

NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
July 19, 2011

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

Newspaper: Covington News-Gabe Khouli
Newton Citizen- Crystal Tatum
Small group of citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Rev. Ronny Brannen, Prospect United Methodist Church gave the invocation and Chairman Morgan led the Pledge of Allegiance to our great flag.

GENERAL ADMINISTRATION

FY2011 Financial Review

Administrative Officer/CFO John Middleton gave the board a brief financial update.

- In process of closing out fiscal year 2011
- County will receive June Sales Tax Revenue in August
- Very pleased SPLOST 2005 ... on track to reach \$61 million

APPROVAL OF BOC MINUTES DATED JULY 5, 2011

Motion by Commissioner Ewing, and seconded by Commissioner Fleming to approve the BOC Minutes dated July 5, 2011 as printed in board book.

Motion carried unanimously

R071911 – EMPLOYEE UNPAID HOLIDAY RESOLUTION

Chairman Morgan noted the following:

- Tabled from July 5th BOC Meeting
- Received correspondence from Clerk of Courts (attached)
- Sgt. Newton Days (3) poses difficulty for some departments
- Presented alternate holiday list for board consideration

- Board chose to approve alternate list presented by chairman
- Resolution is attached and made part of these minutes
- Post "Holiday List" on county website

Motion by Commissioner Ewing, and seconded by Commissioner Sims to approve Resolution R070511a-Employee Unpaid Holidays as presented by Chairman Morgan and listed on pages 4 & 5 in board packet.

Motion carried unanimously

Note: Modification to above motion regarding Employee Unpaid Holiday Schedule

Motion by Commissioner Ewing, and seconded by Commissioner Sims for record to reflect correction of resolution number on previous motion. Motion should read:

Resolution R071911

Motion carried unanimously

DISTRICT TWO: APPOINTMENT TO PLANNING COMMISSION

Motion by Commissioner Sims, and seconded by Commissioner Henderson to appoint Ms. Veda Miller of 255 Oak Hill Dr Covington, GA 30016 to serve the unexpired term of Mr. David Soto on the Newton County Planning Commission.

Term will expire on December 31, 2012.

Motion carried unanimously

DISTRICT THREE: APPOINTMENT TO DFACS BOARD

Motion by Commissioner Schulz, and seconded by Commissioner Sims to re-appoint Becky Heisten of 250 J.T. Wallace Road, Covington, GA 30014 to serve on the Newton County Department of Family and Children's Service Board.

Term will expire on June 30, 2016.

Motion carried unanimously

R071911A –A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS BUDGET ADOPTION FOR FY2012

Administrative Officer/CFO John Middleton presented resolution to board for consideration.

- Summary of Proposed Operating Budget for Fiscal Year 2012 attached and made part of these minutes.
- Public Notice – Current 2011 Tax Digest and 5 Year History of Levy attached and made part of these minutes.
- Mr. Middleton read aloud, into the record, Resolution R071911a.
- Resolution R071911a – A Resolution of the Newton County Board of Commissioners Budget Adoption for FY2012 attached and made part of these minutes.

- Commissioner Henderson voiced his concerns as part of the record regarding the approved budget for Public Safety, noting he doesn't feel the Sheriff will have adequate funds to operate his department and will have a shortfall.
- Also, concerned that there will be less recreation for the citizens and families will have to pay more for children to participate in organized sports. Taxpayers will pay on both ends, i.e. increase taxes and recreation fees. Will not be able to support this budget.

Motion by Commissioner Ewing, and seconded by Commissioner Fleming to approve R071911a – Adoption of the FY2012 Newton County Budget in the amount of \$44,248,176.00 as outlined by Mr. Middleton and listed on pages 6 & 7 in board book.

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

NEWTON COUNTY FY2012 MILLAGE RATE APPROVAL

Administrative Officer/CFO John Middleton presented information on millage rate to board for consideration.

- Held Public Hearing @ 6:30 p.m. regarding FY2012 Budget & Millage Rate
- Public Hearing required by law.
- Mr. Middleton read into the record information regarding Millage Rate
 County M & O: 10.910
 Hospital Indigent Fund: 1.200
 Emergency Medical Services: 0.451
 State of Georgia: 0.250
 Total Millage: 12.811
 Fire Districts: 0.792
- Summary of Proposed Operating Budget For Fiscal Year 2012 made part of these minutes
- Current 2011 Tax Digest and 5 Year History of Levy made part of these minutes.

Motion by Commissioner Ewing, and seconded by Commissioner Fleming to set the Newton County FY2012 Millage Rate as outlined by Mr. Middleton and printed on pages 8-9 in board packet.

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

FY2011 BUDGET AMENDMENT

Administrative Officer/CFO John Middleton presented FY2011 budget amendment to board for consideration.

- Discussed at retreat in February
- Budget amendment/transfer seeking approval to transfer \$1,900,000 in undesignated funds
- Transfer Funds from Capital Project Fund back to the General Fund
- Funds were originally transferred from the General Fund for Capital Improvement Projects that were subsequently funded through ARRA.
- Reviewed and approved by auditors Treadwell, Tamplin, & Associates
- Move \$1.9 million in unencumbered funds to general fund to restore fund balance.

• **Transfers From:**

<u>Fund Source</u>	<u>Amount</u>	<u>Comments</u>
Capital Projects Fund	\$1,900,000	Undesignated/Unencumbered Funds

• **Transfers To:**

General Fund	\$1,900,000	Restore Fund Balance Level
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Motion by Commissioner Schulz, and seconded by Commissioner Ewing to Approve the FY2011 Budget Amendment and transfer \$1,900,000 from the Capital Projects Fund to be transferred to the General Fund as presented by Administrative Officer John Middleton.

Motion carried unanimously

FUND BALANCE POLICY

Administrative Officer/CFO John Middleton presented proposed Fund Balance Policy to board for consideration.

- Discussed at Retreat and Budget Work Session
- Met with Wayne Tamplin (Auditors-Treadwell, Tamplin, & Associates)
- Fund Balance Policy directed by General Assembly
- Requirement of Government Accounting Standards Board (GASB)
- Went over changes.
- Unassigned fund balance will not be used to fund recurring expenditures or to compensate for structural budget deficits.

Motion by Commissioner Ewing, and seconded by Commissioner Schulz to approve Fund Balance Policy as provided in board packet on pages 10-14 with changes outlined by Mr. Middleton.

Motion carried unanimously

TAX ANTICIPATION NOTE (TAN) – MERCHANT CAPITAL

Administrative Officer/CFO John Middleton presented request Tax Anticipation Note (TAN) for approval.

- Common practice for government to apply for note between county tax collections
- Buffers cash flow to maintain daily operating expenses
- TAN basically allows county to manage through shortfall.
- TAN is only good for the calendar year.
- No prepayment penalty
- Recommend lowest bidder and resolution will reflect that.

Motion by Commissioner Ewing, and seconded by Commissioner Sims to approve a Resolution Authorizing the Issuance and Sale of a Tax Anticipation Note, Series 2011 in the principal amount of \$1,400,000; and Related Matters to J.P. Morgan Chase Bank, N.A. at an interest rate of 0.94% per annum which is due and payable by the maturity date of December 29, 2011. TAN is approved as outlined by Mr. Middleton and detailed in handout provided to board.

Motion carried unanimously

SURPLUS PROPERTY – 2 YAZAKI CHILLERS

Motion by Commissioner Sims, and seconded by Commissioner Ewing to approve the 2 YAZAKI Chillers as surplus property to be sold on GovDeals.

Motion carried unanimously

ACCEPTANCE OF FY2010 COPS HIRING PROGRAM GRANT

Sheriff Ezell Brown appeared before the board to present this request.

- COPS Grant was awarded to the Sheriff's Office on September 30, 2010.
- Grant was to hire 2 new deputies.
- Sheriff Brown is requesting that grant be modified to hire 2 deputies that are laid off or scheduled to be laid off in lieu of new hires.
- Modification has been approved by the COPS Program and requires new signatures.
- Sheriff requested board to authorize chairman to execute grants that do not require any matching funds due to time constraints.

Motion by Commissioner Ewing, seconded by Commissioner Schulz to approve the COPS Grant Modification as explained by Sheriff Ezell Brown with modification to hire 2 deputies that are presently laid off or scheduled to be laid off in lieu of new hires and printed in board packet on pages 16-18.

Motion carried unanimously

FY2011 EDWARD BYRNE MEMORIAL JUSTICE GRANT (JAG)

Sheriff Ezell Brown appeared before the board to present this request.

- JAG Grant Program
- Amount: \$33,354.00
- To be used for law enforcement equipment
- No matching funds required.

Motion by Commissioner Ewing, and seconded by Commissioner Henderson to approve the application for the FY2011 Edward Byrne Memorial Justice Grant (JAG) in the amount of \$33,354.00 as presented by Sheriff Brown and printed on pages 19-23 in board book.

Motion carried unanimously

JUVENILE SERVICES PURCHASE OF SERVICES GRANT/ADDITIONAL FUNDING

Administrative Officer/CFO John Middleton presented Juvenile request to board for approval.

- Additional funding of \$2500.00 awarded to Juvenile Services
- Allows Juvenile court to continue to support diversion programs
- Source: Council of Juvenile Court Judges of Georgia

Motion by Commissioner Schulz, and seconded by Commissioner Ewing to approve the acceptance of the Juvenile Services Purchase of Services Grant for additional funding in the amount of \$2500.00 as outlined on pages 24-27 in board book.

Motion carried unanimously

SURPLUS PROPERTY TO BE SOLD ON GOVDEALS (PUBLIC WORKS)

Chairman Morgan presented request on behalf of Public Works.

- Obsolete parts
- Old parts that do not fit any of our equipment or vehicles any longer
- Total Average Cost: \$5,293.97

Motion by Commissioner Ewing, and seconded by Commissioner Schulz to declare the attached list of items as surplus and be sold on GOVDeals on behalf of the Public Works Department, explained by Chairman Morgan and outlined on pages 28-31 in board book.

Motion carried unanimously

PETITION TO TEMPORARILY CLOSE A PORTION OF MILLS COVE DRIVE/ILLEGAL DUMPING.

Development Services Director Scott Sirotkin appeared before the board to make this request.

- Noted that petitioner wasn't present.
- Recommended deferring until August 2nd meeting

Motion by Commissioner Sims, and seconded by Commissioner Fleming to defer the petition to temporarily close a portion of Mills Cove Drive until the August 2nd board meeting.

Motion carried unanimously

GDOT: APPROVAL OF LMIG ROAD LIST

Chairman Morgan presented this request to the board for approval.

- Road list compiled by Public Works and County Engineer
- List is due by July 31, 2011
- Submit list to GDOT, they will review and approve
- New Program: We can request GDOT to provide deep patching, leveling and overlay.
- FY2010 we received approximately 8 miles of road work
- GDOT will rate roads accordingly
- Request approval to submit list.

Motion by Commissioner Ewing, and seconded by Commissioner Sims to approve the LMIG Road List for F2012; to be funded through local maintenance program beginning July 1, 2011 as listed on page 33 in board book and explained by Chairman Morgan.

Motion carried unanimously

ZONINGS:
PUBLIC HEARING

Chairman Morgan declared the public hearing open at 7:30 p.m.

O-071911 – TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES

Development Services Director Scott Sirotkin was on hand to present the amendments.

- Presented changes to:
 - Sec. 620-020 Notice of Public Hearings
 - Sec. 510-480 Place of worship
 - Sec. 505-010 Permitted & Conditional Uses
 - Sec 105-020 Definitions
 - Sec. 510-650 Temporary Use, Commercial
 - Sec. 510-040 Adult Entertainment Business
 - Sec. 500-090 Development of Regional Impact
 - Sec. 450-120 Open Space & Enhanced Common Areas – All Residential
 - Sec. 450-040 Development Standards – Residential
 - Sec. 450-020 Uses & Structures
 - Sec. 420-115 Development Standards
 - Sec. 420-040 Development Standards
- Discussed previously at February Retreat
- Went over changes with board.

- O-071911 – To Amend The Newton County Zoning Ordinance; To Repeal Conflicting Provisions; To Provide For An Effective Date; And For Further Purposes is made part of these minutes.

No public comments.

Motion by Commissioner Schulz, and seconded by Commissioner Ewing to approve Ordinance O-071911 To amend the Newton County Zoning Ordinance; to repeal conflicting provisions; to provide for an effective date; and for further purposes as presented and listed on pages 34-41 in board packet.

Commissioner Schulz amended the motion to include Section 6 (A4) the sale of firewood should be limited to just A, AR and RE Zoning areas. Duly noted by Director Sirotkin and will be incorporated into the ordinance.

Section 12 (3.Tier 3a) to delete first sentence in its entirety. Duly noted by Director Sirotkin and will be incorporated into the ordinance.

Commissioner Ewing made the second on the amended motion.

Motion carried unanimously

O-071911A – TO AMEND THE NEWTON COUNTY DEVELOPMENT REGULATIONS; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES

Director Sirotkin presented the amendments to the Development Regulations.

- Div. 495 Fees
- Sec. 400-020 Assignment
- Ordinance O-071911a – To Amend The Newton County Development Regulations; To Repeal Conflicting Provisions; To Provide For an Effective Date; and For Further Purposes is made part of these minutes.

No public comments

Motion by Commissioner Ewing, and seconded by Commissioner Sims to approve Ordinance O-071911a – To amend the Newton County Development Regulations; to repeal conflicting provisions; to provide for an effective date; and for further purposes as presented and printed in board packet on pages 42-43.

Motion carried unanimously

Chairman Morgan closed the public hearing at 7:50 p.m.

Zoning Administrator Brannin Burdette addressed the Board and sounded the following zonings:

Chairman Morgan noted that each side would have ten minutes to present their issues, and it would not include board discussion.

DEFERRED FROM JUNE 21, 2011 BOC MEETING
CASE NO.: APP11-000049

Original Case No.: VAR11-000005

Name of Applicant: Jeremy Head

Name of Owner: Kathryn Chestnut

Location: 2486 Hwy. 81 South

Map & Parcel Number: 28A-1

District Two

Motion by Commissioner Sims, and seconded by Commissioner Schulz to defer the petition to August 2nd BOC meeting.

Motion carried unanimously

Note: Appeal was deferred in order to give the applicant until July 29, 2011 to apply for a rezone on the property. The appeal will be heard as a special zoning agenda item at the August 2nd BOC meeting. If the rezone is applied for by July 29th, this agenda item would be deferred again so that both the rezone and appeal could be heard at the same BOC meeting in September.

DEFERRED FROM JUNE 21, 2011 BOC MEETING

CASE NO.: APP11-000050

Original Case No.: VAR11-000026

Name of Applicant: Dale Miller

Location: 11128 Hwy. 36

Map & Parcel Number: 84-34A

District Five

Request: Appeal to Board of Zoning Appeals decision to den Variance #11-000005 at their April 28, 2011 meeting.

Original Request: To legalize outdoor storage bins associated with a landscaping business in the side yard.

Applicable Standards: 510-365(A) (Zoning Ordinance)

Purpose of Request: To authorize existing outside storage bins.

Size of Property: 1.1 acre

Present Zoning; M-1

Potential Effects on County: No negative effect anticipated

Representative: Attorney Phil Johnson

- Petitioner applied for business license to run a landscape business out of location in February 2011.
- Property is abandoned service station
- Directly adjacent to sub-station with metal fence
- Petitioner has done a great deal of work to make location better for community.
- Plan showed bins in back, but septic tank prohibited locating them there.
- Concrete was delivered and he had it placed on side yard.
- Stop-order was given and petitioner removed order. (should not have done that)
- Made a mistake in doing that. Agrees it was a poor decision.
- Profile of storage bins very small.
- Visibility is important so people traveling down Hwy. 36 can see what petitioner is offering.

No opposition

Commissioner Fleming

- Appreciates all the work that petitioner has done on property. Looks 100% better, however Landscape Plan presented by County Arborist is better suited for area and in line with county ordinance.

Motion by Commissioner Fleming, and seconded by Schulz to approve Variance

APP11-000050 with recommended staff conditions as read aloud by Commissioner Fleming.

1) The requirements and conditions set forth in the re-vegetation and tree planting plan created by Debbie Bell, landscape architect with Newton County, shall be implemented within 30 calendar days from the date of approval. The size and species of plants and/or trees shall be pre-approved by Mrs. Bell before planting.

(2) Along the southern property line fencing, where a gate currently exists, the applicant shall be required to place slats within the chain link fence to screen the existing storage bins.

(3) Conditioned upon compliance with the requirements and conditions set forth in the re-vegetation and tree planting plan no later than the date for application of business license renewal for 2012. If the requirements and conditions set forth in the re-vegetation and tree planting plan are not met by that date, that shall be grounds for denial of the 2012 business license or initiation of a code enforcement action for non-compliance with conditions of a zoning variance.

COUNTY CHECKS:

Motion made by Commissioner Ewing, seconded by Commissioner Fleming to approve the county checks read aloud by Chairman Morgan and listed in board packet.

Motion carried unanimously.

EXECUTIVE SESSION

Time: 9:20 p.m.

Motion made by Commissioner Fleming, seconded by Commissioner Sims to enter into Executive Session for the purpose of personnel and land acquisition.

Motion carried unanimously.

REGULAR SESSION

Time: 9:50 p.m.

Motion made by Commissioner Ewing, seconded by Commissioner Sims to enter into regular session.

Motion carried unanimously.

With no further business, a motion by Commissioner Ewing, seconded by Commissioner Fleming the meeting adjourned at 9:50 p.m.

Motion carried unanimously.

Respectfully submitted,

Jackie B. Smith, County Clerk

Kathryn G. Morgan, Chairman