

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
November 7, 2006
MINUTES**

**Newton County Historic Courthouse
1124 Clark Street
Covington, Georgia
Chairman Aaron Varner, Presiding**

Present: Chairman Aaron Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., and Monty Laster; Administrative Officer John Middleton, County Attorney Tommy Craig, Attorney's Scott Cole, Jenny Carter, and James Griffin, and County Clerk Jackie Smith

Also Present: Small group of citizens

Chairman Varner called the meeting together, extended a welcome and read the quote for the day. Rev. Alan Thompson, Calvary Baptist Church gave the invocation and Chairman Varner led the Pledge of Allegiance to our great flag.

APPROVAL OF MINUTES DATED OCTOBER 17, 2006

Motion: To approve the Minutes dated October 17th as written.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

INTRODUCTION OF NEWLY APPOINTED PUBLIC DEFENDER

Administrative Assistant John Middleton introduced Newton County's newly appointed Public Defender, Anthony Carter. Mr. Carter addressed the board with his vision for the PD office and appreciation for the opportunity to serve the citizens of Newton County and working with the board. Mr. Carter provided the board with written information that is part of these minutes.

**R110706 APPLICATION FOR RECREATIONAL TRAILS FUNDING
FY2006-2007 – FEDERAL FUNDING DEPARTMENT OF NATURAL
RESOURCES**

Special Projects Coordinator, Cheryl Delk addressed the board and noted the following:

- Requesting approval of resolution to apply for \$100,000 grant
- Requires a 20% match = \$20,000 if we are awarded entire amount

Commissioner Henderson expressed appreciation to Cheryl for all her hard work on several projects she is currently and in the past working on.

Motion: To approve Resolution R110707 application for recreational trails funding
FY2006-2007 with the Department of Natural Resources.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Note: The original resolution is contained in file number R-110706, incorporated herein by reference and expressly made a part of these minutes.

R110706A APPROVAL OF CHIMNEY PARK

Ms. Delk addressed the board regarding the proposed park and noted the following:

- Commissioner Laster presented proposed park to board at the retreat held at the FFA Camp.
- Stakeholders came together with this project.
- Ms. Delk would like approval to head it up for county
- Stakeholders will write grants to help raise funds to construct the park.

- Resolution will allow group to begin writing grants for funding of project.
- Park will be located behind the library.
- This will be a “special detail parkl.
- Assessable for all people.

Commissioner Ewing

- Requested clarification regarding expansion of library and Ms. Delk noted that the library director is serving on this group and the plans to expand the east side. She also noted that the drawing was conceptual.
- Requested next conceptual drawing to include the library plans for expansion.

Commissioner Dimsdale

- Noted how heartening it is to see the community come together for this wonderful project. He said it was like saying they (the community) wanted to do something for those that are usually left out.

Commissioner Laster

- Part of committee and would like to echo Commissioner Henderson’s sentiments for the great job that Ms. Delk does for the county.

Ms. Delk

- Thanked the members for their comments and for the support the board has given to her.

Motion: To approve R110706a approval of proposed Chimney Park, noting that park will be built with funding raised by the community and money awarded through grants. Also, that when park is completed it will be under the authority of the Newton County Board of Commissioners and the Newton County Recreation Commission.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

Note: The original resolution is contained in file number R-110706a, incorporated herein by reference and expressly made a part of these minutes.

SAINT-GOBAIN TAX ABATEMENT REQUEST – CHAMBER OF COMMERCE

Chamber of Commerce Director John Boothby appeared before the board to present a tax abatement request on behalf of Saint-Gobain. He noted the following:

- City of Covington approved request at their November meeting.
- Information presented is made part of these minutes
- Total investment: \$4.5 million
- Total tax due county: \$17,514 (estimated)
- Total tax forgiven: \$8,757 (estimated)
- Abatement request = ½ of tax

Motion: To approve a 50% Tax Abatement request for Saint-Gobain for one year.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

O-110706 TO AMEND THE N.C. ZONING ORDINANCE RE: GROUP HOMES AND HOME OCCUPATIONS

Attorney Jenny Carter appeared before the board regarding the amendment of the county zoning ordinance. She noted the following:

- Previously discussed at work session
- Added information board had requested
- Goal was to get a better handle on group homes

Director Marian Eisenberg presented Home Occupations and noted the following:

- This will allow (2) two occupations per residence

Public Hearing:

Chairman Varner opened the floor for the Public Hearing and there were no questions or comments.

Commissioner Fleming

- Clarified that a conditional use permitted would be required for rear parking of more than one client at a time.
- Has a concern about parking in the rear
- Home occupation was no customer contact and Attorney Carter explained that was why they would need to get a Conditional Use Permit.
- Concerned with people parking cars in yard, etc. would drive the property values down.

Commissioner Dimsdale

- Noted he would like to see the number changed for parking to 2 or 3 cars and allow them to park in the rear of the home and made a motion to allow this. Commissioner Henderson seconded the motion.

Commissioner Ewing

- Expressed concern of increasing the number of vehicles to be parked at the home and noted he would like no more than 2, but preferred one vehicle.

Commissioner Laster

- Has issue with 3 vehicles parking, but would support allowing 2 cars to be parked at residence.
- Commissioner Dimsdale's motion failed with Commissioner Ewing, Fleming and Laster voting against motion.

Commissioner Ewing:

Made a substitute motion to approve as recommended by the Planning Commission with a second by Commissioner Laster. This motion failed with Commissioner Dimsdale, Fleming and Henderson voting against the motion.

Final and approved motion:

Motion: To approve O-110706 to Amend the Newton County Zoning Ordinance regarding Group Homes and Home Occupations with limitation on parking to one vehicle per residence with a conditional use permit.

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

Second by: Commissioner Mort Ewing, District One

Motion carried with Commissioner Dimsdale and Henderson voting in opposition to motion.

Note: The original ordinance is contained in file number O-110706, incorporated herein by reference and expressly made a part of these minutes.

RFP#07-03 COPIERS FOR VARIOUS DEPARTMENTS

Purchasing Director Tina McDonald presented this request to the board regarding copiers for the various departments. She noted the following:

- Replacement of present copiers
- Lease is up
- Looked at changing companies
- Received 10 proposals
- Sheriff Dept. currently does business with Toshiba and is very satisfied with the equipment and customer service.
- Maintenance cost will vary from department to department

Administrative Officer John Middleton

- Reiterated county requested a clause in contract that states that if the county is not satisfied with equipment or service, company will pick up equipment with no cost to the county. Ms. McDonald stated that Toshiba has approved this clause.

Motion: To approve the purchase of copiers for various departments as outlined and award RFP#07-03 to Toshiba Business Solutions

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

LANDFILL EQUIPMENT

Chairman Varner presented this request to the board and noted the following:

- EPD requires that county must keep “old cell cutback”
- Presently uses a tractor – high risk of turning over
- Concerned about safety risk
- Received 2 bids (Yancey Brothers: \$54,441) & Perimeter Bobcat: \$48,275.0

Commissioner Ewing

- Safety is most important issue
- Concern that \$48,000 was a lot of money to pay to use three times per year
- Questioned maybe we should look at contracting the mowing out

Chairman Varner

- Equipment will be well used and is definitely needed
- Recommended purchasing bobcat from Perimeter

Motion: To approve the purchase of a compact track loader for the Newton County Landfill and award the bid to Perimeter Bobcat (low bidder) for a not to exceed cost of \$48,275.06.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

TRUCKS FOR PLANNING & DEVELOPMENT DEPARTMENT

- 5 were approved at budget time
- First 2 out of 5 (others will be purchased at a later date)
- Full size truck is for large employee

Motion: To approve the purchase of two trucks for the Planning & Development Department and award the bid to the low bidder Covington Ford for a not to exceed cost of \$26,399.00.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

DECLARATION OF SURPLUS PROPERTY

Purchasing Director Tina McDonald noted the following:

- 2 Chevrolet Camaro's are from the Sheriff Department
- Sheriff would like to sell them via Gov Deals
- Gov Deals is supported by ACCG
- Link to county website so local residents can bid on vehicles
- Recommends declaring as surplus to be sold on Gov Deals.

Motion: To approve the declaration of surplus property as presented by Ms. McDonald and sell cars via GOV Deals.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APPOINTMENT TO PLANNING COMMISSION – AT LARGE

Chairman Varner noted this is an at-large appointment to serve on the Planning Commission and recommended that board reappoint Mr. Glover Anderson who has done an excellent job and is willing to continue serving in this position.

Motion: To reappoint Mr. Glover Anderson to serve on the Newton County Planning Commission as recommended by the Chairman Varner. Mr. Anderson's term will expire on December 31, 2008.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT TO PLANNING BOARD OF APPEALS – AT LARGE

Chairman Varner noted this, too, is an at-large appointment and he would recommend

reappointing Mr. Glen Whitaker to serve on this board.

Motion: To reappoint Mr. Glen Whitaker to serve on the Newton County Board of Appeals as recommended by the chairman. Mr. Whitaker's term will expire on December 31, 2008.

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

BUSINESS LICENSE APPEAL – JAY'S RECYCLING, INC.

Attorney James Griffin addressed the board regarding the appeal of Jay's Recycling, Inc. Business License.

- Right to appeal
- Board finding of fact
- Explained procedure to board

Petitioner Representative: Attorney Bob Stansfield

- Used as junkyard for 40 years
- Grand-fathered

Attorney Griffin

- Angie Shumate testified
- No written evidence presented of any grand-fathered use
- Mr. Sharpshears's application brought it to county's attention that Mr. Maloney's business license was overbroad and improperly issued for uses not in compliance with zoning.

Motion: To follow the recommendation of the Planning & Development Department and deny the business license application for Jay's Recycling, Inc.

Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner Mort Ewing, District One
Motion Carried with Commissioner Henderson voting in opposition to the motion.

Note: Copy of correspondence attached and made part of minutes

T/O #4 & #5 TRANSPORTATION CONSULTANT STREETSMARTS FOR INTERSECTION SAFETY AUDIT & SIGNAL WARRANT STUDY – BROWN BRIDGE ROAD & MAGNET ROAD (\$8,100.00)

County Engineer Kevin Walter appeared before the board to make this request and noted the following:

T/O #4

- Safety issue
- Impaired vision by morning sun from the east.

T/O #5

- Relocating Alcovy Trestle Road to intersect with GASR 11 or
- Extend River Cover Rd to intersect with GASR 11
- Traffic analysis & preliminary concept review will be made
- Roadway design, plans & specs will be prepared for GDOT & Federal requirements
- Cost estimate by Streetsmarts is \$700,000 to build road
- Does not include design fee or ROW cost
- Project in the State's Transportation Improvement Plan
- Has funding for preliminary engineering of \$50,000 for FY2009

Commissioner Dimsdale

- Ask for clarification that the \$100,595.93 include environmental documents. Yes

Commissioner Ewing

- Noted that T/O #5 has been talked about for five or six years and questioned if work previously done was being used? Yes
- Questioned third option of extending paved road to fire station?
- This option discussed several times and would like to see it considered as an option. Yes, that will happen.

Motion: To approve Task Order #4 & #5 for Transportation Consultant Streetsmarts for Intersection Safety Audit & Signal Warrant Study for Brown Bridge Road & Magnet Road for a not to exceed cost of \$8,100.00 and Task Order #5 River Cove – Alcovy Trestle Road Extension Design should not exceed \$100,595.93.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

T/O #4 FOR TRANSPORTATION CONSULTANT PBS&J FOR CONCEPT DESIGN FOR WIDENING GASR 162 BETWEEN GASR81 & GASR162 (\$25,596.49)

Commissioner Fleming

- Reiterated that PBS&J will look at the safety realignment of curves on T/O #4.
Yes
- Will not involve the purchase of ROW. Correct

Motion: To approve Task Order #4 for Transportation Consultant PBS&J for the Concept Design for widening GASR 162 between GASR81 and GASR162 for an amount not to exceed \$25,596.49.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

R110706B TO CREATE JOINT DEVELOPMENT AUTHORITY OF DEKALB, NEWTON, & GWINNETT

County Attorney Tommy Craig addressed the board regarding this issue. He provided information attached and made part of these minutes.

Commissioner Ewing

- Noted normal step as it relates to this board's involvement of GPC coming to Newton County. Yes

Commissioner Dimsdale

- Noted this would be used as a vehicle for state's concerns
- Allows GPC to get one set of bonding

Motion: To approve the creation of a Joint Development Authority as presented by County Attorney and request Chairman Varner to name persons from Newton County to serve on this Authority.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

Note: The original resolution is contained in file number R-110706b, incorporated herein by reference and expressly made a part of these minutes.

BYLAWS OF JOINT DEVELOPMENT AUTHORITY OF DEKALB, NEWTON, & GWINNETT & OPERATIONAL BUSINESS PLAN GEORGIA PERIMETER 2006

Motion: To approve as outlined in agenda package, page 75-78 & page 83 and discussed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

AMENDMENT TO ARTICLES OF INCORPORATION FOR N.C. SENIOR SERVICES, INC.

Attorney James Griffin presented this amendment to the board.

- Housekeeping item
- Held meeting
- Submitted application for tax exempt status
- Committees formed (policy & personnel)
- Energetic board members

- Article 14: You, (BOC) have right to dissolve Newton County Senior Services, Inc.
- If approved, will send to Secretary of State's Office

Motion: To approve the amendment to Articles of Incorporation for the Newton County Senior Services, Inc. outlined by Mr. Griffin on pages 89-90 in our packet attached and made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

AMENDMENT TO BY-LAWS OF N.C. SENIOR SERVICES, INC.

Motion: To approve the amendment to the By-Laws of Newton County Senior Services, Inc. attached and made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

STREETLIGHTS

Underwood crossing

Browning estates

Timber oaks subdivision

Motion: To approve the streetlight request for Underwood Crossing, Browning Estates and Timber Oaks Subdivision as requested.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

COUNTY CHECKS:

Motion: To approve the county checks as read by the chairman.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

EXECUTIVE SESSION

None

ADJOURN

Time: 8:45 p.m.

Motion: To adjourn

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Respectfully Submitted,

Jackie Smith, County Clerk

Aaron Varner, Chairman