

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 16, 2010
MINUTES**

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

Newspaper: Covington News-Gabe Khouli
Newton Citizen- Crystal Tatum
Citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Pastor Ronnie Brannen of Prospect UMC gave the invocation and Chairman Morgan led the Pledge of Allegiance to our great flag.

APPROVAL OF BOC W/S MINUTES DATED FEBRUARY 2, 2010

Motion made by Commissioner Simmons, and seconded by Commissioner Ewing to approve the BOC Work Session Minutes dated February 16, 2010 as printed. Motion carried unanimously

APPROVAL OF BOC MINUTES DATED FEBRUARY 2, 2010

Motion made by Commissioner Simmons, and seconded by Commissioner Ewing to approve the BOC Minutes dated February 16, 2010 as printed. Motion carried unanimously.

UNFINISHED BUSINESS:

E911 EQUIPMENT MAINTENANCE CONTRACT

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to table the E911 Equipment Maintenance Contract (indefinitely) until the committee (Director Smith, Mr. Middleton & Mr. Craig) have an opportunity to meet and come back to board with information for action. Motion carried unanimously

Ro20210 – A RESOLUTION TO ADOPT AMENDMENTS TO THE 2009 ZONING ORDINANCE AND 2008 COMPREHENSIVE PLAN (COMMUNITY AGENDA), NEWTON COUNTY GEORGIA; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES

Commissioner Fleming noted that he had just received the information regarding the resolution and requested more time for review.

Motion made by Commissioner Fleming, and seconded by Commissioner Ewing to table Resolution R020210 with the understanding that resolution will be placed on the March 2nd Agenda for further consideration.

Motion carried unanimously

JUVENILE COURT: SAMHSA – SUBSTANCE ABUSE TREATMENT GRANT APPLICATION

Juvenile Court Judge Sherri Roberts and Deputy Judge Lisa Mantz appeared before the board requesting approval to apply for the Substance Abuse Treatment Grant.

Motion made by Commissioner Ewing, and seconded by Commissioner Fleming to approve the SAMHSA Substance Abuse Treatment Application proposed by Judge Sherri Roberts for \$325,000 with the understanding there are no matching county funds required.

Motion carried unanimously

SENIOR SERVICES BOARD APPOINTMENTS

Appointments for Chairman, District One, District Five

- Appointments are needed due to resignations from board
- Grant from United Way: \$60,000 – Resolution due by March 3rd.
- Must have a quorum to adopt resolution for United Fund Grant
- Commissioner Henderson requested that Attorney Craig advise the commissioners of all boards they are allowed to appoint themselves to serve on.
- Temporary solution is to appoint Chairman Morgan, Commissioner Ewing and Commissioner Fleming to the board so that Senior Services will be eligible to receive the \$60,000 grant from the United Way.

Motion made by Commissioner Ewing, and seconded by Commissioner Fleming to appoint Mort Ewing to serve on the Newton County Senior Services Board representing District One, with the understanding this is a temporary appointment.

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

Motion made by Commissioner Fleming, and seconded by Commissioner Ewing to appoint Tim Fleming to serve on the Newton County Senior Services Board representing District Five, with the understanding this is a temporary appointment.

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

Motion made by Commissioner Ewing, and seconded by Commissioner Fleming to appoint Kathy Morgan to serve on the Newton County Senior Services Board representing the Chairman, with the understanding this is a temporary appointment.

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

DECLARATION OF SURPLUS PROPERTY TO BE SOLD ON GOV/DEALS

Note: At the request of Commissioner Schulz this item was moved to be considered after the Newton County Fire Services Office Equipment request.

NEWTON COUNTY FIRE SERVICES OFFICE EQUIPMENT

Motion made by Commissioner Schulz, and seconded by Commissioner Henderson to table the purchase of Fire Services Office Equipment for the new Hwy 278 location until the March 2nd meeting.

Motion carried unanimously

DECLARATION OF SURPLUS PROPERTY TO BE SOLD ON GOV/DEALS

Motion made by Commissioner Schulz, and seconded by Commissioner Henderson to approve the declaration of Surplus Property to be sold on Gov/Deals excluding the chairs.

Items to be sold as follows:

- (1) One (1) Konica 7821DXN Printer, parallel cable missing
- (2) Ten (10) Folding Computer tables, some tops are slightly bowed, fair condition.

Motion carried unanimously

RESOLUTION 021610 – SERVICE DELIVERY STRATEGY (HB489)

Administrative Officer John Middleton presented this resolution to the board.

- January 7, 2010 the City of Covington and Newborn approved plan.
- Met with Mayor Roseberry (Oxford) and Mayor Hamby (Porterdale) yesterday and reviewed plan.
- Plan was presented to each city page by page and line by line.
- Service Delivery Strategy is a guide as to how we do business as a county and business with municipalities.
- Expressed appreciation to all who worked on plan

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to approve Resolution R021610 – Service Delivery Strategy as required by House Bill 489 and outlined by Mr. Middleton with resolution and document being made part of these minutes.

Motion carried unanimously

ZONING:

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

Zoning Director Marian Eisenberg sounded the following zonings.

FLU09-004

REZ09-005

Existing Land Use Map: PRC (Park/Recreation/Conservation) & IND (Industrial)

Proposed Land Use Map: COM (Commercial)

Existing Zoning: CN (Neighborhood Commercial)

Proposed Zoning: CH (Highway Commercial)

Watershed: Yellow River

Owner: Integrated Power Solutions

Location: 2765 Access Road (South Side)

526 Feet of Frontage

Parcel Size: 1.94 Acres

Tax Parcel: 24-76

District Three

Petitioner Representative: Attorney Frank Turner, Jr.

- Provided photographs for board to look at.
- Planning Commission approved unanimously
- Outdoor storage
- Adjacent to highway
- Always been zoned commercial
- Changing FLUM to be consistent with use.
- Agrees with conditions
- Decel lane cost prohibited
- Traffic is minimal
- Within Almon Overlay

Commissioner Schulz

- If any changes are made to the current site the petitioner would have to comply with Almon Overlay.

No opposition

Commissioner Fleming

- Noted for the record that he had received a campaign contribution from the petitioner, however this would not affect his decision. He also noted that he had spoken with the County Attorney regarding this issue.

Motion made by Commissioner Schulz, and seconded by Commissioner Ewing to approve FLU09-004 Future Land Use change from PRC (Park/Recreation/Conservation & IND (Industrial) to COM (Commercial).

Motion carried unanimously

Motion made by Commissioner Schulz, and seconded by Commissioner Ewing to approve REZO9-005 Zoning change from CN (Neighborhood Commercial) to CH (Highway Commercial) with the following conditions as read aloud by Director Marian Eisenberg:

If this petition is approved by the Board of Commissioners, it should be approved CH (Highway Commercial) 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. Retail, service commercial and/or office and accessory uses at a density not to exceed the existing structure.
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 November 2, 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. Stormwater plan to be reviewed and approved by Water Resources Engineer, if required.
 - b. Provide any improvements as may be required by GDOT.
 - c. Provide at no cost to Newton County the necessary right-of-way from back of curb of any road improvement for utilities.

Motion carried unanimously

FLU09-005

REZ09-006

CUP09-005

Existing Land Use Map: RES (Residential)

Proposed Land Use Map: RR (Rural Residential)

Existing Zoning: AR (Agricultural Residential & MHS (Manufactured Home Subdivision))

Proposed Zoning: AR (Agricultural Residential)

Condition Use Permit: Home Occupation in an Accessory Structure.(Section 510-310, 1.)

Watershed: Yellow River

Owner: Doug McMillian

Location: 669 Rocky Plains Road (South Side)

240.68 Feet of Frontage

Parcel Size; 4.09 Acres

Tax Parcel: 49-010

District One

Petitioner Representative: Attorney Jim Hardman for Attorney Alexander

- This is simply to finalize portion that Mr. McMillian has worked on for some time now.
- Board approved a variance and part of the condition was for owner to come back to BOC for rezoning.
- Accessory building exceeds size allowed in a MH Subdivision.
- Simply attempting to bring property into compliance by changing zoning to AR (Agricultural Residential)

No Opposition

Commissioner Ewing

- Has visited site
- Worked for some time on this request.
- There is an imaginary line through Mr. McMillan's property which separates the zoning...one side is MHS and the other is AR.
- What Mr. McMillian is doing will enhance the site.

Motion made by Commissioner Ewing, and seconded by Commissioner Fleming to approve FLU09-005 Future Land Use change from RES (Residential) to RR (Rural Residential).

Motion carried unanimously

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to approve REZ09-006 Zoning change from AR (Agricultural Residential & MHS (Manufactured Home Subdivision)) to AR (Agricultural Residential) with the following conditions as read aloud by Commissioner Ewing:

If this petition is approved by the Board of Commissioners, it should be approved CH (Highway Commercial) 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. Retail, service commercial and/or office and accessory uses at a density not to exceed the existing structure.
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 November 2, 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. Stormwater plan to be reviewed and approved by Water Resources Engineer, if required.
 - b. Provide any improvements as may be required by GDOT.
 - c. Provide at no cost to Newton County the necessary right-of-way from back of curb of any road improvement for utilities.

Motion carried unanimously

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to approve CUP09-005 to allow a home occupation in an accessory structure complying with all standards of the Home Occupation Section 510-310 of Zoning Ordinance.

Motion carried unanimously

REZ07-020
Zoning Modification Request
District Two

Senior Planner Scott Sirotkin addressed the board and noted that a mistake had occurred in the minutes dated November 20, 2007. This modification is to correct mistake. A portion of the conditions were not listed. Requested to place modification on March 2, 2010 BOC meeting for approval. Spoke with Commissioner Simmons and he concurs with request.

Motion made by Commissioner Simmons, and seconded by Commissioner Ewing to initiate the zoning modification request. This modification will be heard at the March 2, 2010 meeting for action.

Motion carried unanimously

R021610a

MC10-001

Resolution to correct the 2003 Official Zoning District Map
140 & 145 Wildwood Trail
District Four

- Mr. Middleton read aloud the resolution as requested by Commissioner Henderson.

Motion made by Commissioner Henderson, and seconded by Commissioner Fleming to approve Resolution R021610a to correct the 2003 Official Zoning District Map, MC10-001, 140 & 145 Wildwood Trail in District Four.

Motion carried unanimously

COUNTY CHECKS

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

Motion carried unanimously

EXECUTIVE SESSION

Time: 8:50 pm

Motion made by Commissioner Ewing, seconded by Commissioner Henderson to enter into Executive Session for the purpose of discussing pending litigation.

Motion carried unanimously

REGULAR SESSION

Time: 9:10 pm

Motion made by Commissioner Simmons, seconded by Commissioner Schulz to enter into Regular Session.

Motion carried unanimously

With no further business, a motion by Commissioner Simmons, seconded by Commissioner Schulz the meeting adjourned at 9:10 p.m.

Motion carried unanimously

Respectfully submitted,

Jackie Smith, County Clerk

Kathryn G. Morgan