

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
July 21, 2009  
MINUTES**

**Present:** Chairman Kathy Morgan, Commissioners Earnest Simmons, Nancy Schulz, J.C. Henderson, and Tim Fleming. Attorney Tommy Craig, Attorney Jenny Carter, Administrative Officer John Middleton & Clerk Jackie Smith

Note: Commissioner Mort Ewing was on vacation.

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

Chairman Morgan called the meeting to order, extended a welcome to those in attendance and read the thought for the day. Pastor Ronny Brannen, Prospect United Methodist Church gave the invocation and Chairman Morgan led the Pledge of Allegiance to the Flag.

**GENERAL ADMINISTRATION**

Jessie Royal appeared before the board to express appreciation of being allowed to film on the Square. They are filming a new series which is contracted for 12 episodes called "Vampires Diaries."

**APPROVAL OF BOC MINUTES DATED JULY 7, 2009**

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve the BOC Meeting Minutes dated July 7, 2009 as printed.  
Motion carried unanimously.

**INTERGOVERNMENTAL AGREEMENT W/CITY OF PORTERDALE FOR 911 DISPATCH SERVICES**

- Copy of Agreement is made part of these minutes.
- Approved by the City of Porterdales and the City of Covington.
- First installment check included with agreement.

Motion made by Commissioner Fleming, and seconded by Commissioner Schulz to approve the Intergovernmental Agreement with the City of Porterdales for 911 Dispatch Services.  
Motion carried unanimously.

### **FIRE SERVICE: SOFTWARE PURCHASE**

- Funding Source: Fire Fund/Submitted on FY10 Budget

Motion made by Commissioner Simmons, and seconded by Commissioner Fleming to approve the purchase of the Software from ACS Government Systems for a not to exceed cost of \$37,680.00.

Motion carried unanimously.

### **LANDFILL: TUB GRINDING OF WOOD WASTE**

- Funding Source: 540/Solid Waste

Motion made by Commissioner Simmons, and seconded by Commissioner Fleming to award the Tub Grinding of Wood Waste at the Landfill to Conkle's Tree Service for a not to exceed cost of \$11,850.00.

Motion carried unanimously.

### **RECYCLE CENTER: OVERHEAD DOOR REPLACEMENT**

- Funding Source: 540/Solid Waste
- Replacement check received from driver's insurance company in the amount of \$12,086.95. Relocation cost of door is \$788.05 and fund 540 will pay this.

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve the replacement of the Overhead Door at the Recycle Center from Steelco Buildings, Inc. for a not to exceed cost of \$12,875.00.

Motion carried unanimously.

### **R072109 –ADOPTION OF POLICIES & PROCEDURES MANUAL FOR NSP PROGRAM**

Senior Planner Scott Sirotkin appeared before the board and presented a power point presentation regarding the NSP Program.

- Copy of PowerPoint presentation is made part of these minutes.
- Copy of manual is made part of these minutes. (includes request made by Commissioner Schulz to specify policy regarding compensation)
- Copy of resolution is made part of these minutes.

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve Resolution R072109 for the Adoption of Policies and Procedures Manual for the NSP Program.

Motion carried unanimously.

## **NSP APPRAISAL SERVICES**

- Mr. Sirotkin will see if there are any local HUD appraisers interested in providing this service.

Motion by Commissioner Simmons, and a second by Commissioner Henderson to table appraisal services for two weeks.

Motion Carried Unanimously

## **NSP PROGRAM-PARTNER SELECTION**

- No other firms can be added to Environmental Respondent list. (Dobbs Environmental, Envirohazard Consultants, Inc., Croy Engineering, LLC, and Harry Walls Environmental Consulting)

Motion made by Commissioner Simmons, and a second by Commissioner Schulz to accept the recommendation of the selection committee and authorize the Chairman to enter into an agreement with IECDG to provide asset management and technical assistance services in connection with the County's NSP grant for an amount not to exceed \$100,000 with the understanding that...

1. The chairman would discuss payment with IECDG to determine whether a portion of the \$100,000 administrative costs could be retained by the county for its administrative expenses.
2. Habitat for Humanity would be offered a percentage of available funding for purchase, rehabilitation and down payment assistance.
3. The agreement would be terminated in the event DCA revokes the grant.
4. Efforts would be made to ensure local vendors receive adequate notice of all contract opportunities.

In the event the Chairman is unable to enter into an agreement with IECDG, the Chairman is further authorized to negotiate with APD.

Motion carried unanimously.

**ZONING:** Zoning Director Marian Eisenberg sounded the following requests:

### **CUP09-001**

Proposed Use: Kennel

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: 615 County Line Road (South Side)

915 Feet of Frontage

Georgia Highway 212 (North Side)

1,340 Feet of Frontage

Parcel Size: 15.05 Acres

Map & Parcel #: 32-37

Owner: Sandra Guiney Smith

Planning Commission: Approve w/Conditions/June 26, 2009

District One

Petitioner: Sandra Smith

- Support of neighbors and friends.

No opposition

Motion made by Commissioner Henderson, and seconded by Commissioner Fleming to uphold the recommendation of the Planning Commission and approve CUP09-001 for the proposed use of a Kennel with the following conditions as read aloud by Director Eisenberg:

### **CONDITIONS OF ZONING**

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Kennel **CONDITIONAL** subject to the owner's agreement to the following enumerated conditions. 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 subject property as follows:
    - a. Single-family Residential with accessory structures and a Kennel.
  2. To the owner's agreement to abide by the following:
    - a. To the site plan and legal description received by the Department of Planning and Development on May 4, 2009. 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. Dogs will be kept indoors except under the supervision of caregiver.
    - b. Any indoor or outdoor waste shall be collected into bags for disposal.
- Motion carried unanimously.

## **CUP09-002**

Proposed Use: Personal Care Home

Existing Zoning: CN (Neighborhood Commercial)

Watershed: South River

Location: 3440 Salem Road (East Side)

200 Feet of Frontage

Parcel Size: 1.29 Acres

Map & Parcel #: 12-30

Owner: Don Lance

Planning Commission: Approve w/Conditions/June 26, 2009

District Three

Petitioner: Ms Todd & Ms. Lucas along with owner of property Don Lance.

- Read a letter to the board regarding Personal Care Home. Copy of letter is made part of these minutes.
- Regulations are mandated by the State.
- Ms. Eisenberg read aloud Section 510:40 regarding Personal Care Homes in Newton County.
- Property is already zoned commercial
- No opposition.

Motion made by Commissioner Schulz, and seconded by Commissioner Simmons to uphold the recommendation of the Planning Commission and approve CUP09-002 for the proposed use of a Personal Care Home with the following conditions as read aloud by Director Eisenberg:

### **CONDITIONS OF ZONING**

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Personal Care Home **CONDITIONAL** subject to the owner's agreement to the following enumerated conditions. 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 subject property as follows:
  - a. A Personal Care Home with up to 18 residents.
  - b. Comply with the standards of Sec. 510-460 of the Newton County Zoning Ordinance, as applicable.
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on June 3, 2009. 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.

4. To the owner's agreement to abide by the following development standards:
  - c. Obtain a Building Permit from the office of Planning and Development for any additions to the existing structure or any new accessory structures.
  - d. Parking spaces currently on-site must meet the minimum requirements for size and number.

Motion carried unanimously.

### **COUNTY CHECKS**

Motion made by Commissioner Simmons, and seconded by Commissioner Schulz to approve the county checks as read aloud by the chairman and listed in board packet.

Motion carried unanimously.

### **EXECUTIVE SESSION**

Time: 8:45 p.m.

Motion made by Commissioner Simmons and seconded by Commissioner Fleming to enter into Executive Session for the purpose of discussing land acquisition.

Motion carried unanimously.

### **REGULAR SESSION**

Time: 8:55 p.m.

Motion made by Commissioner Simmons and seconded by Commissioner Fleming to enter into Regular Session.

Motion carried unanimously.

### **ADJOURN**

Time: 8:56 p.m.

Motion made by Commissioner Simmons and seconded by Commissioner Schulz to adjourn the meeting.

Motion carried unanimously.

Respectfully submitted,

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Jackie B. Smith, County Clerk

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Kathryn G. Morgan, Chairman

