

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 6, 2007
MINUTES**

**Newton County Historic Courthouse
1124 Clark Street
Covington, Georgia
Chairman Aaron Varner, Presiding**

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Scott Cole, Jenny Carter and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn
Newton Citizen – Crystal Tatum
Small group of citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Commissioner J.C. Henderson gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

Chairman Varner recognized and welcomed members of the Newton County Youth Leadership Program that were attending the meeting.

APPROVAL OF BOC MINUTES DATED FEBRUARY 20, 2007

Motion: To approve the Minutes dated February 20, 2007 with correction to add Written Conditional Use Permit Decision CUP 06-012 for Sherman & Debra Carr that was denied on January 16, 2007.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

O-030607 AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES.

Planning & Development Director Marian Eisenberg presented this amendment to the board for approval.

- Will stream line process regarding Conditional Use Permits

Chairman Varner opened up Public Hearing and requested comments from the audience.

No Comments

No opposition

Motion: To approve O-030607 an Ordinance to amend the Newton County Zoning Ordinance; to repeal conflicting provisions; to provide for an effective date; and for further purposes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

IMPACT FEE APPEAL OF DECISION – KROGER STORE @ SALEM ROAD

Attorney Jenny Carter addressed the board and noted the following:

- Appeal of Impact Fee Assessment
- Administrative Appeal – January 3rd
- Appeal to BOC – March 6th
- Kroger applied for building permit and was assessed as supermarket.

Representative: Attorney Pete Hendrix

- Existing building with all walls attached
- Section 5 (5.01) Fee Schedule
- #2. When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure.
- Client calculated as a shopping center and county calculated Kroger as a supermarket.
- Provided Exhibit A – made part of minutes
- Expansion joints between walls occurs two – three places.
- Kroger did not have a drive-through for pharmacy.
- Specialty retail generally located in a small strip shopping center
- We fit the definition of a shopping center.
- Property totally owned by applicant.
- Kroger leases property.

Impact Fee Coordinator Kelly Lundy:

- Went out and looked at building and it was free standing at that time.
- Reviewed categories and this is the closest fit.

County Attorney Tommy Craig:

- Kroger has a heavier traffic use and has a greater impact.
- Recommendation is to treat Kroger as a supermarket and the balance is a shopping center.

Motion: To accept the recommendation of the Impact Fee Coordinator and assess the Kroger Store as a Supermarket.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioner Fleming voting in opposition to the motion.

R-030607 KLIP INTERACTIVE CABLE COMPANY FRANCHISE AGREEMENT

County Attorney Tommy Craig said that he had spoken with the petitioner and they were agreeable to table their request until the board meeting on March 20th, allowing county attorney time to review franchise.

Motion: To table Resolution R030607 Klip Interactive Cable company Franchise Agreement until March 20th BOC meeting to allow County Attorney time to review franchise agreement.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster District Five

Motion Carried

APPOINTMENT DISTRICT III EMERGENCY MEDICAL COUNCIL

Chairman Varner advised the board that EMC Bylaws required this appointment by County Commissioners. It is a four-year term; however Mr. Osborn will be serving the unexpired term of Mike Luna, which ends on June 30, 2007.

Motion: To appoint Mr. James Osborn to the District III Emergency Medical Council to serve the unexpired term of Mr. Mike Luna. Term will expire on June 30, 2007.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

R-030607A A RESOLUTION TO PURSUE ABANDONMENT PROCEEDINGS FOR A PORTION OF HAMILTON ROAD

Attorney James Griffin appeared before the board to present this resolution and noted the following:

- Road has not been maintained by county for many years.
- ROW will return to property owner.
- Mr. Blackwell has worked with Commissioner Ewing regarding this abandonment.
- Road is a safety hazard.
- Sent out notices to all who live in surrounding area and received no opposition.

Commissioner Simmons

- Questioned the ROW going back to property owner and Attorney Griffin stated that when a road is abandoned it always returned to the property owner. If county owns ROW then it would have to be auctioned off. The ROW reverts to the center of the road outward.

Commissioner Ewing

- Road is not drivable – not even with a tractor.
- Road runs over pond and potentially dangerous
- Community’s recommendation to abandon.

No Opposition

Motion: To approve Resolution R030607a to pursue abandonment for a portion of Hamilton Road as explained by Attorney James Griffin.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioner Simmons voting in opposition to motion.

Note: The original resolution is contained in file number R030607a, incorporated herein by reference and expressly made a part of these minutes.

R-030607B A RESOLUTION TO PURSUE ABANDONMENT PROCEEDINGS FOR A PORTION OF SNAPPING SHOALS ROAD

Attorney James Griffin appeared before the board to present resolution and noted the following:

- Provided resolution
- County road that leads to a dead-end.
- Thomas Brothers are requesting we abandon the road dead-end portion.
- They propose a locked gate to prevent people from going down the road.
- Our office will do title research and investigate property; public hearing, advertise and come back to board for abandonment.

Commissioner Simmons

- Questioned start and finishing time? Mid April or early May.

Commissioner Ewing

- Received a letter from Thomas family making this request. One brother is very ill with cancer and they wanted to handle things before his passing. He noted that he concurred with their request to abandon the road.

Motion: To approve Resolution R030607b to pursue abandonment proceedings for a portion of Snapping Shoals Road.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Simmons voting in opposition to the motion.

Note: The original resolution is contained in file number R030607b, incorporated herein by reference and expressly made a part of these minutes.

TASK ORDER #10 – FOR OUR TRANSPORTATION CONSULTANT J.B. TRIMBLE FOR ROBIN HOOD ROAD IMPROVEMENTS PHASE 1 CONCEPT DESIGN & PHASE 2 DATABASE/SURVEY

County Engineer Kevin Walter presented this request to the board and noted the following:

- Serves a lot of people
- ROW very narrow
- This request is for survey & road design to make road safer.

Commissioner Fleming

- The residents understand the ROW is to be donated. Yes

Commissioner Ewing

- To determine if feasible to pave this must be done.

Motion: To approve Task Order #10 for our Transportation Consultant J.B. Trimble for Robin Hood Road Improvements Phase I Concept Design and Phase 2 Database/Survey with a not to exceed cost of \$29,595.26.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

FUTURE IMPROVEMENTS TO DAVIS ROAD

County Engineer Kevin Walter presented this request to the board and noted the following:

- Unpaved Road
- Relatively small amount of development
- Requesting that BOC enter into an agreement with Past Time Lakes LLC for a contribution of \$25,000 toward the future cost of paving David Road.
- Development Regulations provides that BOC may enter agreement for improvement of sub-standard roads.

Commissioner Fleming

- Voiced concern for densely populated.
- Questioned if \$25,000 would be placed in escrow for future paying of road?
Chairman Varner said that is correct.

Commissioner Ewing

- Complicated, but an equitable solution has been worked out.
- Davis Road:
Newborn: Paved
Newton County: Dirt
Jasper County: Dirt
Newton County: Dirt
- Newborn has proposed annexation for entire area to Jasper County line.
- Come up with a plan (Chairman Varner, Commissioner Ewing, Kevin Walter & others)

Motion: To approve the Future Improvement of Davis Road with understanding that property owners will provide to Newton County, at no cost, five (5) feet of ROW on David Road along all the property that is owned by Past Time Lakes LLC.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

ALCOHOL LICENSE:

First Reading

Liberty Food Mart
10055 Covington By-Pass Road
Covington, Georgia 30014
Owners: Mahboor Jamal 82%
Shahnaz Surani 9%
Iqbni Surani 9%
District Four

Discount Food Mart
1032 Hwy. 142
Covington, Georgia 30314
Owner: Sikander Virani (100%)
District One

COUNTY CHECKS:

Motion: To approve county checks as read by the chairman.
Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Earnest Simmons, District Two
Motion Carried

EXECUTIVE SESSION

Time: 8:00 p.m.

Motion: To enter into Executive Session for the purpose of discussing pending litigation, litigation and personnel issues.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

REGULAR SESSION

Time: 9:35 p.m.

Motion: To enter into Regular Session.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried

EMPLOYEE RETIREMENT MODIFIED TEN-YEAR WINDOW

Administrative Assistant John Middleton presented four options to the board as recommended by the committee for consideration.

There was a lot of discussion and the entire board agreed there should be a change in the plan.

Commissioner Fleming expressed thanks to Commissioner Laster, Commissioner Henderson, John Middleton and Tommy Craig for all their hard work on this issue. He went on to say that after studying the recommendations and talking with representatives from GebCorp he felt option #4 would be the best option to adopt and duly made the following motion.

Motion: To adopt Option #4 which eliminates the requirement for employees to retire by June 30, 2007. Those employees remaining in the “window” would be allowed to retain the 2007 DB option until the retirement date of their choosing. Their current 401A account balance of each “window” employee would be zeroed out since the 2007 DB option has been selected. All other employment policies and benefits remain the same.

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

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

Motion Carried with Commissioners Ewing and Laster voting in opposition to motion.

ADJOURN

Time: 9:40 p.m.

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Respectfully submitted,

Jackie B. Smith
County Clerk