

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
May 20, 2008
MINUTES**

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, Attorney James Griffin and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Oswald
Newton Citizen - Crystal Tatum
Large group of citizens

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

GENERAL ADMINISTRATION

Newton County Chamber of Commerce President John Boothby appeared before the board to present the attached quarterly report. Several members of the chamber board were on hand to offer their support.

President Boothby expressed appreciation for county leadership that he has witnessed for the 2-1/2 years he has been in Newton County. He noted that they would present a Report Update to the board each quarter.

Commissioner Fleming expressed appreciation to Mr. Boothby and his staff for the great job they do. Commissioner Laster echoed Commissioner Fleming's sentiments and added appreciation for the assistance the Chamber has given to help with the Stanton Springs Project.

APPROVAL OF BOC MINUTES DATED APRIL 15, 2008

Motion: To approve the BOC Minutes dated April 15, 2008 with scribes error duly noted and corrected.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Earnest Simmons, District Two
Carried Unanimously

APPROVAL OF BOC MINUTES DATED MAY 6, 2008

Motion: To approve the BOC Minutes dated May 6, 2008 as printed.

Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner Mort Ewing, District One
Carried Unanimously

BID #08-016 PURCHASE OF RESCUE TRUCK FOR FIRE DEPARTMENT

Fire Chief Mike Satterfield and Purchasing Director Tina Malone was on hand to brief the board regarding this request and answer any questions.

- Received three bids
- Fire Department evaluated bids
- Recommended second low bidder due to additional space and a shorter delivery time.

Motion: To accept the recommendation of the Fire Department and approve Bid #08-016 for the Purchase of a Rescue Truck. Bid is awarded to NAFECO, for a not to exceed cost of \$232,714.00.

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

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

Carried Unanimously

BID #08-18 BAILEY CREEK ROAD WIDENING

Purchasing Director Tina Malone noted the following:

- Received eighth (8) bids
- Low bidder: Pittman Construction Company
- County Engineer Kevin Walter recommended awarding bid to Pittman
- Funding: SPLOST

Commissioner Fleming

- Questioned the wide array of bid figures.

Kevin Walter – Pittman has other people in our area working already.

Chairman Varner – Pittman has a plant located here for hauling asphalt.

Motion: To award Bid #08-18 Bailey Creek Road Widening Project to Pittman Construction Company for a not to exceed cost of \$565,333.50 being funded through SPLOST.

Proposed by: Commissioner Monty Laster, District Five

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

Carried Unanimously

BID #08-15 PURCHASE OF BROOM FOR PUBLIC WORKS

Purchasing Director Tina Malone presented this request to the board and noted the following:

- Received four (4) bids
- Demonstrations were performed on the equipment by all bidders except GEFFS. GEFFS could not provide a demo machine.
- Public Works felt that Walden is more comparable to what they presently have and maintenance would be easier on their machine.
- Funding: General Fund, PWD - \$48,000 in budget
- PW recommends the award be made to Tractor & Equipment for a Waldon Laymor Sweepmaster 250.

Motion: To accept the recommendation of the Public Works Department and approve Bid #08-15 for a Waldon Laymor Sweepmaster 250 from Tractor & Equipment for a not to exceed cost of \$40,000.00, being funded through the General Fund/Public Works Department.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Carried Unanimously

RFP #08-10 DESIGN/BUILD FIRE STATION #7

Fire Chief Mike Satterfield and Purchasing Director Tina Malone presented this request to the board and noted the following:

- Evaluation Committee: Administrative Officer John Middleton, Fire Chief Mike Satterfield, Deputy Fire Chief Tim Smith, and Assistant County Engineer Vincent Passariello
- Report made part of these minutes.
- Received nine (9) RFP's and Shortlisted four (4) companies.
- Evaluation Criteria consisted of Proposed lump sum, Qualifications of personnel, Prior experience with similar projects, and Financial strength.
- Sunbelt Builders received the highest number of points (464 out of 500 possible points)
- Station will more closely fit what we foresee as future needs.
- The design would allow us to grow as needs grow in area, and as service demands grow in area.
- Graded it on experience and felt that Sunbelt has more experience with that type of building.

Commissioner Simmons

- Questioned the cost difference.
- Concerned about saving dollars.
- Asked if they could not make do with smaller building.

Chief Satterfield

- Could make do with smaller building, but looking at the big picture feels this is best money spent for the future.

Commissioner Fleming

- This station has been a long time in coming and thanked staff and Sunbelt and duly made motion to approve.

Motion: To approve RFP#08-10 Design/Build Fire Station #7 to be located on Brown Bridge Road and award to Sunbelt Builders for a not to exceed cost of \$778,848.00.

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

Second by: Commissioner Monty Laster, District Five

Carried with Commissioner Simmons voting in opposition to the motion.

COOPERATIVE AGREEMENT BETWEEN NCBOC & NATURAL RESOURCES CONSERVATION SERVICES

Administrative Officer John Middleton appeared before the board and noted the following:

- Simply a continuous agreement
- Fiscal Year 2009 (7/1/08 – 6/30/09)

Motion: To approve the Cooperative Agreement No. 68-4310-7-195 between NCBOC & Natural Resources Conservation Service U.S. Department of Agriculture as outlined by Mr. Middleton and reviewed by board.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Carried Unanimously

ZONINGS

MOD07-013

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

Existing Zoning: A (Agricultural) approved April 19, 2005

Location: Byrd Road (East Side)

2,462 Feet of Frontage

Gum Creek Road (North Side)

123 Feet of Frontage

Parcel Size: 64.38 acres

Tax parcel: 59-35A, 35B, 35C

Owner: Crosspointe Baptist Church, LLC

Applicant's Intent: 1. To increase the number of children from 75 to 250 for the private school. 2. To modify the site plan to add one additional building (10,000 square feet)

Deferred January 15, 2008

Deferred February 19, 2008

Deferred March 18, 2008

Deferred April 15, 2008

District Five

Petitioner: Darrel Head, Elder Crosspointe Baptist Church

- Request increase of students for school.
- 250 students is number needed for school to become solvent.
- Clarified that building already approved
- Lots of concerned parents. Asked parents to stand and about 100 people stood up.
- Presented traffic study last month.
- Noted no modification needed re traffic with 250 students.
- We are start up church and a start of school.
- Three years ago county requested a decel lane. We put in lane @ a cost between \$18,000 - \$20,000.
- Byrd Road is a collector road and can handle the 250 students.
- We purchased 65 acres and would like to use them.
- Church is growing moderately and very managed

- We have a long-term vision and our vision supports the community.
- Concerns: Fireworks – one day per year, obtain county permits, fire truck on campus, last 30 minutes.
- We feel neighbors that are in opposition just don't know us yet.
- Partnering with families to educate children to become excellent students and instruments for positive change in this community.
- Expressed appreciation for Commissioner Fleming's comments at last meeting and ask that board approve change in number of students from 75 to 250.

Opposition

Ken Wright – Byrd Road

- Concerned about congestion within mile of school.
- 125 kids in single cards
- Can't walk grandchildren up Byrd Road any longer for safety concerns.
- Feels like a small city in my neighborhood

Commissioner Laster

- Expressed appreciation to Rev. Posey, Mr. Head, members of the church, school board, parents and neighbors in the community.
- Have received many calls and emails for and against request.
- Personally believes in both private and public school system, and property rights for all.

Motion: To approve MOD07-013 with limit of students to be 150 with the following conditions as read by Marian Eisenberg:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Church, Private School and accessory uses.
 - b. Limit the number of students to 150.

2. To the owner's agreement to abide by the following:
 - a. To the legal description received by the Department of Planning and Development on December 12, 2007 and the site plan received January 2, 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 owners agreement to abide by the following development standards:
 - a. The detention pond shall be screened from view by a minimum 20-foot planted buffer. Plantings and specifications subject to the approval of the Newton County Arborist.
 - b. Dedicate at no cost to Newton County 10 additional feet of right-of-way along Byrd Road.
 - c. Provide a deceleration lane at the project entrance.

- d. Provide a 50-foot undisturbed buffer along all interior property lines. No administrative reduction with a fence shall be allowed. Provide a six-foot wide porous-surface walking trail inside the buffer. Approval of County Arborist must be obtained before removing any trees inside buffer.
- e. Provide security lighting such that the light source is not visible from adjacent properties.
- f. Stormwater Management Plan to be approved by Planning & Development Engineer.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Carried with Commissioner Fleming and Henderson voting in opposition to the motion.

O-052008 - ORDINANCE TO ADOPT A REPLACEMENT ZONING DISTRICT MAP

Planning Director Marian Eisenberg addressed the board with this request and noted:

- Section 100-070 F of the Zoning Ordinance
- Includes approved parcel corrections
- Replacement map
- Displayed map for viewing

Motion: To approve O-052008 Ordinance to adopt a replacement Zoning District Map as outlined and presented for review by Ms. Eisenberg.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Carried with Commissioner Henderson abstaining from motion.

Chairman Varner asked for the procedure of abstaining from a motion and County Attorney stated that the person abstaining should give the reason why.

Commissioner Henderson noted that he was abstaining because he had not thoroughly reviewed the map.

CUP07-016

Proposed Use: Tattoo Studio

Petitioner requested to withdraw application.

District One

Motion: To approve the request of the petitioner to withdraw application CUP07-016 located in the first district and recommended by the Planning Commission.

Proposed by: Commissioner Mort Ewing, District One

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

Carried Unanimously

REZ08-002

FLU08-006

CUP08-004

Proposed Use: Personal Care Home (Sec. 510-460)

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: PI (Public/Institutional)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: OI (Office-Institutional)

Watershed: Yellow River

Location: 449 Womack Road (East Side)

150.02 Feet of Frontage

Parcel Size: 5.15 Acres

Tax parcel 26-5

Applicant's Intent: To operate a Personal Care Home with up to 18 residents in an existing residence.

Owner: Complete Choice Realty

Planning Commission Recommendation: Approve with Staff Conditions (April 22, 2008)

District Three

Petitioner: Sharon Edwards

- Highest and best use of property
- Neighbors attended last meeting offering their support.
- No opposition
- No negative effects
- No ambulatory care offered

Commissioner Henderson

- Number of Rooms? 10 bedrooms and 5 bathrooms
- Licensed by state? Yes

Commissioner Ewing

- Questioned how they could accommodate 18 people without more bedrooms?
Each room dictates the number of patients to a room. Depends on square feet and this is regulated by the state.

Motion: To approve FLU08-006 and change the Future Land Use Map from RR (Rural Residential) to PI (Public/Institutional).

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

Second by: Commissioner Monty Laster, District Five

Carried with Commissioner Simmons and Henderson in opposition to the motion.

Motion: To approve REZ08-002 for a Personal Care Home with up to 18 residents located in the third district, tax parcel #26-5 and zoning change from AR (Agricultural) to OI (Office-Institutional) with the following conditions as read by Commissioner Fleming:

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 March 5, 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 Driveway Permit from the office of Planning & Development.

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

Second by: Commissioner Monty Laster, District Five

Carried with Commissioner Simmons and Henderson voting in opposition to the motion.

Motion: To approve Conditional Use Permit #08-004.

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

Second by: Commissioner Monty Laster, District Five

Carried with Commissioner Simmons and Henderson in opposition to the motion.

REZ08-003

FLU08-007

CUP08-007

Proposed Use: Personal Care Home (Sec. 510-460)

Petitioner requested to withdraw application.

District Three

Motion: To approve the request of the petitioner to withdraw application REZ08-003, FLU 08-007, and CUP08-007 located in the third district.

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

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

Carried Unanimously

CUP08-005

Proposed Use: Home Occupation (Insurance Agency)

Existing Zoning: R2 (Single-Family Residential)

Watershed: Yellow River

Location: 2885 Dogwood Drive (North Side)

133.54 Feet of Frontage

Parcel Size: 0.48 Acres

Tax Parcel: 24-37

Owner: Calvin Wayne Bryant

Applicant's Intent: To allow a home occupation (Insurance Agency) with customer contact.

Planning Commission Recommendation: Approval with Staff Conditions. (April 22, 2008)

District Three

Petitioner: Wayne Bryant

No opposition

Motion: To approve Conditional Use Permit #08-005 Tax Parcel #24-37, to allow a home occupation (Insurance Agency) with customer contact with the following conditions as read by Commissioner Fleming:

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 (Insurance Agency).
 - b. Comply with the standards of Sec. 510-310 and 620-020 G. 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 March 7, 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.

4. To the owner's agreement to abide by the following development standards:
 - b. Obtain a Driveway Permit through the Department of Planning and Development prior to the issuance of a Business License.
 - c. Compliance with Local Fire Marshall's Recommendations:
 - 1) Compliance to International Building Codes 2006, International Fire Codes 2006, Life Safety Codes 2000, The Georgia Accessibility Codes 1997, and all local Ordinances.
 - 2) Submit a full set of plans for review by the local Fire Marshall's Office.
 - 3) Provide a 24-hour fire flow test from the closest fire hydrant.
 - d. Applicant must obtain a septic approval letter from the Environmental Health Department prior to the issuance of a Business License.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner J.C. Henderson, District Four
Carried Unanimously

CUP08-006

Proposed Use: Truck Stop/Hauling Business

Existing Zoning: CH (Highway Commercial) 9/16/03

Watershed: Yellow River

Location: 10710 Covington Bypass (North Side)

115.38 Feet of Frontage

Parcel Size: 1.0 Acre

Tax Parcel: 64B-112E

Owner: Loring Burgess

Applicant's Intent: To operate a Sanitation-Truck Hauling Business.

Planning Commission Recommendation: Approval with Staff Conditions. (April 22, 2008)

District Four

Petitioner Representative: Attorney Jimmy Alexander

- Businessman for 25 years in county.
- First approved in 2003
- Runs five (5) trucks
- Trucks will be parked in rear of building facing Bypass Road. (Across the street from the Post Office and down the street from the School Bus Barn.

Commissioner Henderson

- Would like to see the building similar to those in area. (Agreed)
- Concerned about smell. (Trucks at rinsed out daily at the landfill.)
- No garbage held overnight. (O.K.)

Motion: To approve Conditional Use Permit 08-006 to operate a Sanitation-Truck Hauling Business as recommended by the Planning Commission 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. An office and a truck hauling business.
 - b. Comply with the conditions of rezoning case number 03-041 and the standards of Sec. 510-660, and Sec. 510-547 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 March 14, 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.

5. To the owner's agreement to abide by the following development standards:
 - a. No overnight parking of sanitation trucks with refuse.
 - b. Provide downcast lighting.
 - c. Building exterior shall be brick and stucco, similar to the Newton County Fire Station at Fairview Road and Covington Bypass Road, on the front side facing south toward Covington Bypass with paint on sides and rear of building to match color of brick, subject to the approval of the Director of Planning and Development. A rendering of the building must be submitted prior to the issuance of a building permit.
 - d. Trucks shall be parked to the rear of the building and not visible from the street pursuant to Section 510-547 of the Newton County Zoning Ordinance.
 - e. Sanitation trucks to be rinsed at the Landfill prior to parking on the property at night.

Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Earnest Simmons, District Two
Carried Unanimously

COUNTY CHECKS:

Motion: To approve the county checks as printed and read aloud by Chairman Varner.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Carried Unanimously

EXECUTIVE SESSION

Time: 8:35 P.M.

Motion: To enter into Executive Session for the purpose of threatened and pending litigation.

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

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

Carried Unanimously

REGULAR SESSION

Time: 8:57 P.M.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Carried Unanimously

ADJOURN

Time: 8:57 P.M.

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, County Clerk