

MINUTES

Cherokee County Board of Commissioners

DECEMBER 20, 2005
REGULAR MEETING
6:00 P.M.

CALL TO ORDER

CHAIRMAN J. MICHAEL BYRD

Chairman Byrd called the regular meeting of the Cherokee County Board of Commissioners to order at 6:01 p.m. on Tuesday December 20, 2005. Those present included Vice Chair/Commissioner Derek V. Good; Commissioner Harry B. Johnston; Commissioner Jim Hubbard; Commissioner Karen Mahurin; County Manager Jerry Cooper; County Attorney Mark Mahler; County Clerk Sheila R. Corbin; several agency directors/department heads; the media and the public.

PLEDGE OF ALLEGIANCE

CHAIRMAN

AMENDMENTS TO AGENDA

1. Under Commissioner Mahurin – add Appointment to Citizens Roundtable for Comp Plan Update; 2. Under County Manager – delete item “G” not necessary

After the Chairman read the amendments, he asked for a motion. Commissioner Mahurin made a motion to approve; Commissioner Good seconded and the amendments were unanimously approved.

APPROVAL OF MINUTES FROM December 6, 2005

The Chairman called for a motion to approve the minutes as submitted by the Clerk. Commissioner Hubbard made a motion to approve; Commissioner Mahurin seconded and the minutes were unanimously approved.

PUBLIC COMMENT

None.

ANNOUNCEMENTS

Chairman Byrd wished everyone a Merry Christmas for the Board and reminded them that the first meeting in January would be January 3rd.

PUBLIC HEARING

Consideration of proposed “Guide for the Determination of needed Fire Flow and Development”

Mr. Mahler asked Lt. Larry Labbe from Fire-EMS to conduct the public hearing. Lt. Labbe Then explained to the Board and the audience the reason for asking for the public hearing on this issue; this would bring about a closer relation to the National Standards and bring the County closer to a lower overall ISO rating; and therefore would lower insurance premiums. Lt. Labbe opened the public hearing at 6:05 p.m. to public comment. There were no comments or questions from the public, and the public hearing was closed at 6:07 p.m.

After a few questions from the Board, Commissioner Hubbard made a motion to adopt the Guide; Commissioner Johnston seconded the motion. The Chairman said that he would rather see the issue postponed until January 3, after the proposed Guide was put on the web site so that comments from the public could be made. Commissioner Hubbard said that he had no problem with that and would withdraw his motion to adopt. Commissioner Johnston said that he would also withdraw his second to the motion to adopt. Commissioner Hubbard then made a motion to postpone the issue until the January 3rd meeting; Commissioner Mahurin seconded and the motion to postpone was unanimously approved.

UNFINISHED BUSINESS FROM DECEMBER 6, 2005

CASE NUMBER	: 05-09-067
APPLICANT	: PCH Development, LLC
ZONING CHANGE	: AG to R-20
LOCATION	: Old Orange Mill Road and Cotton Road
MAP & PARCEL NUMBER	: 03N16, Parcel(s) 27 & 54, 03N17, Parcel 38
ACRES	: 162.19
PROPOSED DEVELOPMENT	: Conservation Subdivision
COMMISSION DISTRICT	: 1
FUTURE LAND USE MAP DESIGNATION	: Agricultural/Forestry

PLANNING COMMISSION RECOMMENDATION: Approval with conditions that 1) Areas of density remain as presented on site plan dated 10/19/05 and 2) Turn lanes be provided.

After a reading of the summary by Vicki Taylor, the Chairman made a motion to postpone this item until the January 3rd meeting; Commissioner Mahurin seconded and the motion to postpone was unanimously approved.

COMMISSION BUSINESS

CHAIRMAN

J. MICHAEL BYRD

COMMISSION POST 1

HARRY B. JOHNSTON

Acceptance for County maintenance of approximately .2 mile of Murphy Trail as-is under his portion of 1-mile annual program

Commissioner Johnston said that he was going to accept this portion of Murphy Trail under his annual one-mile program, subject to right-of-way donation of course.

Mailbox variance for 328 Northwoods Drive

Commissioner Johnston made a motion to grant a waiver of the restrictions of the “Mailbox Ordinance” in this case; Commissioner Hubbard seconded. During discussion, Commissioner Mahurin asked that variances of this type go to the Zoning Board of Appeals first, in the future. The resulting vote was a unanimous approval of the motion.

COMMISSION POST 2

JIM HUBBARD

Station 21 update

Commissioner Hubbard said that the “temporary” housing has been approved for move-in and it is hoped that staff will be able to occupy as soon as December 28th. Regarding the status of Station 21, Commissioner Hubbard said that the Board had met with the attorneys and it had been decided to hire a project supervisor to determine the full scope of the work necessary.

COMMISSION POST 3

KAREN MAHURIN

Adoption of the “Existing Site Resources Map” requirement under Article 18 – Application Submittal Process

Commissioner Mahurin made a motion to adopt; Commissioner Johnston seconded and the requirement of an “Existing Site Resources Map” in the initial application phase was unanimously approved.

Appointment to HCP (Habitat Conservation Plan) Committee to replace Ron James who is resigning

Commissioner Mahurin said that her appointment to replace Ron James was Geoff Morton and Jeff Watkins

Appointment to Citizens Roundtable for Comprehensive Land Use Plan update (**Amendment**)

Commissioner Mahurin said her citizen representative appointment is Lori Reed Tilt of 118 Gold Bridge Crossing, Canton, GA 30114

VICE CHAIR/COMMISSION POST 4

DEREK V. GOOD

None

CONSENT AGENDA

- (A) Reimbursement of \$520.41 mileage expense to Commissioner Derek Good for the period of October 6, 2005 to December 6, 2005
- (B) Approval of increased funding of \$14,910.00 from DHR for SFY 2006 Coordinated DHR Transportation Contract – total amount to be received is \$126,550 with no additional cost or County match required
- (C) Budget amendment/transfer for the County Attorney to increase professional services
- (D) Budget amendment/transfer for the Coroner to increase professional services
- (E) Budget amendment/transfer for Superior Court to increase the fees charged by court reporters
- (F) Budget amendment/transfer for the Animal Shelter to increase funds to pay for meters read in error by Cherokee Water and Sewer Authority and unpaid invoices from Akers Mill Vet Clinic

After Mr. Cooper read the items on the Consent Agenda, the Chairman asked for a motion. Commissioner Mahurin made a motion to approve; Commissioner Hubbard seconded and the Consent Agenda was unanimously approved.

COUNTY MANAGER

- (G) Consideration of modification to “Kelly Day” policy – deleted by amendment
- (H) Consideration of modification to vacation/sick accrual policy for 207(k) fire department personnel

Commissioner Good made a motion to approve; Commissioner Mahurin seconded.

During discussion, Commissioner Johnston said that he still was having problems understanding the calculations as they were presented; he did not understand the reason to go beyond the number of hours (8.6) that the Sheriff’s Office employees receive; he did not understand why the Board was being asked to adjust the accruals for overtime in one department and not do it in others. Commissioner Johnston also said that he did not believe that it was customary to get vacation and sick accruals for overtime anyhow.

Commissioner Hubbard spoke up and said that he would like additional time to study this proposal, because he wanted to be fair to all departments and he would like to postpone this until the next meeting on January 3.

Commissioner Mahurin stated that she was ready to vote on this and saw no reason to postpone it.

After further discussion, Commissioner Mahurin called for the question. The Chairman asked for a vote on the call for the question and the resulting vote was a 2-3 denial, so discussion could continue.

Commissioner Hubbard said that he had gotten confused over the extra hours and has not rationalized this in his mind. Mr. Cooper said that Chief Floyd had presented it to him and it was unfortunate that he was not here tonight in order to explain the issue more clearly; and justify the reasons for the request. After more discussion, the Chairman asked if this could be postponed until the January 3rd meeting in order for Commissioners Johnston and Hubbard to clarify it in their minds. Commissioner Good withdrew his motion to approve; Commissioner Mahurin withdrew her second.

- (I) Consideration of TPO contract with North Georgia Community Action, Inc. to continue operation of the County 5311 Transportation Program for the period January 1, 2006 through December 31, 2006, with a 30-day without cause termination clause

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

COUNTY ATTORNEY

- (J) Request to hear appeal of denial of variance by Zoning Board of Appeals for Randy Matheny/America's Home Place/Frances Parmar at property located on Jett Road – setback encroachment of garage

Mr. Mahler said that the only issue the Board had to decide tonight was whether to hear the appeal. The Chairman stated that since he had requested that this be brought back, then he would make a motion to hear the appeal on January 17th. Commissioner Good seconded the motion. Commissioner Mahurin said that she would like to have a member of the Zoning Board of Appeals at that meeting, Commissioner Hubbard said that a member of the Building Inspections department should be there as well. The Chairman asked for a vote on the motion and the resulting vote was for unanimous approval.

ADJOURN

The Chairman asked for a motion to adjourn. Commissioner Hubbard made the motion to adjourn the regular meeting at 6:52 p.m. on December 20, 2005; Commissioner Johnston seconded and the last meeting of 2005 was adjourned unanimously.