

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
REGULAR MEETING
October 21, 2014

Present: Vice-Chairman Lanier Sims, Commissioners John Douglas, Nancy Schulz, J.C. Henderson, Levie Maddox; County Manager Tom Garrett, Attorney Tommy Craig, Attorney Jenny Carter, & Clerk Jackie Smith
Absent: Chairman Keith Ellis

Newspaper: Covington News, Newton Citizen
Citizens

Chairman Ellis called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Ronny Brannen, Prospect UMC, and Newton County Transportation Director Aaron Wadley led the Pledge of Allegiance to our great flag.

CHAIRMAN’S REPORT

Transportation Director Aaron Wadley summarized power point presentation in Chairman Ellis’ absence.

- Chimney Park clean-up
- Turner Lake Day: Obstruction removed from outlet pipe
- Neely Manor Subdivision: Suffered under failed development, substantially built out and county has patched entire subdivision and resurfaced Phase I.
- Alcovy Trestle Road: Realignment project, base installed, confusion getting onto I-20, GDOT great partner who provided some of the funding.
- Cook Road & Mt Tabor Road: Recently resurfaced in-house....great job by our public works employees... great team.
- Working on putting a “stripping package” together for county. This will be done in house and save the county money.

COUNTY MANAGER’S REPORT

- Received a letter from public defender’s office (attached) regarding resignation of key employee and requested 60-day hiring delay be reduced.
- Advised the board that he would like to go ahead and post position immediately.
- In Phase I of county-wide department organization plan (streamline to allow operation to be more efficient).
- Grant update: Palmetto Grant Consulting (attached and made part of these minutes)

EXECUTIVE SESSION

Time: 7:15 p.m.

Motion by Commissioner Maddox, second by Commissioner Douglas, to enter into executive session for the purpose of discussing litigation, land acquisition and personnel. Motion carried unanimously (4-0)

REGULAR SESSION

Time: 7:55 p.m.

Motion by Commissioner Schulz, second by Commissioner Douglas, to enter into regular session

Motion carried unanimously (4-0)

Vice-Chairman Sims apologized for the delay and opened up citizen comments.

CITIZEN COMMENTS

Deputy Patricia Poole

Covington, GA

- Seeking support for deputies, no raise in 7 years, work 12 hour shifts, trying to keep citizens safe, risk lives daily, been loyal employees to citizens and county

Deputy Kennedy

- 34 years of safety career, employed w/Newton County since 2009, honorable profession and love the job, requesting a fair law enforcement wage, losing good employees to other counties and cities due to low wages, stress and health issues.

Fred Wheeler

7414 High Lake Terrace

Covington, GA

- Voiced concern that BOC does not have oversight of the NCWSA, BCR projects needs to be revisited.

Larry McSwain

Glengarry Chase

- Challenged the numbers in application for BCR. EPA request applicant to review population figures and adjust, first brought up in 2008 and nothing has been done, current application is flawed in a number of aspects (identified 6 years ago), County current uses 9.6 mgd, gave figures from other counties i.e. Henry County uses 18.7mgd (population-203,000, Clayton County uses 27.2 mgd (population (260,000) review recommendations by EPA and Wildlife, request public comments at work session

Attorney Craig (requested permission to respond)

- Recommended to the board that comments be allowed and he will make a presentation regarding the project and take the responsibility of answering any questions from the public as long as it takes.

Aaron Brooks

1215 Dixie Road

- Voiced concern about the following: taxes some of the highest in the state, transparency is very low in this administration, lack of information regarding the Bear Creek Reservoir, questioned \$120,000,000 paid for with bonds, noted that 13% of county's total revenue will go towards the repayment of bonds, not

asking to eliminate the project...just slow down and look at new information, understands water fund is not open for public oversight – voiced his objection, concerned about the amount of legal fees county pays, questioned how much has been spent on BCR project, questioned what GEFA loan money was spent on, requested that work session on BCR be open to public comments and questions... does not want this project to become another 2050 Plan.

Wesley Dowdy

1479 Elks Club Road

- Voiced his concern about the BCR project, BCR project bigger than 2050 Plan, questioned board's responsibility and challenged them to ask the right questions, suggested an independent investigation, speak with EPA and Corp, halt project until it can be critically evaluated, open work session to public comments.

Ed Applewhite

North Newton County

- Voiced his concern over the lack of trust people have in local government, i.e., 2050 Plan controversy, 4th district controversy, The Center, County Attorney, post budget on web with line item details, post what the checks cover, post votes and why you voted this way on line.

Dennis Taylor

North Newton

- Voiced his concern over transparency or the lack there of with this administration, concerned about public safety, should be a way to consolidate some finances from BOC, BOE, Constitutional Officers and find a way to help the sheriff's office, would like to see SPLOST funds used for needs and not wants,

Karen Brooks

365 Hinton Road

- Read a statement about transparency, trust and respect, concerned about wasteful spending, concerned about the BCR project...too many questions, and needs to be reviewed.

Willie Johnson

87 Lower River Road

- Expressed concerns about landfill and neighborhood, concern for children's health, no place for children to play, Lower River Road is a dangerous road, and request board consider helping this community with issues.

Steve Brown

30 Steel Road

- Noted that 2050 Plan had woke him up to county government, would be willing to speak to board regarding transparency, but it would take longer than three minutes, would like for this to be an agenda item topic, noted board can regain trust of the people.

Vice-Chairman Sims closed the public comment portion of the meeting @ 9:15 p.m.

OLD BUSINESS:

COUNTY CLERK: APPROVAL OF BOC MEETING MINUTES DATED SEPTEMBER 16, 2014

Motion by Commissioner Henderson, second by Commissioner Maddox, to approve the minutes dated September 16, 2014 as printed.

Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF EXECUTIVE SESSION MINUTES DATED SEPTEMBER 2, 2014

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve the executive session minutes dated September 2, 2014 as printed.

Motion carried unanimously (4-0)

NEW BUSINESS:

COUNTY CLERK: APPROVAL OF BOC WORK SESSION MINUTES DATED OCTOBER 7, 2014

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve the work session minutes dated October 7, 2014 as printed.

Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF BOC MINUTES DATED OCTOBER 7, 2014

Motion by Commissioner Henderson, second by Commissioner Maddox, to approve the minutes dated October 7, 2014 as printed.

Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF EXECUTIVE SESSION MINUTES DATED OCTOBER 7, 2014

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve the executive session minutes dated October 7, 2014 as printed.

Motion carried unanimously (4-0)

DISTRICT 5 APPOINTMENT: ZONING APPEALS BOARD

Commissioner Maddox expressed his appreciation to the service the Morgan family has given to Newton County over the years and thanked Mr. Morgan for his willingness to serve on this board.

- Term Expires: December 31, 2015 (unexpired term of Wesley Dowdy.)

Motion by Commissioner Maddox, second by Commissioner Henderson, to approve the appointment of Buddy Morgan to the Newton County Zoning Appeals Board effective immediately.

Motion carried unanimously (4-0)

PUBLIC HEARING: NEWTON COUNTY OCCUPATION TAX ORDINANCE O-102114A

Attorney Jenny Carter presented the proposed amendments to the board for their approval.

- Amendments presented, reviewed and discussed at work session held on October 7th
- Briefly summarized the amendments to the ordinance.
- Basically re-organized, cleaned-up (pulled out things that don't need to be in the ordinance); more streamlined and easier to follow.
- No tax increase
- Fee schedule remains the same except for a \$50.00 Administrative Late Fee
- Ordinance will be effective January 1, 2015.
- Ordinance O-102114A is attached and made part of these minutes.

Vice-Chairman Sims opened the public hearing @ 9:25 p.m.

No comments

Closed public hearing.

Motion by Commissioner Maddox, second by Commissioner Schulz, to adopt Ordinance O-102114A – Newton County Occupation Tax Ordinance as presented. Motion carried unanimously (4-0)

ZONING:

Vice-Chairman Sims read the following into the record:

Public Hearing

Please note: The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes are allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by the commission members.

O-102114 – AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES. (DAY CARE CENTERS)

Zoning Administrator Judy Johnson presented the amendments to the zoning ordinance.

- Primary change: Allows day cares with up to 6 individuals into residential zoning districts. Over 6 clients must find a commercial location.
- Updated definitions, Division 105, outlining a Day Care Center in a commercial zoning district allows for more than 7 clients and a Day Care Facility in residential districts which allows up to 6 clients.
- Division 505, Use Table, was updated to include which establishments are allowed by zoning districts

- Sec. 510-210 and Sec. 510-220 were updated to include residential home occupations and give specific regulations for the use.

Vice-Chairman Sims opened up the public hearing for comments @ 7:55 p.m.

No comments in favor or in opposition to the amendments.

Closed public hearing.

- Ordinance O-102114 is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Maddox, to adopt Ordinance O-102114 – an ordinance to amend the Newton County Zoning Ordinance; to repeal conflicting provisions; to provide for an effective date; and for further purposes. (Day Care Centers) as presented.

Motion carried unanimously (4-0)

Zoning Administrator Judy Johnson presented the following request:

Note: 52 Eighty, LLC had a court reporter present recording this portion of the meeting.

CASE NUMBER: APP14-000128

Original Case Number:	VAR14-000105
Name of Applicant:	52 Eighty, LLC
Address of Property:	10816 Old Atlanta Highway
Tax Parcel:	42-192
District 4	
Request:	Appeal to the Board of Zoning Appeals decision (denied) at September 25, 2014 meeting.
Original Request:	To reduce the setback from adjoining residential properties from 450 feet to no less than 49.9 feet for construction of new microwave backhaul facility/cell tower.
Applicable Standard:	Section 510-630H (N.C. Zoning Ordinance)
Purpose of Request:	To construct a new Microwave Backhaul Facility/Cell Tower.
Size of Property:	0.1133 acres of a 0.6288 acre tract
Present FLUM:	IND (Industrial)
Present Zoning:	R2 (Single-family Residential)
Present Use:	Utility (Fiber optic hub owned by Level 3 Communications)
Potential effects on county:	Although surrounded by a heavily wooded area, the tower will never be completely screened from view. Therefore, some negative visual effects may occur.

Correspondence dated October 20, 2014 from Ellen W. Smith is made part of these minutes

Information from Development Services is made part of these minutes.

Ms. Johnson noted the following:

- In an R2 zoning, a cell tower must be located at least three times its height from nearby residences. In this request it would be 450 ft. away. She noted that some residences are 300-400 feet away and one is 90 feet away.
- Nearest resident has signed a waiver and entered into an agreement with the company to be listed as an insured on the company's insurance policy.
- She also noted that the immediate property owner signed a waiver to the one-time property height, but not the three (3) times the property height that is being considered tonight.
- Zoning Board of Appeals acts on variances and they denied the request.
- 52 Eighty, LLC has appealed that decision to the Board of Commissioners.

Vice-Chairman Sims opened public hearing.

Petitioner Representative: Attorney Ellen Smith

- Last month BOC voted to approve a CUP.
- Meets all the requirements for a variance (N.C. Zoning Ordinance, Section 605-030B)
- Board must consider four things:
 - 1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography?
 - 2) The strict application of the Ordinance to this particular piece of property would create practical difficult or unnecessary hardship.
 - 3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance
 - 4) No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance or to change the density of a use allowed by the Zoning Ordinance or to grant a development right o standard in conflict with a condition of zoning imposed by the Board of Commissioners.
- Gave notice to area residents.
- Held a meeting
- Precedence already set by allowing variance for other cell towers.
- Size and shape of property will not meet the 450 foot setback.

Opposition:

Kevin Hawkins (on behalf of his father Mr. Albert Hawkins – due to health reasons Mr. Albert Hawking's could not attend the meeting)

- Owns two tracts near site of cell tower.
- House is closer than 150 feet
- Will come within 50 feet of property
- Questioned what would happen if his father decided to construct a building on their property? Thinks cell tower would interfere that.
- Always gone by rules and regulations and feels this company should do the same.

- Commissioner Schulz asked Mr. Hawkins if they would object to the tower if 52 Eighty were in compliance and he responded there would be no object.

Commissioner Douglas said he had some concerns about approving a cell tower in a residential area that would be less than 100 feet from someone's home. He questioned if it would interfere with residences that close to the tower? Ms. Johnson told the board that the county's consultant sent a letter stating it meets all regulations and recommended approval.

Gladstone Nicholson
Lakeside Circle

- Newton County's future is at stake
- Could be easily solved by private sector
- Because bad precedence has been set it doesn't mean you have to do it again.
- For the people of Newton County

Wesley Dowdy
Elks Club Road

- Former member of N.C. BZA (attended meeting where request was denied)
- Property owner's bedroom is right in line with the tower. Concerned if it were to fall.
- Concerned that citizen was being manipulated and feels it was unethical regarding the insurance coverage

Dennis Taylor
North Newton

- Mr. Hawkins is just as important as someone who comes in here with an attorney.
- Why do we keep giving variances?
- It's residential property....let it stay that way.

Petitioner Representative: Attorney Ellen Smith

- I, too, represent a property owner and tax payer in Newton County.
- Take absolute offence to the comment made by the former BZA member.
- There are four (4) factors for BOC to consider.

Opposition:

Mr. Hawkins

- Wrong about property line not being effected. It will have an effect if want to ever sell our property

Vice-Chairman Sims closed the public hearing.

Commissioner Henderson

- Always try to listen to both sides.
- We have a consultant that made a recommendation.

Commissioner Douglas

- Appreciate discussion on both sides.
- Voting against variance - strong supporter of quality of life, value property rights.

Commissioner Schulz:

- Voiced her concern that the property is zoned residential and there is a property owner who lives there that will be impacted by the tower. Will be voting in opposition to the variance.

Motion by Commissioner Henderson, seconded by Commissioner Maddox, to approve the variance as recommended by staff.

Vice Chairman Sims deferred to the county attorney for direction
County Attorney Craig

- Told the board if they chose to vote against the variance it would require a written justification of the decision.
- Suggest table the request to the next meeting to allow time for his office to prepare written findings.
- Suggest that Commissioner Henderson withdraw his motion and offer a substitute motion to post pone action.

Substitute Motion

Motion by Commissioner Henderson, seconded by Commissioner Maddox, to table Case Number APP14-000128 until the November 4th BOC meeting.

Motion carried unanimously (4-0)

ALCOHOL LICENSE:

Final Reading

Triple "A" Food Mart
10946 Hwy. 278 E
Covington, GA 3001
Owner: Anjerhai D. Patel
District One

Motions by Commissioner Maddox, second by Commissioner Henderson, to approve the alcohol license for Triple "A" Food Mart located at 10946 Hwy. 278 E as requested.
Motion carried 3-0 with 1 abstention (Commissioner Douglas)

Final Reading:

Chevron Food mart
11230 Highway 36
Covington, GA 30014
Owner: Leo Anwar
District Five

Motion by Commissioner Maddox, second by Commissioner Henderson, to approve the alcohol license for Chevron Food Mart located at 11230 Highway 36 as requested.
Motion carried 3-0 with 1 abstention (Commissioner Douglas)

DISCUSSION TO CHANGE THE DATE OF THE FIRST BOC MEETING IN NOVEMBER AND THE SCHEDULED WORK SESSION DATE

Commissioner Douglas requested the board change the date of the regularly scheduled commission meeting on November 4th to November 3rd due to the 4th being Election Day. He also asked that the November 4th work session be changed to Wednesday, November 5th allowing more time regarding the Bear Creek Reservoir.

Commission Meeting

- From Tuesday, November 4, 2014 to Monday, November 3, 2014 @ 7:00 p.m.

Work Session (Bear Creek Reservoir)

- From Tuesday, November 4, 2014 to Wednesday, November 5, 2014 @ 6:00 p.m.
- Presentation by County Attorney
- Q&A: Commissioners & Attorney
- Citizens Comments Q&A: Citizens & Attorney

Motion by Commissioner Douglas, second by Commissioner Maddox, to change the BOC meeting from November 4th to Monday, November 3rd; to change the work session date from November 4th to Wednesday, November 5th with presentation by county attorney followed by public comments.

Motion carried unanimously (4-0)

COMMISSIONER'S COMMENTS

Commissioner Douglas

- Expressed appreciation to Vice-Chairman Sims for doing such a great job conducting the meeting in the absence of the chairman.
- Noted that the nine (9) historic documents had been hung in the commission boardroom and encouraged people to take a minute to view them.

Commissioner Schulz

- Noted that the Citizens of the Fairview Road Corridor have organized a forum to take responsibility for their community. It will be held this Saturday, October 25, 2014 from 9 a.m. to Noon @ Grace Presbyterian Church. Representative Pam Dickerson, State Senator Ron Ramsey, Sheriff Ezell Brown, Assistant Juvenile Judge Lisa Mantz, District Attorney Layla Zhan and I will be there to talk about how we can work together and extended an invitation to all to attend.
- Would like to have Chief O'Brien and Jody Nolan come before the board (next meeting) to give an update on the Ebola virus.

Commissioner Henderson

- Announced that on November 1st from 6:30 p.m. until there would be a Town Hall Meeting @ Nelson Heights Community Center to discuss ideas of how we can improve our community.
- Sheriff Department lost six deputies last week. We train them and then they find better paying jobs and leave. We need to find more money for the sheriff's department. Would like for sheriff to come and address the board with his needs. Instructed the clerk to place "discussion of the sheriff department financial needs" on next agenda. Duly noted.

Commissioner Maddox

- Bear Creek Reservoir
Our population will grow substantially
Economic Development team doing a fantastic job.
More companies and jobs are coming to Newton County
Abundant supply of water is a MUST for us to prosper short, medium and long term.
As long as I serve, I will strongly support the Bear Creek Reservoir.
- County Attorney
Newton County has been well served by Mr. Craig's knowledge, experience and stability and his drive for the county's prosperity.
Mr. Craig and his team cover almost every aspect of county operations i.e. economic development, legal challenges, zonings, and more.
January 2015 it will be an honor to make the motion to reappoint Mr. Craig as our legal counsel.
- Transparency
Expressed appreciation to Mr. Dennis Taylor for sending board the website information from Whitfield County, GA to review.
Great tool... would like to follow-up to see how we can duplicate or do better.
Appreciate the suggestion.
Bigger problem is communication. It's 9:50 p.m. and there only about 20 people in the audience to see what is going on in county government.
Mailers are too expensive
We need to find better ways to engage our citizens.
- Complimented Vice-Chairman Sims on chairing the meeting.
Wished Commissioner Sims and Henderson the best on November 4th and expressed appreciation for their service to Newton County,

With no further business, a motion by Commissioner Henderson, seconded by Commissioner Maddox, the meeting adjourned at 9:55 p.m.

Sincerely,

Jackie B. Smith, County Clerk

William K. Ellis, Chairman