

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
December 18, 2012
MINUTES**

Present: Chairman Kathy Morgan, Commissioner's Mort Ewing, Lanier Sims, Nancy Schulz, J.C. Henderson, Tim Fleming; County Manager John Middleton, Attorney Tommy Craig, Attorney Jenny Carter & Clerk Jackie Smith

Newspaper: Covington News & Newton Citizen
Small group of citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Commissioner Mort Ewing gave the invocation and Chairman Morgan led the Pledge of Allegiance to our great flag.

GENERAL ADMINISTRATION:

Chairman's Report

- Presented a photo journal PowerPoint presentation of BOC projects for 2009 through the 2012 commission term.
- Gave board members and staff a keepsake pictorial book of projects.
- Provided a new copy of the Atlanta urban area.
- Advised the board that she had authorized IT to order an IPAD for Commissioner Sims and Mr. Middleton with a 90 day target date to implement a paperless agenda.

County Manager's Report

- Expressed appreciation for board approval to appoint Kevin O'Brien Fire Chief at last meeting and to announce his acceptance of the position.
- Completed and submitted the Save/UVerify Report for 2012
- Overview for YTD Financial Report (Report attached & made part of minutes)
- Presented letter he received from the Collaborative Firm requesting extension of contract that expires tonight. Requested it be added to the agenda for action and board concurred.

APPROVAL OF BOC WS MINUTES DATED DECEMBER 4, 2012

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APPROVAL OF ES MINUTES DECEMBER 4, 2012

Motion by Commissioner Ewing, seconded by Commissioner Fleming to approve the BOC Work Session Minutes, Regular Meeting Minutes, and Executive Session Minutes all dated December 4, 2012 with duly noted correction of typos.

Motion carried unanimously

UNFINISHED BUSINESS:

APPROVAL OF BOC REGULAR MEETING MINUTES DATED NOVEMBER 20, 2012

Motion by Commissioner Ewing, seconded by Commissioner Fleming to approve the BOC Regular Meeting Minutes dated November 20, 2012 as printed.

Motion carried unanimously

2013 FIRST BOC MEETING IN JANUARY

Chairman Morgan noted:

- First regular scheduled board meeting would fall on January 1, 2013.
- Chairman Elect Keith Ellis has requested the board meet one time in January. The regular meeting date is January 15, 2013.

Motion by Commissioner Ewing, and seconded by Commissioner Sims to approve January 15, 2013 as the first meeting date for the commission.

Motion carried unanimously

APPROVAL OF INDEPENDENT CONTRACTOR AGREEMENT FOR NEWTON COUNTY DRUG COURT PROGRAM (GRANT APPROVED ON NOVEMBER 6, 2012 FOR \$118,777.00)

Superior Court Judge Ken Wynne appeared before the court to make this request.

- Approved by BOC on November 6, 2012
- Grant Amount: \$118,777.00

Motion by Commissioner Schulz, seconded by Commissioner Henderson to approve the Independent Contractor Agreement for the Newton County Drug Court Program as was presented on November 6, 2012.

Motion carried unanimously

KCNB: INTERGOVERNMENTAL AGREEMENT BETWEEN NEWTON COUNTY AND THE CITY OF COVINGTON

County Manager John Middleton presented request for approval.

- Continuation of current agreement
- County provides similar service to all municipalities.
- IA has been reviewed by the county attorney's office.
- IA provides for some reimbursement of services.
- IA attached and made part of these minutes

Motion by Commissioner Fleming, seconded by Commissioner Sims to approve the Keep Covington Newton Beautiful Intergovernmental Agreement between Newton County Board of Commissioners and the City of Covington as presented by the county manager.

Motion carried unanimously

KCNB: INTERGOVERNMENTAL AGREEMENT BETWEEN NEWTON COUNTY AND THE CITY OF OXFORD

County Manager John Middleton presented request for approval.

Motion by Commissioner Fleming, seconded by Commissioner Henderson to approve the Keep Covington Newton Beautiful Intergovernmental Agreement between Newton County Board of Commissioners and the City of Oxford as presented by the county manager.

Motion carried unanimously

NEWTON COUNTY PARTNERSHIP: REQUEST FOR NEWTON COUNTY BOC TO SERVE AS FISCAL AGENT FOR FAMILY CONNECTION GRANT

County Manager John Middleton presented request for approval.

- Housekeeping item
- County has served as fiscal agent since 1998.

Motion by Commissioner Henderson, and seconded by Commissioner Sims to approve Newton County Board of Commissioners serving as the fiscal agent for the Family Connection Grant as requested.

Motion carried unanimously

BRICK STORE: REQUEST FOR CHANGE ORDER

Newton County Arborist Debbie Bell appeared before the board seeking approval of the change order regarding the Brick Store project.

- Half/round copper gutters and downspouts
- Pipe gutters away from the building to protect integrity of foundation.
- Cost: \$2,293.00
- Funded: Grant & Historical Society (80% TE (Transportation Enhancement) Grant, 20% Historical Society)

Motion by Commissioner Ewing, and seconded by Commissioner Fleming to approve the change order request for the Brick Store project (copper gutters), for an amount not to exceed \$2,293.00 as outlined by Ms. Bell and printed in board book.

Motion carried unanimously

FIRE SERVICES: APPROVAL OF RFB #13-10 – ROSENBAUER FIRE TRUCK - \$398,808.00

Fire Chief Kevin O'Brien appeared before the board seeking approval to purchase a Rosenbauer Fire Truck.

- County Attorney Craig recommended the following change to contract:
 - a. Agreement shall be construed in accordance with the law of the State of Georgia (not South Dakota).
- Purchase discussed at previous budget discussions.
- Funded: Fire District - \$398,808.00
- Received 3 qualified bids
- Lowest bidder and provides quality product and good customer support.

- Capital Lease Purchase Thru Master Agreement with Bank of North Georgia
- 7 year amortization - Contract made part of these minutes.

Motion by Commissioner Fleming, seconded by Commissioner Henderson to approve the purchase of a Rosenbauer Fire Truck for a not to exceed amount of \$398,808.00, and with the duly noted recommended change to contract (Agreement shall be construed in accordance with the law of the State of Georgia), and to be funded through the Fire District fund.

Motion carried unanimously

PUBLIC WORKS: DECLARATION OF SURPLUS PROPERTY

County Manager John Middleton presented list to be declared surplus property.

- Vehicle list made part of these minutes.
- Funds generated will be deposited into 2011 Vehicle SPLOST fund.

Motion by Commissioner Sims, and seconded by Commissioner Fleming to declare as Surplus Property to be sold on GOVDEALS the vehicle list printed on page 42 in board book; funds generated from sale will be deposited into the 2011 SPLOST Vehicle fund.

Motion carried unanimously

O-121812 – EMERGENCY MANAGEMENT

EMA Director Tray Polk presented ordinance to board for approval.

- Housekeeping item
- Adopted every 5 years.
- No changes
- O-121812 – Emergency Management Ordinance made part of these minutes.

Motion by Commissioner Fleming, and seconded by Commissioner Schulz to approve Ordinance O-121812 – Emergency Management as printed in board book.

Motion carried unanimously

R-121812 – RESOLUTION TO ABANDON A PORTION OF THE ROADS IN OAKWOOD MANOR SUBDIVISION

Attorney Jenny Carte made this presentation to the board.

- Board previously approved the request to pursue abandonment.
- Duly advertised in legal organ
- Silver Willow Walk (portion)
- Silver Will Court (entirety)
- Oakwood Drive (portion)
- Resolution R121812 is made part of these minutes.

Motion by Commissioner Schulz, seconded by Commissioner Sims To approve Resolution R-121812, A Resolution To Abandon A Portion Of the Roads in Oakwood Manor Subdivision.

Motion carried unanimously

ACCEPTANCE OF DONATION OF PROPERTY (PARCEL 00970-00000-004-000)

Attorney Jenny Carter made this presentation to the board.

- Chairman Morgan previously informed the board that property owner would like to donate approximately 20 acres to the county.
- Plat attached and made part of minutes

Motion by Commissioner Sims, seconded by Commissioner Henderson to accept the donation of property Parcel 00970-00000-004-00 as presented.
Motion carried unanimously

R121812A – IA BETWEEN NEWTON COUNTY & THE CITY OF MANSFIELD REGARDING THE MANSFIELD COMMUNITY CENTER

County Attorney Tommy Craig presented resolution to board for approval.

- Mansfield Community Center served as a meeting facility for many years.
- County began using it 20-30 years ago for a voting precinct.
- Building fell in disarray and county had to take title to make all the repairs.
- Many years “handshake agreement” between City of Mansfield and Newton Co.
- Citizen’s committee operates facility.
- Newton County will continue to be responsible for the overall maintenance of the Center. (Intergovernmental Agreement)
- Resolution to authorize chairman to execute Intergovernmental Agreement
- Resolution R121812a made part of these minutes
- Intergovernmental Agreement between Newton County and City of Mansfield made part of these minutes.

Motion by Commissioner Ewing, seconded by Commissioner Henderson to approve Resolution R121812a to authorize the chairman to execute the Intergovernmental Agreement between the Newton County Board of Commissioners and the City of Mansfield.
Motion carried unanimously

R121812B – TO CREATE AND ENACT THE MANSFIELD COMMUNITY CENTER COMMITTEE

County Attorney Tommy Craig addressed the board.

- Gave an overview of the resolution
- Members are outlined in the resolution.
- Commissioner Ewing requested that an Annual Financial Report be provided to the Board of Commissioners. (Duly noted by attorney and added to the resolution under Section 9).
- Resolution R121812b is made part of these minutes

Motion by Commissioner Ewing, seconded by Commissioner Henderson to approve Resolution R121812b – To Create And Enact The Mansfield Community Center Committee.

Motion carried unanimously

**ENGINEERING SERVICES: NEWTON COUNTY AND GDOT REGARDING
ALCOVY TRESTLE ROAD/RIVER COVE ROAD RELOCATION PROJECT
(\$194,783.52)**

County Engineer Tom Garrett presented this request to the board for approval. After some discussion about the project and a recommendation to table the request, the board decided to defer any action until the new board takes office.

Motion by Commissioner Fleming, seconded by Commissioner Henderson to table until the first meeting in February 2013 (February 5th).

Motion carried unanimously

PROPERTY (TRACT A&B) TO BE DECLARED SURPLUS PROPERTY

County Attorney Tommy Craig presented this to board for action.

- Went over plat (attached and made part of minutes)
- United Bank owns everything shown on plat except for 2 parcels that are owned by Newton County.
- One parcel is 2/10's of an acre and the other is 1/4 of an acre.
- Bank has expressed an interest for county to put out for bid.
- Recommended to bid out and see if there is any interest.
- Bids will be brought back to board for review and approval.
- The county has the right to reject all bids received.

Motion by Commissioner Ewing, seconded by Commissioner Schulz to approve as outlined by Attorney Craig to declare Tract A and Tract B on attached plat as surplus property to be sold by sealed bids, reserving the right to reject any and all bids or cancel any proposed sale, in accordance with the requirements of O.C.G.A. §36-9-3.

Motion carried unanimously

**R121812C – TO AUTHORIZE THE EXPANSION OF THE NEWTON
COUNTY JUDICIAL CENTER AND THE FINANCING THEREOF; AND FOR
OTHER PURPOSES**

County Manager John Middleton and Attorney Tommy Craig addressed the board.

- Reviewed with the board the Certificate of Participation
- Handout: Project Budget \$9,898,268.00 (attached and made part of minutes)
- Life of SPLOST: 2017
- Went over needed space for Judicial Center
- When originally built the county had three judges...now we have five Superior Court Judges with three courtrooms.

- The commissioners voiced concern that when the SPLOST was promoted they (BOC) committed to the citizens that they would not borrow any money for the projects.
- Fully support the project, but do not feel the timing is right to move forward.
- Our citizen's property values continue to go down.

- Feel that if we don't keep our commitment to the voters that the next board will have a very hard time getting another SPLOST approved.
- Respectfully ask the committee to go back to drawing board and come back with a proposal within the \$7 million dollars approved by voters.

Motion by Commissioner Ewing, and seconded by Commissioner Schulz to defer for 90 days and request the new chairman (Keith Ellis), Mr. Middleton, and Mr. Craig to ask the architect to go back to the drawing board and come back to board with something within the \$7 million dollars approved by SPLOST vote.

Motion carried unanimously

SOLICITATION TO THE GA LEGISLATIVE DELEGATION FOR GDOT PROJECT. (AS REQUESTED BY THE GEORGIA DELEGATION)

Commissioner Schulz presented this request to the board.

- Local Legislative representatives requested a letter from the county seeking their support for needed improvements to Salem Road and Crowell Road.
- The chairman was asked to draft a letter because of her knowledge of GDOT projects.
- The letter is just to formalize county's priorities of projects.
- Letter is attached and made part of these minutes.

Motion by Commissioner Schulz, seconded by Commissioner Sims to approve the correspondence presented tonight addressed to the local legislative representatives regarding the Salem Road and Crowell Road improvements.

Discussion

Commissioners recommended deferring any action regarding this for new 2013 board to address.

Substitute Motion

Motion by Commissioner Schulz, seconded by Commissioner Ewing to defer any action until the January 15, 2013 board meeting.

Motion carried unanimously

FY2013 EMPLOYEE HOLIDAY COMPENSATION

County Manager John Middleton addressed the board.

- Board previously discussed this at FY2013 budget approval meeting.
- Reviewed FY2013 YTD General Fund Budgetary Performance as of 11/20/12 and recommended the following:
 1. Approval of up to 24 house of Holiday Pay for all fulltime employees for FY2013 Holiday Schedule
 2. Christmas Eve (December 24, 2012-8 hours); Christmas Day (December 25, 2012-8 hours); New Year's Day (January 1, 2013-8 hours).
- Funding Source: Affordable Healthcare Act Rebate (\$126,181) and \$90,719 of additional YTD Local Option Sales Tax Collections YTD.

- Board members expressed their appreciation regarding the employee's service and dedication to Newton County.
- Board expressed hope for the future to be able to restore employee holiday pay.

Motion by Commissioner Fleming, and seconded by Commissioner Schulz to approve up to 24 hours holiday pay for FY2013 Holiday Schedule for all fulltime employees as outlined by Mr. Middleton.

Motion carried unanimously

ZONING:

O-121812B – SALEM ROAD OVERLAY DISTRICT

Attorney Jenny Carter addressed the board.

- Public Meeting held last night regarding overlay (standing room only).
- Request: stronger ordinance, further education regarding the overlay.
- Staff will schedule more public meetings regarding overlay.
- Staff recommendation is to table based on public feedback received at meeting.

Motion by Commissioner Schulz, and seconded by Commissioner Sims to defer Ordinance O-121812b regarding the Salem Overlay District for 60 to 90 days, at which time it will be brought back to the board for further consideration.

Motion carried unanimously

THE COLLABORATIVE FIRM CONTRACT EXTENSION REQUEST

County Manager John Middleton told the board he received an email from Michael Hightower, Managing Partner of the Collaborative Firm requesting an extension of the existing contract.

- Extension Time Period: December 19, 2012 – March 31, 2013
- Cost: \$4,175.00 per month (Reduction of \$881.25 per month from current monthly fee.)
- No charge for the balance of December 2012.

Motion by Commissioner Henderson, and seconded by Commissioner Sims to approve the contract extension request with the Collaborative Firm until March 31, 2013 for a not to exceed amount of \$4,175.00 per month.

Motion carried unanimously

Zoning Administrator John Olson sounded the following:

CASE NO.

CUP12-000150

Proposed Use: Art Studio Within An Existing Accessory Structure As Part Of A Home Occupation.

Watershed: Yellow River

Location: 410 Almon Road
Covington, Georgia

Parcel Size: 1.96 Acres

Tax Parcel: 24a-88
Owner: Lyda Beasley
Petitioner: Lyda Beasley
Applicant's Intent: To (1) Allow A Home Occupation In An
Accessory Structure And (2) Allow A Home Occupation With
Customer Contact.
District Three

No opposition

Planning Commission: Approval with staff recommendations on November 27, 2012.
Staff Report: Proposed use is a compatible home occupation that will not conflict with the surrounding properties and uses. With the stipulated conditions, no adverse impacts are expected with this proposal.

Motion by Commissioner Schulz, and seconded by Commissioner Fleming to approve Conditional Use Permit 12-000150 with the following conditions as printed in board book.

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the accessory structure noted on the site plan in 2.a. as follows:
 - a. An art studio operation.
 - b. Limit the hours of operation from 7 am to 7 pm.
2. To the owner's agreement to abide by the following:
 - a. To the site plan and description of operation received by the Department of Development Services on October 5, 2012. Said plans are conceptual only and must meet or exceed the requirements of the Zoning Ordinance, Development Regulations and these conditions prior to the approval of a Land Disturbance Permit or Business License. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Newton County Home Occupation Business License.
3. All recommendations and requirements set forth by the Newton County Fire Marshall's office shall be implemented and approved prior to issuance of the business license.

4. Any new signage associated with the business shall require appropriate permits from the Newton County Development Services Department.
5. Any and/or all required building permits shall be submitted and approved by the Newton County Development Services Department prior to issuance of the business license.

Motion carried unanimously

O-121812 – AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

Attorney Jenny Carter addressed the board regarding Ordinance O-121812. (sale of alcohol by the drink.) Board approved in 2012 to go into effect in 2013.

- Section 1: Division 505 (Deleting Use Table)
- Section 2: Section 510-325 (Hotels, Motels, & Extended Stay Hotels)
- Section 3: Section 510-543 (Restaurant)
- Section 4: Division 505 (Changing Use Table)
- Section 5: All ordinance or regulations or parts thereof in conflict herewith are hereby repealed.
- Section 6: Effective date: January 1, 2013
- Ordinance O-121812 is made part of these minutes.

Chairman declared Public Hearing open at 7:40 p.m.

There were no comments.

Chairman closed Public Hearing at 9:42 p.m.

Motion by Commissioner Sims, and seconded by Commissioner Schulz to approve Ordinance O-121812 as presented by Ms. Carter and printed in board book.

Motion carried with Commissioner Ewing and Henderson voting in opposition to the motion.

O-121812A – AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

Staff recommended that amendments be tabled for 60/90 days.

- Better educate the public about the overlay

Motion by Commissioner Schulz, and seconded by Commissioner Sims to defer action by board regarding Ordinance O-121812a for 60 to 90 days at which time it will be brought back to the board for further consideration.

Motion carried unanimously

COUNTY CHECKS:

Motion by Commissioner Ewing, seconded by Commissioner Fleming to approve the county checks as printed in the board book and read by the chairman.
Motion carried unanimously

ALCOHOL LICENSE:

Final Reading

Express Food Mart
1814 Hwy. 11 South
Covington, Ga 30014
Owner: Nida Malik (100%)
District One

Motion by Commissioner Ewing, and seconded by Commissioner Henderson to approve the Alcohol License request for Express Food Mart, 1814 Hwy. 11 South, Covington, GA.
Motion carried unanimously

Final Reading

Shell Food Mart
14656 Brown Bridge Road
Covington, Ga 30016
Owner: Nida Malik (100%)
District Two

Motion by Commissioner Sims, and seconded by Commissioner Fleming to approve the Alcohol License request for Shell Food Mart, 14656 Brown Bridge Road, Covington, GA.
Motion carried unanimously

CITIZEN COMMENTS/COMMISSIONER'S COMMENTS

John Douglas
295 Nicklaus Circle
Social Circle, GA

Expressed appreciation to all who served on board, but in particular, on behalf of the citizens of the first district, appreciation to long time Commissioner Mort Ewing for his faithful and dedicated service.

Logan Bistok
268 Norman Road
Covington, GA

Thanked all the out-going commissioners for their years of service to the county.
Offered thanks to all the commissioners-elect for their future service to Newton County.
Expressed concerns about borrowing money to pay for SPLOST projects.
Suggested that an Independent Committee be formed to follow the SPLOST projects.

Gladstone Nicholson
495 Lakeside Circle
Covington, GA

Expressed appreciation to Chairman Morgan and Commissioner Ewing and Fleming for their service to the citizens of Newton County.

Thanked the board for the Public Hearing regarding the Salem Overlay and special thanks to Commissioners' Sims and Schulz for all their hard work on this issue.

Commissioner Fleming

- Addressed the board, staff and citizens with his deepest appreciation for the opportunity to serve with each of them and to serve the citizens of Newton County.
- A copy of his comments are attached and made part of these minutes.

Commissioner Ewing

- Expressed his gratefulness to live in this great county.
- Thanked Chairman Morgan for the pictorial journey of the last four years.
- Served three terms for a total of twelve years and very proud of the success that has been achieved.
- Appreciate serving with the present chairman and board members as well as previous boards.
- Expressed appreciation for the staff and working with them.
- Will continue to remain active in the community
- Going home to take care of family! (smile)

Chairman Morgan

- Honor and privilege to serve as chairman of the board and to work with the commissioners.
- Expressed appreciation for the staff and employees stating, "they are the real jewels of the county"...here every day making things work.
- Most rewarding and most challenging job.
- Wish the new board much success.

Commissioner Henderson

- Had the privilege of serving with Chairman Davis Morgan and now his widow.
- Great honor for Ms. Morgan to be the first woman chairman of Newton County.
- Served with Commissioner Ewing for all 12 years and it has been an honor.
- Served with Commissioner Ester Fleming and now his son, Commissioner Tim Fleming, and it, too, has been an honor.
- Hoping that county will continue to move forward in 2013.

EXECUTIVE SESSION

Time: 9:25 p.m.

Motion by Commissioner Fleming, and seconded by Commissioner Henderson to enter into Executive Session for the purpose of potential litigation.

Motion carried unanimously

Time: 9:50 p.m.

Motion by Commissioner Ewing, and seconded by Commissioner Fleming to enter into Regular Session and adjourn the meeting.

Motion carried unanimously

Respectfully submitted,

Jackie Smith, County Clerk

Kathryn G. Morgan, Chairman