

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 20, 2005
MINUTES**

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, J.C. Henderson and Monty Laster, Administrative Assistant John Middleton, County Attorney Tommy Craig, Attorney Scott Cole, Attorney Kim Degonia and Acting Clerk Susan Nolley.

Chairman Varner welcomed everyone in attendance and read the thought for the day.

Pastor Glen Strozier of the First Baptist Church gave the invocation.

Chairman Varner led the pledge of allegiance.

Mrs. Louise Adams presented the Board with a portrait of her great grandfather, Newton Anderson, who served as sheriff of Newton County from 1848 – 1886. The Historic Courthouse was constructed in 1884 during Mr. Anderson's tenure as sheriff. Mrs. Adams has requested that this portrait be placed in the Historic Courthouse as known history to Newton County. Chairman Varner accepted the portrait and gave thanks to Mrs. Adams on behalf of the Commissioners'.

Executive Session

Time: 7:12 p.m.

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

Proposed by: Commissioner Henderson, District Four

Seconded by: Commissioner Ewing, District One

Motion Carried

Regular Session

Time: 7:30 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Henderson, District Four

Seconded by: Commissioner Ewing, District One

Motion Carried

APPROVAL OF BOC MINUTES SEPTEMBER 6, 2005

To amend and approve the BOC minutes of September 6, 2005 with the following modifications.

Phrases to be deleted.

Condition #5 (**last sentence**) – requiring that all conditions be in place prior to issuance of the first certificate of occupancy.

Condition #10 (**remove the word side**) requires sodded front and side yards.

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Fleming, District Three

Motion: To amend and approve the minutes of September 6, 2005 BOC meeting with following modifications.

REZ05-016

Justin Harrison, Petitioner

Highway 138 (North Side)

517.06 Feet of Frontage

Kent Rock Road (West Side)

996.48 Feet of Frontage

Old Highway 138 (South Side)

500 Feet of Frontage

Parcel Size: 10 Acres

Tax Parcel: 36-23

Proposed Land Use: N/A

Existing Land Use: C (Commercial)

Proposed Zoning: CH (Highway Commercial)

Existing Zoning: AR (Agricultural Residential)

Watershed: Big Haynes Creek

Applicant's Intent: To allow a 63,000 square-foot commercial shopping center and a 15,000 square-foot professional office building for an aggregate density of 7,619.51 square feet per acre.

Planning Commission Recommendation: Denial – Date: August 23, 2005.

Staff Comments: Consistent with FLUM and zonings in area.

Justin Harrison stated; this property was previously zoned Commercial, but was reverted to AR in 1995 because there was no development on this property in 24 months. He stated that the property is useless under the current AR zoning because of the commercial zonings of the adjacent properties.

Commissioner Dimsdale questioned if the Planning Commission had access to the information referring to the prior commercial zoning of the property.

Mr. Harrison replied yes.

Opposition:
Douglas Cook
Talmadge Ayers

Commissioner Ewing questioned if there is a site plan available, and questioned about curb cuts.

Commissioner Fleming stated the Georgia Department of Transportation has signal requirements for state highways and expressed the following concerns;

- 1) if there will be upgrades on Kent Rock Road
- 2) deceleration lanes
- 3) improvements on Highway 138 to meet county standards

Motion: To deny REZ05-016 10.25 Acres AR (Agricultural Residential) – CH (Highway Commercial)

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Laster, District Five

Motion Carried

REZ 05-017

Butch Bozeman

Marian Eisenberg reported; Butch Bozeman submitted a withdrawal request for this zoning.

Motion: To accept REZ 05-017 withdrawal request of petitioner.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Dimsdale, District Two

Motion Carried

CUPO5-007

Michael G. & Stephanie Cooper, Petitioner(s)

Location: Georgia Highway 142 (Southeast Side)

285.36 Feet of Frontage

Parcel Size: 5.0 Acres

Tax Parcel: 138-116

Proposed Use: Home Occupation (Hair Salon) with Customer Contact in an Accessory Structure.

Existing Zoning: A (Agricultural)

Watershed: Little River

Applicant's Intent: To allow a one chair hair salon in existing detached garage.

Planning Commission Recommendation: Approval with Conditions-August 23, 2005.

Stephanie Cooper addressed the Board stating that she would like to have a hair salon in a detached structure located on 5.0 acres.

Motion: To approve Planning Commission request with recommended conditions.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Henderson, District Four

Motion Carried

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Home Occupation with Customer Contact is an Accessory Structure CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A one-chair salon.
 - b. Hours of operation to be limited to 9:00 AM until 5:00 PM
 - c. Comply with the standards of Sec. 510-310 of the Newton County Zoning Ordinance, as applicable.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Planning and Development on June 30, 2005. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to abide by the following development standards:
 - a. Signage shall be limited to one ground sign no larger than 9 square feet and no taller than 4 feet high.

MOD05-008

Caldwell & Cowan Funeral Home, Inc.

Lawnwood Corporation

Location: I-20 Access Road (South Side)

420 Feet of Frontage

Existing Zoning: CG (General Commercial) Approved November 6, 1990

Proposed: Modification of Condition 1. and to satisfy Condition 2.

Requiring Approval of Site Plan

Parcel Size: 5.97 Acres

Tax Parcel: 43-28

Applicant's Intent: To allow a new curb cut to the I-20 Access Road and to submit a site-plan for approval.

Staff Comments: Limit to one curb cut.

Jim Alexander addressed the Board stating that Caldwell & Cowan would construct a 25,000 square foot funeral home with approximately 4,800 square feet of office space on the proposed location. Approval of this request would eliminate zoning restrictions affecting curb cuts and to approve the site plans as submitted.

Motion: To approve request as stated and to approve site plan as submitted.

Proposed by: Commissioner Henderson, District Four

Seconded by: Commissioner Laster, District Five

Motion Carried

FAMILY VIOLENCE PROTOCOL ADOPTION

The Family Violence Protocol Adoption for the City of Covington and Newton County is to support the investigation, reporting and prosecution of family violence that occurs within Newton County.

Motion: To approve the Family Violence Protocol Adoption.

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Henderson, District Four

Motion Carried

JOINT AGREEMENT BETWEEN APPLICANT & NATURAL RESOURCES CONSERVATION SERVICE UNITED STATES DEPARTMENT OF AGRICULTURE

The Board approved renewal of NRCS (Natural Resources Conservation Service) Agreement.

Motion: To approve NRCS Agreement #65-4310-5.

Proposed by: Commissioner Ewing, District One
Seconded by: Commissioner Henderson, District Four
Motion Carried

BID#06-05 COMPENSATION & CLASSIFICATION STUDY

The Newton County Evaluation Committee received bids from the following firms for the Compensation and Classification Study. Each firm was interviewed.

Evergreen Solutions-\$21,750.00
 CPS Human Resources-\$112,560.00
 Atlanta Regional Commission-\$31,680.00
 HR Management Partners-\$34,927.20
 The Archer Company-\$48,580.00
Management Advisory Group-\$46,500.00

The Evaluation Committee recommends approval of proposal as submitted from the Management Advisory Group not to exceed the amount of \$46,500.00

Motion: To approve recommendation of Management Advisory Group, not exceeding the amount of \$46,500.00

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Ewing, District One

Motion Carried

BID #06-08 NEWTON COUNTY-LOWER RIVER ROAD SITE #2-MUNICIPAL SOLID WASTE LANDFILL EPD PERMIT NO. 107-013D(SL)(2)

Moreland Altobelli has received and reviewed bids for this project referenced Project No. 05G510. Southeast Environmental Contracting, Inc. has submitted the lowest bid of \$1,244,339.00 and is recommending approval of this bid. This project is funded by SPLOST.

Motion: To approve bid amount **not to exceed \$1,244,339.00** submitted by **Southeast Environmental Contracting, Inc.** for Bid #06-08 Newton County-Lower River Road Site #2 Municipal Solid Waste Landfill.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried

RESOLUTION R090605 EMINENT DOMAIN

Newton County Board of Commissioners approved Resolution R090605 Eminent Domain as stated.

Motion: To approve Resolution R090605 Eminent Domain.

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Ewing, District One

Motion Carried

STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

This statement acknowledges support and understanding the essential role of the Guard and Reserve in preserving our national security.

Motion: To approve Statement of Support for the Guard and Reserve

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried

RFP #06-02 FIRE TRUCK FOR VOLUNTEER FIRE STATION #4 BENEFIT PLAN WITH ACCG

Proposals for the purchase of a Wildland Urban Interface Fire Truck for Volunteer Fire Station #4 were received from the following manufacturers for RFP #06-02.

Custom Works - \$176,505.00

American LaFrance - \$241,862.00

AG-Meir Industries - \$180,513.00

Ferrara - \$242,573.00

KME Fire Apparatus - \$235,575.00

Rosenbauer - \$218,606.00

Gene Williams of Volunteer Fire Station #4 expressed the need for approval of the purchase of this to the Board.

The committee from the Fire Department who evaluated the proposals has recommended awarding the contract to **Rosenbauer in the amount of \$218,606.00.**

Motion: To approve recommendation to award contracts to Rosenbauer not to exceed the amount of \$218,606.00 for **RFP #06-02 Fire Truck for Volunteer Fire Station #4.**

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried

BRICK STORE DEVELOPMENT NODE

Attorney Tommy Craig addressed the Board as he referenced the Brickstore Overlay District map as "Exhibit A" stating that no finality or determination of what or where the boundaries are of this district

Commissioner Ewing stated that the Board discussed the Brickstore Development Node at a work session, which was held at the FFA-FHA camp several weeks ago. Adding that the County Board of Commissioners appointed a committee in 1999 and after approximately 1 ½ years of community involvement and recommendations on this project the Brickstore Development Node map ("Exhibit A") was given to the Board in 2000.

Motion: To approve the Brickstore Development Node titled as "Brickstore Overlay District Map" "Exhibit A" as presented.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried

RESOLUTION R092005 – AMENDMENT TO ZONING MAP

Newton County Board of Commissioners approved Resolution R092005 – Amendment to the Zoning map.

Motion: To approve Resolution R092005 – Amendment to Zoning Map.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Henderson, District Four

Motion Carried

APPROVAL FOR SALE OF THE FIRE STATION PROPERTY TO THE CITY OF COVINGTON

Scott Cole reported; approval of this agreement is for the sale of approximately 2.5 acres on Alcovy Road to the City of Covington in the amount of \$44,000.00.

Motion: To approve sale of 2.5 acres of property to the City of Covington in the amount of \$44,000.00.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Henderson, District Four

Motion Carried

RESOLUTION OF SUPPORT FOR THE 2006 – 2007 TE APPLICATION

Cheryl Delk addressed the Board requesting approval of Resolution of Support for the 2006-2007 TE Application. This will include the construction of a 3 mile trail from the Newton County Library to Eastside High School and the Alcovy River. Newton County, the City of Covington and Newton County Path will be responsible for the preliminary engineering and the legal expenses associated with Right -of- Way donations.

Funding request - \$800,000.00 (80% of project)
Required match - \$200,000.00 (20% of the project)
Right of Way – to be donated valued at \$10,000.00/acre= \$159,000.00
Estimated cost - \$105,000.00
County cost - \$105,000.00

Motion: To approve Resolution of Support for the 2006 – 2007 TE Application, with cost of Newton County not to exceed in the amount of \$105,000.00

Proposed by: Commissioner Laster, District Five

Seconded by: Commissioner Henderson, District Four

Motion Carried

COUNTY CHECKS

Motion: To approve the checks as read by Chairman Varner

Proposed by: Commissioner Laster, District Five

Seconded by: Commissioner Henderson, District Four

Motion Carried

STREETLIGHTS

Campbellton Trace Subdivision

Motion: To approve streetlights as read.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried

COMMISSIONERS COMMENTS

Commissioner Fleming asked for an update on the eastern force sewer line. Chairman Varner commented the project is moving forward.

Commissioner Ewing stated that he had received several calls from citizens concerning this project.

ADJOURN

Time: 8:26 p.m.

Motion: To adjourn.

Proposed by: Commissioner Henderson, District Four

Seconded by: Commissioner Ewing, District One

Motion Carried

Respectfully,

Susan G. Nolley for County Clerk
Jackie B. Smith

Aaron Varner, Chairman