

NEWTON COUNTY BOARD OF COMMISSIONERS

MINUTES

Newton County Jury Impaneling Room
Tuesday, September 4, 2001
Chairman Aaron Varner presiding

Present: Chairman Aaron Varner, Commissioner's Mort Ewing, Ronnie Dimsdale, Ester Fleming, J.C. Henderson, Billy Strickland, Administrative Assistant John Middleton, Attorney Tommy Craig, Jenny Carter, Scott Cole and Clerk Jackie Smith.

Also Present: Cindy Tumlin, Covington News; Matt Savage, Newton Citizen and large group of citizens.

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

Invocation: Commissioner Ronnie Dimsdale

Pledge of Allegiance: Led by Chairman Varner

APPROVAL OF MINUTES DATED AUGUST 21, 2001

Motion: To approve minutes as submitted.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

APPROVAL OF WORK SESSION MINUTES DATED AUGUST 30, 2001

Motion: To approve minutes as submitted.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

NEWBORN ZONING ORDINANCE REGARDING CODE ENFORCEMENT

Discussion was held at the work session regarding this appeal.

Motion: Move to remove issue from table for further discussion.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ester Fleming, District Three

Motion carried unanimously

Points of discussion:

- Commissioner Ewing said this issue has been discussed on several occasions by the board and there is still some confusion as to exactly what services Newton County has provided the City of Newborn. He stressed the need for clarification and made the following motion.

Motion: To direct County Attorney Tommy Craig to meet with the City of Newborn and their attorney to determine the exact services desired. Attorney Craig will apprise the board of results of said meeting for further discussion.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion carried unanimously

RESOLUTION NO. R-090401 NEWTON COUNTY LAW ENFORCEMENT CENTER PROPOSAL

County Attorney Tommy expressing thanks, appreciation, and gratitude introduced the Jail Committee, Attorney George Reid (of Reid & Morgan in Atlanta) who specializes in construction matters, Ray McFadden who has a long and distinguished career in dealing with large projects such as this, such as Hercules. Mr. McFadden was the general manager of a pre-cast concrete company and much of this project will be pre-cast concrete. Mr. McFadden is also the past president of the National Pre-cast Concrete Association.

Next Mr. Craig expressed appreciation to the Board of Commissioners and the Sheriff for their sensitivity to this massive project as well as their concern and sensitivity to see that this project is managed well. He said if this project is not the largest, it is one of the largest financial undertakings Newton County has ever committed to.

The county attorney presented a power point presentation (attached and made part of these minutes). Mr. Craig, Mr. Reid and Mr. McFadden commented throughout the presentation. Mr. Craig said the committee had one goal and that was to select an experienced general contractor with a proven track record of finishing similar projects, with high quality, on time, and within budget.

As part of the proposal process the following topics was discussed: Selection Process, Description of the Project, Selection Process Goals, Evaluation Factors/Weight, Analysis of Competitive Proposals, Prior Experience with Similar Projects, Qualifications of Project Personnel, Reputation for Integrity, History of Projects without Disputes, Financial Strength, Final Best Offer, Total Weighted Score/Ranking and Contract Price.

To summarize, the county attorney stated they thought all the entities, with the exception of Creamer Pierce, were well capitalized, fully capable of taking care of a project of this

size. He then stated that Creamer Pierce was a very good company, but they had only been in business three years and did not have the experience of project of this magnitude. He pointed out how close these numbers were on the final offer.

The committee made the recommendation to award the project to Batson Cook for \$22,407,000.

There were no questions from the board, however Chairman Varner stated how proud he was of the people who worked on this project. He said because of all their hard work there has been a smooth process in getting to this point and it has paid off in the end. Commissioner Dimsdale had words of appreciation for the previous Board of Commissioners for all the ground work, hard work and research that was done by them to bring this vision to the point we are today, where we can actually see it beginning to come true and voiced a debt of thanks to them.

Motion: To adopt Resolution No. R-090401 Newton County Law Enforcement Center and award contract to Batson Cook for \$22,407,000.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Ester Fleming, District Three

Motion carried unanimously

Note: The original resolution is contained in file number R090401, incorporated herein by reference and expressly made a part of these minutes.

HISTORIC COURTHOUSE PLANS

Chairman said he provided copies of plans to board at work session for their information.

Commissioner Fleming commented he was in approval of these plans as long as it was not etched in stone, that is the layout of the offices. He commented that needs change in time and he simply wanted to make sure offices could be changed with this approval. He asked that this be incorporated into the motion.

Motion: To approve plans for Historic Courthouse as presented with the acknowledgement that, should needs arise, the assignment of offices could change.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Billy Strickland, District Five

Motion carried unanimously

NO. O-090401 AMENDMENT TO ARTICLE VI OF THE NEWTON COUNTY ZONING ORDINANCE

Chairman introduced Planner Lloyd Kerr who presented amendment to board for consideration.

Mr. Kerr said there are two basic changes:

1. Provide a means by which an individual who wishes to apply for a zoning that is contrary to the Future Land Use Map would first be required to amend the map. This would eliminate the BOC from considering requests for rezonings that were not in compliance with the FLUM.
2. A change that relieves the burden of individual posting of properties when a rezoning when a rezoning is initiated by a local government. This change simply brings our ordinance in line with state legislation.

Commissioner Dimsdale requested clarification on how we were going to notify the people in the area if the county government did decide to do a rezoning. Letters would be mailed to people in area. Mr. Kerr concurred and said that they currently notify adjacent property owners, advertise in local paper and hold public hearings for ample notification of rezonings.

Motion: To adopt Ordinance NO. O-090401 Amendment to Article VI of the Newton County Zoning Ordinance.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original Ordinance is contained in file number O-090401, incorporated herein by reference and expressly made a part of these minutes.

NO. O-090401a FALSE ALARM ORDINANCE

Chairman introduced Attorney Scott Cole who presented False Alarm Ordinance for consideration. He said that there were 3 major changes requested by board. 1. Number of false alarms for Sheriff Dept and Fire Dept would be 3. 2. Mr. Cole contacted the Sheriff Dept and Fire Dept who agreed that administratively it would more efficient for them to use a 12 consecutive month calendar for false alarms. 3. The dollar amount for each excessive false alarm above 3 permitted false alarms, both the sheriff department and the fire department concurred with figures presented in draft BOC reviewed.

There were no questions, however Commissioner Dimsdale commented there has been numerous work sessions regarding this, that BOC was trying to give some relief to the Sheriff Dept & Fire Dept in this area. He stated this is not just a nuisance, but a safety factor as well and duly made motion to adopt.

Motion: To approve Ordinance No. O-090401a False Alarm Ordinance for Newton County.

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 O-090401a, incorporated herein by reference and expressly made a part of these minutes.

TIRE FEE INCREASE AT LANDFILL

After board discussion regarding the cost of disposing of scrap tires, and most tires coming from dealers, Mr. Prosser made a recommendation as follows: Car Tires \$1.00 to \$2.00; Truck Tires \$2.50 to \$3.50; and Tractor Tires \$4.50 to \$5.50. It was decided that Mr. Prosser and John Middleton would meet and present board with a break-even figure.

Motion: To table for further information.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

NO. O-090401b TELECOMMUNICATION TOWER ORDINANCE

Attorney Jenny Carter stated that tonight is the Public Hearing for the Telecommunication Tower Ordinance. On August 28 the Planning Commission held a Public Hearing and this Ordinance received a unanimous vote of approval. In addition, the board is asked to vote on this ordinance at the end of the Public Hearing.

Ms. Carter explained changes in the ordinance and asked for questions of the board. This had previously been discussed at work sessions and there were no questions.

Chairman Varner opened the floor for questions or comments from the audience.

Mr. Steve Greenberg provided a memorandum/Supplementary Comments of SprintCom, Inc., concerns to chairman and board and asked that supplementary comments, along with his comments at meeting be given consideration.
(Attached and made part of these minutes.)

A request to give a brief of ordinance changes. Attorney Carter said there is about two pages in our current zoning ordinance and does not cover much at all. This proposed ordinance is more clear and allows for structures in more zoning categories.

Commissioner Dimsdale addressed Mr. Greenberg and said that the board and the county attorney have heard and read his comments and some of the comments have been

incorporated in the final document. He said we need communication and appreciates the dialog between everyone involved.

Motion: To approve Ordinance No. O-090401b Telecommunication Tower Ordinance.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion carried unanimously

Note: The original ordinance is contained in file number O-090401b, incorporated herein by reference and expressly made a part of these minutes.

NO. R-090401a MORATORIUM ON SIGN PERMITS

Chairman asked Jenny Carter to present said moratorium. She stated in was discussed at work session and board requested additional time to look at amendments. There were no questions or comments.

Motion: To approve Resolution No. R-040401a Moratorium on Sign Permits for 60 days.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original resolution is contained in file number R-090401a, incorporated herein by reference and expressly made a part of these minutes.

ZONINGS: None

STREETLIGHTS:

The Falls at Butler Bridge VI

Pebble Brooke Phase III

Blue Grass Phase II

Motion: To approve as requested.

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

Second: Commissioner Ester Fleming, District Three

Motion carried unanimously

ALCOHOL LICENSE: None

APPROVAL OF COUNTY CHECKS

Motion: To approve as submitted.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ronnie Dimsdale, District Two

Motion carried unanimously

EXECUTIVE SESSION

Time: 8:50 P.M.

Motion: To enter into Executive Session to discuss pending litigation and land acquisition.

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

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

REGULAR SESSION

Time: 9:20 P.M.

Motion: To enter into Regular Session.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

Vertical Properties – Cell Towers

Motion: To instruct Planning Director to amend the official zoning maps to indicate the property was zoned properly for a cell tower and issue a conditional use permit.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion carried unanimously

Commissioner Henderson was not present for vote.

SprintCom – Cell Towers

Motion: To instruct Planning Director to issue a conditional use permit on cell tower that is subject to said litigation and authorize county attorney to settle as presented.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ronnie Dimsdale, District Two

Motion carried unanimously

Commissioner Henderson was not present for vote.

Note: The above cell tower permits shall be processed in the normal course of a business day.

Time: 930 P.M.

Motion: To adjourn

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Mort Ewing, District One

Motion carried unanimously

Respectfully Submitted,

Jackie Smith, Clerk

R. Aaron Varner, Chairman