval again.

### ANNOUNCEMENTS

*Commissioner Jim Hubbard recently completed 48 hours (taking 5 required courses and 3 electives) of required training to become a certified County Commissioner through the Association County Commissioners and the Carl Vinson Institute of Government at UGA. In a press release from the Executive Director ACCG, Jerry Griffin said “We are extremely proud of these graduates, who committed the time to complete these training programs and expand their knowledge in many key areas of local government operations.” The five required courses include County Government Law/Personal Liability, Economic Development, Financial Management I, Fundamentals of Property Appraisal and Taxation, and Personnel/Human Resources.*

*Recognition of Joint Initiative of the Development Authority and Chamber of Commerce "Global Entrepreneurship" to raise communication and awareness in the community of the opportunities in Cherokee County. AMENDMENT*

*Reminder that victims of the September floods only have until Monday, November 23<sup>rd</sup> at midnight to apply for assistance from FEMA. AMENDMENT*

*Recognize 2<sup>nd</sup> award given to Parks and Recreation for innovation and implementation of the "Lineman" program by the Georgia Association of Parks and Recreation. AMENDMENT*

#### **APPROVAL OF WORK SESSION MINUTES FROM NOVEMBER 3, 2009**

Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and the result was for unanimous approval.

#### **APPROVAL OF REGULAR MEETING MINUTES FROM NOVEMBER 3, 2009**

Commissioner Bosch made a motion to approve; both Commissioners Hubbard and Good seconded and the vote was for unanimous approval.

#### **PUBLIC COMMENT**

All five signed for Public Comment wanted to speak about the problems they had with Sanders Kennel (which is a "show cause" hearing on the agenda) the Chairman explained that it is at the discretion of the Board when an item is on the agenda as to whether they would be allowed to speak and said that the Board had decided to allow them to be heard. Mr. Tommy Evans, Mr. Michael Johnson, Mr. Dennis Miller, Mrs. Rhonda Newberg and Mrs. Barbara Hicks, who were all adjacent property owners of Mr. Noah Sanders said that the dogs were continually barking, that they were large dogs who were being trained as attack or guard dogs and they hoped something would finally be done about the problem.

#### **PUBLIC HEARING**

To consider the implementation of a minimum acreage standard for new applications seeking current use valuation and taxation of bona fide conservation use property and bona fide residential transitional property beginning January 1, 2010

Commissioner Hubbard made the motion to open the public hearing at 6:34 p.m.; Commissioner Johnston seconded and the vote was unanimous to open. Commissioner Hubbard explained the reasoning behind the consideration at the request of the Tax Assessor's Office and the change in State law. There were 3 speakers who were opposed to the minimum acreage standard. They were Ursula Cox, Mr. William Grizzle with the Farm Bureau and Mr. Dennis Jane. Commissioner Hubbard made a motion to close the public hearing at 6:49 p.m.; Commissioner Johnston seconded and the vote was unanimous to close.

After much discussion among the board members, it was agreed to postpone a decision until the next meeting on December 1.

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**AMENDMENT** Show cause hearing for Sanders Kennels-possible revocation of business license

Vicki Taylor Lee stated that she had brought this action at the request of the Marshal's Office; that she had notified Mr. Noah Sanders by certified mail and regular mail. And that she had heard from his attorney that he would be attending. Mrs. Lee asked Deputy Marshal Free, as the officer who had prior knowledge of the numerous citations that had been issued after complaints from the neighbors, to come forward.

Deputy Marshal Free said that Mr. Sanders had been cited a total of 92 times resulting from violations of the terms of his business license (which is a Home Occupation license) with 80 having been dismissed, after Mr. Sanders makes promises to the neighbors that he will correct the situation.

He does not make the corrections and is cited again. He is also being cited for the violation of the noise ordinance with barking dogs.

Mr. John Stauffer, who represents Mr. Noah Sanders, spoke next and presented the Chairman with a letter of Constitutional Challenge regarding the violations under which Mr. Sanders was charged. Mr. Stauffer said that Mr. Sanders has a vested right to operate a business and has for the past 6 years; although he no longer lives in the property. Mr. Stauffer believes that there may also be a violation of the equal protection issue in that there are neighbors all around his property who operate businesses from their home.

Vice Chair/Commissioner Good made the motion to revoke the business license and grant a 30 day window to either file an appeal or move the dogs. Commissioner Hubbard seconded and the result was for unanimous approval. After asking for a clarification of actual time by the Clerk, Vice Chair/Commissioner Good stated that the 30 day window would start at 12 p.m. tonight.

**COMMISSION BUSINESS**

**CHAIRMAN**

**L. B. AHRENS**

Airport Authority appointment to replace Bob Davis

Commissioner Bosch motion to follow recommendation of Airport Authority and appoint Mr. Robert Davis, Jr. a/k/a Dave Davis; Vice Chair/Commissioner Good seconded and there was unanimous approval.

**COMMISSION POST 1**

**HARRY B. JOHNSTON**

**COMMISSION POST 2**

**JIM HUBBARD**

**COMMISSION POST 3**

**KAREN BOSCH**

Re-appoint Michael Lane to Construction Board of Appeals, term expired 12/31/08

Individual appointment-no action necessary.

**VICE CHAIR/COMMISSION POST 4**

**DEREK V. GOOD**

**CONSENT AGENDA**

1. Request approval for budget amendment/transfer of \$1493.65 from Insurance Recovery to Vehicle Maintenance for repairs of CATS bus involved in accident
2. Consider approval to surplus traffic signal storage trailer located on Chattin Drive
3. Consider approval of a request from the Georgia DOT for Cherokee County to quit claim any interest in the right-of-way purchased for the construction of SR 140 at Univeter Road Intersection Improvement Project
4. Consider approval of contract for \$18,264 with Mc's Painting & Decorating to replace flooring in Animal Shelter and Animal Control areas; and approve Cherokee Floor Covering agreement for \$1,596 to remove old flooring

Commissioner Bosch made the motion to approve the Consent Agenda; Commissioner Hubbard seconded and there was unanimous approval.

**COUNTY MANAGER**

5. Approval of proposed amendment to the HOME (Community Housing Development Agreement-CHDO) program agreement with Cobb Housing, Inc.; and name North Georgia Community Housing Corporation as the CHDO for Cherokee County for its program years 2007, 2008, and 2009 HOME Program funds

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

6. Consider award of proposal and construction contract to Northwest Georgia Paving, Inc. for construction of the Tyson Woods II and Fernwood Creek subdivisions completion of Public Improvements Project for \$110,112.11 (Maintenance and Performance Bond Surety Company finally agreed to pay \$69,000)

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

7. Consider award of proposal and construction contract to Mauldin & Cook Fence Company, Inc. for installation of fencing at the Cherokee County Soccer Complex for \$111,445.20

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

8. Consider approval of an Annual Traffic Striping Services Contract with Peek Pavement Markings, Inc. to perform traffic striping countywide as needed

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

9. Consider approval of an Annual Guardrail Installation and Repair Services Contract with Martin-Robbins Fence Company, Inc. to perform guardrail installation and repairs countywide as needed

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

10. Consider approval of 5-year Master agreement between Cherokee County and Windstream Communications for Wire line, Long Distance and Maintenance; and, VPN and Internet services. Proposal to enhance wide area network services (WAN) - telecommunications network, while reducing monthly costs for all services from \$41,327.37 to \$39,306.21/month - a monthly savings of \$2,021.16 or \$121,269.60 savings over the five-year period

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

11. Consider approval to purchase Lenco BearCat armored SWAT vehicle in the amount of \$305,071 as a SPLOST purchase (Purchase order issued only; will not be completed for 6 months)

Commissioner Johnston made the motion to approve; both Commissioners Hubbard and Good seconded and there was a unanimous approval.

12. Consider purchase of former Pike Nursery property located on Hwy 5 for purchase price of \$850,000 for 14.29 acres, contingent upon county attorney review and approval. The anticipated closing date is November 30, 2009. The Fire Department is in need of a central location to provide live burn, search and rescue, ladder operation training, and medical training.

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

13. Consider agreement with The McCart Group to review the County's Workers' Compensation program, including "loss run reports" from July 15, 2004 to Present, to determine which claims qualify for Excess Workers' Compensation self-insured retention reimbursements, as well as potential subrogation possibilities. The cost of services will not exceed \$12,500 and it is anticipated that reimbursements will be sufficient to cover the cost

Commissioner Hubbard made the motion to approve; Commissioner Bosch seconded and there was unanimous approval.

**AMENDMENT** - Consideration and approval of the following recommendations:

- Retention of Blue Cross for a second Fully Insured Medical Plan for Grant Positions & Development Authority (non-county employees)
- Retention of BCBS, offering 2 plans (HMO & POS)

Commissioner Bosch made a motion to approve; Commissioner Hubbard seconded and there was unanimous approval.

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**COUNTY ATTORNEY**

14. Moved by Amendment to after Public Hearing.

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**ADJOURN**

After checking that there was no further business, Chairman Ahrens asked for a motion to adjourn. Commissioner Hubbard made the motion to adjourn at 7:51 p.m.; Vice Chair/Commissioner Good seconded and there was unanimous approval.

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These Minutes were approved at the regular meeting on December 1, 2009.