

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 2, 2010
MINUTES**

Present: Chairman Kathy Morgan, Commissioner's Mort Ewing, Earnest Simmons, Nancy Schulz, J.C. Henderson, and Tim Fleming; Administrative Officer John Middleton, 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.

Chairman Morgan invited and encouraged everyone to visit the Newton County Library to see the True Colors Exhibit of Art Work. The presentation is by local students from elementary to high school. She also expressed congratulations to our Newton High Rams who are in the state playoffs.

Approval of W/S Minutes dated February 16, 2010

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

Approval of BOC Minutes dated February 16, 2010

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

Approval of SCM Minutes dated February 21, 2010

Motion made by Commissioner Ewing, and seconded by Commissioner Fleming to approve the SCM Minutes dated February 21, 2010 with duly noted correction.
Motion carried unanimously

E911 Equipment Maintenance Contract

E911 Director Mike Smith appeared before the board to present this contract. He noted that all recommend changes and concerns presented by Commissioner Ewing have been addressed and Harris offered no objections to the changes.

Motion made by Commissioner Fleming and seconded by Commissioner Henderson to approve the E911 Equipment Maintenance Contract with Harris Corporation as presented. Contract is attached and made part of these minutes.
Motion carried unanimously

Resolution R030210 – 20/50 Plan

Administrative Officer John Middleton read aloud the resolution regarding the 20/50 Plan. Commissioner Ewing expressed appreciation to the people who have worked so hard for the past five years on this plan, noting the meetings were well attended and supported by the citizens.

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to approve Resolution R030210 – 20/50 Plan as read with a copy of said resolution being made part of these minutes.

Motion carried unanimously

District Four Nelson Heights Community Center

Chairman Morgan addressed the board and stated several meetings and work sessions were held regarding the Community Center and tonight management of the center was on the agenda for approval.

Commissioner Henderson commented he felt there was some miscommunication regarding making a presentation at the previous work session and asked that some members of the 501c3 board be allowed to make a presentation tonight. Chairman Morgan stated it would be a board decision to allow further presentations; however everyone was advised of the work session as well as making a presentation on February 16th.

The Recreation Commission submitted their proposal in September and there has been no changes to their proposal.

Motion made by Commissioner Ewing to accept the proposal dated September 30, 2009 by the Newton County Recreation Commission as it relates to the District Four Nelson Heights Community Center with a copy of proposal being made a part of these minutes. Commissioner Fleming seconded the motion.

Commissioner Henderson wanted to make a substitute motion to allow a presentation by the 501c3 members, but this was not done.

Commissioner Schulz recommended/suggested that Commissioner Henderson and the 501c3 board members make their presentation to the Recreation Commission.

Motion carried with Commissioners Simmons and Henderson voting in opposition to the motion.

Historic Jail Proposal: Ron Dimery and Associates

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to accept the Historic Jail Proposal by Ron Dimery and Associates (architectural services) for a not to exceed cost of \$14,000.00 as outlined in agenda packet on pages 57-58 with proposal being made a part of these minutes.

Motion carried unanimously

Juvenile Court: Purchase of Computers/REACH Grant

Juvenile Judge Sherri Roberts appeared before the board seeking approval of the purchase of computers through the REACH Grant.

Motion made by Commissioner Simmons, and seconded by Commissioner Schulz to approve the purchase of 10 Laptop Computers, Microsoft Office installation on all 10 machines, HP All-in-One Wireless Printer and Installation for the Juvenile Court as requested with funding through the REACH Grant.

Motion carried unanimously

Sheriff's Office: Acceptance of the General Mills Community

Partnership Council Grant - \$12,500.00

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve the acceptance of the General Mills Community Partnership Council Grant in the amount of \$12,500.00 on behalf of the Newton County Sheriff's Office.

Motion carried unanimously

Sheriff's Office: Project Lifesaver Federal Grant via Bureau of Justice Assistance

Sheriff Ezell Brown, Grant Coordinator April Jones and Senior Services Director Josephine Brown appeared before the board regarding the Project Lifesaver Federal Grant via the Bureau of Justice Assistance.

- Grant will provide start-up equipment and training necessary to initiate Project Lifesaver in Newton County.
- Program is designed to protect & locate missing persons of Alzheimer's disease, dementia & other cognitive conditions that can cause wandering behavior.
- Senior Services will collaborate with the Sheriff's Office assisting with seniors.
- No matching funds are required.

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve the acceptance of the Project Lifesaver Federal Grant via the Bureau of Justice Assistance on behalf of the Newton County Sheriff's Office.

Motion carried unanimously

District Two: Appointment to Newton County Water & Sewerage Authority

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to appoint Mrs. Elsie Bell to serve on the Newton County Water & Sewerage Authority representing the second district. Mrs. Bell's term will expire on March 31, 2014.

Motion carried unanimously

Task Order #9 – URS – Almon Road Concept Design

County Engineer Kevin Walter appeared before the board and presented Task Order #9 for the Almon Road Concept Design.

- Information is made a part of these minutes.

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve Task Order #9 for the Almon Road Concept Design with Consultants URS for a not to exceed amount of \$499,967.00.

Motion carried unanimously

Emergency Bid to Repair Richards Chapel Road

County Engineer Kevin Walter appeared before the board and requested approval to seek Emergency Bid to repair Richards Chapel Road that was severely damaged due to the September flood. He requested to approval to contact three local contractors to provide a bid for this work. The contractors will not know who the other bidders are for this project.

Motion made by Commissioner Ewing, and seconded by Commissioner Schulz to approve the Emergency Bid to repair Richards Chapel Road as presented by County Engineer Kevin Walter.

Motion carried unanimously

Zoning:

R030210 – 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

Senior Planner Scott Sirotkin appeared before the board for approval of Resolution R030210 – A Resolution to Adopt Amendments to the 2009 Zoning Ordinance & 2008 Comprehensive Plan (Community Agenda), Newton County Georgia; To Repeal Conflicting Provision; and for other Purposes.

- Mr. Sirotkin noted that all changes and comments from the members of the board had been duly noted and provided to the stakeholders who appreciated their comments and the changes were made.

Chairman Morgan declared the Public Hearing open.

There were no comments.

Chairman Morgan closed the Public Hearing.

The chairman and commissioners expressed their appreciation to fellow commissioner Tim Fleming, Attorney Carter, Mr. Sirotkin, Ms. Eisenberg and others who have worked so hard on this plan and for giving the board an opportunity to have input into this document and offered congratulation on an excellent final document, noting that many hours have been put into the success of this document.

Motion made by Commissioner Fleming, and seconded by Commissioner Ewing to approve Resolution R030210a – A Resolution to Adopt Amendments to the 2009 Zoning Ordinance and 2008 Comprehensive Plan (Community Agenda), Newton County Georgia; to repeal conflicting provision; and for other purposes, regarding the Highway 278 Mixed Use Ordinance. Resolution is made a part of these minutes.

Motion carried unanimously

MOD10-0004

REZ07-020

Zoning Modification

District Two

Proposal: To correct conditions of zoning which were part of motion for approval but were inadvertently omitted from the official Board of Commissioners Minutes.

Existing Zoning: CH (Highway Commercial) approved November 20, 2007

Location: Georgia Highway 20 (West Side)

Parcel Size: 1.957 Acres

Tax Parcels: 7A-10, 7A-11

Owner: Georgia Highway 20, LLC

Petitioner: Newton County Board of Commissioners

Representative: Newton County Planning Department

Senior Planner Scott Sirotkin addressed the board regarding this modification and noted the following:

Chairman Morgan declared the Public Hearing open.

- 2007 property on Hwy. 20 zoned residential was rezoned to commercial with conditions.
- Some of the conditions were inadvertently left out of the minutes which did not accurately reflect the board's motion.

Petitioner Representative: Attorney Andy Welch

Eric Johnson, Forsyth Group

- Provided letter dated March 2, 2010 addressed to Chairman Morgan and made a part of these minutes.
- Accepts prohibiting Pool Halls, but would like to add Place of Worship for an allowed condition.

Comments: None

Chairman Morgan closed the Public Hearing

Motion made by Commissioner Simmons, and seconded by Commissioner Henderson to approve MOD10-0004, Rezoning Modifications with the following conditions as presented by staff, also with the addition of Pool Halls/Billiards to be placed under Uses Not Allowed.

CONDITIONS OF ZONING

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 or service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 7,664.8 gross square feet per acre zoned or a total of 15,000 square feet, whichever is more.
 - b. The following uses shall not be allowed:
 1. Amphitheatres, Stadiums
 2. Animal Hospitals, Vet Clinics
 3. Major Auto Repair, Auto Sales
 4. Bar, Night Club
 5. Auto Service Station (not excluding fuel centers associated with convenience store)
 6. Campground, RV Park
 7. Private Club, Order, Lodge
 8. Electric Station; Gas Pumps not related to Anchor Store
 9. Flea Market
 10. Funeral Home
 11. Group Home
 12. Hospital
 13. Manufactured Home Sales, Rental, Repair
 14. Kennel
 15. Manufactured Home Display
 16. Personal Care Home
 17. Produce Stand
 18. Farm Equipment Sales
 19. Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall be allowed if they meet environmental regulations.)
 20. Light Manufacturing
 21. Commercial Outdoor Recreational Facilities
 22. Place of Worship
 23. Private Recreation Center or Club

24. Sawmill, Planing Mill
25. Mini-Warehouses
26. Tattoo Parlors
27. Adult Book Store/Entertainment
28. Establishments selling alcoholic beverages
29. Pool Halls (Billiards)

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 June 1, 2007. Said site plan 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.
 - b. Site plan referenced in Condition 2.a. may be revised to change building size and/or building orientation without approval by the Planning Commission. Any additional changes to the site plan shall require approval by the Planning Commission (per section 420-020 of the development regulations) prior to submittal of the development plans.
3. To the owner's agreement to abide by the following development standards:
 - a. Provide a left-turn lane and a deceleration lane at the proposed entrance, subject to approval of the County Engineer and Georgia Department of Transportation. Dedicate, at no cost to Newton County or Georgia Department of Transportation, additional right-of-way necessary from back-of-curb of the deceleration lane to provide for placement of utilities. All improvements must conform to future GaDOT plans for road realignment in area, subject to the approval of the County Engineer.
 - b. Stormwater plan to be reviewed and approved by Planning & Development Engineer.
 - c. Provide downcast lighting.
 - d. Provide interparcel access with commercial property to north (parcel 7A-12) as approved by County Engineer, and to the

office-institutional property to west (parcel 7A-63). Prior to the issuance of a Certificate of Occupancy, inter-parcel connection with adjoining commercial property to the north (parcel 7A-12) and inter-parcel connection with adjoining commercial property to the west (parcel 7A-63) must be completed to the property lines.

- e. Exteriors of the building shall be brick and/or stucco on three sides (north, south, and east sides of building). If not brick and/or stucco, the fourth side (located on the west side of building) shall be painted to match the color of brick on other sides. Brick and stucco shall match the colors of those used by Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning & Development.

Motion carried unanimously

COUNTY CHECKS

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

Motion carried unanimously

With no further business, a motion by Commissioner Fleming, seconded by Commissioner Schulz the meeting adjourned at 8:05 p.m.

Motion carried unanimously

Respectfully submitted,

Jackie Smith, County Clerk

Kathryn G. Morgan, Chairman