

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 1, 2005**

Newton County Historic Courthouse
Covington, Georgia
Chairman Aaron Varner, Presiding

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 Scott Cole, Attorney Amit Bose, and Clerk Jackie Smith

Also Present: Will Whitehorn, The Covington News
Crystal Tatum, The Newton Citizen

Chairman Varner called the meeting to order, welcomed everyone to the meeting and read the thought for the day. Rev. Don Martin from the Covington United Methodist Church gave a beautiful invocation. Chairman Varner expressed appreciation to Rev. Martin and his congregation for all their prayers and their vital contribution to Newton County. Afterwards, he led the Pledge of Allegiance to our great country.

APPROVAL OF BOC MINUTES DATED JANUARY 18, 2005

Motion: To approve the minutes dated January 18, 2005 as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

APPOINTMENT TO RECREATION COMMISSION – DISTRICT 3

Commissioner Fleming addressed the board and expressed appreciation for Bob Kitchens and the great job he has done while serving as the district three representative on the Recreation Commission. He also expressed appreciation to Mr. Kitchens family for allowing him to serve in this position, noting the time and sacrifices that are made in serving on these boards. He told the board that Mr. Kitchens' term expired in December.

Commissioner Fleming presented Mrs. Kay Strickland's name for appointment to serve a new five-year term, expiring on December 31, 2009.

Motion: To appoint Kay Strickland to serve on the Newton County Recreation Commission. Term will expire on December 31, 2009.

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

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

Motion Carried Unanimously

APPOINTMENT TO W&S AUTHORITY – DISTRICT 5

Commissioner Laster told the board that Dr. Johnny Capes has severed for many years and has done an excellent job; however Dr. Capes has decided to retire. He then presented Mr. David Waller's name for appointment to serve the remainder of Dr. Capes term, which expires on March 31, 2006.

Motion: To appoint Mr. David Waller of 6157 Crestview Drive, Covington to serve on the Newton County Water & Sewerage Authority. Mr. Waller will serve the unexpired term of Dr. Johnny Capes. Term will expire on March 31, 2006.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

NAME CHANGE FROM CHOICES FOR CHILDREN, INC. TO ALCOVY CASA, INC.

Mr. James Kilman, Executive Director of Alcovy CASA, Inc. appeared before the board regarding a name change and contract assignment. He introduced Ben Cobb, President of the Board of Directors, Wanda Staples, Program Manager and Lynn Kilman, Executive Director of the Rockdale Program. He noted the following:

- Simply names change from Choices for Children to Alcovy CASA.
- They are the voice of abused and neglected children in the juvenile court system.
- Wanted to come and introduce themselves to the board and apprise them of the name change.
- Difference in Choices for Children and Alcovy CASA is that Alcovy CASA hopes to increase services to children of Newton County.
- Plans to emulate model program in Rockdale County.
- Offering parenting classes for court ordered parenting skills.
- Offering a visitation program for children in foster care to maintain a relationship with parents as they strive to work on problems at home.
- Offering a grand-parenting program.
- CASA is a national program
- Alcovy CASA is umbrella, but the same program as Choices for Children.
- Alcovy CASA wants to reflect more on the CASA program. All focus is on the children.
- Stated their attorney advised them to get the name changed on paper work as soon as possible.
- Again, not asking to change the amount of the contract, only the name.

Board Discussion:

Commissioner Dimsdale asked for clarification regarding Choices for Children and Alcovy CASA being separate entities.

- Understands both existed and this is not a new name. (correct)
- Questioned if they were looking for additional money or if this was a continuance of the money already appropriated? (They are not asking for more money, but they are asking that the contract be continued under the Alcovy CASA name.
- Two more payments due. 1. January 15th 2. April 15th.
- Clarified board would be continuing current appropriation.
- Requested Attorney Craig to comment regarding request.

Attorney Craig

- Simplest way to accomplish this is to ask the board of commissioners to consent to a transfer and assignment of the existing contract between Choices for Children, Inc. and Newton County to Alcovy CASA, Inc.
- If board consents to a transfer of all rights, duties and responsibilities, the board just picks up mid-stream on a contract that is already partially executed. Then, Alcovy CASA, Inc. would have a contract with the Newton County Board of Commissioners.
- It's a simple transfer of assignment.
- Suggested that their attorney draw up Assignment of Contract and Attorney Craig will review.

Motion: To authorize the chairman to execute a Consent to Transfer and Assignment of the existing contract from Choices for Children, Inc. to Alcovy CASA, Inc.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

ADOPTION OF RECREATION COMMISSION MASTER PLAN

Recreation Director Tommy Hailey addressed the board and noted the following:

- Seven months ago the board allocated money allowing the commission to update their 10-Year Master Plan.
- The process of creating the plan was done through public meetings and workshops in each district.
- Held a “Needs Assessment” workshop at The Center.
- Realistic tier program
- Held a retreat at the FFA Camp with commissioners and recreation commission – very well attended and received lots of information and feedback.
- Need to get approved so they can apply for available grant monies that require an updated master plan.
- Recreation Commission has adopted Master Plan.

Board Discussion:

Commissioner Henderson stated he works very closely with the director and recreation commission and was very proud of what is being done through recreation and expressed thanks for everyone's involvement.

Commissioner Dimsdale asked Mr. Hailey to elaborate about the plan, etc. for people in the audience who are not familiar with it. Mr. Hailey complied with a brief overview.

Mr. Hailey thanked the board for their support and Chairman Varner complimented Mr. Hailey on the excellent job he does.

Motion: To approve the adoption of the Newton County Recreation Master Plan as presented. A copy of Master Plan is made part of these minutes.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

ENVIRONMENTAL PROSECUTOR CONTRACT RENEWAL

Chairman Varner noted the following:

- William “Bill” Elliott is current environmental prosecutor.
- Contract remains the same at this time.
- Mr. Elliott has requested that compensation be increased at budget time.

Motion: To renew the contract with Mr. William Elliott as Environmental Prosecutor.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

RESOLUTION R020105 – ADOPTION OF THE CAPITAL IMPROVEMENTS ELEMENT (CIE) COMPREHENSIVE PLAN AMENDMENT

Motion: To approve Resolution R020105 – Adoption of the Capital Improvements Element (CIE) which is a part of the Comprehensive Plan.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

Note: The original resolution is contained in file number R020105, incorporated herein by reference and expressly made a part of these minutes.

IMPACT FEE ORDINANCE ADOPTION – O-020105

Commissioner Ewing told the board that he had prepared a motion regarding the adoption of the Impact Fee Ordinance and had asked the county attorney for assistance in the preparation of this motion. He stated that when you are dealing with such a complex issue there is a need to be sure that the proposed resolution to be considered is legal as per the Impact Fee Law states. He provided a copy to board and staff for their records and read the following entitled “Commissioner Ewing’s Motion Regarding Adoption of Impact Fees Ordinance.”

- The County has been considering an impact fee ordinance for over five years. Impact fees are important to the community. They are necessary to finance the demand for new projects that the incoming residents of Newton County create. Impact fees will help finance the level of library, recreation, public safety and transportation services the new residents require. But, even with impact fees and the SPLOST revenues, the County is funding only 25% of its anticipated future transportation needs.
- The Board of Commissioners is considering passing the impact fee ordinance tonight because after long deliberation and intense public debate I feel it is time to reach an agreement and move forward on this issue.
- As the Chairman will recall, on December 14th I forwarded a memorandum on impact fees to the Board. I attached four different impact fee funding scenario proposals. What I propose tonight is Scenario 3 from the proposals.
- Based on the foregoing, I move to approve the Impact Fee Ordinance with an impact fee schedule that funds:
 - 100% of the library’s satellite branch at a cost of \$6,625,506;
 - 100% of the parks and recreation projects listed in the CIE at \$11,779,200;
 - 50% of the jail’s new POD at \$3,763,522; and
 - 100% of the listed impact fee-eligible road projects at \$86,602,593.
 - This schedule results in a total impact fee of \$3857.07 per single family home.
- This motion is conditioned on the understanding that at the first annual review of the Capital Improvements Element, the Board of Commissioners will consider adding the design and construction of a satellite Senior Citizens Center at a cost of \$2.5 million.
- Further, this motion is conditioned upon the effective date of the ordinance being set for March 16, 2005 for the following reasons:

- Though there are valid arguments for delay, I believe it necessary to move forward given the length of time impact fees have been discussed, the amount of work expended in drafting the ordinance, and the board public support for impact fees within the community.
- More importantly, with the delayed effective date, the Board will have the opportunity to present to the County's municipalities a comprehensive plan for capital improvements over the next six to ten years through the coordination of funding from impact fees and the SPLOST; it provides ample time for the County's municipalities to review the Impact Fee Ordinance; and it permits the various City Councils and the Board to discuss potential changes in the ordinance prior to its implementation and enforcement. The wisdom of these discussions can be adopted through amendment to the ordinance during the Board's regularly scheduled meeting on March 15, 2005.

Commissioner Ewing asked if he received a second he would like to speak to the motion.

Motion: To approve Ordinance O-020105 – Impact Fee Ordinance with an impact fee schedule that funds:

- 100% of the library's satellite branch at a cost of \$6,625,506;
 - 100% of the parks and recreation projects listed in the CIE at \$11,779,200;
 - 50% of the jail's new POD at \$3,763,522; and
 - 100% of the listed impact fee-eligible road projects at \$86,602,593.
 - This schedule results in a total impact fee of \$3857.07 per single family home.
- This motion is conditioned on the understanding that at the first annual review of the Capital Improvements Element, the Board of Commissioners will consider adding the design and construction of a satellite Senior Citizens Center at a cost of \$2.5 million.
 - Further, this motion is conditioned upon the effective date of the ordinance being set for March 16, 2005 for the following reasons:
 - Though there are valid arguments for delay, I believe it necessary to move forward given the length of time impact fees have been discussed, the amount of work expended in drafting the ordinance, and the board public support for impact fees within the community.
 - More importantly, with the delayed effective date, the Board will have the opportunity to present to the County's municipalities a comprehensive plan for capital improvements over the next six to ten years through the coordination of funding from impact fees and the SPLOST; it provides ample time for the County's municipalities to review the Impact Fee Ordinance; and it permits the various City Councils and the Board to discuss potential changes in the ordinance prior to its implementation and enforcement. The wisdom of these discussions can be adopted through

amendment to the ordinance during the Board's regularly scheduled meeting on March 15, 2005.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Commissioner Ewing:

- Worked on this for over five years and publicly stated that I have been in favor of the impact fee concept.
- Congratulated committee who has worked so diligently on Impact Fees.
- Has personally been very attentive to those who have voiced their opposition of impact fees and tried to be conscious of their needs and concerns.
- When board started in 2004 they were looking at over \$5,000 per single family home.
- We were 60% residential and 40% commercial.
- Proposal presented tonight is based on 90% residential and 10% commercial.
- Expressed thanks to chairman and board.

Commissioner Henderson:

- Stated he had previously said he would abstain from voting on impact fees, but after talking with constituents and other board members he would be voting on this tonight.
- Visited with each commissioner and looked at each proposal. After looking at three proposals he wanted a lesser amount than what Commissioner Ewing was proposing.
- Start at the lower amount and increase later on.

Commissioner Fleming:

- Thanked the committee that has worked for long on this.
- Thanked the other board members for all the work sessions and hard work on this.
- Support impact fees, but not such high numbers.
- Common Sense to start out at a conservative number and move up.
- Other counties have tried this and had to lower their numbers, don't want that to happen here.
- Very concerned about commercial and industrial.
- Move toward low numbers and move up and address yearly.
- Agrees that new growth should help pay for cost of roads, libraries, etc.
- Supports example \$8,000 per square foot scenario for convenience stores.
- All our sales tax dollars will be going to Rockdale County.
- We will not be able to attract commercial if fees are too high.

Commissioner Dimsdale:

- Been involved with process since the beginning.
- Public has gotten frustrated over the length of time, but we have wanted to be as diligent as possible.
- If we put the wrong numbers on this it can end up hurting our community.
- People addressing industrial and commercial concerns, I think are right.
- We can be shunting the local entrepreneur out of the commercial market in Newton County.
- Concerned if we build the financial fence to high, people will not come in.
- Impact Fees are a good and proper thing to do and a way to address some of the infrastructure needs we have, but we need to be careful that it is not a hindrance.
- Supports impact fees, but not at the higher amount.

Commissioner Laster:

- We need to make a change in this community and make improvements.
- Seconded Commissioner Ewing's motion.
- Dollars are still short of what we need for community needs.
- Feels this is the way to go to make an impact on the \$86,000,000 road improvements that are needed.
- Loss for words.

Commissioner Fleming:

- Since being on board have always had a concern on tax ratio. Need more of a balance. Sales tax dollars are going to Rockdale County.
- 11.4 commercial
- 11.1 industrial
- 64.0 residential

Chairman called for the vote:

Motion Failed with Commissioners' Dimsdale, Fleming and Henderson voting in opposition to motion.

Motion: To approve Impact Fee Ordinance and Fee Schedule as follows:

1. Library funded at 100%
Jail is being funded through SPLOST (no fee toward jail)
Parks & Recreation at 100%
Roads & Intersections at 35% = \$30.3 million dollars over a ten-year period.
2. Page 8 of Ordinance...
Change the assessment of impact fee would be on permitting of the project, but the payment would be before the Certificate of Occupancy is issued.

3. Implementation Date: March 16, 2005
4. Limit 15 permits to one entity before March 16th date

Commissioner Fleming clarified that we would be funding 35% on roads.

Motion Proposed by: Commissioner Ronnie Dimsdale, District Two

Seconded By: Commissioner Ester Fleming, Jr., District Three

Commissioner Henderson:

Questioned funding for the Senior Citizen Center.

Commissioner Dimsdale thanked Commissioner Henderson for bringing that up and asked Mr. Ross if that would have to go through a 60-day process with the state and he said that it would. Commissioner Dimsdale stated it was his intent and hopefully the board's intent to work toward funding a Senior Center through impact fees.

Commissioner Henderson noted:

- Single family dwelling: \$1748.99
- General Manufacturing: \$192.24 1000 sq ft
- Pharmacy: \$1370.93

Chairman asked for clarification on road funding?

35% of \$86,000,000 = \$30.3 million for roads over a ten year period.

Commissioner Ewing:

- Questioned comment regarding eliminating the jail and look for other funding sources?
- What do you propose?
- If SPLOST is approved 50% of the cost would come from that, and hopefully we would come back and look at funding the balance with impact fees in the future.

Commissioner Henderson:

- Asked what we could do to speed up the Senior Center funding?

Mr. Ross stated:

- Amend Capital Improvement Elements (CIE)
- Submit to DCA
- Sit down with Ms. Brown and staff and acquire data.

Commissioner Dimsdale stated the Senior Center is not part of the motion, but stating intent.

Chairman called for the vote:

Motion Carried 4 to 1 with Commissioner Laster voting in opposition to motion.

STP-054-1 (62) NEWTON COUNTY

P.I. NO. 232330

INTERSECTION IMPROVEMENTS ON S.R. 36 @ HENDERSON MILL ROAD – GDOT REQUEST TO LOWER SPEED LIMIT

Motion: To approve the request by the GDOT to lower the speed limit to 35MPH on the portion of Henderson Mill Road & State Route 36 where there is Intersection Improvements until further notice.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

**50/25/25 WATER COMMITTEE RECOMMENDATION:
SPRING ROAD**

Commissioner’s Dimsdale and Laster serve on Water Committee and presented the following for the board’s consideration.

Project: Spring Road Water Main

Total Length: 3700LF

12” DIP: \$164,895.30

8” DIP: 127,889.80

Difference in Cost: 37,005.50

Developer Cost: 73,944.90

Authority Cost = 25% of 8” + difference to 12” 45,475.20

County Cost = 25% of 8” + difference to 12” 45,475.20

Motion: To approve the 50/25/25 Water Committee recommendation for Spring Road with the county’s funding not to exceed \$45,475.20.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**50/25/25 WATER COMMITTEE RECOMMENDATION:
ELKS CLUB ROAD**

Commissioner Laster presented the following:

Project: Elks Club Water Main

Upgrade to 12” Water Main

Total Length: 5100 LF

8" DIP \$153,000
1500 LF 8" 45,000
Remaining Footage: 3600LF 108,000

Developer Cost: 54,000
Authority Cost = 25% 27,000 upgrade \$23,000 total cost = \$ 50,000
County Cost = 25% 27,000 upgrade \$23,000 total cost = \$ 50,000

Total Developer Cost: 99,000 1st 1500LF + 50% remaining LF

Motion: To approve the 50/25/25 Water Committee recommendation for Elks Club Road with the county's funding not to exceed \$50,000.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

BID#05-03C SALE OF SURPLUS LAND

Motion: To approve Bid #05-03C Sale of Surplus Land as presented and award sale of land to Mrs. Luedella Goggins for \$6100.00.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

BID #05-15 OAK HILL PARK PAVILION

Motion: To approve Bid#05-15 Oak Hill Park Pavilion as recommended and award the bid to Grayco for an amount not to exceed \$80,260.00.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

ALCOHOL LICENSE:

FINAL APPROVAL

COVINGTON BY-PASS PHILLIPS

10055 COVINGTON BY-PASS

COVINGTON, GEORGIA 30014

OWNER: BABY JOSEPH (100% OWNER)

DISTRICT FIVE

Motion: To approve the Alcohol License for Covington By-Pass Phillips located at 10055 Covington By-Pass Road, Covington, Georgia as requested.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

COUNTY CHECKS:

Motion: To approve the checks as read.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

EXECUTIVE SESSION

Time: 8:15 p.m.

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

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

REGULAR SESSION

Time: 8:30 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Ester Fleming, District Three

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

Motion Carried Unanimously

ADJOURN

Time: 8:31 p.m.

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith
County Clerk