

MINUTES

Cherokee County Board of Commissioners

TUESDAY, DECEMBER 18, 2007

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

CHAIRMAN L.B. (BUZZ) AHRENS

Chairman Ahrens called the regular meeting of the Cherokee County Board of Commissioners to order at 6:11 p.m. on Tuesday, December 18, 2007. Those present included: Commissioner Harry B. Johnston; Vice Chair/Commissioner Jim Hubbard; Commissioner Karen Mahurin; 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

CHAIRMAN

AMENDMENTS TO AGENDA

There were only two amendments to the agenda, they were: (1) Under the Consent Agenda – delete item#8; (2) Under the County Attorney’s portion – add item#18 – Notification of Annexation and Rezone from City of Woodstock. After the Chairman read the Amendments, he asked for a motion. Vice Chair/Commissioner Hubbard made the motion to approve; Commissioner Mahurin seconded and the Amendments were unanimously approved.

ANNOUNCEMENTS

Chairman Ahrens said there were 2 Announcements: (1) Cherokee County Roads and Bridges Department announces Soap Creek Road will be closed between Upper Bethany Road and Weatherby Road beginning Monday, December 17 at 7:30 a.m., until Thursday, December 20, 2007 at 12 noon for pipe replacement. Questions may be directed to the Roads and Bridges Department at 770-345-5842; and (2) Holiday Closing – Cherokee County Government Offices will be closed on Monday, 24 December, Tuesday 25 December, and Wednesday 26 December for Christmas holidays. We will also be closed on Tuesday, January 1, 2008 for New Year’s Day. He also said that the first Commission meeting of 2008 would be on Wednesday, January 2.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES FROM December 4, 2007

Chairman Ahrens asked for a motion on the Minutes as submitted by the County Clerk. Commissioner Mahurin made the motion to approve; Commissioner Hubbard seconded and the Minutes were unanimously approved.

PUBLIC HEARINGS

- (1) Consideration of amendment to Rezone Case#84-10-72, Robert Vinson, who is requesting that the condition of "office space only" be deleted, that was placed on 2 of the tracts out of the 3 tracts which were rezoned at the time.

After Mr. Watkins explained the request, the Chairman asked for a motion to open the public hearing. Commissioner Hubbard made the motion to open at 6:13 p.m.; Commissioner Johnston seconded and the motion received unanimous approval. It was ascertained that no one had signed up to speak either for or against and the Chairman asked for a motion to close. Commissioner Mahurin made the motion to close at 6:16 p.m.; Commissioner Hubbard seconded and the motion to close received unanimous approval.

Commissioner Johnston made a motion to approve the request to remove the condition of "office space only"; Commissioner Hubbard seconded and the request was unanimously approved.

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- (2) Consideration to amend the Impact Fee Schedule, know as Appendix A to Chapter 32, Article II of the Cherokee County Code of Ordinances based on the new 2007 Impact Fee Methodology Report

Ms. Margaret Stallings gave the Board members an updated schedule showing the difference between what is currently charged and what is proposed and briefly spoke about the request. Chairman Ahrens asked for a motion to open the public hearing. Commissioner Hubbard made the motion to open at 6:18 p.m.; Commissioner Mahurin seconded and the motion to open was unanimously approved. No one had signed up to speak, so the Chairman asked for a motion to close. Commissioner Hubbard made the motion to close at 6:19 p.m.; Commissioner Mahurin seconded and the motion to close was unanimously approved.

Commissioner Johnston made a motion to adopt or amend the Impact Fee Schedule based on the new 2007 Impact Fee Methodology Report; Commissioner Hubbard seconded. Before the vote could be called, Commissioner Mahurin asked for an amendment to include an effective date of January 1, 2008.

Commissioners Johnston and Hubbard both agreed with the amendment and Commissioner Johnston said he would amend his motion to include an effective date of January 1, 2008. Commissioner Hubbard seconded the amended motion and the resulting vote was a 4-1 approval with Commissioner Good voting nay.

- (3) Reconsider conditions on zoning case #97-03-007 Brett Blevins. In particular, Parker Allies is requesting two amendments for variances specifically on property described as Tax Map 15N08, Parcel 47J

Mr. Watkins gave the details of the request in particular the reasoning behind the request for the reduction in the front setback along Sixes Road from 50 feet to 28 feet and the reduction in the zoning buffer at the rear of the property from 35 feet to 15 feet as the need for rear parking rather than so near to Sixes Road; and the same request had been made for another parcel and granted previously for the same reason. Chairman Ahrens asked for a motion to open the public hearing. Commissioner Hubbard made the motion to open at 6:27 p.m.; Commissioner Johnston seconded and the motion to open was unanimously approved. There were no speakers and the Chairman asked for a motion to close. Commissioner Good made the motion to close the public hearing at 6:28 p.m.; Commissioner Mahurin seconded and the motion to close was unanimously approved.

Commissioner Mahurin made the motion to approve the variances requested with the condition that the developer work with Planning staff on the architectural details, etc. Commissioner Good seconded the motion and the motion received unanimous approval.

UNFINISHED BUSINESS

CASE NUMBER	: 07-10-044
APPLICANT	: Cherokee Presbyterian Church
ZONING CHANGE	: AG to NC
LOCATION	: Cumming Highway & Johnson Brady Road
MAP & PARCEL NUMBER	: 03N05, part of Parcel(s) 238 & 240D
ACRES	: 2.54 Acres
PROPOSED DEVELOPMENT	: Offices and Bookstore
COMMISSION DISTRICT	: 1
FUTURE LAND USE MAP DESIGNATION:	Undeveloped

PLANNING COMMISSION RECOMMENDATION: Denial

Commissioner Johnston said that he would make a motion to deny this request as recommended by the Planning Commission;

Commissioner Hubbard seconded the motion and the resulting vote was a 3-2 approval for denial, with Commissioners Good and Mahurin voting nay.

ZONING SUMMARY FROM DECEMBER 4, 2007

CASE NUMBER : **07-12-052**
APPLICANT : C. C. Evans Hankins
ZONING CHANGE : R-40 to GC
LOCATION : Reinhardt College Parkway
MAP & PARCEL NUMBER : 14N16, Parcel 029
ACRES : 0.78 Acres
PROPOSED DEVELOPMENT : Commercial uses
COMMISSION DISTRICT : 1
FUTURE LAND USE MAP DESIGNATION: High Density Residential

PLANNING COMMISSION RECOMMENDATION: Approval

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

CASE NUMBER : **07-12-053**
APPLICANT : NRH Realty Associates, Inc.
ZONING CHANGE : LI to GC
LOCATION : Airport Road & Highway 5
MAP & PARCEL NUMBER : 03N02, Parcel 001 & 002.
ACRES : 5.074 Acres
PROPOSED DEVELOPMENT : Commercial uses
COMMISSION DISTRICT : 1
FUTURE LAND USE MAP DESIGNATION: Industrial

PLANNING COMMISSION RECOMMENDATION: Approval with conditions:

1. No overnight parking or storing vehicles.
2. Deceleration lanes to be provided at all driveway entrances.
3. The Airport Road driveway closest to Old Hwy 5/Ball Ground Highway to be constructed as a right-in/right-out driveway.
4. A left turn lane to be provided for the western most driveway on Airport Road.
5. A left turn lane to be provided for the access driveway on Old Highway 5 /Ball Ground Highway.
6. The access driveway on Old Highway 5/Ball Ground Highway to be located to the most northern limits of the site as possible.

Commissioner Johnston made the motion to approve as recommended with the conditions stated; Commissioners Hubbard and Good seconded and the resulting vote was a unanimous approval.

CASE NUMBER : **07-08-033**
APPLICANT : Roach & Adams Investments, LLC
ZONING CHANGE : R-80 to LI
LOCATION : Univeter Road & South McCollum Drive
MAP & PARCEL NUMBER : 15N13, Parcel 110
ACRES : 1.38 Acres
PROPOSED DEVELOPMENT : Commercial and Industrial uses
COMMISSION DISTRICT : 1
FUTURE LAND USE MAP DESIGNATION: Industrial

PLANNING COMMISSION RECOMMENDATION: Approval of OI

Commissioner Johnston said that he was going to recuse himself and abstain from voting on this case after Mr. Watkins gave the summary of the case, because of his relationship to both families of the applicants. Commissioner Good made a motion to approve as requested or LI; Commissioner Mahurin seconded and the resulting vote was a 3-1-1 approval, with Commissioner Hubbard voting nay and Commissioner Johnston abstaining.

CASE NUMBER : **07-09-037**
APPLICANT : Wayne Clark & Associates, Inc.
ZONING CHANGE : R-20 to RD-3
LOCATION : Trickum Road & Jamerson Road
MAP & PARCEL NUMBER : 15N18, Parcel(s) 157 & 130
ACRES : 53.440 Acres
PROPOSED DEVELOPMENT : Single family age restricted development
COMMISSION DISTRICT : 2
FUTURE LAND USE MAP DESIGNATION: High Density Residential

PLANNING COMMISSION RECOMMENDATION: Denial

An e-mail request has been received by Planning and Zoning asking for a postponement of the decision on this rezoning until the January 15 meeting.

Commissioner Hubbard made a motion to allow the postponement until January 15; Commissioner Good seconded and the resulting vote was a 4-1 approval for postponement with Commissioner Johnston voting nay.

CASE NUMBER : **07-11-048**
APPLICANT : Samuel Kamber
ZONING CHANGE : AG to NC
LOCATION : Midway Road

MAP & PARCEL NUMBER : 02N13, Parcel(s) 199
ACRES : 1.34 Acres
PROPOSED DEVELOPMENT : Stained glass business
COMMISSION DISTRICT : 2
FUTURE LAND USE MAP DESIGNATION: Undeveloped

PLANNING COMMISSION RECOMMENDATION: Denial

Commissioner Hubbard said that he would make a motion to approve as O&I; Commissioner Johnston seconded and the motion received unanimous approval.

CASE NUMBER : **07-11-050**
APPLICANT : John & Valentina Caldwell
ZONING CHANGE : R-80 to GC
LOCATION : Highway 140 & Hickory Road
MAP & PARCEL NUMBER : 02N03, Parcel(s) 184
ACRES : 1.74 Acres
PROPOSED DEVELOPMENT : Retail space
COMMISSION DISTRICT : 2
FUTURE LAND USE MAP DESIGNATION: Low Density Residential

PLANNING COMMISSION RECOMMENDATION: Approval

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

Request the Board of Commissioners to set a public hearing for January 15, 2008 to consider revisions to the Conditions of Zoning attached to Resolution No. 2007-R-008 (Rezone Case No. 07-02-006)- Applicant is Beaver Run Construction

Commissioner Johnston made the motion to advertise a public hearing for the January 15 meeting to consider the revisions to the Conditions of Zoning; Commissioner Hubbard seconded and the motion was unanimously approved.

COMMISSION BUSINESS

CHAIRMAN

L.B. (BUZZ) AHRENS

Call for a joint public hearing to be advertised for January 15, 2008 to transmit the update of the Comprehensive Land Use Plan to the Atlanta Regional Commission and Georgia Department of Community Affairs for review

Chairman Ahrens asked Jeff Watkins to take the lead on this item. Mr. Watkins explained that there had been a meeting last night, December 17 with the Citizens Roundtable and the Steering Council members to go over a draft of the updated Comp Plan and voice their concerns and comments. Now it was necessary that a joint public hearing be held by the County, Waleska, and Ball Ground to approve sending the updated Comp Plan to the ARC and the DCA. Mr. Watkins said that it usually takes between 60 to 90 days for these agencies to review the Plan and then send it back to the County for adoption.

Chairman Ahrens made the motion to approve the call for a joint public hearing on January 15; Commissioner Hubbard seconded and the request was unanimously approved.

Re-appointment of Dr. Jill Mabley as Cherokee County representative to the Georgia EMS Region One Council

Chairman Ahrens said that he was glad to receive the letter from Dr. Mabley requesting that she be re-appointed because he did not know of a more qualified individual to serve as Cherokee County's representative. Chairman Ahrens then made a motion to re-appoint Dr. Mabley; Commissioner Mahurin seconded the motion and the re-appointment was unanimously approved.

COMMISSION POST 1

HARRY B. JOHNSTON

VICE CHAIR/COMMISSION POST 2

JIM HUBBARD

Discussion of appointed Boards compensation

Commissioner Hubbard said that he had been approached by one of the members of the Tax Equalization Board about the recent IRS requirement of withholding SS and FICA from their fees that they are paid for being on these boards and he had done a preliminary investigation and learned that some of the boards had not had their fees raised in a long while, so he just wanted to bring it to the Commission's attention and ask if some concessions could be made in the 2008 budget to get the fees raised so that it would cover the required withholdings. No action was necessary tonight.

COMMISSION POST 3

KAREN MAHURIN

ANNOUNCEMENT – AWAG presents "The First Annual Holiday Adopt-a-thon"

AWAG is comprised of Bartow County Animal Control; Cherokee County Animal Shelter; Cobb County Animal Control; Douglas County Animal Control; Fayette County Animal Control; Gwinnett County Animal Control;

Hall County Animal Control; Henry County Animal Control; Paulding County Animal Control; Etowah Valley Humane Society; The Humane Society of Cobb County; PAWS Atlanta; The Atlanta Humane Society and The Humane Society of Hall County. Metro Atlanta's animal control offices and humane societies have banded together to form AWAG (Animal Welfare Association of Georgia) to bridge the differences between county run animal control offices and privately run humane societies, to share resources and most importantly, get more animals adopted. All of these organizations will be participating in "The First Annual Holiday Adopt-a-thon" beginning on December 15 and going through December 22.

This will be held, in our area, at the Cherokee County Animal Shelter during regular hours of 10 a.m. until 5 p.m. and they will be open from 10 until 7 on Saturday, December 22nd.

COMMISSION POST 4

DEREK V. GOOD

CONSENT AGENDA

1. Reimbursement of mileage and other expenses to Chairman Ahrens of \$492.35 for the period of 16 September to 13 December
2. Reimbursement of mileage expense to Commissioner Mahurin of \$130.95 for the period of November 2 through December 17
3. Approval of a proposal from GS Construction, Inc., for installation of a drainage swale off of the right-of-way on the Putnam Ford Road Sidewalk Project, in the estimated amount of \$ 11,500.00
4. Approval of a proposal from North Cherokee Electrical Contractors, Inc., for modifications to the existing traffic signal at the intersection of Putnam Ford Road and Bascomb Carmel Road, in conjunction with the Putnam Ford Road Sidewalk Project, in the estimated amount of \$ 37,431.00
5. Approval of a design services contract with JB Trimble, Inc., for design of Bridge Rehabilitation Plan for the Highway 5 Bridge over the Little River, in the estimated amount of \$ 14,900.00
6. Approval of low bid and Budget Amendment/Transfer of \$5,817 from Operations, to be added to the insurance reimbursement, to purchase Meals-On-Wheels truck, at a estimated cost of \$38,767 for Senior Services
7. Request approval to purchase one (1) mobile Decontamination Trailer at a cost of \$54,500. This equipment is for the HAZMAT (Hazard Materials Team) and is part of an Office of Domestic Preparedness grant from GEMA

8. Request approval of re-mount of 2003 ambulance body to a new International chassis. The only bid came from a company that will honor the original warranty – **DELETED BY AMENDMENT**

After Mr. Cooper completed reading the Consent Agenda, Commissioner Hubbard made a motion to approve; Commissioner Mahurin seconded and the Consent Agenda was unanimously approved.

COUNTY MANAGER

9. Request approval to award RFP #2007-62 to H&H Electrical for Natural Gas Emergency Generators, installation and associated work for stations 1 and 20 for \$59,753.85

Commissioner Mahurin made the motion to approve the request; Commissioner Hubbard seconded and the request was unanimously approved.

10. Request approval to award RFP #2007-65 a fixed price construction contract to ABUCK Inc. for repairs to stations 7 and 13 for \$151,771.20

Mr. Cooper explained that as Station 13 is a volunteer station, Fire/ES would be required to get a letter from their volunteer board authorizing the County to make these repairs. Commissioner Hubbard made the motion to approve; Commissioner Johnston seconded and the request was unanimously approved.

11. Consideration of award of investment banking services for the issuance of \$9,252,000 in bonds to provide cash to complete the airport improvement project, and cash for other potential projects to be determined by the BOC at a later date. The County received proposals from Citigroup Global Markets, Inc. and Wachovia.

Mr. Cooper recommended Citigroup Global. Commissioner Good made the motion to approve; Commissioner Mahurin seconded and the motion carried unanimously.

12. Agree to sell mitigation rights available on county property in the range of \$1.3 million

Mr. Cooper said that this was the former Hines property and that it was his recommendation that the Board approve the request. Commissioner Hubbard made the motion to approve; Commissioner Johnston seconded and the request was unanimously approved.

13. Approve option under original contract with Commissioner & Green Building Solutions, Inc. (CxGBS) to consider Sustainable Development LEED services in the amount of \$27,359. The original contract totaled \$151,000

Commissioner Mahurin made the motion to approve; Commissioner Good seconded and the request was unanimously approved.

14. Approve McClure Design-Building change order for each of the remaining four (4) community center facilities

Commissioner Mahurin made a motion to approve; Commissioner Hubbard seconded and the change order was unanimously approved.

15. Consideration of professional services agreement with Price Consulting and Training, LLC (Phil Price) to provide Methamphetamine Drug Awareness, Training and Education in 2008 in the amount not to exceed \$75,000

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

COUNTY ATTORNEY

16. Approval and authorization of resolution setting the fees, at \$200.00, effective January 1, 2008 for the registration of dangerous and potentially dangerous dogs as an amendment to the Animal Control Ordinance recently passed

Commissioner Mahurin made the motion to approve: Commissioner Hubbard seconded and the resolution was unanimously approved.

17. Notification of annexation petition from the City of Canton for John Tarabula located on Land Lot 128, 14th District, 2nd Section, with a proposed zoning classification of C-2. This matter was already approved by the City on Oct. 4, and it had an effective date of Nov. 1. It has been verified that the annexation was reported to DCA by the City, as required. (Informational only according to Paul Dzikowski)

18. Notification of Annexation and Rezoning from the City of Woodstock, of approximately **4 acres** located along Putnam Ford Road; presently zoned R-4 (Townhomes) City, R-40 Cherokee County; proposed zoning R-4 (Multi-family, Mixed Use); applicant is Tivoli Summit; tax parcel 15N05 202
AMENDMENT

Ms. Davis said that all she needed from the Board was the direction to file an objection to this annexation.

Commissioner Good made a motion to direct that an objection be filed to the density issues, the infrastructure issues, and the recent road improvements that had been made at taxpayer expense. Commissioner Mahurin seconded the motion and the motion received unanimous approval.

ADJOURN

Chairman Ahrens asked if there was any other business, on hearing none, he wished everyone a very Merry Christmas and a safe and Happy New Year. He then thanked the Board members and staff for their help in making his first year in office a good one.

Commissioner Hubbard made a motion to adjourn the regular meeting at 7:09 p.m.; Commissioner Mahurin seconded and the motion to adjourn received unanimous approval.