

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 17, 2008
MINUTES**

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

Newspaper: Covington News – Rachel Oswald
Newton Citizen - Crystal Tatum
Citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Reverend Alan Thompson, Calvary Baptist Church, gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

APPROVAL OF BOC MINUTES DATED JUNE 3,2008

Motion: To approve the minutes dated June 3, 2008 as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

ADOPTION OF 2008 MILLAGE RATE

Administrative Officer John Middleton appeared before the board to present the FY 2008 Millage Rate.

- He noted there was a Public Hearing earlier that a power point presentation was presented to the board and the public.
- No questions

Motion: To approve and adopt the FY2008 Millage Rate for Newton County as presented and explained by Mr. Middleton at earlier public hearing.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

R061708A ADOPTION OF FY2009 BUDGET

Administrative Officer John Middleton appeared before the board to present the FY2009 Budget for approval.

- Attachments made part of these minutes

Motion: To approve resolution R061708a adopting Newton County's FY2009 Budget.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Note: The original resolution is contained in file number R061708A, incorporated herein by reference and expressly made a part of these minutes.

ANIMAL CONTROL 800 MHZ RADIOS

Administrative Officer John Middleton appeared before the board to present this request.

- MaCom only provider
- MaCom provides radio equipment for the Sheriff's Office & Fire Department
- 7 each – P7250 Scan Portable, 746-870 MHz, scan
- Cost: \$3,424.00 each for a total cost of \$23,968.00
- Side/shoulder radio
- Tied into N.C. Communication System
- Funded: 2008 General Fund Budget/Animal Control

Motion: To approve the purchase of 7 units (P7250 Scan Portable Radios) provided by MaCom for a not to exceed cost of \$23,968.00. This request will be funded through the General Fund/Animal Control FY2008 Budget.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

SALE OF SURPLUS PROPERTY ON GOV DEALS

Administrative Officer John Middleton appeared before the board to present this request.

- 3 items posted
- One (1) Sonic Wall 3060 Pro Firewall, Serial #0006B13C998 – Information Systems – equipment has been updated.
- One (1) Lobeflo 4" Diaphragm Pump w/Motor, Serial #DD/100PS – Cornish Creek Water Treatment Facility – equipment has been updated.
- One (1) Chemineer Mixer Gearbox & Motor, Serial #1-96304-1 – no longer needed.
- Request is to declare as surplus property
- Property will be listed on Gov Deals

Motion: To approve and declare the three items discussed as surplus property to be sold on Gov Deals as requested.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

**INTERGOVERNMENTAL AGREEMENT W/THE TOWN
NEWBORN REGARDING PLANNING & DEVELOPMENT
SERVICES**

Chairman recognized Commissioner Ewing who requested to speak to the matter at hand.

- Requested that action be tabled on this agreement until Newborn's Attorney had reviewed and approved for legal purposes, and understands the agreement is binding.
- Commissioner Ewing stated he was making this request in view of the fact that the Town of Newborn has not honored previous Intergovernmental Agreement regarding Fire Services.

Motion: To table action on agreement until county receives (written) notice that Town of Newborn's Attorney has reviewed and approved for legal purposes.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

INTERGOVERNMENTAL AGREEMENT W/E 911

Administrative Officer John Middleton appeared before the board to present this request.

- Noted that Mike Smith, E911 Director was on hand to receive questions and comments.

Commissioner Ewing had several questions that Mr. Smith answered and also suggested that the agreement state that any civil and legal liability shall be paid by the city. The employees are city employees. Also, if any other entities are added it must be approved by this board.

Motion: To approve the Intergovernmental Agreement with E-911 as outlined on pages 41-47 in packet and outlined by Mr. Middleton and Mr. Smith.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

DISTRICT 3 APPOINTMENT TO PLANNING COMMISSION

Motion: To reappoint Mr. Bob Kitchens to serve on the Newton County Planning Commission.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

DISTRICT 4 APPOINTMENT TO THE LIBRARY BOARD

Motion: To reappoint Marcus Jordan to serve a third term on the Newton County Library Board.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

DISTRICT 5 APPOINTMENT TO THE LIBRARY BOARD

Motion: To appoint Lee Aldridge to serve on the Newton County Library Board.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

MERCHANT CAPITAL - BOND FINANCING FOR IMPACT FEE PROJECTS

Administrative Officer John Middleton appeared before the board to present this request.

- Last six months work has be going on regarding funding for new library on west side of county.
- Looked at a lot of different options for funding.
- BOC will have to approve bonds.
- This will allow us to move forward.
- State has given a time limit on their part of funding

Motion: To approve moving forward with Merchant Capital regarding bond financing for Impact Fee Projects.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

R061708 CSBG GRANT FOR FY2009 - \$96,993.00

Administrative Officer presented this resolution to the board for approval.

- Meals/Sr. Services

Motion: To approve resolution R061708 for CSBG Grant FY2009 in the amount of \$96,993.00 as outlined on page 53 in board book.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Note: The original resolution is contained in file number R061708, incorporated herein by reference and expressly made a part of these minutes.

ZONING

Chairman Varner noted that each side would have ten minutes to present their issues that would not include board discussion.

Chairman Varner opened the public hearing regarding the Amendment to the Comprehensive Plan

R061708B AMENDMENT TO THE COMPREHENSIVE PLAN

Ms. Eisenberg presented the amendments to the Comprehensive Plan.

There were no questions.

Chairman Varner closed the public hearing and called for the question.

Motion: To approve Resolution R061708b Amendment to the Comprehensive Plan as outlined by Ms. Eisenberg and printed in board packet.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Note: The original resolution is contained in file number R061708b, incorporated herein by reference and expressly made a part of these minutes.

Planning Director Marian Eisenberg addressed the Board and sounded the following zonings:

MOD08-004

Proposal: Modification of Conditions 1.a, 1.b, and 2.a

Existing Zoning: CN (Neighborhood Commercial) approved August 21, 2007.

Location: Salem Road (East Side)

771 Feet of Frontage

Parcel Size: 5.47 Acres

Tax Parcel: 13-51

Owner: Featherhorn Partners, LLC

Petitioner: Nathan Adrian

Applicant's Intent: To (1) Condition 1.a. to increase the daycare facility from 11,230 square feet to 15,454 square-feet; (2) Condition 1.b. to increase the number of students from 235 to 338; and (3) Condition 2.a to modify the site plan.

District Three

Petitioner: Nathan Adrian

- When presented last year, had no idea of number of students and actual square feet needed?
- Need increase of square footage
- Gym will be constructed across from the pool.
- Hours: 7:00 a.m. to 6:00 p.m.

Commissioner Fleming

- Questioned engineer on traffic increase with increasing number of students.
- Mr. Walter stated that road is overburdened now. Time of day is key issue.
- Questioned use of gym – will it be for daycare students only? Yes

Commissioner Simmons

- Questioned the petitioner as to a traffic study. None has been done.

Commissioner Fleming

- Noted concerns regarding traffic situation.

Motion: To deny MOD08-004, Tax Parcel: 13-52 located on Salem Road.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

APP08-005

VAR08-012

Name of Applicant: Christopher A. Clarey

Location: 100 Forest Lakes Drive

Tax Parcel: 15-38

Request: Appeal to Board of Zoning Appeals' decision (Denied) at April 24, 2008 meeting.

Original Request: Variance Request To (1) Allow commercial vehicles on less than 10 acres; and (2) Increase the number of Commercial Vehicles on property from one to two (1 to 2).

Purpose of Request: Expand current business to include hauling of landscaping materials.

Parcel Size: 5.45 Acres

Existing Zoning: AR (Agricultural Residential)

Present Use: Single-family home and accessory structures (existing)

Potential Effects on County: Commercial vehicles may present negative aesthetic/noise impacts on neighbors. However, some of these impacts may be mitigated through the implementation of the recommended conditions.

District Two

Petitioner: Chris Clarey

- Trying to make a living.
- Neighbors are in full support
- Denied variance on April 24th.

Opposition

Maxine Wood

- Street not wide enough to handle traffic.
- Concern about the development of the property
- Future traffic issues
- Safety issue
- Streets will not accommodate large vehicles
- Car & large truck cannot pass each other

Commissioner Simmons

- Clarification: 2 commercial vehicles on property? 1 dump truck and 1 bobcat?

Commissioner Ewing

- Bobcat would require 10 acres
- Dump truck would require 10 acres
- Allowed one commercial vehicle and that depends on the size of the vehicle

Commissioner Henderson

- Questioned if it was a safety issue? County Engineer Kevin Walter said he thinks it is.

Commissioner Simmons

- Questioned the amount of time we allow to move equipment from property?
- Ms. Eisenberg said usually 30 days, but we can work something out for more time.

Mr. Clarey

- Noted this is not earth moving equipment
- No landscaping equipment
- No material is kept on the property
- Noted that he has seen lots of other properties with 2 dump trucks.

Chairman Varner

- Expressed appreciation to Mr. Clarey for his service to our military.

Commissioner Simmons

- Expressed appreciation to Mr. Clarey for his service to our country as well.
- Noted that we have to be consistent in our policies.
- Wanted it clear and part of the minutes that Mr. Clarey could have a Class 2 Commercial vehicle on his property.

Motion: To deny APP08-005, VAR08-012 as presented.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Unanimously

APP08-006

MHP08-001

Name of Applicant: Lonnie & Gail Humphries

Location: 131 Boogers Hill Road (North side)

Tax Parcel: 77-13

Request: Appeal to the Planning Commission decision (Denied based on property maintenance issues) at April 22, 2008 meeting.

Original Request: To place a Class A Manufactured Home at 131 Boogers Hill Road as primary structure, and demolish existing home on property.

Purpose of Request: To replace the existing primary structure with a 2,280 square-foot Class A Manufactured Home.

Parcel Size: 32.3 Acres

Existing Zoning: AR (Agricultural Residential)

Present Use: Single-family Residential

Potential Effects on County: None if developed with Recommended Conditions.

District Five

Petitioner: Lonnie & Gail Humphries

- Issues in question have been resolved
- Specs are the same as a site built house
- Provided photos for records

Commissioner Ewing

- Questioned if balance of debris could be removed within 12 months? Yes

Commissioner Laster

- Spoke with Code Enforcement Officer Gonzales regarding property.
- Received a letter from his that states the Humphries are in 100% compliance.

Opposition

Mary Ann Oliver

- Provided photos of area
- Glad that some items have been moved.
- Vehicles are down in the woods
- Concerned property will end up like mobile home park

Debra Smith (daughter of person in opposition)

- Read letter from parents in opposition.

Commissioner Laster

- Questioned Ms. Eisenberg if this should be considered a mobile home.
- Ms. Eisenberg stated that in no way should this be considered a mobile home. They meet and exceed standards of site built homes.

Commissioner Fleming

- Noted that county has a letter stating the Humphries are in compliance.

Motion: To approve APP08-006, MHP08-001, Tax Parcel #77-13 located on Boogers Hill Road with the following conditions as read by Commissioner Laster:

1. To the owner's agreement to abide by the following development standards:
 - A. Obtain a moving structure and building permit from the office of Planning & Development for placement of home on property.
 - B. Obtain a demolition permit from the office of Planning & Development at time of issuance of building permit.
 - C. Demolition must be completed within 1 year of the issuance of the Certificate of Occupancy on the new home.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Earnest Simmons, District Two

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

CUP08-008

Proposed Use: Daycare with up to 12 children

Existing Zoning: R3 (Single-Family Residential)

Watershed: South River

Location: 90 Cornus Drive (West Side)

129 Feet of Frontage

Parcel Size: 1.33 Acres

Tax Parcel: 29C-17

Owner: Adjahnae Vereen

Applicant's Intent: To operate a daycare with up to 12 children.

Planning Commission Recommendation: Approval with Staff Conditions. (May 27, 2008)

District Two

Petitioner: Adjahnae Vereen

- Hours: 6:00 a.m. to 6:00 p.m. year round.
- Two full-time employees
- Provided photos

No opposition

Motion: To approve CUP08-008, Tax Parcel 29C-17, located at 90 Cornus Drive with the following conditions as read by Ms. Eisenberg:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A single-family residence and accessory structures with a Home Occupation (Day Care) for up to 12 students.
 - b. Comply with the standards of Sec. 510-210 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 April 3, 2008. 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. Obtain a Business License through the Department of Planning and Development.
 - b. The Drop-off and Turn-around area must be constructed with a paved surface. Gravel will not be allowed.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Unanimously

COUNTY CHECKS:

Motion: To approve the county checks as printed and read aloud by Chairman Varner.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

ADJOURN

Time: 8:40 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