

NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
December 20, 2005
MINUTES
7:00 p.m.

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, Attorney's James Griffin & Attorney Kim Degonia, and County Clerk Jackie Smith

Also Present: Brittany Edwards, Covington News
Crystal Tatum, Newton Citizen
Large group of citizens

Chairman Varner called the meeting to order, read the thought for the day, and welcomed everyone to the meeting. Representative Doug Holt was present and gave the invocation. The chairman led the Pledge to the Flag.

GENERAL ADMINISTRATION

Administrative Officer John Middleton presented the personnel report (see attached) and also acknowledged with appreciation that Lake Varner was selected as one of the top five fishing lakes in the state. He noted what a good job that Mike Henderson and other staff members do for the county and extended an invitation to all present to visit beautiful Lake Varner for a day of picnicking or fishing.

AFTER SCHOOL PROGRAM (TABLED FROM DECEMBER 6TH)

Commissioner Henderson told the board he had spoken with Mr. Daniels and asked this issue to be tabled until a work session could be held for further discussion and information.

Motion: To table the After School Program until a work session can be held for further information and discussion.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPROVAL OF WORK SESSION MINUTES FOR DECEMBER 6, 2005

Motion: To approve the Work Session Minutes dated December 6, 2005 as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Two

Motion Carried

APPROVAL OF BOC MINUTES FOR DECEMBER 6, 2005

Motion: To approve the Minutes for December 6, 2005 as printed.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

APPROVAL OF WORK SESSION MINUTES FOR DECEMBER 1, 2005

(TABLED FROM DECEMBER 6TH)

County Engineer Kevin Walter

Motion: To approve the Work Session Minutes dated December 1, 2005 as corrected.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

TASK ORDERS #3,4,5,6&7 FOR TRANSPORTATION CONSULTANTS J.B. TRIMBLE, INC. (TABLED FROM DECEMBER 6TH)

County Engineer Kevin Walter appeared before the board requesting approval of Task Orders for consultant J.B. Trimble, Inc. This issue was tabled from the December 6th meeting to allow more time to review the request.

Kevin Walter:

- 5 task orders
- priority one projects for capital improvement list
- consultants would like to get started on projects
- Task Order #3 – Alcovy Road Bridge over Cornish Creek
- Cost: \$34,039.68
- Bridge is in urgent need of repair or subject to be closed
- Task Order #4 – Edwards Road Bridge at Gum Creek
- Cost: \$13,106.56
- Bridge has been downgraded to lower than a 10 ton capacity.
- Bridge can no longer carry a school bus.
- Critical that it be restored to full capacity
- Task Order #5: Roseberry Lane Improvements
- Cost: \$43,702.80
- This project put on 2005 CIP list as a priority one project.
- One lane dirt road that is marginally safe for residential traffic.
- Numerous houses on road.
- Task will be to design road straightening and widening to 2 lanes.
- Will not include paving.
- Task Order #6: Bailey Creek Road Improvements
- Cost: \$90,254.70
- Project on CIP list for some time as a priority project.
- Very narrow paved roadway connection to Rockdale County.
- Marginally safe for resident traffic.

- Task will design road straightening, ROW acquisition, utility relocation, and repaving to a full county local road width.
- Task Order #7: Site Design – New County Maintenance Shop
- Cost: \$37,619.28
- Site-work design for roadway, utilities, stream relocation, etc.

Commissioner Fleming:

- Clarified that consultants will present needed right-of-way to the county attorney's office.
- The county attorney's office will acquire the right-of-way for the county.

Chairman Varner:

- Voiced concern over the amount of money it would cost to do Roseberry Lane. He noted that the road is only about 1000 feet long.

Commissioner Dimsdale:

- Concerned about the safety of Roseberry Lane and has needed improvements for a long time.
- Noted his concern for the cost of engineering, cost of executing this project.
- It is on the radar screen to get it done. Relief is on the way.
- Due to money issue would ask that Task Order #5 be removed at this time,

Commissioner Ewing:

- Bailey Creek Road does not have a time table listed as most other task do.
- Replied: Approximately 6 months delivery
- County Maintenance Shop: Stream location and development of plan.
- Entire plan by May of 2006. (Yes)
- Concurs with the Chairman and Commissioner Dimsdale that \$43,000+ is a lot of money in planning for a dirt road no longer than a 1000 feet.

After a lengthy discussion the board decided to not act on Task Order #5 for further review.

Motion: To approve Task Order #3, #4, #6 & #7 as proposed by J.B. Trimble Consultants and removing Task Order #5 regarding Roseberry Lane for further review.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APPROVAL OF COUNTY CHECKS (TABLED FROM DECEMBER 6TH)

Motion: To approve county checks as printed and read aloud by chairman.

Proposed by: Commissioner Morton Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

ALCOHOL RENEWALS (TABLED FROM DECEMBER 6TH)

Foodland dba Shailly Enterprises, Inc
15036 Brown Bridge Rd
Covington, GA 30016
Licensee: Santosh Shailly

Shell Food Mart
10724 Covington Bypass
Covington, GA 30014
Licensee: Akbar Ali

Shiddhi Inc dba Salem Amoco
3501 Salem Rd
Covington, GA 30016
Licensee: Chaitanya Patel

Salem Shell Food Mart
3633 B Salem Road
Conyers, GA 30013
Licensee: Akbar Ali

Big D
5485 Hwy. 81 South
Covington, GA 30014
Licensee: Abdul Hirani

Attorney Kim Degonia said it was her legal opinion that since the above stores had been charged and not convicted the county could not deny them a license.

Commissioner's requested the attorney's office to review our current ordinance and offer suggestions to update as well as placing verbiage in the ordinance that would allow them (the board) authority to revoke (if legal) the license of someone who has been charged with a crime i.e. gambling machines in stores.

Motion: To approve the alcohol renewals as read by the chairman and reviewed by the county attorney's office

Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

Motion: To request the county attorney's office review and update Newton County's Alcohol Ordinance and bring back to board for consideration and action.

Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Mort Ewing, District Five
Motion Carried

ANNUAL REPORT FOR NEWTON/ROCKDALE/DEKALB UNIT – GEORGIA FORESTRY COMMISSION

Chief Ranger Brannon Carey was on hand to deliver the annual report for the Newton/Rockdale/Dekalb Unit – Georgia Forestry Commission.

A copy of presentation is made part of these minutes.

Commissioner Ewing:

- Noted there are 95,000 acres of forest that are privately owned in Newton County.
- Expressed appreciation to Chief Carey and his staff for a job well done in protecting this very valuable resource for Newton County citizens.
- He also expressed thanks for them working with the volunteer fire stations and Gaither Plantation.

No action necessary.

RESOLUTION R122005 ALCOVY JUDICIAL CIRCUIT SUPPLEMENT

Attorney James Griffin addressed the board regarding the Judicial Circuit Supplement.

Attorney James Griffin:

- Discussed this issue before.
- Superior Court Judges are supplemented by county.
- They are state employees.
- The judges have not had a supplement increase since 1995.
- Resolution is to the General Assembly requesting they approve an increase in the supplement from \$1000 per month to \$1500 per month.
- Effective July 1, 2006

Motion: To approve Resolution R122005 Alcovy Judicial Circuit Supplement.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

APPOINTMENT: DEMOCRATIC REPRESENTATIVE FOR BOARD OF ELECTIONS AND REGISTRATION

Motion: To re-appoint Jeanette Perry to the Board of Elections & Registrations representing the Democratic Party. Term will expire on December 31, 2009.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. BOARD OF HEALTH – CHAIRMAN

Chairman Varner presented Dr. Henry Patton's name to the board requesting that he be re-appointed.

Motion: To re-appoint Dr. Henry Patton to the Newton County Board of Health.

Term will expire on December 31, 2011.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APPOINTMENT: N.C. RECREATION COMMISSION – CHAIRMAN

Motion: To re-appoint Danny Stone to the Newton County Recreation Commission for a term of one year. Term will expire on December 31, 2006.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. RECREATION COMMISSION – DISTRICT FOUR

Commissioner Henderson invited Flemmie Pitts to address the board regarding the appointments to the commission.

Mr. Pitts noted the following:

- Each January the Recreation Commission meets together and elects their own chairman from among the group to serve one year.
- He said in the past the chairman of the BOC has appointed two- members to the commission.
- The City of Covington appoints a liaison and the county appoints a liaison,
- The district commissioner appoints one member to the commission.
- The term in office is five years, not one year.

Commissioner Ewing noted:

- That in the past this board has appointed Commissioner Henderson to the commission as a non-voting member.

Commissioner Henderson:

- Suggested that the board take a look at the by-laws and come back with a suggestion for the number of members and appointments to be made.
- He would like to see the appointments run concurrent with the district commissioner's term in office.
- Suggested board sit down with the recreation commission for discussion and review of ordinance.

Motion: To re-appoint Flemmie Pitts to the Newton County Recreation Commission for a term of one year. Term will expire on December 31, 2006.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. RECREATION COMMISSION – DISTRICT FIVE

Motion: To re-appoint Johnny Presley to the Newton County Recreation Commission for a term of one year. Term will expire on December 31, 2006.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

APPOINTMENT: N.C. RECREATION COMMISSION

Motion: To re-appoint Luther Baker to the Newton County Recreation Commission for a term of one year. Term will expire on December 31, 2006.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

APPOINTMENT: N.C. BOARD OF TAX ASSESSORS – DISTRICT THREE

Motion: To re-appoint Charles Berry to the Newton County Board of Tax Assessors. Term will expire on December 31, 2011.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

APPOINTMENT: N.C. BOARD OF TAX ASSESSORS – DISTRICT FOUR

Motion: To appoint Johnny Blackshear to the Newton County Board of Tax Assessors. Mr. Blackshear will serve the un-expired term of Ms. Ocie Franklin who was elected to the Covington City Council. Term will expire on December 31, 2008.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. ZONING BOARD OF APPEALS – DISTRICT ONE

Motion: To table appointment for District One until January 3, 2006.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. ZONING BOARD OF APPEALS – DISTRICT TWO

Motion: To table appointment for District Two until January 3, 2006.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

APPOINTMENT: N.C. ZONING BOARD OF APPEALS – DISTRICT FIVE

Motion: To re-appoint Jack Christian to the Newton County Zoning Appeals Board.

Term will expire on December 31, 2007.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

APPOINTMENT: N.C. PLANNING COMMISSION – DISTRICT THREE

Motion: To re-appoint Bob Kitchens to the Newton County Planning Commission. Term will expire on December 31, 2007.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT: N.C. PLANNING COMMISSION – DISTRICT FIVE

Motion: To re-appoint Jody Smith to the Newton County Planning Commission. Term will expire on December 31, 2007.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

DOT CONTRACT: PR000-S006-00 (961) – NEWTON COUNTY STANTON SPRINGS PARKWAY – PHASE I

Attorney James Griffin addressed the board regarding the GDOT contract. He noted the following:

- Notice of Intent
- Contract with GDOT
- Stanton Springs 1500 acres
- JDA published bid to construct parkway on property
- GDOT will provide \$400,000 to help with project.
- JDA has to dedicate road to county and county has to accept the dedication of the parkway before GDOT will participate.
- Approving contract is required by GDOT
- 1.20 miles of Grade, Drain, Base and Surface on Stanton Springs Parkway from US278/SR12 to Cul-De-Sac.

Commissioner Ewing voiced excitement about the next phase for Stanton Springs and duly made motion to approve.

Motion: To approve proposal from GDOT, Contract PR000-S006-00 (961) – Newton County Stanton Springs Parkway – Phase.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

MOA – GDNR: GEORGIA FLOOD MAP MODERNIZATION PROGRAM, FLOOD MAP UPDATE PROJECT FOR NEWTON COUNTY

Attorney James Griffin appeared before the board to discuss the MOA with GDNR. He noted the following:

- Georgia’s Map Modernization Program
- FEMA has a map marking program
- Program is to determine what areas are potential flood zone
- FEMA delegates its map marking task w/EPD
- EPD has accepted delegation & responsibility of updating the flood maps for the State of Georgia to include all 159 counties as well as municipalities throughout the State
- MOU was drafted by the EPD
- MOU details the combined flood mapping effort between EPD, County.
- Municipalities, Counties cooperate with EPD

Motion: To approve the Memorandum of Agreement (MOA) with GDNR – Georgia Flood Map Modernization Program, Flood Map Update Project for Newton County and authorize Chairman and Clerk to execute MOA.

Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Mort Ewing, District One
Motion Carried

RESOLUTION R122005c - LOCAL DEVELOPMENT GRANT FUND

Administrative Officer John Middleton addressed the board regarding this grant. He noted the following:

- Awarded \$50,000 to design & construct exhibition, galleries at the History Museum. (red jail)
- Expressed appreciation for the Historical Society’s and Cheryl Delk’s hard work towards acquiring this grant.

Motion: To approve Grant No. LDF-06-R1-26 State of Georgia Department of Community Affairs Agreement for Local Development Funds of \$50,000 to design and construct exhibition and interpretive galleries at the History Museum (red jail).

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

Note: The original resolution is contained in file number R122005c, incorporated herein by reference and expressly made a part of these minutes.

PROPOSED AMENDMENT TO DEVELOPMENT REGULATIONS - (Preliminary Plat Review)

Attorney Jenny Carter addressed the board:

- Had to make a minor change on the submittal date.
- Planning Commission approved.

Motion: To approve change to Sec. 415-030 Preliminary Plat Review striking the first (1st) Friday of the month and inserting last Friday of the month previous to the month as discussed at an earlier meeting.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

COMPREHENSIVE LAND USE PLAN UPDATE

Planning Director Marian Eisenberg introduced Jim Summerville from Jordan, Jones & Goulding.

Jim Summerville (JJ&G) noted:

- Updating Comprehensive Land Use Plan
- Working FLUM for last six months
- Seeking approval from BOC to submit plan to RDC as required by law.
- RDC has 30 days to review and return.
- Committee consists of 12 members for discussion and suggestions.
- BOC needs to vote on transmitting Community Assessment & Community Participation Plan to RDC & DCA for review and approval.
- Previously discussed in work session.
- Went over same information in meeting as work session.

Motion: To approve submitting the Community Assessment and Community Participation Plan to the RDC for their review and approval as required by state law and to authorize the chairman and clerk to execute required documents.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

ZONINGS

Planning & Development Director Marian Eisenberg presented the following zonings.

REZ05-022

FLU05-028

MT. PLEASANT, LLC

Proposed Zoning: OI – Office Institutional

Existing Zoning: M1 (Light Industrial), RMF (Multi-Family Residential), CH (Highway Commercial), CN (Neighborhood Commercial) & R1 (Single-Family Residential)

Proposed Land Use Map: DN (Development Node)

Existing Land Use Map: DN (Development Node) & A (Agriculture)

Watershed: Alcovy River

Location: Interstate 20 (South Side)

Feet of Frontage: 1,671.21

Cedar Lane (West Side)

Feet of Frontage: 1,773.445

Parcel Size: 132.21 Acres

Tax Parcel: 112-9, 15

Applicant's Intent: To develop a campus for a 7,000 student commuter college.

Planning Commission: Approval w/Staff Conditions November 22, 2005

District One

Perimeter College is requesting the zoning change.

- Client has prepared Master Plan
- Total overall build-out is approximately 500,000 sq ft
- Campus will be planned around wetlands
- 7000 students at total build-out

Commissioner Ewing:

- Another step in a Master Plan this board started in 1999 when a development node was created called the Brick Store Development Node.
- Representing the people of the first district we are extremely please with proposal GPC has brought forward.

Motion: To approve the FLU 05-028 changing the Future Land Use Map from DN (Development Node) & A (Agriculture) to DN (Development Node).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner J.C Henderson, District Four

Motion Carried

Motion: To approve REZ05-022 Zoning Change from M1 (Light Industrial), RMF (Multi-Family Residential), CH (Highway Commercial, CN (Neighborhood Commercial) & R1 (Single-Family Residential to OI (Office Institutional) with the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Institutional and accessory uses at a maximum density of 3,781.86 gross square feet per acre zoned or a total gross square feet of 500,000, whichever is less.
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 September 2, 2005. 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. Provide water quality, subject to approval of the County Engineer.
 - b. Stormwater plan to be reviewed and approved by County Engineer.
 - c. Provide downcast lighting.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

REZ05-025

JIM CLAXTON

Proposed Zoning: CN – Neighborhood Commercial

Existing Zoning: R2 (Single Family Residential)

Existing Land Use Map: DN (Development Node)

Watershed: South River

Location: Highway 20 S. (West Side)

Feet of Frontage: 264.11

Parcel Size: 1.24 Acres

Tax Parcel: 7A-17

Applicant's Intent: To locate a flower shop in existing single-family residential structure (will not be a home occupation)

Planning Commission: Approval w/Changed Conditions November 22, 2005

District Two

Petitioner: Sandra F. Williams

No comments

Commissioner Fleming:

- Questioned parking area and applicant indicated that parking will be in rear.
- Questioned outside storage of any kind. Maybe flower display.
- Would like to see no outside storage of any kind.

No opposition

Commissioner Dimsdale:

- Asked Commissioner Fleming if he would be comfortable with allowing storage in the rear only. He said that he would, but would like for it to be enclosed.

Motion: To approve REZ05-025 Zoning change from R2 (Single Family Residential) to CN – Neighborhood Commercial with the following conditions:

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

- a. A flower shop.
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 October 6, 2005. 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.
 4. To the owner's agreement to abide by the following development standards:
 - d. Transitional buffers shall be landscaped and planted. Plantings subject to approval of the County Arborist.
 - e. Limit size of ground sign to 36 square feet per face. Only one ground sign permitted.
 - f. Stormwater plan to be reviewed and approved by County Engineer.
 - g. Provide downcast lighting.
 - h. Outdoor storage prohibited except to rear of building.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

REZ05-026

FLU05-029

ROBERT W. FOWLER, III

Proposed Zoning: RE – Rural Estate

Existing Zoning: A (Agricultural)

Proposed Land Use Map: RR (Rural Residential)

Existing Land Use Map: A (Agriculture)

Watershed: Cornish Creek

Location: Cornish Mountain Road (South Side)

Feet of Frontage: 3,457.98

Parcel Size: 89.26 Acres

Tax Parcel: 78-18A

Applicant's Intent: To develop a 22-lot single-family residential open space conservation subdivision on 89.26 acres for a density of 0.2465 lots per acre.

Planning Commission: Approval w/Staff Conditions November 22, 2005

District Five

Note: Chairman Varner advised the board and audience that this petitioner had contributed to his last election campaign and would step down from residing over meeting if there were any objections. **There were no objections.**

Petitioner Representative Charlie Tuller

- Mr. Fowler would like to be at meeting, but he is vacationing in Scotland.
- Conservation Sub-division
- Part of larger development
- Plan for 22 lots on this particular tract.
- Other 150 acres is already zoned Rural Estate
- Request is consistent with what is already in the neighborhood

No questions

No opposition

Motion: To approve FLU05-029 Future Land Use Map Change from A (Agriculture) to RR (Rural Residential).

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

Motion: To approve REZ05-026 Zoning Change from A (Agriculture) to RE (Rural Estate) with the following conditions:

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. Shall meet all standards for an open space conservation overlay.
 - c. The minimum lot size shall be 43,560 square feet.
 - d. No more than 22 total dwelling units, at a maximum density of 0.2465 dwelling units per acre, whichever is less based on the total acreage zoned.
 - e. The minimum heated floor area per dwelling unit shall be 2,200 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 October 7, 2005. 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.

5. To the owner's agreement to abide by the following development standards:
 - i. Buffers shall be located outside of lots and be dedicated to Newton County, or its designee.
 - j. Stormwater plan to be reviewed and approved by County Engineer.

Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

REZ05-027

FLU05-030

NEELY MANOR, LLC

Proposed Zoning: R3 (Single Family Residential)

Existing Zoning: R2 (Single Family Residential)

Proposed Land Use Map: DN (Development Node)

Existing Land Use Map: DN (Development Node), A (Agriculture) & MHDR
(Medium/High-Density Residential)

Watershed: Yellow River

Location: Jack Neely Road (East Side)

Feet of Frontage: 450

Harold Dobbs Road (North Side)

Feet of Frontage: 2,650

Parcel Size: 110.685 Acres

Tax Parcel: 25-63A, 63B, 64 & 95

Applicant's Intent: To develop a 261-lot residential open space conservation subdivision on 110.685 acres for a density of 2.358 lots per acre.

Planning Commission: Denial November 22, 2005

District Three

Zoning Director Marian Eisenberg addressed the board to defer REZ05-027, however Commissioner Fleming, whose district this lies in, said that he was comfortable addressing the request at this meeting and the other commissioners concurred.

There was a court reporter on had to take the minutes and will provide Newton County with a complete set for our official records.

Court Reporter

Karen Keech Reporting

CCR-CVR-BS

P.O. Box 48032

Athens, Georgia 30604

706.207.1542

706.546.9300

karenkeech@bellsouth.net

After discussion Commissioner Fleming duly made a motion to deny.

Motion: To deny FLU05-030 Future Land Use Map Change from DN (Development Node), A (Agriculture) & MHDR (Medium/High-Density Residential to DN (Development Node).

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Motion: To deny REZ05-027 Zoning Change from R2 (Single Family Residential) to R3 (Single Family Residential) located on Jack Neely Road and Harold Dobbs Road. Tax Parcel 25-6A, 63B, 64 &95.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

REZ05-028

TREY MILLER

Proposed Zoning: R1 (Single Family Residential)

Existing Zoning: CN (Neighborhood Commercial)

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

Watershed: South River

Location: Highway 20 (South Side)

Feet of Frontage: 232.81

Parcel Size: 1.437 Acres

Tax Parcel: 2-33A

Applicant's Intent: To subdivide property into 2 lots for single-family residences.

Planning Commission: Approval w/Staff Conditions November 22, 2005

District Two

Petitioner: Trey Miller

- Would like to divide property into 2 single-family residences.

Opposition:

C.A. McCloun

Haley Mitchell

- Concerned that lot size is too small
- O.k. with one house being constructed, but not two.
- Not keeping with area
- Houses are very spacious in area.
- Rural area
- Quiet, peaceful, and beautiful area
- High-end houses already there
- If approved they would share the same driveway

- Afraid it will look like a duplex
- Concerned about future of county

Commissioner Laster noted:

- County is bound by what GDOT approves

Trey Miller Rebuttal:

- Have met with GDOT and they said it could be a shared driveway.,

Commissioner Dimsdale noted:

- This was a tough zoning for him especially since the Planning Commission recommended approval. This has created a strong bias for me.
- Feels having a higher density on SR20 is really an anomaly.
- Subdivisions are back off of main road and area has a rural fill and a sense of community.
- There is a quality look coming into Newton from Henry County.
- Almost all AR up and down the road.
- Reluctant to approve on Hwy. 20 to R1.
- Once we break the template on Hwy 20 it will not stay rural very long.

Motion: To deny REZ05-028 Zoning Change from CN (Neighborhood Commercial) to R1 (Single Family Residential) as requested.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

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

REZ05-029

SCOTT HUFF/SCOTT LAND DEVELOPMENT

Proposed Zoning: R1 (Single Family Residential)

Existing Zoning: AR (Agriculture Residential)

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

Watershed: South River

Location: Richards Chapel Road (South Side)

Feet of Frontage: 425

Parcel Size: 19.97 Acres

Tax Parcel: 8-41

Applicant's Intent: To develop an 18-lot residential traditional subdivision on 19.97 acres for a density of 0.90 lots per acre.

Planning Commission: Approval w/Staff Conditions November 22, 2005

District Two

Petitioner: Scott Huff

- \$200,000 up houses
- Complies with FLUM

Opposition: None

Commissioner Ewing:

- Concerned that some of the lots being in flood plain.
- Could be a potential problem with flooding.
- Can't understand how lots in a flood plain could be approved.

Petitioner:

- Lots back up to a small creek, but it is a flood plain.
- 150 foot buffer
- Houses will sit back 70/80 feet and still not be in flood plain.
- Houses will be 500 feet deep
- Will stay away from flood plain.

Commissioner Ewing:

- Questioned if petitioner had a buffer plan? Greenspace?
- Petitioner responded saying lots are so deep he could give the board whatever they required.
- Asked if petitioner would raise the sq ft from 2000 to 2600-2700 sq ft & up?
- Petitioner said custom homes would start at \$260,000-\$300,000

Commissioner Dimsdale:

- Mentioned buffer against Samson Creek is not suitable to put anything there, not even a swing-set..
- Petitioner replied that is beautiful land and would like to keep it that way.

Commissioner Ewing:

- Would like to see a 50 foot green buffer around development dedicated to N.C. or preferable dedicated to a land trust.

Marian Eisenberg:

- If you do have a buffer outside lot address 1.b, do minimum that is allowed by district.

Commissioner Fleming:

- Agrees with Commissioner Ewing and would rather see buffer on outside of lot.

Petitioner:

- Understands and will give as much buffer as possible.
- Will work with county engineer to work things out.
- Maybe they can shift the road over a little.

Chairman Varner:

- Questioned accel/decel lane.
- A decel lane is required by GDOT.

No opposition.

Motion: To approve REZ05-029 Zoning Change from AR (Agriculture Residential) to R1 (Single Family Residential) with the following conditions:

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 27,000 square feet.
 - c. No more than 18 total dwelling units, at a maximum density of 0.90 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 2,500 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 October 7, 2005. 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.

6. To the owner's agreement to abide by the following development standards:
 - k. No vinyl siding.
 - l. All utilities to be underground.
 - m. Sidewalks to be installed on both sides of proposed road.
 - n. Stormwater plan to be reviewed and approved by County Engineer.
 - o. Provide a 50-foot undisturbed buffer around the entire perimeter of the subject site. The buffer may be reduced along the east property line in order to maintain the 27,000 square-foot minimum lot size, subject to the approval of the Planning Director.
 - p. Buffers shall be located outside of lots and shall be dedicated to Newton County or its designee.

Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner J.C. Henderson, District Four

Motion Carried

REZ05-030

FLU05-032

DEHU PROPERTIES, INC.

Proposed Zoning: AR (Agriculture Residential)

Existing Zoning: R2 (Single Family Residential) – REZ05-001

Proposed Land Use Map: RR (Rural Residential)

Existing Land Use Map: MHDR (Medium/High-Density Residential)

Watershed: Yellow River

Location: Cook Road (East Side)

Feet of Frontage: 218.73

Cook Road (Northeast Side)

Feet of Frontage: 113.64

Parcel Size: 113.64 Acres

Tax Parcel: 47-7E, 10

Applicant's Intent: To down-zone the property to a zoning district consistent with the approved conditions pursuant to REZ05-001.

Planning Commission: Approval w/Staff Conditions November 22, 2005

District Three

Planning Director Marian Eisenberg told the board this would be a down-zoning of the property and would be consistent with the approved conditions pursuant to REZ05-001.

No questions

No oppositions

Motion: To approve FLU05-032 Future Land Use Map Change from MHDR (Medium/High-Density Residential) to RR (Rural Residential).

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

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried

Motion: To approve REZ05-030 Zoning Change from R2 (Single-Family Residential) to AR (Agriculture Residential) with the following conditions:

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. Property shall be developed to the standards of an open space conservation overlay.
 - c. Shall meet or exceed conditions pursuant to petition REZ05-001.
2. To the owner's agreement to abide by the following development standards:

Stormwater plan to be reviewed and approved by County Engineer.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

REZ05-031

FLU05-031

SEE ATTACHED LIST

Proposed Zoning: MSR(Mixed Use Single-Family Residential),
AR (Agricultural Residential)

Existing Zoning: MSR (Mixed Use Single-Family Residential), AR (Agricultural Residential) & MHS (Manufactured Home Subdivision)

Proposed Land Use Map: MHDR (Medium/High-Density Residential)

Existing Land Use Map: A (Agriculture), RR (Rural Residential),PRC (Park/Recreation/Conservation)

Watershed: Yellow River

Location: See Attached List

Applicant's Intent: To rezone parcels in the vicinity of Jackson Lake which are currently zoned MHS (which does not allow site-built homes) to MSR (which does allow site built homes).

Planning Commission: Approval w/Revised Staff Conditions November 22, 2005
District One

Attorney Jenny Carter noted:

- This petition was initiated by the BOC
- BOC recognizes that Jackson Lake area is a resonance and a lot of property is being improved.
- Rezoning will allow site built homes
- If mobile home is on property it can continue to remain there.
- If they want to put a new mobile home on property that will be allowed as well.

Opposition: None

Commissioner Ewing:

- Expressed appreciation for the explanation as to why this came to the board. We are doing this to enhance area for stick built homes and at the same time, not displace anyone.

Motion: To approve the amendment to the Future Land Use map from A (Agriculture), RR (Rural Residential), PRC (Park/Recreation/Conservation) to MHDR (Medium/High-Density Residential) for the properties enumerated in Exhibit "A" as attached to petition FLU05-031.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Motion: To approve the rezoning from MSR (Mixed Use Single-Family Residential) AR (Agricultural Residential) & MHS (Manufactured Home Subdivision) to MSR (Mixed Use Single-Family Residential), AR (Agricultural Residential) for the properties enumerated in Exhibit “A” as attached to petition REZ05-031 with the following conditions:

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. To the zoning districts as enumerated in Exhibit “A” (attached).

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APP05-003

VAR05-028

EDDIE SLAYTON

Location: 995 Mt. Zion Road

Tax Parcel: 39-138

Request: Appeal to Board of Zoning Appeals decision (Denied) at September 22, 2005 meeting.

Size of Property: 4.36 Acres

Present Zoning: AR (Agricultural-Residential)

Present Use: Single –Family Residence

Watershed: Big Haynes Creek (Requires a minimum of 2 acre lot size.)

Purpose of Request: To subdivide property and construct a single-family residence on one of the new lots (there will be an existing single-family residence on the other new lot).

District Three

Petitioner: Eddie Slayton

- Operates investment property company in Atlanta
- Purchased property as an investment
- Rent out mother-in-law suite on property
- Objective is to dispose of property and have it consistent with community.
- Would like to build one house in price range of \$300,000
- 4 sided brick house
- Nice community
- Rear lot is located across from where neighbors have horses.

No questions

Opposition:

Tom Evans:

- Speaking on behalf of adjacent property owners and neighborhood
- Oppose dividing property
- Property on market since 2002
- Variance was denied from other committee
- Sub-divided 4.36 acres
- 2- 2 acre tracts
- Flagpole lot or maybe a thoroughfare
- It is not a hardship case that a variance usually addresses.
- This would be detrimental to neighbors and neighborhood
- Flag lot ordinance was established for a good and valid reason.
- An investment income is not a valid reason to ask for a variance.
- Sometimes investors make good decisions and sometimes investors make bad decisions.

Motion: To deny APP05-003, VAR05-028 located at 995 Mt. Zion Road. Tax Parcel 39-138.

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

Second by: Commissioner Monty Laster, District Five

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

APP05-004

VAR05-029

MCDONALD'S USA

Location: Bypass Road (Eagle Drive)

Tax Parcel: 83-4

Request: Appeal to Board of Zoning Appeals decision (Denied) at October 27, 2005 meeting.

Size of Property: 1.501 Acres

Present Zoning: CH (Highway Commercial)

Present Use: Vacant Property

Watershed: Big Haynes Creek (Requires a minimum of 2 acre lot size.)

Purpose of Request: To construct a fast-food restaurant with a drive-through lane and outdoor speaker system.

District Five

Motion: To approve the petitioner's request to defer action on APP05-004 and VAR05-029 until the February 21st, 2006 board meeting.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

PROPOSED LOCAL LEGISLATION FOR CREATION OF COMMUNITY IMPROVEMENT DISTRICTS AND TAX ALLOCATION DISTRICTS IN NEWTON COUNTY

R122005A A RESOLUTION REQUESTING THE LOCAL DELEGATION TO THE GEORGIA GENERAL ASSEMBLY INTRODUCE & ENACT LEGISLATION DURING THE 2006 SESSION TO EMPOWER NEWTON COUNTY TO EXERCISE ALL REDEVELOPMENT POWERS PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH VII OF THE CONSTITUTION OF THE STATE OF GEORGIA, AND THE GEORGIA REDEVELOPMENT POWERS LAW, O.C.G.A. § 36-44-1, ET SEQ., REQUESTING NEWTON COUNTY BE EMPOWERED TO CALL AND CONDUCT A REFERENDUM TO DETERMINE WHETHER IT MAY EXERCISE REDEVELOPMENT POWERS; AND FOR OTHER PURPOSES.

Bob Rutland appeared before the board representing Greyland Development.

- Concerned about infrastructure cost
- As private citizen & property owner tried to see what could be worked out if we join together.
- Wants to work with county government on infrastructure needs.

Phil Johnson:

- Noted that he and Mr. Rutland had met together at a very immediate problem...traffic on the By-Pass.
- Looked to see what State could do to help.
- Found out not on radar screen for GDOT assistance.
- Called in consultant from Atlanta who worked on Special Tax District in Georgia.
- 2 methods in Georgia
- CID: Community Improvement Districts
- TAD: Tax Allocation Districts
- CID: Property owner within defined district area could agree to the levy of an additional millage over and above millage increase. Cannot exceed 5 mills.
- Funds can be anticipated with bonds.
- County can take funds and use to improve infrastructure.
- They have met with GDOT who said if you bring us your share you will have a lot more leverage.
- Participation is between local property owners who will benefit from improvements.
- We are asking that you direct the local representatives to the General Assembly to create a vehicle to county to have a TAD and CID.
- You must have 75% in value and 50% in number to have a CID or TAD.
- WE are not asking you to approve a CID or TAD.

Chairman Varner:

- Wants to make it clear that the county is not raising anyone's taxes.

Phil Johnson:

- This is almost like a user fee and it is not residential property.
- This will have an economic benefit to property owners as well as community.

Commissioner Ewing:

- Concept sounds good.
- Make sure we are approving what has been presented to us in our board packet.
YES
- If approved, can it be changed? Yes, by amending local legislation. County has the power to set the parameters.

Phil Johnson:

- This only established the vehicle.

Commissioner Ewing:

- Who would be eligible to serve on board? What would terms be?
- Board of Commissioners could serve as board or could appoint a board.
- Appointments should be staggered.

Commissioner Henderson requested Mr. Middleton to address the issue.

Mr. Middleton:

- Pretty straightforward approach allowing citizens to participate in funding improvements.
- Funds collected will be set aside in a separate account.
- Successful in other communities.

Commissioner Fleming:

- Sees it as a win/win situation for everyone involved.
- Reiterated that only the owner of property will be taxed (not residential).

Commissioner Laster:

- Attended meeting about CID & TAD.
- Used in various places in the state and has been very successful.
- Helps to pay for infrastructure

Commissioner Dimsdale:

- It will be on the ballot?
- Questioned Mr. Johnson, if they would provide education for the public?
- Mr. Johnson said that a CID does not require a local referendum, but a TAD does.
- We are going to be trying to sell the people. (Mr. Johnson)
- TAD is perhaps the vehicle for Hwy. 278.

Motion: To approve R122005a A Resolution Requesting The Local Delegation To The Georgia General Assembly Introduce & Enact Legislation During The 2006 Session To Empower Newton Count To Exercise All Redevelopment Powers Pursuant To Article IX, Section II, Paragraph VII Of The Constitution Of The State Of Georgia, And The Georgia Redevelopment Powers Law, O.C.G.A. § 36-44-1, ET SEQ., Requesting Newton County Be Empowered To Call And Conduct A

Referendum To Determine Whether It May Exercise Redevelopment Powers; And For Other Purposes.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

Note: The original resolution is contained in file number R122005a, incorporated herein by reference and expressly made a part of these minutes.

R122005B A RESOLUTION REQUESTING THE LOCAL DELEGATION TO THE GEORGIA GENERAL ASSEMBLY INTRODUCE AND ENACT LEGISLATION DURING THE 2006 SESSION TO EMPOWER NEWTON COUNTY TO CREATE ONE OR MORE COMMUNITY IMPROVEMENT DISTRICTS IN UNINCORPORATED NEWTON COUNTY PURSUANT TO ARTICLE IX, SECTION VII OF THE 1983 CONSTITUTION OF THE STATE OF GEORGIA; AND FOR OTHER PURPOSES.

Motion: To approve R122005b A Resolution Requesting The Local Delegation To The Georgia General Assembly Introduce And Enact Legislation During The 2006 Session TO Empower Newton County To Create One Or More Community Improvement Districts In Unincorporated Newton County Pursuant To Article IX, Section VII Of The 1983 Constitution Of The State Of Georgia; And for Other Purposes.

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

Note: The original resolution is contained in file number R122005b, incorporated herein by reference and expressly made a part of these minutes.

ALCOHOL LICENSE:
FINAL READING

Shell Gas Station
14656 Brown Bridge Road
Covington, Georgia 30016
Rubina Nagjee (100% Owner)
District Two

Motion: To approve Alcohol License for the Shell Gas Station located at 14656 Brown Bridge Road, Covington, Georgia 30016.

Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Monty Laster, District Five
Motion Carried

FIRST HEARING

Pure Food Mart
50 Morningside Drive
Covington, Georgia 30016
Aslam Muhammad (100% Owner)

South Fork
10571 Flat Shoals Road
Covington, Georgia 30016
Rafiq D. Farishta (100% Owner)

BP Food Mart
11260 Brown Bridge Road
Covington, Georgia 30016
Azim Jiwani (100% Owner)

Stop & Shop
2156 Hwy. 81
Oxford, Georgia 30054
Brahmbhatt Upendra (100% Owner)

ALCOHOL RENEWALS

Oakhill BP
3300 Hwy. 81 South
Covington, Georgia 30016
Licensee: Mohammed Iqbal Butt

Motion: To approve Alcohol License Renewal for Oak Hill BP Station located at 3300 Hwy. 81 South Covington, Georgia 30016.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Monty Laster, District Five
Motion Carried

COUNTY CHECKS:

Motion: To approve the county checks as printed and read by the chairman.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

STREETLIGHTS

Gum Creek Subdivision
Tuscany Place Subdivision
Hanley Mill Subdivision
Windbrook Subdivision

Motion: To approve streetlight as read by the chairman.

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

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

Motion Carried

Commissioner Fleming addressed the board wishing them a Merry Christmas, not Happy Holidays, and a prosperous 2006.

He also thanked all the employees and staff, the board of commissioners and the clerk for their hard work and wished them a Merry Christmas.

Everyone appreciated his kind remarks.

There was no Executive Session.

ADJOURN

Time: 10:30 p.m.

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie Smith
County Clerk