

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 15, 2004**

**MINUTES**

Newton County Historic Courthouse  
Covington, Georgia  
Chairman Aaron Varner Presiding

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; Attorney Tommy Craig, and Clerk Jackie Smith

Note: Executive Assistant John Middleton was unable to attend the meeting due to health problems.

Staff: Finance Director Marcia Allen

Also Present:

Robert Horne, Covington News  
Will Whitehorn, Covington News  
Crystal Tatum, Newton Citizen  
Large group of citizens

Chairman Varner called the meeting to order, read the thought for the day, and welcomed everyone to the meeting.

Rev. Gavin Moon, Pastor of the Voice of Pentecost Church gave the invocation. Chairman Varner, on behalf of the board, expressed appreciation to Rev. Moon for his beautiful prayer and for the positive contribution he and his church have on the county.

Chairman Varner and the board recognized and congratulated Human Resource Director Eleanor Chandler for achieving her Advanced Certification in Human Resource Management.

**APPROVAL OF MINUTES DATED JUNE 1, 2004**

**Motion:** To approve the minutes as written.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

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

**Motion Carried**

### **APPROVAL OF PH MINUTES DATED JUNE 8, 2004 (A.M.)**

**Motion:** To approve the minutes as written.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

### **APPROVAL OF PH MINUTES DATED JUNE 8, 2004 (P.M.)**

**Motion:** To approve the minutes as written.

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

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

### **HWY. 278 CORRIDOR IMPROVEMENT ASSOCIATION PRESENTATION**

Members of the Highway 278 Corridor Improvement Association Alan Barnes and Kay Cantrell appeared before the board to report on the positive results on revitalizing the retail business district of Newton County. Mr. Barnes noted the following:

- Improved looks of area
- 70 trees planted
- Contacted business owners asking them to join the association
- Very good response
- Wants to form a community improvement district with property owners
- Architectural standards
- Landscaping
- Improve connectivity
- Would attract new stores
- Encourage current stores to stay in area
- Asking board (in future) for a resolution of support

#### Board Comments

- Great idea to connect
- Appreciate what has been done and future progress in beautifying area
- Likes concept
- Enthusiastic support from board members

No official action taken.

## **RESOLUTION R061504 – FY2005 BUDGET & SETTING OF MILLAGE RATE**

Chairman noted the final Public Hearing was held at 6:30 P.M. today regarding the FY2005 Budget. He introduced Finance Director Marcia Allen who read the Public Notice and noted the millage rate would remain the same at 9.730, and the hospital millage rate would increase to 1.200. Chairman opened the floor for questions and comments, however there were none.

**Motion:** To approve resolution R061504 adopting the FY2005 Budget and setting the Millage Rate of 9.730 for the county, and 1.200 for Newton General Hospital.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Ester Fleming, Jr., District Three

**Motion Carried**

**Note: The original resolution is contained in file number R061504, incorporated herein by reference and expressly made a part of these minutes.**

## **TAX REFUND REQUEST (PENALTIES & INTEREST)**

Chairman noted a letter received from Tax Commissioner Barbara Dinger with a copy of a letter from Mr. James R. Claxton, Jr. seeking a refund on penalties and interest that have accrued due to the untimely memory loss of Mr. Claxton Sr. Mr. Claxton Sr. has Alzheimer's disease and only made a partial payment to the Tax Commissioner for taxes due.

Board Comments:

- Commissioner Dimsdale felt error was made due to disease and would like to see the request approved. Gentleman paid half of taxes and if not for disease would have paid other half. This was not intentional and there was not a slack on anyone's part.
- Commissioner Ewing voiced a concern that board has heard other cases and was his understanding that board could not authorize a refund.
- Chairman noted that board could authorize refund on penalties, but not interest.
- County Attorney stated this could possibly be categorized in the "excusable neglect category."
- Commissioner Fleming voiced sympathy and concerned, but questioned if county would be setting precedence if approving this request.
- Commissioner Ewing voiced the same concerns.
- Commissioner Henderson stated he felt it should be granted due to the disease being the problem, and felt it was excusable.
- Suggested that before refund is made that County Attorney review the request to make sure board can legally refund penalty portion under "excusable neglect category".

**Motion:** To refund the penalty charges to Mr. James Claxton, Jr., after County Attorney has reviewed the request and approved the legality of the refund.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Monty Laster, District Five

**Motion Carried with Commissioners' Ewing and Fleming voting in opposition to motion.**

### **STORMWATER TASK ORDER FORMS – INTEGRATED SCIENCE & ENGINEERING**

Mr. Ron Felder of Integrated Science & Engineering appeared before the board for action regarding two Stormwater Task Order Forms. Mr. Felder made his presentation at the 6:00 P.M. Work Session. He noted the following:

- Standing in for Newton County Engineer Kevin Walter who was out of town due to a death in his family.
- Regulatory compliance elements of Phase II Stormwater – county approved in May.
- Good housekeeping for Public Works facility
- Phase II Stormwater Permit
- 2 Public Meetings

Board Comments:

- Commissioner Dimsdale stated that it needs to be done because county government needs to set a positive example for others.
- Commissioner Fleming indicated that he does not have a problem with the project, but has a problem with the state and federal government, once again, telling the county how to keep county water clean.
- County has to hire more employees to implement.
- Another mandated without funding.
- State & Feds not looking at results, but procedures.
- Water should always leave cleaner than when it came into county.
- County upstream spent over a million dollars to study how to clean up the Alcovy River.
- Newton County has already accomplished two out of the three things requested.
- Task Force Order Forms and memorandums are made part of these minutes.

**Motion:** To approve Stormwater Task Force Order Forms as requested.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

### **SALEM ROAD (SR 162) WIDENING – CONSULTANT APPROVAL**

Frank Hellman, Program Manager for Larry Kiser, P.E., Director at Rockdale County appeared before the board on behalf of the Rockdale/Newton County Salem Road (SR 162) Consultant Selection Committee requesting that Newton County endorse the selection of Earth Tech as the consultant to be awarded this contract and to enter into negotiations with Earth Tech regarding engineering cost.

After questions and discussion the board asked that before a contract is signed with Earth Tech, the negotiated costs must be brought back to them for review and approval.

**Motion:** To approve the selection of Earth Tech as Engineers for preliminary design of the Salem Road Project. Also, the negotiated cost must be brought back before board for review and approval with county attorney reviewing contract.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

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

**Motion Carried**

### **LIBRARY BOARD APPOINTMENT – DISTRICT ONE**

**Motion:** To appoint Mellie Davis to serve on the Newton County Library Board representing District One. Term will expire on June 30, 2007.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Ronnie Dimsdale, District Two

**Motion Carried**

### **ANIMAL CONTROL BOARD APPOINTMENT – DISTRICT FIVE**

**Motion:** To appoint Mrs. Betty Bellairs to serve on the Animal Control Board representing District Five. Term will expire on December 31, 2004.

**Proposed by:** Commissioner Monty Laster, District Five

**Second:** Commissioner Ronnie Dimsdale, District Two

**Motion Carried**

### **ANIMAL CONTROL BOARD APPOINTMENT – DISTRICT ONE**

**Motion:** To appoint Ms. Ann Ezell to serve on the Animal Control Board representing District One. Term will expire on December 31, 2008.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

## **ANIMAL CONTROL BOARD APPOINTMENT – DISTRICT TWO**

**Motion:** To appoint Mrs. Rhonda Miller to serve on the Animal Control Board representing District Two. Term will expire on December 31, 2006.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

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

**Motion Carried**

## **DEPARTMENT OF FAMILY & CHILDREN SERVICES APPOINTMENT – DISTRICT ONE**

**Motion:** To appoint Dr. Steve Aldridge to serve the unexpired term of Dr. Lawrence Bridges who is moving out of the county. Term will expire on June 30, 2008.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Two

**Motion Carried**

## Zonings

### **Public Hearing Procedure for Rezoning, Future Land Use Map Amendments and Conditional Use Permits:**

The applicant and those in favor of the petition are allotted ten-minutes to address the board. In addition, ten-minutes is allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by commission members. Additional discussion may be held should the chairman be called upon to break a tie vote.

**Speaker Cards:** Cards are available on the information table. Should you desire to address the board regarding a **Rezoning, Future Land Use Map Amendment, or a Conditional Use Permit**, please complete the card and give to a bailiff at the beginning of the meeting. Thank you for your kind cooperation.

04-008

Land Solutions Group, Inc.

Northeast Corner of Highway 11 and Highway 142

CG (General Commercial) to M-1 (Light Industrial)

Tax Parcel: 127-4

District One

A written request was presented by petitioner to withdraw his petition.

**Motion:** To accept proposal by petitioner to withdraw request #04-008.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Ester Fleming, Jr., District Three

**Motion Carried**

04-011  
Charles Prosser  
421 Poplar Hill Road  
FLUM Amendment  
Agricultural to RE (Rural Estate)  
Parcel Size: 2 acres  
Tax Parcel: 118-40  
District One

**AMEND FUTURE LAND USE AMENDMENT**

**Motion:** To approve the amendment of the Future Land Use Map from Agricultural to RR (Rural Residential).

**Proposed by:** Commissioner Mort Ewing, District One

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

**Motion Carried**

**Motion:** To approve Zoning Request 04-011 from Agricultural to RE (Rural Estate).

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

04-012  
CMC Partners/Wanda Bristow  
Hodges Circle  
A (Agricultural) to AR (Agricultural Residential)  
Parcel Size: 46 acres  
Tax Parcel: 135, Parcels: 1, 56, 57  
District One

Petitioner Representative: Attorney Jimmy Alexander

Mr. Alexander noted the following:

- Spoke with Commissioner Ewing regarding zoning last week.
- Wanted to meet with residents in area, but unfortunately unable to do so.
- Would like to have a homeowners meeting before BOC hears zoning request.
- Requested that board table request allowing him more time to meet with residents.

Commissioner Ewing was agreeable to this request and duly made motion to table.

**Motion:** To table Zoning Request 04-012 CMS Partners/Wanda Bristow with understanding that a meeting will be held between Residents in Community, Developer, and Attorney Jimmy Alexander. Zoning will be heard at July 20<sup>th</sup> meeting.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

04-013  
Cuong Nguyes  
4276 Highway 138  
AR (Agricultural Residential) to CG (General Commercial)  
Parcel Size: 6.5 acres  
Tax Parcel: 36-21A  
District Three

Note: Received a written request from petitioner asking petition to be tabled.

**Motion:** To accept proposal by petitioner to table request #04-013 until July 20<sup>th</sup> meeting.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

### **CHECK APPROVAL**

**Motion:** To approve checks as read.

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

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

### **STREETLIGHTS: MAPLE HOLLOW – DISTRICT 3**

**Motion:** To approve Streetlights for Maple Hollow in District Three.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

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

**Motion Carried**

### **EXECUTIVE SESSION**

**Time:** 8:15 P.M.

**Motion:** To enter into Executive Session for the purpose of discussing land acquisition and personnel.

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

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

### **REGULAR SESSION**

**Time:** 9:05 P.M.

**Motion:** To enter into Regular Session.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Monty Laster, District Five

**Motion Carried**

**ADJOURN**

**Time:** 9:05 P.M.

**Motion:** To adjourn.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

Respectfully Submitted,

---

Jackie B. Smith, County Clerk