

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
May 19, 2009
MINUTES**

Present: Chairman Kathy Morgan, Commissioners Mort Ewing, Earnest Simmons, Nancy Schulz, J.C. Henderson, and Tim Fleming. Attorney Tommy Craig, Administrative Officer John Middleton & Clerk Jackie Smith

Newspaper: Covington News-Gabe Khouli
Newton Citizen- Crystal Tatum
Small Group of Citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Reverend Ronnie Brannen gave the invocation and Chairman Morgan led the Pledge of Allegiance to the Flag.

APPROVAL OF BOC MINUTES DATED MAY 5, 2009

Motion: To approve the Board of Commission Minutes dated May 5, 2009 as printed.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Earnest Simmons, District Two
Motion Carried

**APPROVAL OF BOC W/S MINUTES DATED APRIL 21, 2009 &
TABLED FROM MAY 5, 2009 MEETING.**

Motion: To approve the Board of Commission Work Session Minutes dated April 21, 2009 as printed.
Proposed by: Commissioner Mort Ewing, District one
Second by: Commissioner Monty Laster, District Five
Motion Carried

PUBLIC HEARING

NSP (NEIGHBORHOOD STABILIZATION PROGRAM)

Chairman Morgan declared the Public Hearing open and called upon Scott Sirotkin who presented a power point presentation.

- Public Hearing is a requirement for NSP Grant
- Board has already seen all the information that is presented tonight. This presentation is to bring the citizens up to date.
- NSP (Neighborhood Stabilization Program was created by the Housing & Economic Recovery Act of 2008 and administered by the DCA (Department of Community Affairs)

- Presentation attached and made part of these minutes.
- Target Area: Fairview Estates
- Vacant (foreclosed) houses will be acquired and a community park will be constructed.

The board expressed appreciation to Mr. Sirotkin for his work on the project and what it can mean to the citizens of Newton County.

Chairman Morgan opened the floor for comments.

Mr. Nicholson

- In favor of project, but would like to suggest High Gate Subdivision (across from Fairview) be given consideration.
- Understands funds are limited.

With no other citizen comments Chairman Morgan declared the Public Hearing closed.

JUVENILE DEPARTMENT GRANT APPLICATION FOR GOVERNOR'S CARING COMMUNITIES SYSTEM OF CARE GRANT

Juvenile Judge Sherri Roberts appeared before the board seeking support of a grant application with the Governor's Caring Communities System of Care.

- Information is made part of these minutes.
- No matching funds required by Newton County.

Motion: To approve the submission of an application for the Caring Communities System of Care Grant through the Governor's Office of Children and Families in the amount of \$325,000.00 by the Newton County Juvenile Department; and with the understanding that Newton County will provide no funding for this program.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Tim Fleming, District Five

Motion Carried

JUVENILE DEPARTMENT GRANT ACCEPTANCE OF FUNDS FROM THE OFFICE OF THE COURTS JUSTICE FOR CHILDREN PROGRAM

Juvenile Judge Sherri Roberts appeared before the board to apprise them of a grant the Juvenile Department has been awarded and received. She noted the following:

- Grant is from the Administrative Office of the Courts Justice for Children Program.
- Grant Amount: \$7,207.68
- No matching funds required.
- Purpose: To purchase office supplies, office equipment, and staff training for the Juvenile Court.

Motion: To approve acceptance of grant funds in the amount of \$7,207.68 from the Office of the Courts Justice for Children Program for the Juvenile Department.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner J.C. Henderson, District Four

Motion Carried

RFP #09-12 PROJECT MANAGER FOR DENNY DOBBS PARK

Present: Recreation Director Tommy Hailey, Members Johnny Presley, Ronny Brannen, Flemmie Pitts and Purchasing Director Tina Malone.

Purchasing Director Tina Malone presented the Power Point presentation.

- Evaluation Committee members
- Evaluation Criteria
- Proposals Received
- Committee Recommendation: Sunbelt Builders, Covington, Georgia
- Copy of presentation made part of these minutes.
- Always good when we can bring business to our local economy.
- Expressed appreciation to the BOC and the Rec Commission who have supported this project.
- Worked with Sunbelt before and believes they will do an excellent job. They have an excellent reputation and are very responsible, not only to the jobs they do, but to the community. Will be excellent project managers.
- Not an area in the county that needs a park more than this area.
- Wants to see a park that we can take pride in. A park to be used by the community.

The board discussed if the Rec Department could maintain another park and Director Hailey and Chairman of Rec Commission Johnny Presley assured the board they could as long as no more than the 20% was cut from their budget. Mr. Hailey sated they could not cut any more M&O.

Board members expressed their support of the park and their appreciation for the committee selecting a local business for project manager. Members noted this park is a long time coming and so excited about seeing it come into fruition.

District Two Commissioner Simmons thanked the committee, the Recreation Commission and members of the Board of Commissioners for their support of this park.

Motion: To approve Sunbelt Builders as Project Manager for the Denny Dobbs Park for an amount not to exceed \$70,000.00.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner J.C. Henderson, District Four

Motion Carried

BUDGET AMENDMENT FOR FY2009 – SHERIFF’S OFFICE

Newton County Sheriff Ezell Brown appeared before the board requesting a budget amendment for FY2009.

- Facing a shortfall in budget
- Requesting \$680,000 plus the \$400,000 given up earlier this year for budget cuts.
- Shortfall is mainly because of over-time pay. Exhausted 95% of over-time pay.
- Made progress and have presently reduced over-time. Making great strides trying to maintain.
- Short officers (as you know) and have to call in our off-duty officers which means more overtime.

Chairman Morgan

- Noted that when Sheriff Brown took office in January 54% of his budget had already been spent.

Commissioner Ewing

- Questioned where funding would come from? Mr. Middleton noted that it would come out of the Fund Balance

Motion: To approve the request by Sheriff Brown and approve the transfer of \$1,080,925.00 from the Fund Balance into the Newton County Sheriff’s Office Fund.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner J.C. Henderson, District Four

Motion Carried

U.S.G.S. & N.C. – JOINT FUNDING AGREEMENT

Administrative Officer John Middleton addressed the board regarding this agreement.

- Basic housekeeping measure that is a requirement.
- Joint Funding Agreement
- Routine maintenance of the continuous stream flow gaging station on Alcovy River.
- Time: July 1, 2009 – June 30, 2010
- Total Cost: \$13,600.00
- Funding: Water Fund
- Copy of Agreement is made part of these minutes

Motion: To approve Agreement No. 09E4GA25030068 between the U.S. Geological Survey, United States Department of the Interior and the Newton County Water Systems, Newton County, Georgia in the amount of \$13,600.00 for the term of July 1, 2009 to June 30, 2010.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Tim Fleming, District Five

Motion Carried

INTERGOVERNMENTAL AGREEMENT FOR CLINICAL ROTATIONS W/DEKALB COUNTY FIRE RESCUE DEPARTMENT

Newton County Fire Chief Mike Satterfield was on hand to answer questions from the board regarding this proposed agreement. The board questioned if the county attorney had reviewed the agreement? Attorney Craig noted that he had not. The board suggested that the issue be tabled until the agreement could be reviewed by the county attorney's office.

Motion: To table the Intergovernmental Agreement for Clinical Rotations with DeKalb County Fire Rescue Department until the June 2nd BOC Meeting for further review by the County Attorney's Office.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Tim Fleming, District Five

Motion Carried

GIS- 20 COUNTY ATLANTA REGION IMAGERY AND LIDAR ACQUISITION

GIS Manager Lynn Parham and Ernie Smith appeared before the board and presented a PowerPoint presentation regarding Region Imagery & Liar Acquisition.

- 20 County Atlanta Region Imagery & LIDAR Acquisition.
- Requesting approval to submit a Letter of Intent to the ARC.
- County Attorney's office has reviewed letter of intent.
- Program will save the county money and better quality product.
- Full flight ariel in 2011 with this agreement at no further cost.
- Usual cost of full flight? \$485,000.00
- City of Covington and NCW&SA have approved and support.
- County portion of cost will be budgeted in FY2011
- Funding: Newton County 40%; City of Covington 30%; and Newton County Water & Sewer Authority 30%.
- Copy of Power Point presentation is made part of these minutes.

Chairman Morgan complimented the GIS Team stating there are only one or two teams in the state of our caliber and the ARC needs are team to accomplish this.

Motion: To approve the submission of a Letter of Intent on page 22 as printed in board packet.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Nancy Schulz, District Three

Motion Carried

ZONING:

Staff Present: Senior Planner Scott Sirotkin & Zoning Administrator Judy Johnson.

Senior Planner Scott Sirotkin noted the following:

- February 20, 2008 Board adopted the 2008 Comprehensive Plan.

- Past: Petitioner could request a FLUM along with a rezoning for the meeting.
- New plan requires that FLUM Amendments be heard quarterly (4 times per year).

Zoning Administrator Judy Johnson sounded the following petitions:

FLU09-001

Location: 16328 Hwy. 36

Map & Parcel #: 72-22

FLUM: RR (Rural Residential) to Commercial

Property: 4.38 acres

Planning Commission: Approve

District One

Motion: To uphold the recommendation of the Planning Commission and approve the Future Land Use Map Change from Rural Residential to Commercial.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Tim Fleming, District Five

Motion Carried

REZ09-001

Location: 16328 Hwy. 36

FLUM: RR (Rural Residential)

Proposed FLUM: COM (Commercial)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: CH (Highway Commercial)

Watershed: Yellow River

Map & Parcel #: 72-22

Frontage: 790 feet (Northwest Side of Hwy. 36)

233.10 feet (North Side of Bohannon Road)

Proposed Use: To operate an Auto Sales business.

Property: 4.38 acres

Owner: Ben Rivers

Planning Commission: Approve w/Conditions

District One

Petitioner: Ben Rivers

- Wants to open own business.
- Auto Sales business only.
- Will not be an auto repair shop.
- Other businesses in area i.e. Nick's Restaurant, Taxidermy, Natural Gas Company
- Good site for business
- Will not negatively affect the area.

Support of Petition:

Hugh Steele

- Believers in planned growth
- Potts Store to Jackson Lake is commercial area.

- Supports rezoning of proposed property.

Opposition:

Ren Anderson

- Spot Zoning at its worst!
- Property is not close to commercial property.
- Not an acceptable lot for commercial development
- Safety concerns for entering highway

Commissioner Ewing

- Talked with District One representative on Planning Commission, Mr. Bledsoe, and he said there was no opposition to the request at their meeting and that is why they approved the request.
- I have not received any comments in opposition to this request until tonight when Mr. Anderson voiced his opposition.

Motion: To uphold the recommendation of the Planning Commission and approve the rezoning request from AR (Agricultural Residential) to CH (Highway Commercial) with the following conditions as read aloud by Commissioner Mort Ewing.

CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas.
 - b. The following uses shall not be allowed:
 1. Amphitheaters, Stadiums
 2. Animal Hospitals, Vet Clinics
 3. Major Auto Repair
 4. Bar, Night Club
 5. Auto Service Station (not excluding fuel centers associated with convenience store)
 6. Campground, RV Park
 7. Private Club, Order, Lodge
 8. Electric Station; Gas Pumps not related to Anchor Store
 9. Flea Market
 10. Funeral Home
 11. Group Home
 12. Hospital
 13. Manufactured Home Sales, Rental, Repair
 14. Kennel
 15. Manufactured Home Display

16. Personal Care Home
17. Produce Stand
18. Farm Equipment Sales
19. Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall be allowed if they meet environmental regulations.)
20. Light Manufacturing
21. Commercial Outdoor Recreational Facilities
22. Place of Worship
23. Private Recreation Center or Club
24. Sawmill, Planing Mill
25. Mini-Warehouses
26. Tattoo Parlors
27. Adult Book Store/Entertainment
28. Establishments selling alcoholic beverages

2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on March 6, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to abide by the following development standards:
 - a. The site shall maintain a 55-foot transitional buffer with a fence along the adjoining property lines; and the fence shall be constructed as a two-sided fence subject to the approval of the Newton County Landscape Architect. Said buffers shall be undisturbed and replanted where sparsely vegetated. Plantings and specifications subject to the approval of the Newton County Landscape Architect.
 - b. Provide a left-turn lane and a deceleration lane at the proposed entrance, subject to approval of the County Engineer and GADOT. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of the deceleration lane to provide for placement of utilities.
 - c. Stormwater plan to be reviewed and approved by Planning & Development Engineer.

- d. Provide full cut-off lighting.
- e. Provide sidewalks along street frontage. Sidewalks shall not to be located within the 10-foot landscape strip.
- f. Provide street trees along road frontage, subject to the approval of the Newton County Landscape Architect.
- g. Architectural style and building materials/colors shall be in keeping with the historic character of the area. Prior to issuance of a building permit, renderings shall be submitted to the Department of Planning & Development for approval by the Director.
- h. All dumpsters, service areas, and any additional outdoor storage must be screened properly and not located within the building setbacks.
- i. Provide inter-parcel access as may be required by the County Engineer.
- j. All plans submitted shall have an approved Engineer or Architectural stamp.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Nancy Schulz, District Three

Motion Carried

FLU09-002

Location: 510 N. Johnson Street

Map & Parcel #: 138-52

FLUM: AF (Agricultural Forestry) to RR (Rural Residential)

Property: 2 acres of a 14.5 acre tract

Planning Commission: Approve

District One

Motion: To follow the recommendation of the Planning Commission and approve the Future land Use Map Change from AF (Agricultural Forestry) to RR (Rural Residential).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Tim Fleming, District Five

Motion Carried with Commissioner Simmons voting in opposition to the motion and Commissioner Henderson abstaining from the vote.

REZ09-002

Location: 510 N. Johnson Street

FLUM: AF (Agricultural Forestry) to RR (Rural Residential)
Existing Zoning: A (Agricultural)
Proposed Zoning: RE (Rural Estate)
Watershed: Little River
Map & Parcel #: 138-52
Frontage: 236.25 feet
Proposed Use: To subdivide 2 acres for a family member to build a single-family home.
Property: 2 acres of a 14.5 acre tract
Planning Commission: Approve w/Conditions
Owner: Howell C. McKenziey
District One

Petitioner: Howell McKenziey was not present at the meeting.

Commissioner Ewing

- Not uncommon for commissioners to receive a request from families who own tracts of land that would allow a family member to build a home.
- Part of this land is in Jasper County.
- There is adequate space in Newton County for Mr. McKenziey to give 2 acres of land to a family member.

Commissioner Simmons

- Questioned if the petitioner must be present? Mr. Craig stated that the presence of the petitioner is not a requirement in our ordinance.

Commissioner Ewing

- Spoke with Mr. McKenziey before the meeting and he wasn't planning on staying.
- Also met with him 2-3 months ago about this request.

Motion: To uphold the recommendation of the Planning Commission and approve the rezoning request from A (Agricultural) to RE (Rural Estate) with the following conditions as read aloud by Commissioner Mort Ewing.

CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwelling and accessory uses and structures.
2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on March 12, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the

approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to abide by the following development standards:
 - a. Obtain an Exempt Plat for the new lot configuration from the Department of Planning and Development.
 - b. Obtain a Building Permit from the Department of Planning and Development.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Nancy Schulz, District Three

Motion Carried with Commissioner Simmons voting in opposition to the motion and Commissioner Henderson abstaining from the vote.

REZ09-003

Location: 606 Channing Cope Road

Existing Land Use Map: RR (Rural Residential)

Existing Zoning: A (Agricultural)

Proposed Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Frontage: 42 feet

Map & Parcel #: 66-68

Parcel Size: 5 acres of a 426.82 acre tract

Proposed Use: Subdivide 5 acres for a family member to build a single-family home.

Owner: William Smith, Jr.

Planning Commission: Approve w/Conditions

District Five

Petitioner: Drew Smith

- Appreciate your approval of this request.

Opposition

None

Motion: To approve REZ09-003 and change zoning from A to AR with the following conditions as read aloud by Commissioner Fleming.

CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - b. Single family detached dwelling and accessory uses and structures.

2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on April 6, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

4. To the owner's agreement to abide by the following development standards:
 - c. Obtain an Exempt Plat for the new lot configuration from the Department of Planning and Development.

 - d. Obtain a Building Permit from the Department of Planning and Development.

 - e. The access portion of the flag lot shall be allowed to exceed 300 feet (VAR09-009).

Proposed by: Commissioner Tim Fleming, District Five
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

COUNTY CHECKS

Motion: To approve the county checks as printed and read aloud by the chairman.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

ADJOURN

Time: 9:50 p.m.

Motion: To adjourn the meeting.

Proposed by: Commissioner Earnest Simmons, District Two
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

Respectfully submitted,

Jackie B. Smith, County Clerk

Kathryn G. Morgan, Chairman

