

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 7, 2005
MINUTES**

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

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; Administrative Assistant John Middleton, County Attorney Tommy Craig, Attorney Jenny Carter and Clerk Jackie Smith

Chairman Varner extended a welcome to all present and read the thought for the day. Commissioner Ronnie Dimsdale gave the invocation and the chairman led the Pledge of Allegiance.

APPROVAL OF BOC MINUTES DATED MAY 17, 2005

Motion: To approve the minutes dated May 17, 2005 with the following correction that was duly noted.

REZ05-009 (Clarksdale, LLC) –

Condition 3d: In the event either of the two parcels west of and adjacent to the subject property are landlocked, provide minimum 25' access to such landlocked parcel.

Perpendicular crossings of buffers are allowed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

PLANNING COMMISSION APPOINTMENT – DISTRICT THREE

Commissioner Fleming expressed appreciation for the job Helen Cooper has done on the Planning Commission, but has moved out of District Three and submitted her resignation. He presented to the board for confirmation Mr. Bob Kitchens who will fill Mrs. Cooper's term, which expires on December 31, 2005.

Motion: To appoint Mr. Bob Kitchens to serve the unexpired term of Mrs. Helen Cooper. Term will expire on December 31, 2005.

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

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

Motion Carried Unanimously

BELL SOUTH LONG DISTANCE & BILL MANAGEMENT SOFTWARE

IT Director Tim McCart appeared before the board with a presentation regarding changing the county's long distance carrier. He told the board this will save the county money with the flat rate of \$.05 for instate and out of state calls. The plan proposed will save \$75.00 per month for this change as well as \$225.00 per month fee for other charges by Light-year. He said the bill management software would allow county to be more efficient in departmental billing.

Discussion:

Commissioner Laster

- When will Light-year's contract expire? No contract – Pay month to month. Probably make changes by the first of August.

Commissioner Dimsdale

- Noted that when we went with Light-year we saved the county money and sees this as another way to be prudent with county money.

Motion: To accept the proposal with Bill South as recommended and presented by IT Director Tim McCart.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

MEMO OF UNDERSTANDING: GEORGIA PERIMETER COLLEGE

Attorney James Griffin appeared before the board regarding a memo of understanding with the Georgia Perimeter College. He provided a memo to the board that summarizes the request. That memo is made a part of these minutes.

Discussion:

Commissioner Ewing

- Questioned the proposed closing date? Mr. Craig said that has not been finalized as yet.

Motion: To approve the Memo of Understanding with Georgia Perimeter College as outlined in Agenda Packet and discussed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

**RESOLUTION R060705 AMENDING INTERGOVERNMENTAL
CONTRACT WITH JOINT DEVELOPMENT AUTHORITY
(JASPER, MORGAN, NEWTON & WALTON COUNTY)**

Attorney James Griffin appeared before the board and presented Resolution R060705 Amending the Intergovernmental Contract with the Joint Development Authority (Jasper, Morgan, Newton & Walton County).

- 4-County holds bonded debt at a floating rate
- Projected interest rates are rising and it seems prudent for the JDA to switch to a fixed rate at this time.
- We do not have to re-issue bonds through this process.
- Simply make a contract to change the interest rate.

Motion: To approve Resolution R060705 Amending the Intergovernmental Contract with the Joint Development Authority (Jasper, Morgan, Newton & Walton Counties).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ronnie Dimsdale, District Two

Motion carried unanimously

Note: The original resolution is contained in file number R060705, incorporated herein by reference and expressly made a part of these minutes.

Chairman Varner announced the Public Hearing for the Amendments to the Newton County Development Regulations and Zoning Ordinance.

**ORDINANCE O-060705A TO ADOPT AMENDMENTS TO THE 2003
DEVELOPMENT REGULATIONS, NEWTON COUNTY, GEORGIA**

Zoning Director Marian Eisenberg addressed the board and sounded the amendments to the Development Regulations for Newton County. She told the board that the Planning Commission had recommended approval of the changes.

The chairman opened the floor for citizen comments. There were no comments or questions.

Motion: To approve Ordinance O-060705a to adopt amendments to the 2003 Development Regulations, Newton County, Georgia as recommended by the Planning & Development Board.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

Note: The original ordinance is contained in file number O060705a, incorporated herein by reference and expressly made a part of these minutes.

Zoning Director Marian Eisenberg addressed the board and sounded the amendments to the Newton County Zoning Ordinance. She told the board that the Planning Commission had recommended approval of the changes.

After discussing each amendment and clarifying the requested changes the board voted on each amendment separately as follows:

ORDINANCE O-060705 AMENDING THE 2003 ZONING ORDINANCE, NEWTON COUNTY, GEORGIA

Commissioner Ester Fleming made a motion to approve with Commissioner Ewing giving the second, however after discussion it was decided by the board to vote on each section separately. At that point Commissioner Fleming withdrew his motion

Section One

Article 1, Division 105

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section One, Article 1, Division 105 as recommended by the Newton County Planning Commission

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion carried with Commissioner Henderson abstaining.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Two

Article 3, Subsections 300-080 C and 300-110 D

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Two, Article 3, Subsections 300-080 C and 300-110 as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Mont Laster, District Five

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Three
Article 4, Subsections 410-030 D, E and F

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Three, Article 4, Subsections 410-030 D, E and F as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Four
Article 5,
Use Table contained in Division 505

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Four, Article 5, Use Table contained in Division 505 as recommended by the Newton County Planning Commission

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

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Five
Article 4, Subsections 510-210F and 510 –220 C

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Five, by adding Subsections 510-210 F and 510-220 C as recommended by the Newton County Planning Commission

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

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Six

Article 5, Section 510-010

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Six, Article 5 by deleting Section 515-010 in its entirety and by inserting in lieu thereof new language and table as discussed by board of commissioners. Also that Law Enforcement Vehicles fall under exception and that flatbed trucks, box vans, vehicles with trailers, semi-tractor cabs without trailers is moved to #3 under Type of Vehicles with a minimum lot size of 10 acres or more and a setback of 100 feet from all property lines.

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

Second by: Commissioner Monty Laster, District Five

Motion carried with Commissioner Dimsdale Voting in opposition to the motion and Commissioner Henderson abstained.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Seven

Article 5, Subsection 510-310 G

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia deleting in its entirety Article 5, Subsection 510-310 G of Section Seven as recommended by the Newton County Planning Commission

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Eight

Article 6, Subsections 605-030 E, F, G and H

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Eight, Article 6, Subsection 605-030 E, F, G, and H as recommended by the Newton County Planning Commission

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these minutes.

Section Nine

Article 6, Subsections 620-070 B.2

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Nine, Article 6, Subsection 620-070 B. 2 as recommended by the Newton County Planning Commission.

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

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

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Ten

Division 700

Section 700-010, Section 700-020 and Section 700-030

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Ten, Division 700 Section 700-010, Section 700-020 and Section 700-030 as recommended by the Newton County Planning Commission.

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.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Eleven

Section 510-010

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Eleven, Section 510-010 as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Twelve

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Twelve as recommended by the Newton County Planning Commission.

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried with Commissioner Henderson abstaining from vote.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

Section Thirteen

Motion: To approve Ordinance O-060705 Amending the 2003 Zoning Ordinance For Newton County, Georgia Section Thirteen as follows: "This Ordinance shall be in force and take effect on June 8, 2005."

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried with Commissioner Henderson abstaining from vote.

Note: The original ordinance is contained in file number O060705, incorporated herein by reference and expressly made a part of these

BID #05-23 CROWELL ROAD & BROWN BRIDGE ROAD

Chairman Varner told the board the lowest bid was \$250,000 over the projected estimate for this project. He said after talking with the engineer he would like to ask the board to reject all bids and re-bid the project.

Motion: To reject all bids for Bid #05-23 Crowell Road and Brown Bridge Road.

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

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

INMATE FOOD SERVICES

Administrative Assistant John Middleton addressed the board regarding the Inmate Food Services. He noted the following:

- Met with Michael Castellana from Frank's Restaurant
- Frank's is requesting an increase in the (per meal) cost from \$1.35 to \$1.65 due to significant increase in food costs.

- Also, meal volume variance was not anticipated in the initial contract approved by BOC.
- Completed review and verified information.
- Sheriff Department continues to be extremely pleased with quality of meals and service provided by Frank's Restaurant Employees.
- Recommends that contract be modified and the contract price be changed to \$1.65 per meal effective with the weekly invoice submitted for the period ending June 12, 2005.

Motion: To modify the present Inmate Food Service Contract with Frank's Restaurant as recommended by Mr. Middleton and increase cost from \$1.35 to \$1.65 beginning with the weekly invoice submitted for the period ending June 12, 2005.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

STREETLIGHTS:

Trelawney Phase 10

Rosedown Phase 2

Shadowbrook Phase 3

Parker's Terrace

Motion: To approve the streetlights as requested.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

ALCOHOL LICENSE:

Final Reading:

North Fork

3078 Highway 81 South

Oxford, Georgia 30054

Rafiq Farishta (100% Owner)

Motion: To approve the Alcohol License for North Fork located at 3078 Highway 81 South, Oxford, Georgia 30054 as requested.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

COUNTY CHECKS

Motion: To approve the county checks as read.

Proposed by: Commissioner Monty Laster, District Five

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

Motion carried unanimously

EXECUTIVE SESSION

TIME: 8:00 P.M.

Motion: To enter into Executive Session for the purpose of discussing threatened litigation, pending litigation and personnel.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

REGULAR SESSION

TIME: 11:15 P.M.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

ADJOURN

TIME: 11:15 P.M.

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously

Respectfully Submitted,

Jackie B. Smith, County Clerk