

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Minutes
April 19, 2016

Present: Chairman Keith Ellis, Commissioners' John Douglas, Lanier Sims, Nancy Schulz, Levie Maddox, County Manager Lloyd Kerr, Attorney Megan Martin, and Clerk Jackie Smith

Absent: Commissioner J.C. Henderson (at the hospital w/son John)

Citizens

Covington News, Newton Citizen

Chairman Ellis called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Rev. Ronny Brannen, Prospect United Methodist Church. Pastor Brannen announced that May 5th was National Day of Prayer. A special prayer for John Henderson was given by Deacon Archie Shepherd. Afterwards, Mr. Shepherd provided the board a handout and commented about the contents.

The Pledge of Allegiance was led by Coach Rick Rasmussen & the Newton County Rams Varsity Basketball Team. Commissioner Schulz recognized Coach Rasmussen and the team and expressed congratulations for their successful year and appreciation for their attendance at the meeting. She noted that Coach Rasmussen also coaches the Ram Golf team and was honored as the 6A Coach of the Year. A photo was taken of the team with the Board of Commissioners.

SUPERIOR COURT: NEWTON COUNTY ADULT FELONY DRUG COURT UPDATE – ARS (APPLIED RESEARCH SERVICES, INC)

The Honorable Superior Court Judge Ken Wynne appeared before the board and provided an update on the Adult Felony Drug Court Program.

- Information attached and made part of these minutes.

Motion by Commissioner Schulz, second by Commissioner Maddox, to approve the Agreement with ARS (Applied Research Services, Inc.) as presented by Judge Wynne

and outlined in agenda book.

Motion carried unanimously (4-0)

JUVENILE COURT: REQUEST TO APPLY FOR OJJDP GRANT

The Honorable Juvenile Court Judge Sheri Roberts appeared before the board seeking approval to apply for the OJJDP Grant to provide services to families with youth in foster care or in danger of being removed from the home due to parental substance abuse. This program brings services to families to safely allow children to remain in or return to the home.

- This grant allows the Juvenile Court & the DFACS to work together regarding keeping families together.
- Funding up to \$200,000 yearly for 3 years.

Motion by Commissioner Schulz, second by Commissioner Sims, to approve the request to apply for the OJJDP Grant as presented by Judge Roberts.
Motion carried unanimously (4-0)

JUVENILE COURT: SPLOST FUNDS

The Honorable Judge Sheri Roberts addressed the board regarding 2011 SPLOST funds earmarked for Juvenile.

- 2011 SPLOST allocation - \$500,000
- Requesting a building to be constructed instead of renovation.
- Site on county property (near library, health department, mental health department)
- Collection today is \$437,652
- Expect to be fully funded by end of year.
- N.C. Engineer (former position) worked on the RFP
- Asked if Mr. Clegg could help as they move forward?
- Asked what county services can they utilize moving forward?
- Chairman Ellis told Judge Roberts that Mr. Clegg now works under his supervision and pledged his assistance.
- Pledged assistance for site work from the public works department as well.
- Questioned if funds can be utilized that have already been collected?
- Attorney Martin said a resolution explaining circumstances can be ready for the May meeting.
- Chairman Ellis said it would be on the May agenda and asked for a motion to authorize the county attorney's office to prepare the resolution.
- Commissioner Maddox reiterated that this is a standalone building.
- Judge Roberts thanked the board for their support to move forward.

Motion by Commissioner Schulz, second by Commissioner Douglas, to direct the county attorney to draft a resolution to amend the 2011 SPLOST resolution regarding infeasibility of renovation of Juvenile Justice Center and moving forward with design and construction of juvenile services building.
Motion carried unanimously (4-0)

Motion by Commissioner Douglas, second by Commissioner Sims, to move forward with the design and construction of the Juvenile Justice building
Motion carried unanimously (4-0)

Zonings

Chairman Ellis noted that zoning hearings are scheduled to be heard at 7:30 p.m., but due to the amount of business on the agenda called for a motion to move the hearings to 8:00 p.m.

Motion by Commissioner Douglas, second by Commissioner Sims, to hear zonings on or before 8:00 p.m. for tonight's meeting only.
Motion carried unanimously (4-0)

OLD BUSINESS:

COUNTY CLERK: APPROVAL OF EXECUTIVE SESSION MINUTES DATED

FEBRUARY 2, 2016 (TABLED MARCH 15, 2016)

Motion by Commissioner Schulz, second by Commissioner Maddox, to approve the Executive Session Minutes dated February 2, 2016 as presented.
Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF EXECUTIVE SESSION MINUTES DATED MARCH 1, 2016 (TABLED MARCH 15, 2016)

Motion by Commissioner Schulz, second by Commissioner Maddox, to approve the Executive Session Minutes dated March 1, 2016 as presented.
Motion carried unanimously (4-0)

DISTRICT FOUR SPLOST PROJECTS (TABLED MARCH 15, 2016)

District Four Commissioner J.C. Henderson was not at the meeting due to his son being in the hospital. Chairman Ellis requested the board table this issue indefinitely.

Motion by Commissioner Sims, second by Commissioner Schulz, to table the District Four SPLOST Projects indefinitely.
Motion carried unanimously (4-0)

CHAIRMAN'S REPORT

PowerPoint Presentation

Gave update on SR 81, Butler Bridge Road, Bethany Road
Farm Bureau Ice Cream Social Thursday @ 5:00 pm – old fair grounds
Filming of BOC Retreat is on the webpage
GEMA Update provided by Jody Nolan

- Harbin submitted a cost estimate for remediation at the landfill in the amount of \$5,030,000.
- Mr. Nolan presented it to FEMA and it is under consideration.
- Proclamation: Child Abuse Prevention Month - William Thomas, Director of DFACS – Expressed appreciation to BOC for support over the years.
- Chimney Park - Dog Park Update – Melvin Allen, Chairman Friends of Newton Parks
- Manufacturing Appreciation Week: Chamber Representatives Serra Hall & Debbie Harper. Chairman Ellis read the Proclamation.
- PowerPoint attached and made part of these minutes.

COUNTY MANAGERS REPORT

Mr. Kerr recapped the following reports:

Annual Permit Summary Update

N.C. Human Resources Monthly Staffing Report

N.C. Human Resources Active Recruitment Snapshot

N.C. Human Resources March Turnover Rate

- Budget calendar information is attached and made part of these minutes.

ADMINISTRATIVE SERVICES: MONTHLY FINANCIAL REPORT

Presented by County Manager Lloyd Kerr.

Motion by Commissioner Maddox, second by Commissioner Sims, to approve the monthly financial report as presented.

Motion carried unanimously (4-0)

ADMINISTRATIVE SERVICES: APPROVAL OF CHECK REGISTER

Presented by County Manager Lloyd Kerr.

- Former county attorney's invoices were questioned by members of the board.
- Last 30 days county paid J&D \$79,131.14 and WTC \$32,806.65

Motion by Commissioner Maddox, second by Commissioner Douglas, to amend the agenda to discuss legal issues.

Motion carried unanimously (4-0)

Motion by Commissioner Douglas, second by Commissioner Maddox, to deny the approval of the check register.

Motion carried unanimously (4-0)

SOLID WASTE AUTHORITY RESPONSIBILITIES

Attorney Martin briefly went over the duties/responsibilities for the SWA as outlined in our Solid Waste Management Plan approved by the EPD.

Commissioner Douglas voiced his concern regarding the closing of recycling centers noting they are very popular in his district. Commissioner Schulz noted that the intent is to make sure the SWA has the full stream and there is nothing in there about closing the convenience centers.

Commissioner Maddox noted the centers have become an essential part of service for the citizens.

Motion by Commissioner Schulz, second by Commissioner Sims, to direct the Solid Waste Authority to run and operate the County's Recycling Centers, an integral part of the collection of waste process, and the landfill, an equally important part of the disposal of waste process, as an Enterprise Fund.

Motion carried 3 to 1 (Commissioner Douglas voted in opposition to the motion)

Motion by Commissioner Schulz, second by Commissioner Maddox, to authorize the Solid Waste Authority to review the RFQP responses solicited by the County for solid waste services and participates in the recruitment process for the landfill manager who will bring leadership and expertise to the landfill operation.
Motion carried unanimously (4-0)

SWEARING-IN OF SOLID WASTE AUTHORITY BOARD

Attorney Megan Martin swore in eight members to the Solid Waste Authority Board and they received a hand of applause.

Citizen district representatives are: Bob Stafford (District One), Ronnie Johnston (District Two), Phillip Wise (District Three), Sharon Sawyer (District 4), and Wayne Haynie (District 5).

Elected officials serving are: Keith Ellis, Chairman BOC, Lanier Sims, Commissioner – District Two and Nancy Schulz, Commissioner - District Three.

CONSENT AGENDA:

Commissioner Douglas requested to add the District One Library Appointment to the Consent Agenda. Board concurred.

Commissioner Maddox requested that the March 1st BOC Meeting Minutes be pulled from the Consent Agenda. Board concurred.

BOC: Appointment to Library Board – District One - Bill Perugino
BOC: Appointment to Zoning Board of Appeals – District One - James Brooks
BOC: Appointment to Library Board – District Three - Barbara Gunner
BOC: Appointment to Water & Sewer Authority – District Three - Jimmy French
BOC: Appointment To DFACS Board – District Three - Ruby Burchette
BOC: Appointment to Recreation Commission – District Four - Flemmie Pitts
Sheriff's Office: Requesting approval to apply for the FY17 Highway Enforcement of Aggressive Traffic (Heat) Grant from the Governor's Office of Highway Enforcement (\$250,000)
Sheriff's Office: Requesting approval of Independent Contractor Agreement w/Olivia Maupin – Personnel Management
Sheriff's Office: Requesting approval to apply for the FY16 SCAAP Grant from the Department of Justice
Juvenile Court: Request approval of Independent Contractor Agreement W/Southeastern Psychological Associates (Funding: SAMHSA Grant)
Fire Services: Requesting approval to apply for Assistance to Fire Fighters Grant
County Clerk: BOC SCM Minutes – March 15, 2016
County Clerk: BOC WS Minutes – March 15, 2016
County Clerk: BOC Meeting Minutes – March 15, 2016
County Clerk: BOC Meeting Minutes – March 1, 2016
County Clerk: BOC WS Minutes – March 1, 2016
County Clerk: BOC WS Minutes – January 14, 2016

County Clerk: BOC WS Minutes – January 12, 2016
County Clerk: BOC WS Minutes – January 7, 2016
County Clerk: BOC SCM Minutes – January 7, 2016

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve the Consent Agenda with the removal of the March 1, 2016 BOC Minutes and to add the District One Library Appointment.

Motion carried unanimously (4-0)

Motion by Commissioner Maddox, second by Commissioner Sims, to table the BOC March 1, 2016 Minutes indefinitely.

Motion carried unanimously (4-0)

FINANCE/SENIOR SERVICES/DFACS: RESOLUTION R041916 – TO APPROVE MOU BETWEEN NEWTON COUNTY BOARD OF COMMISSIONERS & ACTION MINISTRIES (CSBG GRANT/NUTRITIONAL ASSISTANCE TO LOW-INCOME RESIDENTS OF THE COUNTY)

Tamara Richardson appeared before the board and provided information regarding the CSBG Grant/Nutritional Assistance to low-income resident's food program.

- Action Ministries excited to be a partner in this program.
- Displayed weekend food package for children
- Will contact board members to find out where they want their packages delivered and the number of packages needed.
- Great program
- Appreciate county attorney's assistance with resolution and memorandum of understanding.
- Commissioners expressed their appreciation for Action Ministries partnering with the county for this much needed program.

Motion by Commissioner Schulz, second by Commissioner Douglas, to approve Resolution 041916, approving the Memorandum of Understanding (MOU) between the N.C. Board of Commissioners and Action Ministries regarding the CSBG Grant/Nutritional Assistance to low income residents in Newton County.

Motion carried unanimously (4-0)

RECREATION COMMISSION: REQUESTING APPROVAL TO RE-NAME KIWANIS CLUB PAVILION @ TURNER LAKE PARK TO THE RUCKER GINN PAVILION

Recreation director Anthony Avery presented this request to the board. Members of the Kiwanis Club were acknowledged and a welcome extended by the chairman.

- Members of Mr. Rucker Ginn's family were recognized with deep appreciation and affection for this wonderful community servant.

Motion by Commissioner Sims, second by Commissioner Douglas, to rename the Kiwanis Club Pavilion located at Turner Lake Park to the RUCKER GINN PAVILION.

Motion carried unanimously (4-0)

AMENDED AGENDA ITEM TO DISCUSS LEGAL INVOICES

- Former county attorney's invoices were questioned by members of the board.
- Commissioner Maddox stated the board previously made a courageous decision to move in another direction
- Last 30 days county paid J&D \$79,131.14 and WTC \$32,806.65
- Mr. Kerr commented that most of WTC's invoices covered the Sheriff Department
- He noted that the sheriff and all constitutional officers have the prerogative of choosing their attorney.
- Commissioner Maddox commented that the amount spent for right-of-way acquisitions was an absurd amount.
- Chairman Ellis told the board this is a federal aid project that takes 5/6 years to complete and that he wasn't aware of other attorney's that could do this work,
- He also said they must be approved by the GDOT.
- He felt that J&D did not want to the acquire the right-of-way due to the 77 miles traveling one way and said it was not worth the effort.
- Commissioner Schulz voiced her concern that you can't tell what the charges represent from Mr. Craig's invoices.
- Commissioner Sims reiterated that it was clear the BOC had decided to cut all ties with Mr. Craig's firm in March.
- Previously board passed a resolution assigning all legal matters moving forward to Jarrard & Davis.
- Commissioner Maddox questioned Attorney Martin if J&D's qualifications included right-of-way acquisition. She replied that they are qualified.
- Commissioner Sims asked the county manager if there was anything else the county was utilizing Mr. Craig's firm for and he replied that he was not aware of anything else.

Motion by Commissioner Douglas, second by Commissioner Maddox, to transfer all GDOT right-of-way acquisition from William Thomas Craig to Jarrard & Davis no later than May 15, 2016. After discussion the date was amended to May 1, 2016.

Motion carried unanimously (4-0)

Commissioner Maddox commented that he had financial concerns and would not be supporting the purchase of the next three equipment items. He said he felt the purchases could be delayed.

Chairman Ellis noted that he had \$350,000 in his budget that he could utilize.

FLEET MAINTENANCE: REQUESTING APPROVAL TO PURCHASE COATES TIRE CHANGER

Chairman Ellis presented this request to the board for approval.

- Cost: \$5,000 to \$5,750
- Funding: Fleet Maintenance General Budget
- Information made part of these minutes

Motion by Commissioner Sims, second by Commissioner Douglas, to approve the request to purchase a Coates Tire Changer from J & M Supply for a not to exceed amount of \$5,750.00.

Motion carried 3 – 1 (Commissioner Maddox voted in opposition to the motion.)

ROAD DEPARTMENT: REQUESTING APPROVAL TO PURCHASE TWO 10' BAT WING ROTARY MOWERS

Chairman Ellis presented this request to the board for approval.

- Read memorandum from Chester Clegg (attached to these minutes)
- Cost: \$26,500.00
- Funding: Public Works General Fund
- Information is attached and made part of these minutes

Motion by Commissioner Schulz, second by Commissioner Sims, to approve the request to purchase two 10' wide Bat Win Rotary Mowers from Hays Tractor & Equipment for a not to exceed amount of \$26,500.00.

Motion failed 2 – 1-1 (Commissioner Maddox voted in opposition to the motion and Commissioner Douglas abstained).

Chairman Ellis called for a break @ 11:00 p.m. and back to order @ 11:35 p.m.

He conferred with the County Attorney regarding his public works budget and that he understood he could move funds from one line item to another line item. Attorney Martin confirmed he was within his authority to move funds within his budget, but the purchases still need approval from the board.

Chairman Ellis

- Budget has been presented to the county manager already and reflects better numbers.
- Never gone over budget
- Have mowed more grass
- Provided work for all cities
- Great relationship with GDOT and has received more funding.
- Public Works has been more productive than ever.

Motion by Commissioner Douglas, second by Commissioner Schulz, to reconsider previous action.
Motion carried 3 to 1 (Commissioner Maddox voted in opposition to the motion.)

Motion by Commissioner Schulz, second by Commissioner Sims, to approve the purchase of two (2) 10' Bat Wing Rotary Mowers for a not to exceed amount of \$26,500 and to be funded through the Public Works budget.
Motion carried 3 to 1 (Commissioner Maddox voted in opposition to the motion.)

ROAD DEPARTMENT: REQUESTING APPROVAL TO PURCHASE TWO MASSEY FERGUSON 4690 - 90 HP TRACTORS

Chairman Ellis presented this request to the board for approval.

- County's fleet of tractors are 11 – 15 years old
- Read memorandum from Chester Clegg (attached to these minutes)
- Cost: \$90,155.51
- Funding: Public Works General Fund
- Information is attached and made part of these minutes.

Motion by Commissioner Sims, second by Commissioner Schulz, to approve the request to purchase two Massey Ferguson 4690-90 HP Tractors from Atlantic & Southern Equipment, LLC for a not to exceed amount of \$90,155.51.
Motion carried 3 – 1 (Commissioner Maddox voted in opposition to the motion)

ROAD DEPARTMENT: REQUESTING APPROVAL TO PURCHASE A LINK- BELL 145X3 – 33,000 LB. EXCAVATOR

Chairman Ellis presented this request to the board for approval.

- Cost: \$119,980.00
- Funding: Public Works General Fund
- Information is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Sims, to approve the request to purchase a Link-Bell 145 x 3 – 33,000 lb. Excavator from Heavy Machines in Covington, GA. for a not to exceed amount of \$119,980.00.
Motion carried 3 – 1 (Commissioner Maddox voted in opposition to the motion)

ROAD DEPARTMENT: RESURFACING OF HENDERSON MILL ROAD – AWARD BID

Chairman Ellis presented this request to the board for approval.

- Cost: \$1,159,933.80
- 2005 SPLOST funds
- Road Department completed an analysis to determine the greatest needs.
- Information is attached and made part of these minutes

Commissioner Douglas made a motion to approve.
No second.

Commissioner Douglas withdrew his motion.

Commissioner Maddox commented that he felt there were more needed repairs on other roads than Henderson Mill Road. He questioned primary arteries and corridors and said he felt these funds should be used for other roads.

Chairman Ellis read Chester Clegg's memorandum to the board and said that he was disappointed they chose not to listen to a professional engineer.

No one made a motion regarding Henderson Mill Road

ROAD DEPARTMENT: RESURFACING OF BROWN BRIDGE/COVINGTON BYPASS - AWARD BID

Chairman Ellis presented this request to the board for approval.

- Received 2 bids
- Low Bid: Pittman Construction Company
- Cost: \$2,970,139.15
- Funding: 2005 SPLOST
- Information is made part of these minutes.

Chairman Ellis reminded the board that this is 2005 SPLOST Funds and earmarked for roads. He said the funds must be encumbered by June 30th.

Motion by Commissioner Schulz, second by Commissioner Maddox, to award the Resurfacing of Brown Bridge Road/Covington Bypass project to Pittman Construction Company for a not to exceed price of \$2,970,139.15.

Motion carried unanimously (4/0)

SPECIAL PROJECTS: REQUESTING APPROVAL TO PROCEED WITH HIRING CONSULTING ARCHITECT & PREPARATION OF RFP FOR CONTRACTORS TO PERFORM THE INTERIOR RESTORATION OF THE HISTORIC JAIL.

County Manager Lloyd Kerr presented this request to the board for their approval.

- Request to proceed with hiring consulting architect and preparation of RFP for contractors to perform the interior restoration of the Historic Jail.
- Funding: 2011 SPLOST
- Information attached and made part of these minutes

Motion by Commissioner Douglas, second by Commissioner Maddox, to approve to move forward with the RFP as requested

Motion carried unanimously (4-0)

ANIMAL CONTROL: REQUESTING APPROVAL TO IMMEDIATELY PURSUE, WITH SPLOST 2011 FUNDS, \$100,000, ENHANCEMENTS FOR THE NEWTON COUNTY ANIMAL CONTROL CENTER

County Manager Lloyd Kerr presented this request to the board for their approval.

- Previously discussed at annual board retreat.
- Requesting approval to immediately move forward with enhancements for the N.C. Animal Control Center
- Funding: 2011 SPLOST (\$100,000)
- Information is made part of these minutes

Motion by Commissioner Douglas, second by Commissioner Maddox, to approve the request to immediately pursue, with SPLOST 2011 Funds, \$100,000, enhancements for the Newton County Animal Control Center.

Motion carried unanimously (4-0)

LANDFILL: PEER REVIEW & DISCUSSION OF CONTINUATION OF HARBIN ENGINEERING SERVICES FOR LEACHATE SPILL @ LANDFILL.

County Manager Lloyd Kerr addressed the board.

- Peer review completed (attached and made part of these minutes)
- Advised the board that an estimated cost of leachate spill could come close to \$5,000,000.
- County utilized RFP and received 3 competitive bids.
- Commissioner Douglas voiced concern that Harbin is the engineer of record and writing diagnosis and prescription.
- Mr. Kerr said they were very pleased with Harbin's work and would like to continue to use them.

Motion by Commissioner Schulz, second by Commissioner Sims, to approve the continuation of Harbin Engineering Services for the leachate spill at the landfill. Motion carried with Commissioner Douglas and Maddox voting in opposition to the motion and Chairman Ellis breaking the tie in favor of the motion.

APPROVAL OF HUD CONCILIATION AGREEMENT

County Attorney Megan Martin presented this agreement to the board for their consideration.

- Conciliation Agreement is made part of these minutes

Motion by Commissioner Maddox, second by Commissioner Sims, to approve the HUD Conciliation Agreement as presented.

Motion carried unanimously (4-0)

RESOLUTION R041916A – SETTING QUALIFYING FEE FOR SPECIAL ELECTION BOARD OF EDUCATION – DISTRICT ONE SEAT

- Housekeeping requirement
- Qualifying Fee: \$216.00
- Resolution R041916a is attached and made part of these minutes.

Motion by Commissioner Maddox, second by Commissioner Sims, to approve resolution R041916a to set the qualifying fee for a special election for the Newton County Board of Education District One seat vacated by Stan Edwards.
Motion carried unanimously (4-0)

RESOLUTION R041916B – NAMING OPEN RECORDS OFFICERS FOR BOARD OF ELECTIONS AND TAX ASSESSORS

- Housekeeping item
- Resolution R041916b is attached and made part of these minutes

Motion by Commissioner Douglas, second by Commissioner Maddox, to approve Resolution R041916b – Naming Open Records Officers for the Board of Elections and Tax Assessors.
Motion carried unanimously (4/0)

RESOLUTION R041916C - AMENDMENTS TO THE 2013 PURCHASING POLICY

Attorney Jeff Strickland (Jarrard & Davis) addressed the board regarding the amendments to the 2013 Purchasing Policy and was available to answer any questions.

- Commissioner Schulz said that she served on the purchasing committee.
- Most changes are from administrative services to financial administration.
- Dollar amounts are a little different from the 2013 policy.
- This has more clarity regarding the definition of professional services.
- Information is attached and made part of these minutes.

Motion by Commissioner Schulz, second by Commissioner Maddox to approve resolution R041916c amending the 2013 purchasing policy as presented.

Substitute Motion

Motion by Commissioner Sims, second by Commissioner Douglas, to table resolution

R-41916c Amendments to the 2013 Purchasing Policy until the May 17th board meeting.

Motion carried with Commissioner Schulz and Maddox voting in opposition to the motion and Chairman Ellis breaking the tie in favor of the motion.

EMA: REQUESTING APPROVAL TO RENEW THE GEMA AGREEMENT (STATEWIDE MUTUAL AID & ASSISTANCE AGREEMENT)

EMA Director Jody Nolan provided the board a brief summary of the GEMA Agreement.

- Housekeeping item
- Agreement is attached and made part of these minutes

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve the GEMA Agreement (State Wide Mutual Aid & Assistance Agreement) as outlined by EMA Director Jody Nolan.

Motion carried unanimously (4-0)

APPROVAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN NEWTON COUNTY BOARD OF COMMISSIONERS & THE TOWN OF NEWBORN FOR COURT SERVICES

Mayor Greg Ellwanger was on hand for this request. He expressed his appreciation to the commission for their consideration and approval.

- Agreement is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Schulz, to approve the Intergovernmental Agreement between Newton County Board of Commissioners and the Town of Newborn for Court Services.

Motion carried unanimously (4/0)

**8:00 PM
ZONING/PUBLIC HEARING**

Chairman Ellis read the following:

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.

RESOLUTION R041916d – PROPOSED AMENDMENTS TO THE NEWTON COUNTY ZONING ORDINANCE – BRICK STORE OVERLAY

County Manager Lloyd Kerr presented the resolution regarding the Brick Store Overlay.

- Posted on website in December to allow for public comment. Received no comments.
- First proposed in 2000.
- Two meetings on Brick Store Overlay with planning commission.
- Same procedure as the Salem & Almon Overlays
- Went over the changes.
- Planning Commission recommended the map presented before you and recommends adoption.
- All proposed changes received a 5/0 vote from the planning commission.

- Vote to move forward to the BOC was 3/2 vote.
- 3Tiers of development
- Designed to encourage quality commercial and residential growth
- Preserves rural and historical nature of the area.
- Similar overlay to Almon & Salem Road.

Commissioner Douglas commented that he felt it was a good plan and that people want to see quality and high-end growth. The board has to do all we can to make sure this happens.

Commissioner Maddox noted that the Brick Store Overlay was brought back up in 2015 and while it was posted on our website we received no public comments. He iterated that there were two public meetings before it came before this board for approval.

He also questioned if someone could receive a variance for special exceptions and Mr. Kerr said they could.

- Resolution R041916d is attached and made part of these minutes.

Chairman Ellis declared the Public Hearing open.

In Favor of Overlay

Betty Bledsoe

Social Circle

Original member & secretary of the Brick Store Committee

- Resident since 1973
- Protects the watershed
- Comments are attached and made part of these minutes

Bob Hapner

Surrey Chase

- Supports overlay and ask board to support with a vote to approve.
- Polled 78 neighbors in favor of the overlay.
- Board should provide structure.

Opposition

Brenda Stanton

Social Circle

- 10 property owners own the majority of the land in question.
- One owner served on the committee
- Upsetting that no one contacted property owners to see what could be done to help them
- Landowners would like to see the density changed.
- We provided suggestions, but nothing was changed.
- 500 pages of regulations in zoning ordinance
- Strongly opposes approving the Brick Store Overlay

George Baker

Monroe, GA

- Property owner
- Owns over 140 acres near Hub Junction (old drive-in movie)
- Been involved since 2000.
- Favors quality development
- 18 landowner own over 750 acres in the area in question.
- Feels that landowners have not been heard.
- Request that you vote no to the Brick Store Overlay.

Ricky Mock

Social Circle

- Property owner
- Voiced strong opinion in opposition to the approval of the overlay.
- Feels this is unconstitutional
- Property owners have not been heard and own most of the property in question.

Chairman Ellis declared the public hearing closed.

Commissioner Sims noted he was a big supporter of overlays and challenged people to look at Salem Road with no restrictions and what happens. He also stated that as a community we are setting higher standards, commercial and residential is held to a higher standard now. He noted during the Salem Overlay meetings he went back and talked with every large property owner to see what could be done to satisfy them and the community. He noted the success found in talking with large land owners. He said that as much as he was behind the Brick Store Overlay he would not be supporting it until we speak with the large property owners.

Commissioner Schulz noted she had been involved with two overlays and wants to make sure we are fair to both sides. Supports overlay and, too, agree they work for the community and citizens. Voiced a concern there has not been a public hearing since 2014.

Commissioner Maddox outlined the many meetings all open to the public.

1. 13 public meetings @ the college
2. Journey has been going on for several years
3. Pause was to allow separation from the 2050 Plan
4. Early last fall Commissioner's Douglas & Maddox asked Mr. Kerr to move forward with this again.
5. It has been an incredible 15 year journey to protect this intersection.
6. Looking at land use. (map allows density, alcohol, water & sewer)

Commissioner Maddox said that he does not think it is a restriction, but thinks it is an enhancement that protects the community.

Commissioned Douglas noted there were 13 meetings to craft the Brick Store Overlay.

Feels the county has a unique opportunity to have a semi-urban county with half being raw land. He reiterated what Commissioned Sims said about district two seeing quality development since the overlay was approved. He said, "We have a great opportunity to shape this area, build quality development with upscale businesses and upscale houses."

Motion by Commissioner Maddox, second by Commissioner Douglas, to approve Resolution R041916d – Proposed Amendments to the Newton County Zoning Ordinance regarding the Brick Store Overlay

Motion carried 3 to 1 (Commissioner Sims voted in opposition to the motion)

RESOLUTION R041916E – PROPOSED AMENDMENTS TO THE NEWTON COUNTY ZONING ORDINANCE – DEFINITIONS

County Manager Lloyd Kerr briefly went over the changes.

Chairman Ellis declared the public hearing open.

No one addressed the board in favor or in opposition to the amendments.

Chairman Ellis declared the public hearing closed.

- Resolution R041916e is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Schulz, to approve Resolution R041916e - Proposed Amendments to the Newton County Zoning Ordinance regarding Definitions.

Motion carried unanimously (4/0)

County Manager Lloyd Kerr sounded the following zoning.

CASE NUMBER:	NTL15-000321
PROPOSED USE:	New Telecommunications Tower
EXISTING ZONING:	AR (AGRICULTURAL RESIDENTIAL)
WATERSHED:	South River
LOCATION:	4134 HWY. 212 (NORTH SIDE) 636+ Feet of Frontage off Hwy. 212 521+ Feet of Frontage off Hwy. 81 South
PARCEL SIZE:	14.71 Acres
TAX PARCEL:	18-25
OWNER:	Evelyn Marie Jones C/O Ellen Nowicki
PETITIONER:	Verizon Wireless
REPRESENTATIVE:	Mary Palmer W/Baker, Donelson, Bearman, Caldwell & Berkowitz

APPLICANT'S INTENT: To locate a 190-Foot Monopole T
Telecommunications Tower (184' Tower
Plus 6' Lightning Rod)
PLANNING COMMISSION: Recommended approval on March 22,
2016 planning commission meeting

DISTRICT ONE

- Power Point presentation of maps
- Information is attached and made part of these minutes

Chairman Ellis declared the public hearing open.

Favor

Andy Rotenotreich

- Addressed the board on behalf of Verizon
- Single pole design
- Udnr 200 feet
- Located at the back of the property
- Not lit at night
- Displayed coverage map on PowerPoint

Opposition

None

Chairman Ellis closed the public hearing.

Motion by Commissioner Douglas, second by Commissioner Sims, to approve Case Number NTL15-000321 as presented and with the recommended conditions by staff.

Motion carried unanimously (4/0)

CITIZEN COMMENTS

Dr. Cathryn Lafayette

Covington

- Read statement (attached and made part of these minutes)
- Requesting \$45,000 from FY17 county budget
- Cost is to feed 10,000 children
- Stated she fed \$7,000 last year
- Previously had a grant
- Transportation to serve children

Ricky Mock

Social Circle

- Landowner @ Hub & Brick Store
- Voiced strong opposition to the Brick Store Overlay
- Thinks BSO is unconstitutional
- Thinks it takes away property rights.
- Objects to land being grandfathered in (2001 – R. Fowler)

Gladstone Nicholson
Lakeside Circle

- Offered support for Dr. Lafayette
- Supports traffic control on Fairview Road

COMMISSIONER'S COMMENTS

Chairman Ellis

- Past 3-1/3 years been pretty ugly.
- Disregard for citizens of the county
- This past week county was awarded \$600,000 from GDOT and mentioned road projects.
- Will continue to try and save the county money.
- Will continue to do the chairman's job
- A lot of issues going on within the county.
- Social Circle is coming in through an unlocked screen door and no one is paying attention.
- Disappointed tonight.

EXECUTIVE SESSION

12:53 a.m.

Motion by Commissioner Schulz, second by Commissioner Douglas, to enter into Executive Session for the purpose of discussing land acquisition, litigation and personnel.

Motion carried unanimously (4-0)

REGULAR SESSION

The Board entered regular session @ 2:01 a.m. and with no further business, a motion by Commissioner Henderson, second by Commissioner Sims, the meeting was adjourned.

Respectfully submitted,

Jackie B. Smith, County Clerk

William K. Ellis, Chairman