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7 The Newton County Board of Commissioners
1124 Clark Street
Covington, Georgia 30014
MINUTES
November 5, 2019

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Demond Mason, Nancy Schulz, J.C. Henderson, County Attorney Megan Martin, County Manager Lloyd Kerr and Clerk Jackie Smith

Absent: Commissioner Ronnie Cowan, (death in his family)

Others Present: Citizens, Covington News and the Newton Citizen, Group of Citizens

Chairman Banes called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Bill McIlvain, The Covington Church of Christ, followed by the Pledge of Allegiance led by N.C. Project Manager & Veteran Jeff Prine.

AGENDA ADOPTION

Motion by Commissioner Schulz, second by Commissioner Mason, to adopt the agenda for November 5, 2019.

Motion carried unanimously (4/0)

CITIZENS COMMENTS

Gladstone Nicholson
Covington

- Expressed thanks to BOC for working with Sheriff Brown and getting Westside Precinct up and running.
- Questioned if traffic signals are based on traffic count.
- Concerned about changes to the Brick Store Overlay, if any.

OLD BUSINESS:

7:30 PUBLIC HEARING

Zoning Director Judy Johnson presented the following to the board for consideration.

Case Number:	MOD19-000003
Proposal:	Modification of Condition made as part of the motion of approval.
Existing Zoning:	Community Oriented Residential Development, CORD, Rural Estate RE, R1 (Single Family Residential), Neighborhood Commercial (CN) – approved 2/20/2007.
Location:	Mt. Pleasant (Hwy. 11) (112-9k) GA Hwy. 11 (West Side) (112-12 & 112-9k) Cedar Lane (West Side)

(112-9K) Cedar Lane (East Side)
(112-12L) Cedar Lane (South Side)
Parcel Size: 55.06 Total acres
Tax Parcel: 112-9L, 112-9K, 112-12
Owner: Hunter Fowler LP
Petitioner: Hunter Fowler LP
Representative: Randy Vinson
Commission District: One

- Provided update.
- Tabled for 30 days by a request from Commissioner Edwards to allow him time to meet further with his constituents and the petitioners to discuss the issue further.
- Property is within the Brick Store Overlay
- It will be subject to all regulations of the Brick Store Overlay
- October 21, 2019 a public meeting was held at Mansfield Community Center by District One Commissioner Stan Edwards in which the public met to discuss the proposal
- Ms. Johnson read the following recommended conditions into the record.

The Board of Commissioners approved this Modification with the condition(s):

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. No more than 267 total dwellings and accessory uses and structures, at a maximum density of 3.25 units to 4.85 units per acre.
- b. No more than 22,800 total square feet of mixed and non-residential uses
- c. Modify the boundary reducing the size from 230.45 ac to 55.06 ac.
- d. To add a building type to the master plan called condo/ Apartments
- e. To add a building type to the master plan called Mt. Pleasant rentals
- f. The minimum lot size shall be as follows:
Cottage – 4,000 square feet
Estate Lots/House – 6,500 square feet
Townhouse – 2,300 square feet
- g. The minimum heated floor area per dwelling unit shall be as follows:
Cottage – 900 square feet
Estate lots/ House – 1,600 square feet
Townhouse – 1,200 square feet
Midrise Condo/Apartments – 700 square feet
Student/Senior Flats/Tiny Houses (Mt. Pleasant Rental cottages) – 500 square feet

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Development Son September 11, 2019. 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. Reduce, if necessary, rules applying generally by the Newton County Ordinance, to comply with the Master Plan referenced in condition 2.a. Any reduction or variance to rules is subject to approval of the Director, and in compliance with Sec. 300-040 H.
- b. Provide the following building setbacks:
 - Estate Lot / House lot
 - Front Yard – 15 feet
 - Side Yard – 5 feet
 - Rear Yard – 17 feet, including 5-foot alley easement.
 - Townhouse House lot
 - Front Yard – 0 feet
 - Side Yard – 5 feet from side yards adjacent to streets.
 - Rear Yard – 12-foot alley easement.
 - Commercial
 - There are no building setbacks for commercial and office uses.
- c. Provide off-street and on-street parking as shown in the master plan referenced in Condition 2.a. All off-street parking for commercial shall be located in the rear of the buildings.
- d. Provide a 5-foot planting strip between the sidewalk and back of curb along all residential streets.
- e. Stormwater plan to be reviewed and approved by the County Stormwater Manager.
- f. Comply with all development standards as required Sec. 300-020, A. through P.

Chairman Banes opened the public hearing @ 7:34 p.m.

Favor:

Randy Vinson, Applicant's Representative
Covington

- Went over PowerPoint presentation. November 5, 2019 Board of Commissioners Meeting
- Aerial photos of area in 2002 when first purchased – Mt. Pleasant 2002
- Picture of proposed design – Mt. Pleasant – A New College Town – 2005
- Mt. Pleasant - February 10, 2019 – photos of houses what they envision.
- Similar to Clark's Grove in Covington
- Very walkable neighborhood
- Tiny houses will be owned by one owner.
- Mixed Use
- Rob Fowler donated 300 acres for college to build on and planned to build a town around the campus.

Charlie Tuller
Covington

- Told the board Mr. Fowler was disappointed he could not attend, but is presently Out of the country.

- He attended the last meeting and was also present at the meeting held in Mansfield in October.
- Mr. Fowler is a life-long resident of Newton County.
- This will be a project that all of Newton county can be proud of

Opposition

Terry Godfrey

- Lives close to development.
- 2007 – 99% of residents were against the project.
- Want to keep our rural atmosphere
- Were told (2007) there would never be apartments.

Ricky Mott

Social Circle

- Property owner in Hub area.
- Fought against Brick Store Overlay
- Wants everyone to be treated the same.

Chairman Banes closed the public hearing at 7:50 p.m.

Commissioner Edwards

- Commented that a month ago when this was on the agenda he requested it to be tabled to allow him an opportunity to further meet with his constituents.
- He expressed appreciation for tabling the issue till tonight's meeting.
- Met with Representative Dave Belton and Senator Brian Strickland and they are going to work together to make Hwy. 11 a four-lane highway.
- Lives in area and only wants the best for district one.
- He read a statement for the record that is attached and made part of these minutes.

Commissioner Schulz

- Stated that in a previous election she received a campaign contribution from Mr. Fowler and wanted to discuss this before voting on the motion

Motion by Commissioner Edwards, second by Commissioner Mason, to approve Case Number MOD19-000003 with conditions as read into the record by Director Judy Johnson.

RECOMMENDED CONDITION(S)

The Board of Commissioners approved this Modification with the condition(s):

1. To the owner's agreement to restrict the use of the subject property as follows:
 - g. No more than 267 total dwellings and accessory uses and structures, at a maximum density of 3.25 units to 4.85 units per acre.
 - h. No more than 22,800 total square feet of mixed and non-residential uses
 - i. Modify the boundary reducing the size from 230.45 ac to 55.06 ac.
 - j. To add a building type to the master plan called condo/ Apartments
 - k. To add a building type to the master plan called Mt. Pleasant rentals

- l. The minimum lot size shall be as follows:
Cottage – 4,000 square feet
Estate Lots/House – 6,500 square feet
Townhouse – 2,300 square feet
 - g. The minimum heated floor area per dwelling unit shall be as follows:
Cottage – 900 square feet
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Midrise Condo/Apartments – 700 square feet
Student/Senior Flats/Tiny Houses (Mt. Pleasant Rental cottages) – 500 square feet
2. To the owner's agreement to abide by the following:
- b. To the site plan received by the Department of Development on September 11, 2019. 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.
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- a. Reduce, if necessary, rules applying generally by the Newton County Ordinance, to comply with the Master Plan referenced in condition 2.a. Any reduction or variance to rules is subject to approval of the Director, and in compliance with Sec. 300-040 H.
 - b. Provide the following building setbacks:
Estate Lot / House lot
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Commercial
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 - e. Provide off-street and on-street parking as shown in the master plan referenced in Condition 2.a. All off-street parking for commercial shall be located in the rear of the buildings.
 - f. Provide a 5-foot planting strip between the sidewalk and back of curb along all residential streets.
 - g. Stormwater plan to be reviewed and approved by the County Stormwater Manager.
 - h. Comply with all development standards as required Sec. 300-020, A. through P.

Motion carried unanimously (4//0)

CHAIRMAN'S REPORT: None

COUNTY MANAGER'S REPORT:

- Briefly went over his PowerPoint presentation.
- PowerPoint is attached and made part of these minutes.
- Noted that on November 18th the Sheriff's Department will be giving out fruit & vegetable baskets to the

CONSENT AGENDA

- a. Superior Court: Requesting permission to enter into Professional Services Agreement with Advantage Behavioral Health System
- b. Superior Court: Requesting permission to apply for the CHJJ supplemental grant for the second half of FY2020 (January-June 2020) – Drug Court
- c. Sheriff's Office: Ratification of application for the FY2- Competitive Law Enforcement Grant
- d. District Attorney's Office: Approval to accept the VOCA Grants that covers existing Victim Advocate Positions (Cindy Hooper, Gabriela Arredondo, Leslie Smith, & Ellen Bales)
- e. Fire Services: Request to ratify slightly revised version of lease-purchase agreement with Lasing 2 for Air & Light Support Unit (previously approved on October 15, 2019)
- f. GIS: Seeking Chairman's signature on a license agreement between the County and the US Census Bureau.
- g. County Clerk: BOC Work Session Minutes dated September 17, 2019
- h. County Clerk: BOC Executive Session Minutes dated September 17, 2019
- i. County Clerk: BOC Work Session Minutes dated October 1, 2019
- j. Settlement Agreement with Atlas Reserve

Motion by Commissioner Schulz, second by Commissioner Edwards, to approve the consent agenda as written.

Motion carried unanimously (4/0)

FINANCIAL REPORT

Presented by Interim Finance Director Brittany White.

- Briefly went over and highlighted PowerPoint presentation.
- Excited about the Trenchancy Modular that can be obtained on the county website.
- Updated weekly.
- No Action necessary
- BOC expressed appreciation for the great work Brittany and department is doing.

DISCUSSION OF THE SALE OF SPIRITUOUS LIQUORS BY THE BOTTLE

Presented by County Attorney Megan Martin.

- PowerPoint Presentation – HOW TO PRESENT A REFERENDUM FOR THE PACKAGE SALE OF DISTILLED SPIRITS IN UNINCORPORATED NEWTON COUNTY – Attached and made part of these minutes.
- Ms. Martin went over the steps that have to be taken to put this to a vote/referendum and answered questions.

Commissioner Henderson

- Suggested a work session with the Sheriff's Office to find out how this will affect their department.

Commissioner Edwards

- Requested that the 7 steps presented in the PowerPoint be placed on the N.C. Website.
- If approved by a majority of the voters it goes into effect, if not, another election can be held in two years.

No action taken.

DISCUSSION/CONSIDERATION OF PARTICIPATION IN GUN BUY-BACK PROGRAM

Presented by Chairman Marcello Banes.

- 159 guns were turned in.
- Supper excited those guns are now off the streets.
- Commented this is a public safety issue and glad we have people in our community who step up and try to make our community a safer place for all.
- Sheriff Brown addressed the board and provided 2 handouts.
- Strongly believes in the Second Amendment.
- Tax dollars used from Office of the Sheriff.
- One lady brought a gun in that had been handed down several generations.
- One lady brought in 20 guns (past family member was in law enforcement from 1930-40's and didn't know of a safe way to get rid of them).
- We achieved the goal in a manageable way and view it as a success.

Commissioner Schulz

- Commended all efforts put into this Buy Back program.
- Constituent question: How do we make sure the guns have not been used in a crime or were stolen.
- Answer from Sheriff: All guns are reviewed by crime scene technician. Up to this point 80% of the guns have been checked and only one gun was stolen from another state and that was years ago.
- Suggested adding a Fact Sheet for the public.

Commissioners Henderson and Mason

- Commended Sheriff Brown on the success of the program. Very important and much needed program.

Commissioner Edwards

- Commented that he was in favor of getting guns off the street, but using county funds for this would be another discussion.

Motion by Commissioner Henderson, second by Commissioner Schulz, to ratify approval of \$3000 for Gun Buy Back Program.

Motion carried (3/1) Commissioner Edwards voted in opposition to the motion.

CONSIDERATION OF AN OPTION TO REPURCHASE APPROXIMATELY 9.1265 ACRES OF REAL PROPERTY LOCATED IN THE COVINGTON-NEWTON INDUSTRIAL PARK (TAX PARCEL NO. C080 045)

Presented by County Attorney Megan Martin.

- County received a letter from Stone Mountain Industrial Park, Inc. notifying of its intent to sell property.
- If county wants to repurchase property SMIP must be notified with thirty (30) days.
- If county waives its option to repurchase property or fails to exercise the option to repurchase within the 30-day period, then SMIP will be free to sell to a third-party purchaser.
- Chairman Banes called a brief recess @ 8:55 p.m.
- Called meeting back to order @ 9:00 p.m.
- Discussed if it would be beneficial to the county to purchase land and then sell it to the IDA? Yes
- Time sensitive.
- City of Covington has waived their right to purchase.
- Key area in terms of development
- Discussed talking with the IDA to see if they are interested.
- Board decided to table and give Chairman Banes the opportunity to speak with the IDA.

Motion by Commissioner Schulz, second by Commissioner Edwards, to table until the November 15th meeting allowing chairman an opportunity to speak with the IDA.

Motion carried unanimously (4/0)

BOC: REQUESTING APPROVAL OF MATERIALS TESTING AND SPECIAL INSPECTION SERVICES AGREEMENT WITH MATRIX ENGINEERING GROUP, INC.

Presented by County Manger Lloyd Kerr.

- Reviewed by legal.
- Allows county to retain an engineering firm to conduct inspection/testing as needed for County building projects taking place in the next few years.
- Agreement is attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Schulz to approve the Agreement with Matrix Engineering Group, Inc. for a not to exceed amount of \$100,000

Motion carried unanimously (4/0)

PUBLIC WORKS: REQUESTING APPROVAL OF LIGHTING AND LANDSCAPE MAINTENANCE AGREEMENT FOR PROPOSED ROUNDABOUT AT THE INTERSECTION OF BROWN BRIDGE ROAD AND MAGNET ROAD.

Presented by Public Works Director Chester Clegg.

- Estimated cost: \$3.3 million
- Let date: Summer of 2022
- County is required to maintain lighting & landscaping
- County cost: Approximately \$200 per month

Motion by Commissioner Mason, second by Commissioner Schulz, to approve the Lighting and Landscape Maintenance Agreement for proposed Roundabout at the intersection of Brown Bridge Road and Magnet Road.

Motion carried unanimously (4/0)

PUBLIC WORKS: REQUESTING APPROVAL OF MEMORANDUM OF AGREEMENT WITH THE ATLANTA REGIONAL COMMISSION FOR TRANSIT STUDY FUNDING.

Presented by Public Works Director Chester Clegg.

- MOA is required between County and ARC to use FTA Section 5307 funds for a Transit Study.
- Total estimated cost: \$357,414
- Newton County's 20% match: \$71,483
- Reviewed by legal

Motion by Commissioner Schulz, second by Commissioner Henderson, to approve the Memorandum of Agreement with the Atlanta Regional Commission for Transit Study funding as presented.

Motion carried unanimously

PUBLIC WORKS: REQUESTING APPROVAL OF LIGHTING AND LANDSCAPE MAINTENANCE AGREEMENT FOR PROPOSED ROUNDABOUT AT SR162 AND ROCKY PLAINS ROAD.

Presented by Public Works Director Chester Clegg.

- Construction let date is January f2023
- County is required to maintain lighting & landscaping
- County cost: Approximately \$200 per month

Motion by Commissioner Edwards, second by Commissioner Mason, to approve the Lighting and Landscape Maintenance Agreement for proposed Roundabout @ SR162 and Rocky Plain Road.

Motion Carried Unanimously (4/0)

FIRE SERVICES/SHERIFF'S OFFICE/PURCHASING REQUESTING APPROVAL OF CONSTRUCTION PROJECT MANAGEMENT SERVICES MASTER AGREEMENT AND TWO RELATED TASK ORDERS (ORDER FOR PROJECT MANAGEMENT SERVICES AT FIRE STATION #8 AND SHERIFF'S LAW ENFORCEMENT CENTER EXPANSION).

Presented by County Manager Lloyd Kerr & County Attorney Megan Martin.

- Contract has been reviewed by legal.
- Will allow county to retain a construction project management firm to oversee County building projects taking place in the next few years.
- Company: Ascension Program Management
- Agreement is attached and made part of these minutes.

Motion by Commissioner Schulz, second by Commissioner Mason, to approve the Construction Project Management Services Master Agreement with Ascension Program Management and two Task Orders for Project Management Services at Fire Station #8 & the Sheriff's Law Enforcement Center expansion as presented.

Motion carried unanimously (4/0)

ALCOHOL LICENSE

Final Reading –

Crossroads Shell
31 Crowell Road
Covington, Georgia
Suleman Haslani
District Four

Motion by Commissioner Henderson, second by Commissioner Schulz, to approve the alcohol license for Crossroads Shell located at 31 Crowell Road, Covington, Georgia.

Motion carried unanimously (4/0)

Final Reading

T&H One Stop
14625 Hwy. 36
Covington, Georgia
Sana Momin
District One

Motion by Commissioner Edwards, second by Commissioner Mason, to approve the alcohol license for T&H One Stop located at 14625 Hwy. 36, Covington, Georgia.
Motion carried unanimously (4/0)

CITIZEN COMMENTS

Mary Bruce

- Expressed thanks to Commissioners' Schulz & Henderson for meeting with them regarding ETO.
- Questioned when will the ETO issued be placed on the agenda.

John Alderman

Oxford

- Voiced concerns over BD/ETO issue.
- Need outside inspection performed.

Gladstone Nicholson

Covington

- Cautioned board not take anything for granted regarding the ETO/BD issue.

Fredrick Johnson

Covington

- Reminded board that a few months ago he brought-up about honoring Deputy Justin White. Would like to see that move forward.
- Would like to see a Roundabout @ SR162 & Rocky Plains Road.
- January – Cemetery Clean-up on Martin Luther King's birthday.

COMMISSIONER COMMENTS

Commissioner Henderson

- Expressed heartfelt sympathy for Commissioner Cowan and family on the passing of his mother-in-law.

Commissioner Schulz

- Announced SWA meeting with Spring Hill Community on Thursday night @ 6:30 p.m. @ Good Hope Church.
- Voiced concerns still related to ETA issue.
- Great opportunity with Legislative Session coming up in January to work together to get legislation that effects all the community.
- Need to start now - legislature is where it needs to take palce.

Commissioner Mason

- Reminder Census is coming....be prepared and get ready!
- For every citizen we don't county, we lose money.
- Asking each commissioner to find a representative in their district to help with the count.
- Jobs available with the Census Bureau. 2020Census.gov/jobs
- Pouring concrete for the SPLASH Pad this week.

Commissioner Edwards

- Revenue news: Recent horse show at AG Center brought in 43 families who stayed at our hotels and at our local restaurants. Great news!

- Beware of HB302. It does away with local control regarding zoning and puts decisions at State level. It will even supersede our Overlays.

EXECUTIVE SESSION: None

With there being no further business, a motion by Commissioner Henderson, second by Commissioner Schulz, the meeting adjourned @ 8:52 p.m.

Respectfully submitted,

Jackie Smith, County Clerk