

NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 19, 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., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Scott Cole, Attorney James Griffin and County Clerk Jackie Smith

Newspaper: The Newton Citizen
Small group of citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Commissioner Mort Ewing gave the invocation and Chairman Varner led in the Pledge of Allegiance to our great Flag.

APPROVAL OF W/S MINUTES DATED AUGUST 18, 19, 2006

Motion: To approve the Work Session Minutes dated August 18, 19, 2006 as printed.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

APPROVAL OF W/S MINUTES DATED AUGUST 29, 2006

Motion: To table the Work Session Minutes dated August 29, 2006 due to a computer shut down in the clerk's office.
Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Mort Ewing, District One
Motion Carried

APPROVAL OF MINUTES DATED SEPTEMBER 5, 2006

Motion: To table the Commission Meeting Minutes dated September 5, 2006 due to a computer shut down in the clerk's office.
Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Mort Ewing, District One
Motion Carried

:

AMEND AGENDA REGARDING CIVIC CENTER/HOTEL

Motion: To amend the agenda regarding Civic Center/Hotel project.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried with Commissioner Dimsdale abstaining from vote.

Commissioner Ewing

- Discussed at earlier work session
- Chairman Varner and Mayor Ramsey appointed a Task Force that was given the task to come up with plans regarding shortfall of project.
- Task Force met and came up with a resolution for our consideration.
- Commissioner Ewing read the resolution aloud which states:

The County/City Joint Task Force requests the Newton County Board of Commissioner's provisional approval of support for the completion of the Civic Center/Hotel/Conference Center project with funding mechanisms for the shortfall as recommended by the Joint Task Force.

The Joint Task Force will bring these recommendations to the Board of Commissioners.

- This resolution means that the BOC is still indicating it's support for the proposal and when they (Task Force) completes their work they will come back before this board and present their recommendations for our (BOC) approval.

Commissioner Dimsdale

- Wanted expressed his strong, enthusiastic support of the project, however was uncomfortable with the wording.. we are supporting funding mechanisms
- Would like to see "funding mechanisms" wording removed.

CIVIC CENTER/HOTEL/CONFERENCE CENTER

Motion: To approve the following as recommended by the Joint Task Force:

The County/City Joint Task Force requests the Newton County Board of Commissioner's provisional approval of support for the completion of the Civic Center/Hotel/Conference Center project with funding mechanisms for the shortfall as recommended by the Joint Task Force.

The Joint Task Force will bring these recommendations to the Board of Commissioners.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioner Dimsdale abstaining from vote.

BID #07-04 GEORGIA PERIMETER COLLEGE ROAD

Purchasing Director Tina McDonald presented this request.

- Received 2 bids
- Pittman Construction - \$1,080,089.70
- The Potts Company: \$1,281,709.95
- BOC approved MOU for \$500,000 to be used for road project
- Funding: GDOT: \$250,442.38 – PR000-S008-00 (431) C1
346,20295 – PR000-S008-00 (430) C1
Newton County Capital Improvement Fund: \$500,000

Motion: To award the low bid for Georgia Perimeter College Road to Pittman Construction Company for a not to exceed price of \$1,080,089.70 as recommended by the chairman and purchasing department.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

MOU W/GA. PERIMETER COLLEGE- ROAD CONSTRUCTION MONEY

Attorney Scott Cole presented this MOU to the board for consideration.

- Presented MOU
- Reaffirms Newton County's commitment for the \$500.000 road project.
- Secure GDOT participation in funding.
- Copy of MOU made part of minutes

Motion: To approve the Memorandum of Understanding (MOU) between Newton County Board of Commissioners and Georgia Perimeter College as it relates to funding of \$500,000 for an entrance road.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

TRUCK FOR HAZMET TRAILER

Administrative Chairman John Middleton presented the request for the truck for hazmet trailer.

- Received 2 bids
Covington Ford: \$23,260.00
Walker Harris: 26,125.00
- Recommend low bidder – Covington Ford
- Funding: Grant Fund & Fire Fund

- EMA does not presently have a vehicle that can tow the new HAZMAT trailer.
- This item was discussed during budget process.
- EMA was awarded a grant from GEMA and a 5% Administrative Fee from FEMA
- Better emergency response
- Can utilize in the event we need to make active the communication trailer.

Motion: To award the low bid to Covington Ford for a not to exceed price of \$23,260.00/

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

COMMUNICATIONS SHELTER FOR 911 RADIO SYSTEMS EQUIPMENT @ GUM CREEK ROAD TANK SITE

Mike Smith, Director of E911 appeared before the board with this request.

- Will house radio equipment @ Gum Creek Road Tank
- Received 3 bids -Mosley Electric was low bidder @ \$25,460.00
- Recommend to award to low bidder
- Funding: SPLOST, 911 Radio System

Motion: To approve the purchase of Shelter for 911 Radio Systems Equipment @ Gum Creek Road with Gary Mosley Electric receiving the contract for a not to exceed price of \$25,460.00.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

SMART GROWTH LEADERSHIP INSTITUTE (SGLI) GRANT/STUDY

Administrative Officer John Middleton presented this to the board.

- Worked with Kay Lee (The Center), Marian Eisenberg, Scott Sirotkin
- Settled on Smart Growth Score Card
- Federal Grant Funds
- No cost to Newton County

Commissioner Dimsdale

- Clarified date to be 2007. Correct

Motion: To approve request as outlined by Administrative Officer John Middleton relative to SGLI Grant for Study.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

NEWTON COUNTY, GEORGIA EMPLOYEE SAFETY MANUAL

Administrative Officer John Middleton expressed appreciation to Jody Nolan who worked tirelessly on this project. He noted the following:

- Jody Nolan will provide leadership for this.
- This was presented to the Department Heads at our last meeting.
- Board was presented documents for review and suggestions at retreat held in August.

Motion: To adopt the Newton County, Georgia Employee Safety Manual as written in draft form. Document is made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

7:30 P.M. – ZONINGS

Scott Sirotkin sounded the following zonings:

REZ06-015

William W. Laseter, Owner

Petitioner: Brunson Gunter

Proposed Land Use Map: n/a

Existing Land Use Map: RR (Rural Residential)

Proposed Zoning: RE (Rural Estate)

Existing Zoning: A (Agricultural)

Watershed: Bear Creek

Location: Marks Road (Northeast Side)

150.0 Feet of Frontage

Parcel Size: 2.0 Acres (Portion of 31.57 Acres)

Tax Parcels: 128-1

Applicant's Intent: To subdivide one 2.0-acre lot from existing 31.57-acre property for a family member to build a house on.

Planning Commission: Deferred to July 25, 2006

Deferred to August 22, 2006 – Approved on 8/22/06 w/staff conditions

District One

Petitioner: David Gunter – Father

- Land adjoins his
- Son will build his house there.

No opposition

Motion: To approve REZ06-015 and change the zoning from A (Agriculture) to RE (Rural Estate) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Estate) 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. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 87,120 square feet (2.0 acres).
 - c. No more than 1 dwelling unit.
 - d. The minimum heated floor area per dwelling unit shall be 2,400 square feet.
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 May 5, 2006. 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.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

FLU06-006

REZ06-018

Catherine Parnell, Owner

Petitioner: Lori Parnell Anderson

Proposed Land Use Map: RR (Rural Residential)

Existing Land Use Map: A (Agricultural)

Proposed Zoning: RE (Rural Estate)

Existing Zoning: A (Agricultural)

Watershed: Little River

Location: Hays Pond Road (West Side)

40.0 Feet of Frontage

Parcel Size: 4.994 Acres (Portion of 41.97 Acre Parent Parcel)

Tax Parcels: 128-12A

Applicant's Intent: To subdivide one (1) lot for a family member.

Planning Commission: FLU – Approval on 8/22/06

REZ – Approval with changed conditions on 8/22/06

District One

Petitioner: Mr. Anderson

- Daughter will build on land

No opposition

Motion: To approve changing the Future Land Use Map (FLU06-006 from A (Agriculture) to RR (Rural Residential).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Motion: To approve changing the zoning (REZ06-018) from A (Agricultural) to RE (Rural Estate) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Estate) 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. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 4.994 acres.
 - c. No more than 1 dwelling unit.
 - d. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
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 June 27, 2006. 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. Stream buffers and driveway crossing of streams must be approved by County Arborist prior to issuance of a land disturbance and/or building permit.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

FLU06-007

REZ06-019

Joint Development Authority of Jasper, Morgan, Newton & Walton Counties, Owner

Petitioner: Joint Development Authority of Jasper, Morgan, Newton & Walton Counties

Representative: Rees Waite, TPA Realty Services, LLC

Proposed Land Use Map: I (Industrial) & PRC (Park/Recreation/Conservation)

Existing Land Use Map: A (Agricultural) & PRC (Park/Recreation/Conservation)

Proposed Zoning: MCMUBP (Multi-County Mixed-Use Business Park)

Existing Zoning: A (Agricultural)

Watershed: Little River

Location: Hwy. 278 (South Side)

1,791.57 Feet of Frontage

Parcel Size: 42.27 Acres

Tax Parcels: 124-39, 48

Applicant's Intent: To develop approximately 350,000 square feet of commercial buildings on 42.27 acres at a density of 8,280.1 square feet per acre as a component of a larger multi-county mixed-use development.

Planning Commission: FLU – Approval on 8/22/06

REZ – Approval with staff conditions on 8/22/06

District One

Petitioner: Rees Waite

- Last piece of property to be rezoned at Stanton Springs
- Requesting to rezone to MCMUBP

No Opposition

Commissioner Ewing

- Expressed appreciation to Mr. Waite for representing the 4-County Committee
- Gave the BOC a brief update regarding Stanton Springs
- JDA chairman and vice-chairman have been contacted by Industry & Trade indicating there is another large drug manufacturer that is interested in locating in the park.

Motion: To approve a change to the Future Land Use Map from A (Agricultural) & PRC (Park/Recreation/Conservation) to I (Industrial) & PRC (Park/Recreation/Conservation) as requested.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Motion: To approve zoning 06-019 from A (Agricultural) to MCMUBP (Multi-County Mixed-Use Business Park) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved MCMUBP (Multi-County Mixed-Use Business Park) 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. Uses in compliance with Section 285-020, 285-030 and 285-040 of the Newton County Zoning Ordinance.

2. To the owner's agreement to abide by the following:
 - a. To the master plan received by the Department of Planning and Development on June 30, 2006. 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. Buffers shall be located outside of lots and be dedicated to Newton County, or its designee.
 - b. Transportation improvements to be approved by County Engineer.
 - c. Plantings for buffers to be approved by County Arborist.
 - d. Major changes from master plan referenced in condition 2.a. above to be approved in advance by Planning Director.
 - e. Storm Water plan to be reviewed and approved by County Engineer.

Proposed by: Commissioner Mort Ewing, District One
 Second by: Commissioner Ester Fleming, Jr., District Three
 Motion Carried

FLU06-008

REZ06-020

CUP06-006

Joe Ann J. & Carlton Parker, Owner

Petitioner: Carlton Parker

Representative: Carlton Parker

Proposed Land Use Map: RR (Rural Residential)

Existing Land Use Map: R2 (Single-Family Residential)

Proposed Zoning: AR (Agricultural Residential)

Existing Zoning: R2 (Single-Family Residential)

Watershed: Yellow River

Location: 449 Womack Road (East Side)

150.02 Feet of Frontage

Parcel Size: 5.13 Acres

Tax Parcels: 26-5

Applicant's Intent: To establish a personal care home for 12.

Planning Commission: FLU – Approval on 8/22/06

REZ – Approval with staff conditions on 8/22/06

CUP – Approval with staff conditions on 8/22/06

District Three

Petitioner: Carlton Parker

- Lives next door on a 5-acre tract of land
- Considers this to be a wonderful, satisfying project
- Personal Care Home

- Not-for profit company
- Would like to leave property for mentally disturbed girls
- Will lease property should board approve

No opposition

Motion: To amend the Future Land Use Map as requested from R2 (Single-Family Residential) to RR (Rural Residential).

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Motion: To approve the zoning change from R2 (Single-Family Residential) to AR (Agricultural Residential) with the following conditions. Also, attached to this zoning is CUP06-006 (Conditional Use Permit).

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural Residential) and should be approved for a Conditional Use Permit for a Personal Care Home with no more than 12 residents, 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. Single family detached dwelling and accessory uses and structures or a personal care home in existing residential structure.
 - b. Comply with the standards of section 510-460 of the Newton County Zoning Ordinance.
 - c. No more than 12 residents allowed in the personal care home.
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 July 6, 2006. 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.

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

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

Motion Carried

FLU06-009

REZ06-021

Archie L. & Marian B. Lee, Owner

Petitioner: Archie L. & Marian B. Lee

Representative: Archie L. & Marian B. Lee

Proposed Land Use Map: RR (Rural Residential)

Existing Land Use Map: LDR (Low-Density Residential)

Proposed Zoning: AR (Agricultural Residential)

Existing Zoning: A (Agricultural) & AR (Agricultural Residential)

Watershed: Yellow River

Location: Spring Court Drive (South Side)

118.64 Feet of Frontage

Parcel Size: 3.45 Acres (Portion of 41.89 Acre Tract)

Tax Parcels: 39-7, 103A

Applicant's Intent: To subdivide a 3.45-acre lot for a family member.

Planning Commission: FLU – Approval on 8/22/06
REZ – Approval with staff conditions on 8/22/06
District Three

Petitioner: Mr. Archie Lee

- Request is so that son can build a house on property

No opposition

Motion: To amend the Future Land Use Map from LDR (Low-Density Residential) to RR (Rural Residential)

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

Motion: To approve REZ06-021 from A (Agricultural) & AR (Agricultural Residential) to AR (Agricultural Residential) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural Residential) 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:
 - c. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 3.45 acres.
 - c. No more than 1 total dwelling unit, at a maximum density of 0.29 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
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 July 7, 2006. 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.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

REZ06-022

Pierce L. Cline, Owner

Petitioner: Pierce Cline

Representative: Frank B. Turner, Jr., Attorney

Proposed Land Use Map: n/a

Existing Land Use Map: RR (Rural Residential)

Proposed Zoning: AR (Agricultural Residential)

Existing Zoning: A (Agricultural)

Watershed: Alcovy River

Location: River Cove Meadows (South Side)

218.77 Feet of Frontage

Parcel Size: 4/75 Acres

Tax Parcels: 111-17

Applicant's Intent: To bring existing lot into compliance in order to build a single-family residence.

Planning Commission: Approval with staff conditions on 8/22/06

District Five

Petitioner Representative: Attorney Frank Turner, Jr.

- River Cove Subdivision
- Barn can be used for agricultural purposes
- Tractor & Lawn Care Equipment is housed there now
- Agrees with staff conditions

No opposition

Motion: To approve zoning REZ06-022 change from A (Agricultural) to AR (Agricultural Residential) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural Residential) 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. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 4.75 acres.
 - c. No more than 1 total dwelling unit, at a maximum density of 0.21 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 2,300 square feet.
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 July 7, 2006. 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.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

COUNTY CHECKS:

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

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

EXECUTIVE SESSION

Time: 8:15 p.m.

Motion: To enter into Executive Session to discuss land acquisition.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

REGULAR SESSION

Time: 9:00 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

ADJOURN

Time: 9:05 p.m.

Motion: To adjourn.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

Respectfully Submitted,

Jackie B. Smith, County Clerk

Aaron Varner, Chairman