

**NEWTON COUNTY BOARD OF COMMISSIONERS
MINUTES
December 18, 2001**

Newton County Judicial Center

Presiding: Chairman Aaron Varner

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, J.C. Henderson, and Billy Strickland; Attorneys Tommy Craig and Scott Cole; Administrative Assistant John Middleton and Clerk Jackie Smith

Newspaper: Nathan Cain-Covington News
Matt Savage-Newton Citizen
Large Group of citizens.

Call To Order: Chairman Varner extended welcome and read thought for the day.

Invocation: Rev. Billy Wade, Covington First Presbyterian Church

Chairman Varner thanked Rev. Wade for his prayers and expressed appreciation to him and his congregation for their contribution to the community and valued their friendship.

Pledge of Allegiance: Led by Chairman Varner

APPROVAL OF WORK SESSION MINUTES DATED DECEMBER 4, 2001

Motion: To table until first meeting in January 2002.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPROVAL OF MINUTES DATED DECEMBER 4, 2001

Motion: To approve as written with correction on page two which should read Commissioner Henderson and not Chairman Henderson.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

PROJECT NO. 98985 (200) NC
DITCH PAVING ON HODGES CIRCLE (CR 125)

Discussion:

Commissioner Mort Ewing:

- Requested action on project be tabled from previous meeting allowing him time to meet with Mr. Tom Moreland/MAAI.
- Had a 2 hour meeting with Mr. Moreland, but unfortunately they were not able to resolve their differences.
- Not comfortable with spending some \$23,000 more on a project that he felt should have been corrected two years before. (re: cross-drain)
- Would like to see the issue resolved.

Chairman Varner

- Have met with Commissioner Ewing several times regarding this project and sometimes you have to agree to disagree and that is the position they are in now.
- As Chairman of BOC he is also chairman of roads and represents entire county.
- Would never want to do anything that is harmful to any district or person in Newton County.
- Current board inherited this project from prior administration.
- Have worked through most of the problems/issues regarding this project.
- After meeting with Commissioner Ewing regarding the project, chairman called Mr. Moreland and asked him to review the project and see if this would correct the problem. His opinion was the project was worth going on with and the ditch paving would correct the problem.
- Chairman said this project was tied on to the East Newton/Dixie Road Turn Lane Project. The East Newton/Dixie Road project is a safety issue. He said the projects were not tied together to circumvent anyone from not having proper leverage to get their motion passed; we did this to save money. The numbers we received backs this up.
- Sincere intent on completing this project and recommended approval. If not approved, this could cost the county more money, since this is tied into the Dixie Road Project.
- He stated that he has great respect for Commissioner Ewing and his opinion, but regarding this issue they do not agree.

No action was taken.

RE-DISTRICTING MAP APPROVAL

Discussion:

Chairman Varner

- Required every ten years (after census is taken) to draw a new map.
- Board has been working on this several months.
- Displayed map to be voted on.

Attorney Craig

- Approve map and send it to the Justice Department for approval.

Motion: To adopt District Map as drawn and present to Georgia State Legislature for approval.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPROVAL OF PNEUMATIC TIRED ROLLER FOR PUBLIC WORKS DEPARTMENT

Discussion:

- Chairman Varner stated this was a much-needed piece of equipment for our Public Works Department.
- Received two bids: Yancey: \$55,262 with a trade in value of current equipment is \$12,000, for a balance of \$43,262.00. They also a 3 & 5 year buy back or 2,000 hours.
Stith: BOMAG Model: \$53,106 with a trade in value of \$13,000 on current equipment leaving a balance of \$40,106.00.
- Road Department recommendation is to award it to Yancey. Equipment is currently at the Road Dept in use as Yancey allowed 20 hours free demo time to see if it was what we wanted.
- With the buy back option and resale value of the caterpillar it is my recommendation to award it to Yancey Brothers Company for \$43,262.00.

Commissioner Ewing

- Asked chairman if he felt the caterpillar equipment was superior to the other and chairman concurred it was in many ways, also higher resale value.
- Asked if this equipment would complete the equipment inventory for our Road Department to be able to pave county roads? Chairman that was correct.
- Asked if it was versatile? Yes, it can be used with TST and Plant Mix.

Motion: To follow the recommendation of the chairman and the public works department and approve the purchase of a Caterpillar, Inc. PS-150B Paving Compactor (CB/CP/CS/PS) from Yancey Brothers Company for a cost of \$43,262.00.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

Note: Quotes are made part of these minutes.

ZONING ORDINANCE AMENDMENT

Discussion:

Lloyd Kerr, Senior Planner

- Provided board with a copy of the Amendment to the Newton County Zoning Ordinance that will allow for restaurant with drive-thru windows to be located in CN zoning districts. Currently our ordinance permits this use in CH or CG.
- Planning Commission voted to recommend this ordinance amendment at their meeting on November 27, 2000.
- He stated Commissioner Dimsdale initiated this amendment.

Commissioner Fleming

- Confirm that sign height will remain the same. Mr. Kerr confirmed.
- Stated we want to continue the neighborhood friendly effect and would not be in support of extending the height of the signs. Mr. Kerr noted that there wasn't anything in this amendment that would allow changes in the height or size of a sign.

Commissioner Ewing

- A concern expressed by citizens in the past has to do with the noise and light pollution from a drive-in restaurant. He questioned if these issues were properly addressed in other section of the ordinance? Mr. Kerr replied that our current ordinance does not address noise levels, but it does address lighting to the extent that it requires any lighting must be directed away from adjacent residential property. He stated that the Rural Village Overlay does have a provision in it that requires the sound decimal level be at 55 or lower within 50 feet of drive-thru.
- Requested Mr. Kerr note to include this change in the zoning ordinance for review by board.

Motion: To adopt Ordinance O-121801 allowing drive-through restaurants in Neighborhood Commercial zonings.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

Note: The original ordinance is contained in file number O121801, incorporated herein by reference and expressly made a part of these minutes.

COUNTY COMMISSIONER COMPENSATION

Discussion:

Chairman Varner stated this was a Public Hearing regarding this issue and a question and answer time would be provided. He then introduced Administrative Assistant John Middleton who presented recommendation. Mr. Middleton stated that in accordance with O.C.G.A. 36-5-24, County Commissioners may set their own compensation; expenses and expense allowances using home rule authority. In order to set the compensation to be effective January 1, 2003, it has to be enacted prior to the qualifying date for the next general election, which is April 22, 2002. Newton County has met the requirement to advertise for three consecutive weeks prior to any approval action on these changes as to the fiscal impact of the compensation increase. Newton County advertised for four (4) consecutive weeks. He noted that the base salary proposal to be considered is consistent with the ACCG recommendations and the base salary would be as follows:

- Base Salary = 20% of the Sheriff's Base Salary
- Longevity Adjustments = an additional 5% for each 4 year term completed (30% Max)
- COLA for 2002 = a 3.5% adjustment per ACCG guidelines.
- COLA: Based upon future State of Georgia Annual Cost of Living Adjustments.
- Misc. Expense Allowance = \$200 per month (IRS will consider this as income)
- Educational Supplement = 10% of Base Salary for completing CCO, in lieu of \$100 (Per OCGA 36-5-27)

He stated that the actual physical impact of this motion would not be effective until the fiscal year January 1, 2003. It would be an increase in annualized funding of \$49,408.57. He said that in researching this project it was determined that it has been at least 15 years since any increase has been given to the County Commissioners for their salary.

No questions or comments from the audience.

Discussion

Commissioner Dimsdale

- The reason behind this was if passed future boards would benefit from this. They will never have to come back and address this issue again. This was probably why it was left unattended for 15 years. When pay raises do come up after being allowed to lapse that long, the percentage increase/dollar increase sounds like a lot. What this board will be doing, if passed, is put this on autopilot so that there would be a small increase over the years in the future rather than wait a great number of years and have another large increase.

Motion: To accept the terms as read and advertised in the way of compensation for the Board of Commissioners of Newton County.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Further Discussion

Commissioner Ewing

- Stated the following: “I support the proposal before us, but I have said on two other occasions, and would like for the minutes to reflect, that while I support this wholeheartedly, it needs to be done, that during my current term I would not want my base salary increased as this relates to my base salary. I appreciate the work that Mr. Dimsdale and others have done on this. It should have been addressed a long time ago and I support the motion.”

Motion Carried Unanimously

APPOINTMENT TO TAX ASSESSORS BOARD – DISTRICT ONE

Discussion:

Commissioner Ewing

- Expressed appreciation for the excellent job Mr. Jim Means has done on this board.
- Spoke with Mr. Means and he is willing to continue this service to Newton County.

Motion: To reappoint Jim Means to the Newton County Tax Assessor Board. His term will expire on December 31, 2007.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPOINTMENT TO TAX ASSESSORS BOARD – DISTRICT TWO

Discussion:

Commissioner Ronnie Dimsdale

- Expressed appreciation for Mr. King filling the unexpired term of Ms. Clegg.
- Done a great job.
- Desire to serve.
- Appoint for full term.

Motion: To appoint Chip King to the Newton County Tax Assessor Board. His term will expire on December 31, 2007.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPOINTMENT TO ZONING BOARD OF APPEALS – DISTRICT TWO

Discussion:

Commissioner Ronnie Dimsdale

- Expressed appreciation for John Head's service to Newton County.
- Excellent job.
- Spoke with him and he desires to continue his service to Newton County.

Motion: To reappoint John Head to the Newton County Zoning Board of Appeals. His term will expire on January 1, 2004.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

APPOINTMENT TO PLANNING COMMISSION– DISTRICT One

Discussion:

Commissioner Ewing requested his appointment be tabled until the first meeting in January.

APPOINTMENT TO PLANNING COMMISSION BOARD DISTRICT THREE

Discussion:

Commissioner Ester Fleming

- Expressed appreciation for Ms. Burton's service on this board.
- Done a great job.
- Appoint for full term
- Expressed appreciation for all members who give of their time to serve on Newton County's boards.

Motion: To appoint Allene Burton to the Newton County Planning Commission. Her term will expire on January 1, 2004.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

**APPOINTMENT TO PLANNING COMMISSION BOARD –
DISTRICT FIVE**

Discussion:

Commissioner Billy Strickland

- Expressed appreciation for Jody Smith’s service to Newton County.
- Done a great job.
- Appoint for full term

Motion: To appoint Jody Smith to the Newton County Planning Commission. His term will expire on January 1, 2004.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

ZONINGS:

Chairman reviewed the ground rules for speaking during the zoning hearing (10 minutes per side).

Zoning Director Shawanna Qawiy presented zonings.

Planner Lloyd Kerr was also on hand to answer any questions.

CONDITIONAL USE PERMIT

HUBERT WHITE

HWY. 81/COWAN ROAD

DISTRICT TWO

Petitioner: Hubert White

Location: Hwy. 81/Cowan Road

District: Two

Current Zoning: R-40 Single Family Residential

Proposed Zoning: Conditional Use

Acres: 3.37

Planning & Zoning Commission: Approval with stipulations requested by staff.

Staff: Approval with conditions stated in Section 510-180 of the Newton County Zoning Ordinance for a child daycare.

Purpose: To construct a daycare center.

Background:

- #72 Old Newton County Zoning Ordinance allows Nursery Schools or Daycare Centers.
- Present Newton County Zoning Ordinance Section 510-180 Child Daycare.
- The use must provide at least 100 square feet of outdoor recreation per child.
- The outdoor play area must be enclosed with a six foot high fence.
- The use shall comply with all applicable state daycare requirements for standards licensing and inspections.
- The use shall provide paved driveways with drop off areas and turn arounds to be reviewed by the County Engineer so that traffic associated with the use does not impede the flow of traffic on adjacent streets.
- Uses located within residential district shall maintain a residential appearance and no signs other than those otherwise authorized within the applicable zoning district shall be erected.
- Minutes of the Newton County Board of Commissioners dated June 6, 1995 (petition of Mrs. Margaret Mann) read as follows: Petition of Mrs. Margaret Mann: Location of property: Highway 81 South, in the southwest corner of the intersection of Cowan Road and GA Highway 81. Proposed zoning A-R Agricultural residential, for the purpose of discontinuing the present M.H.P. zoning and possibly establishing a day care center to serve the nearby subdivision. Planning Commission recommends to grant. Commissioner White stated he would abstain because he was adjoining property owner. Mrs. Mann spoke for petition, and state that she would like for this petition to be granted for a possible day care center. No one was in opposition to this zoning. Commissioner Stone stated that this was R-40 zoning and would take a special exception zoning to have a day care center. After a short discussion, motion was made by Commissioner Fleming to uphold Planning Commission and grant this petition, this motion was seconded by Commissioner Stone, voting for Comm. Fleming, Stone, Ballard and Cobb, Comm. White abstained.

Discussion:

Commissioner Henderson

- Stated he felt this would be an improvement on this property and serves the people of the community.

Commissioner Fleming

- Stated that with the R-40 abutting (residential) development behind it...the petitioner is not required to do a buffer, but he is going to do a buffer.

Opposition

Michael Hall

Barbara Felton

- Concerned about site being across from Livingston Elementary School.
- Traffic Hazard
- Intersection is not safe
- Cut Through Road

Discussion

Chairman Varner

- Asked if the plans required accel/decel lanes?
- Mr. Kerr said it does not, but that the petitioner was proposing the entrance and exit to be off of Cowan Road as opposed to being off of Hwy. 81. One Way entrance and exit.

Commissioner Dimsdale

- Requested clarification that there would be “no” driveway access to Hwy 81? Mr. Kerr said that was correct.

Commissioner Ewing

- With traffic in that area would like to express concern of not having accel/decel lanes.
- He noted problems at East Newton Elementary and Day Care School with traffic.

Petitioner Representative:

Mark Patrick

- Stated this property was purchased five years ago and this portion was held out for a Day Care Center.
- Looked at traffic issues and with heavy volume on Hwy 81 is the reason they put entrance and exit on Cowan Road.
- Positive move for community, area needs a Day Care Center.

Chairman Varner

- Asked Mr. Patrick’s opinion on accel/decel lanes?
- Feels getting traffic for Day Care Center on a secondary street (Cowan Road) would answer concern.

Commissioner Fleming

- Stated since it was going to be a one way in and one way out, how many feet would it be to Hwy 81 for traffic. Mr. Patrick said about 200 feet.

Commissioner Dimsdale

- Understands that the question of accel/decel lanes on Cowan Road would be a decision that (Mr. Kerr’s department) would determine at that time. Correct.

Chairman Varner

- Stated his concern, as Road Commissioner, was that if one was going to be needed, go ahead and put it in now.

Motion: To approve Conditional Use Request with the stipulations and recommendations of the Staff and Planning Commission. Also, that Newton County’s Planner meet with the petitioner to make sure that ingress and egress to this property is as safe and practical as possible.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

DAVID FEENEY
1246 COOPER ROAD
DISTRICT TWO

Petitioner: David Feeney

Location: 1246 Cooper Road

District: One

Current Zoning: A Agricultural

Proposed Zoning: RE-2 Rural Estate 2

Acres: 5.09

Planning & Zoning Commission: Approval with staff recommendations.

Staff: Approval

Purpose: To rezone property to be able to build an additional house for in-laws.

Background:

- Currently there is a house on the lot.
- A zoning has a minimum lot size of 2 acres to build on:
- House A will be on 3.09 acres
- House Be will be on 2 acres
- Property is in compliance with the future land use map

Discussion:

Commissioner Mort Ewing

- Asked how long petitioner had lived there? 2 years
- No opposition

Motion: To follow the recommendations of the Planning & Zoning Commission and approve the request.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

KEVIN GREEN, TIMBERSOUTH PROPERTIES, INC
1066 FLAT SHOALS ROAD
DISTRICT TWO

Petitioner: Kevin Green, Timbersouth Properties, Inc.

Location: 10606 Flatshoals Road

District: Two

Current Zoning: R-40 Single Family Residential

Proposed Zoning: R-3 Single Family Residential

Acres: 3

Planning & Zoning Commission: Approval with staff recommendations.

Staff: Approval with stipulations from the June 29, 2001 Board of Commissioners Meeting.

Purpose: To rezone a 3-acre tract to be included in the development of subdivision.

Background:

- 3 acre tract will be included in a newly developed subdivision
- North/West of the property is R-40; South is R-3 and East is R-30
- R-3 zoning on 44.75 acre was rezoned on June 29, 2001 with the following stipulations. (Minutes from BOC Meeting June 29, 2001)
 - minimum square feet – 1400 square feet
 - sodded yards
 - 2 care enclosed garages
 - brick/rock accent on front
 - (recreational area) ** for total development
 - sidewalks on both sides of road
 - streetlights
 - underground utilities
 - 3 inch street trees
- Future land use map designated this area as medium to high density development.
- In compliance with Future Land Use Map.
- 9 lots will be added to the subdivision development on the 3 acre tract.
- Total lots of subdivision will be 100. (this includes the 9 lots for this rezoning)

Discussion:

- Petitioner was not present at meeting
- No opposition

Chairman Varner

- Questioned if there was a buffer between Flatshoals Road and lots?
- Planner Lloyd Kerr said no, but houses were geared more toward the center of the subdivision.

Commissioner Henderson

- Questioned impact on schools, water and sewer, etc.
- Concerned that we wanted to look at impact on area before approval.
- Commissioner Dimsdale stated he had talked with Superintendent Clamp and these nine lots will be very little impact (possibly 4 students).

Motion: To approve the rezoning request with the recommendations from the staff, which include the stipulations from the June 29, 2001, zoning as stated above.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

RUBEN MORGAN DEVELOPMENT, INC.
LOVERS LANE, HWY. 81, BAILEY DRIVE, HWY. 162
DISTRICT TWO

Note: Petitioner requested zoning to be tabled so that he could work out a few issues as well as to work on covenants.

Motion: To table zoning request until January 15, 2002 meeting.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

STREETLIGHTS: South Links Phase I and Lakewood Station Phase I

Motion: To approve streetlight requests as submitted.
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Ester Fleming, District Three
Motion Carried Unanimously

ALCOHOL BEVERAGE LICENSE RENEWALS:

- Renewal request is attached to these minutes.
- Chairman Varner read aloud the list of requests.
- Sheriff office indicated no violations in past twelve months.

Motion: To approve license as requested and read by chairman.
Proposed by: Commissioner Ester Fleming, District Three
Second: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

Alcohol Beverage License Request
First Reading

Big M Chevron
11230 Suite B Hwy. 36
Covington, Georgia 30014
Owner: Thomas Gary McDonald
Note: Sheriff Department investigation indicated no record.

APPROVAL OF COUNTY CHECKS

Motion: To approve county checks as submitted.
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Mort Ewing, District One
Motion Carried Unanimously

CITIZEN COMMENTS/COMMISSIONER COMMENTS

EXECUTIVE SESSION:

Time: 8:25 PM

Motion: To enter into executive session to discuss pending or potential litigation, land acquisition and personnel.
Proposed by: Commissioner Mort Ewing, District One
Second: Commissioner Ester Fleming, District Three
Motion Carried Unanimously

Time: 9:10 PM

Motion: To enter into Regular Session.
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Mort Ewing, District One
Motion Carried Unanimously

ADJOURN-Time: 9:10 PM

Motion: To adjourn
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Billy Strickland, District Five
Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, Clerk

Aaron Varner, Chairman