

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 5, 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 Tommy Craig, Attorney Scott Cole, 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.

GENERAL ADMINISTRATION

Administrative Officer John Middleton recognized employees from the finance department for the outstanding job they have done and for receiving a Certificate of Excellence. Only 19 of the 159 counties received this certificate. The board extended their congratulations and presented employees with a framed copy of the certificate.

APPROVAL OF BOC MINUTES DATED AUGUST 15, 2006

Motion: To approve the Minutes for August 15th as written.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

NTL06-002 (TABLED FROM AUGUST 15TH MEETING)

HAL E. BOYTON, OWNER

PROPOSED USE: NEW TELECOMMUNICATIONS TOWER

Planning Director Marian Eisenberg sounded the request.

Hal E. Boyton, Owner

Petitioner: Sara Marshall (T-Mobile South, LLC)

Proposed Use: New Telecommunications Tower)

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: Highway 20 (North Side)

521.75 Feet of Frontage

Parcel Size: 19.2516 Acres

Tax Parcel: 2-4

Applicant's Intent: To locate a 150-foot monopole telecommunications tower.

Planning Commission: Deferred to June 27, 2006 meeting

Deferred to July 25, 2006 meeting

Planning Commission Recommendation: Denial on 07-25-06

District Two

Scott Sirotkin told the board additional information was submitted today. Each member of the board received a packet of information that included a letter from T-Mobile. That information is made part of these minutes.

Petitioner: Jeffrey N. Evans, Zoning & Permitting Specialist for T-Mobile, South, LLC

- Gave a brief of what Sara Marshall had presented to the board earlier for consideration.
- Began with Planning in Development on May 23, 2006, met again June 27, met on July 25.

- Objective is to provide seamless coverage.
- T-Mobile intends to co-locate on any structure that is available.
- Application calls for 150' monopole, 6 foot fence
- Landscaped & shielded from view
- Spoke with Commissioner Dimsdale for an alternate structure to make it less intrusive to neighborhood at his request.
- Benefits are two-fold (greater coverage for present customers; safety/911
- Monopole or tree meets ordinance to the letter.

Opposition:

Large group of homeowners were on hand again to speak against the tower.

Note: A petition with signatures against the tower is made part of these minutes

Mike Polk

Angela Boyette

- Against placing tower in neighborhood
- Lower property value
- Does not want to look out door and see a cell tower
- Mentioned 80% rule that Mr. Zimmerman talked about in his correspondence.

Commissioner Ewing

- Questioned the petitioner regarding the 80% rule. He replied he did not have the opportunity to speak with Mr. Zimmerman about that comment.
- The petitioner said if you drive off of Georgia 20 you do not have coverage.
- Next site is 2-1/2 miles away

Commissioner Dimsdale

- Noted that a few years back the county received a lot of requests for towers and this board took the time to protect the community.
- The board listens to the community and to the petitioner in order to make the best decision possible.
- T-Mobile has an obligation to work in our community according to the Federal Government.
- These monopole towers with the pine tree look do not stand out unless you know it is there and are looking for it.
- He notes that it was good to camouflage the tower and would like to see this done.
- Told the audience and the board that he had reviewed the request and considered the comments and concerns of those in opposition to the tower; however he did not feel there was a legal way for the county to deny the request. He noted that the county has denied similar requests in the past, only to end up with the county being sued and costing the county a lot of money with the tower being allowed through the courts.

Motion: To approve NTL06-002 Telecommunications Tower to be located at GA. Hwy. 20 for T-Mobile South, LLC.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried with Commissioners Ewing & Fleming voting in opposition to the motion.

SOLICITATION ORDINANCE UPDATE (TABLED FROM AUGUST 1ST MEETING)

Attorney Jenny Carter presented information to the board regarding Solicitation Ordinances in other counties. She has reviewed 25 counties who have ordinances and went over their individual information for the board.

Commissioner Fleming stated that he would like to have a work session on this ordinance before anything is officially changed and the board concurred. A work session will be scheduled as requested.

After a brief discussion it was decided to extend the moratorium, and schedule a work session, which was duly noted by the clerk.

Motion: To extend the moratorium regarding solicitations to the first meeting in October with a work session to be held by the board prior to that meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Fleming voting in opposition to the motion.

TRAILS GRANTS SUMMARY (AUGUST 2006)

Special Projects Coordinator Cheryl Delk appeared before the board to present the above noted summary. Information provided to the board is made part of these minutes.

- Turner Lake Park to Newton County High School
- Library to Eastside High School
- City has committed almost 50%
- Grants paid for brick & mortar
- County portion would be \$374,000 with a large amount up front.
-

Commissioner Ewing

- Questioned funding source? Mr. Middleton stated SPLOST would be the primary funding source.

Motion: To approve the proposal as outlined by Ms. Delk with a copy made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT TO ZONING APPEALS BOARD – DISTRICT 2

Commissioner Dimsdale expressed appreciation for the wonderful job Ms. Tammie Prieto provided as a member of the Zoning Appeals Board representing the second district. He noted that Ms. Prieto was moving out of the district and resigned her position.

He has met with Mr. Frank Daws who agreed to serve the remainder of Ms. Prieto's term. He also noted that Mr. Daws would do an excellent job-representing district two.

Motion: To appoint Mr. Frank Daws to serve the unexpired term of Ms. Prieto.

Term Expires: December 31, 2007.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

Chairman Varner called a Public Hearing to order for comments regarding the Newton County Water Resource Management Ordinance.

O-090506 WATER RESOURCE MANAGEMENT ORDINANCE NEWTON COUNTY LOCAL DESIGN MANUAL

Attorney Jenny Carter presented this ordinance to the board. She noted the board held work sessions previously to discuss and make any changes necessary.

Motion: To approve O-090506 Water Resource Management Ordinance with the Newton County Local Design Manual as a part of the ordinance.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson voting in opposition to the motion.

Note: The original ordinance is contained in file number O-090506, incorporated herein by reference and expressly made a part of these minutes.

**O-090506A AMENDMENT TO NEWTON COUNTY
DEVELOPMENT REGULATIONS REGARDING STORM WATER
MANAGEMENT**

Attorney Carter told the board the reason for the amendment of the N.C. Development Regulations was to remove stormwater management from the Development Regulations.

Motion: To approve O-090506a Amending the Newton County Development Regulations regarding Storm Water Management.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson voting in opposition to the motion.

JOINT PACE STREET CORRIDOR PROJECT

Administrative Officer John Middleton addressed the board regarding this project.

- Born out of Work Shop that was held in Athens
- Cost of study is \$15,000
- County share is \$5,000
- Funding: FY2007 Budget under Professional Services
- Improvement to Pace Street Corridor (Hwy 278 to Square)
- Application to ARC for grant
- Recommendation to approve from Funding Strategies Committee

Motion: To approve the request for a study regarding the Joint Pace Street Corridor Project. The total cost of the study should not exceed \$15,000 with the county's share of the cost not to exceed \$5,000. Funding from FY2007 Professional Services.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

LANDFILL EQUIPMENT PURCHASE

Purchasing Director Tina McDonald presented this request to the board.

- Upgrade of landfill equipment
- Caterpillar 826H - \$466,523.00 less trade in value - \$128,000.00 = \$338,523.00
- Caterpillar 963C - \$278,636.00 less trade in value - \$ 68,520.00 = \$ 210,116.00
- Total cost: \$548,639.00
- Financed through Caterpillar

Motion: To approve the purchase of Caterpillar 826H and Caterpillar 963C for a total cost not to exceed \$548,639.00 with finance to be determined by Finance Department.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

BID #07-02 CITY POND PARK: SEWERAGE PROJECT

Purchasing Director Tina McDonald presented this request.

- City Pond Sewerage Pond project
- Four bidders
- Original money allocated was \$117,000
- Low bid from All South Contractors is \$126,886.00
- Balance needed is \$9,868.00 to complete project
- Newton County Recreation will reimburse the county \$9,868.00 upon completion of the project from appropriations budget.
- After litigation is settled regarding impact fees, this \$9,868.00 will be reimbursed back to the Recreation Commission account.
- If impact fees cannot be allocated then the \$9,868.00 will be split between the county and recreation commission.

Commissioner Ewing

- Note that this is the proposal to eliminate problem associated with the septic system. Correct.

Commissioner Dimsdale

- Met with Tommy Hailey and project is part of their Master Plan Project.
- Newton County Recreation Commission will reimburse the county \$9,886.00.
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Motion: To approve the contract with All South Contractors for a not to exceed price of \$126,886.00 with the understanding that the difference of \$9,868.00 will be funded through General Fund and will be repaid by Impact Fees or Recreation Commission.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

INDEMNIFICATION AGREEMENT WITH THE ARNOLD FUND

Attorney Tommy Craig addressed the board regarding this agreement.

- Trust Indenture
- No Identify of Interest form
- Indemnification Agreement with Arnold Fund
- Obligor: Newton County Board of Commissioners
- Obligee: Arnold Fund

Commissioner Dimsdale

- Questioned the involvement of Newton County Water & Sewerage Authority
- Understood they would like to be involved and feels they have more knowledge in this area than the county does.
- Commended them on the job they do.
- Has a strong concern W&SA is not part of this.

Charlie Tuller

- Presented everything to the state, the county and the water & sewer authority
- Understands there is no objection from them in what they have proposed.
- Mt. Pleasant, LLC
- Not time for sewer plant to be constructed before college opens
- County attorney has reviewed all documents

Attorney Craig

- If Brick Store fails to operate county would take control.
- The EPD wants to see the government entity involved.
- BOC reserves the right to approve plans and specifications

Commissioner Dimsdale

- Questioned why W&SA was not asked to underwrite this instead of the BOC? C
- Mr. Tuller said that it was a critical time issue.
- He asked if Brick Store would be willing to give the county a letter that they are not and would not be in wholesale or retail water business without BOC approval?
- Would like to see BOC as part of this process to move forward with providing sewerage to entire area out there. It is a growth area.
- People would like to see us not end it in private system, but call on W&SA to bring sewerage to area.
- Said board received a letter recently indicating the W&S would like to provide sewer for each side of county.... indicated they were on ready to start.
- Suggested dialogue with W&S regarding east end of county too.
- Would like to see board make it as part of motion to have W&SA as part of project.

Commissioner Ewing

- Served on the 4-County board for 6-1/2 years.
- Part of plan is to have a regional plant.
- JDA voted several years ago to have NCW&SA involved.
- Original Plan was for \$1,000,000; now it is \$6,000,000.
- Expressed appreciation for all parties who have worked on this, but project needs to move forward immediately for college to open on time in spring of 2007.

Commissioner Fleming

- Stated he doesn't feel like this would happen, but what if there were a default?
- County Attorney replied the county would be held responsible for sewer, but will not happen.

Commissioner Henderson

- Expressed appreciation for the generosity of the Arnold Fund and stated he felt BOC should take action to do anything they could to speed up the project.

Commissioner Ewing

- Made a motion to approve as outlined by the county attorney with a second by Commissioner Laster.

Commissioner Dimsdale

- Requested an amendment to the motion to include the W&S Authority to begin dialogue with them to serve the entire Hub/Brick Store Development Node. This motion failed 3 to 2 with Commissioner Ewing, Henderson and Laster voting against the amended motion.

Commissioner Ewing noted the first motion would stand.

Motion: To approve the Indemnification Agreement with the Arnold Fund as outlined by the County Attorney. Information is attached and made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

QUITCLAIM DEED – CONLEY DITCH ROAD

Attorney Scott Cole presented this request to the board.

Motion: To approve the Quit Claim Deed regarding Conley Ditch Road as presented by Attorney Scott Cole with information made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

STREETLIGHTS

River Birch Subdivision

Hwy. 162

District One

Motion: To approve the streetlight request for River Birch Subdivision located on Hwy. 162 as requested.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Westbrook Subdivision

District Two

Motion: To approve the streetlight request for Westbrook Subdivision.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

LoJohnVill Estates

District Three

Motion: To approve the streetlight request for River Birch Subdivision located on Hwy. 162 as requested.

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

Second by: Commissioner Mort Ewing, District One

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

Time: 9:07 p.m.

Motion: To enter into Executive Session for the purpose of discussing land acquisition and pending litigation.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

REGULAR SESSION

Time: 9:40 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

ADJOURN

Time: 9:45 p.m.

Motion: To Adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith, County Clerk

Aaron Varner, Chairman