

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
May 16, 2006
MINUTES**

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

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Attorney Scott Cole, Attorney James Griffin, Planning and Development Director Marian Eisenberg, Zoning Administrator Scott Sirotkin and Acting County Clerk Kellie Lundy.

Newspapers: Crystal Tatum, Newton Citizen
Small group of citizens

Chairman Aaron Varner called the meeting together, extended a welcome and read the thought for the day. Pastor Len Strozier from the First Baptist Church of Covington gave the invocation, and the Chairman asked “Trash to Treasure” contest winners to lead the Pledge of Allegiance to our great flag.

APPROVAL OF BOC MINUTES DATED MAY 2, 2006

Motion: To approve the minutes as written.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

“TRASH TO TREASURE” ART CONTEST WINNERS

- Laurie Riley, Program Education Specialist for Keep Covington/Newton Beautiful, briefly described the contest and announced the winners.
- Chairman Varner presented the winners with their certificates.
- The Commissioners congratulated each winner, presented them with a Newton County ball cap and other various Newton County trinkets, and a group photograph of the winners and the Board of Commissioners was taken.

BID #06-20 – ROADS REPAVING ON BROWN BRIDGE & THE BYPASS

- County Engineer Kevin Walter presented this to the Board.
- Portions to be repaved:
 - Brown Bridge Road from City Limits to Crowell Road.
 - Brown Bridge Road from Salem Rd/162 to Hwy 212.
 - Covington Bypass from Hwy 36 to Hwy 81.

- Mr. Walter recommended the Board approve the award to Pittman Construction for options 1 (patching leveling, chip sealing, replacing building dirt shoulders and upgrading guardrails) and 3 (2 foot wide paved shoulders).

Motion: To approve Bid #06-20 to Pittman Construction with the base bid (option #1) of \$2,280,004.20 and the add-on (option #3) of \$378,033.45.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion carried unanimously.

RFP #06-04A – DESIGN/ BUILD OF A MECHANIC SHOP FOR THE PUBLIC WORKS DEPARTMENT

- Administrative Officer John Middleton presented this to the Board.
 - Bid was advertised in accordance with State Law and County purchasing procedures.
 - Four firms picked up paperwork for proposal:
 - Sunbelt Builders, Inc.
 - Kevin Price General Contractors
 - Hutter & Associates
 - Carlo Enterprises
- Only Sunbelt Builders, Inc. attended the mandatory pre-proposal conference.
- Recommend award to Sunbelt Builders for the bid price of \$1,832,499.00.
- SPLOST project with a budget of \$2,000,000.00.
- Sunbelt Builders Representatives Sam B. Hay and Steve Kapp recapped the project.
- Commissioner Dimsdale asked if the structure was low maintenance as it appeared to be.
 - Mr. Capp replied that the building was low maintenance.
- Commissioner Henderson asked what would be done with the old building.
 - Chairman Varner stated that the old building would be converted and used for the sign shop expansion, the engineering department would be relocated there, and a modest meeting room for meeting with the employees of public works

Motion: To approve RFP#06-04A – Design/Build of a Mechanic Shop for the Public Works Department and recommend that the contract be awarded to Sunbelt Builders, Inc. for amount not to exceed \$1,832,499.00 with the funds coming from SPLOST.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

Item number four (4) has been removed.

PROPOSED AMENDMENTS TO POSI-SHELL CONTRACT

- Attorney Scott Cole presented this to the Board.

- Proposed four (4) changes to the original contract.
- All amendments were approved by Landfill Service Corporation except for penalty of early termination of the contract.
 - This amendment has been changed from three (3) months to twelve (12) months.

Motion: To approve lease license agreement with the Landfill Service Corporation as Mr. Cole outlined in the previous statement.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously

RESOLUTION – SALE OF PROPERTY LOCATED AT 5220 HWY 278

- Attorney Scott Cole presented this to the Board.
- Timeline:
 - Advertise for auction within the net thirty days.
 - Auction Thursday, June 29, 2006.
- Sale will be by live auction instead of sealed bid.
- No auction company will be used. A person not associated with an auctioning company will be used.
- Auction will be for buildings only, not the items inside the buildings.
- Chairman Varner asked if the auction could be on the internet as well. Mr. Cole said he could investigate that.
- Commissioner Ewing asked if the County had the option to refuse bids. Mr. Cole said the County could set a minimum limit and the right to refuse any and all bids.
- Commissioner Dimsdale inquired about the person conducting the auction.
 - Mr. Cole said this is being done to minimize the fee paid by the county.
- Commissioner Henderson asked if the proceeds from the sale would be used towards the new office building.
- Administrative Officer John Middleton answered that \$250,000 of the proceeds would be used to reimburse the general fund for the previous budget, and the other part of the money would be put toward the office complex.

Motion: To approve Resolution – Sale of Property Located at 5220 Hwy 278.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

STREETLIGHTS

Avonlea Subdivision Phase II

District Three

Motion: To approve the streetlights for Avonlea Subdivision Phase II located in District Three.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

Riverstone Subdivision
District Three

Motion: To approve the streetlights for Riverstone Subdivision located in District Three.

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

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

Motion carried unanimously.

ALCOHOL LICENSE

FIRST READING

BIBI Food Mart 3

3633 B Salem Rd

Covington, Georgia 30016

District Two

Gordon Smith (100% Owner)

COUNTY CHECKS

Motion: To approve county checks as printed and read by the Chairman.

Proposed by: Commissioner Monty Laster, District Five

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

Motion carried unanimously.

ZONINGS

Chairman Varner noted that each side would have ten minutes to present their issues, and it would not include board discussion.

Planning Director Marian Eisenberg addressed the Board and sounded the following zonings:

FLU06-002

REZ06-007

Madison Retail

Existing FLUM: A (Agriculture) & C (Commercial)

Proposed FLUM: C (Commercial)

Existing Zoning: R2 (Single Family Residential) & CG (General Commercial)

Proposed Zoning: CG (General Commercial)

Location: Salem Road (East Side)

1,271.35 Feet of Frontage

Location: Kirkland Road (South Side)

709.87 Feet of Frontage

Parcel Size: 24.85 Acres

Tax Parcel: 13-46, 48, 49, 132, 133, 134, 137, 138, 140, 173

District Three

- Petitioner Representative: Attorney Jimmy Alexander
 - Original approval was in July 2005.

- Parcels added due to homeowners on Kirkland Road selling land to developer.
- Commissioner Dimsdale asked if the site plan allowed for the realignment of Salem Road and Kirkland Road.
 - Mr. Alexander stated that the site plan allowed for the realignment as well as for future expansion of Salem Road.
- Commissioner Laster asked if one or two traffic signals would be installed by the developer.
 - Mr. Alexander replied that DOT had only given approval for one signal at this time, but they would put in a second signal if the DOT would give them approval.
- Commissioner Ewing asked if it would help if the Board recommended a second signal.
 - Mr. Alexander said he thought the Board's recommendation would help a great deal.
- Chairman Varner asked Mr. Alexander to craft a letter to the DOT for a second traffic signal with the Board's recommendation.

Opposition: None

Commissioner Fleming commented that he has been opposed to this zoning in the past due to traffic and road issues, recognizing the best use for this is commercial. Due to the redesign of the center and Earth Tech's proposed expansion of Salem Road, he makes the following motions:

Motion: To approve FLU06-002 land use change from A (Agriculture) & C (Commercial) to C (Commercial).

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

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

Motion carried unanimously.

Motion: To approve REZ06-007 rezoning change from R2 (Single Family Residential) & CG (General Commercial) to CG (General Commercial) with the following conditions as read by Administrative Officer John Middleton.

If this petition is approved by the Board of Commissioners, it should be approved CG (General Commercial), CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 6,105.67 gross square feet per acre zoned or a total of 151,726 square feet

(133,726 square feet for the shopping center and 18,000 square feet for the retail out-parcels), whichever is less.

- b. The following uses shall not be allowed:
 - (1) Amphitheaters, Stadiums
 - (2) Animal Hospitals, Vet Clinics
 - (3) Auto Repair, Auto Sales
 - (4) Bar, Night Club
 - (5) Auto Service Station
 - (6) Campground, RV Park
 - (7) Private Club, Order, Lodge
 - (8) Electric Station; Gas Pumps Not Related to Anchor Store
 - (9) Flea Market
 - (10) Funeral Home
 - (11) Hospital
 - (12) Manufactured Home Sales, Rental, Repair
 - (13) Kennel
 - (14) Manufactured Home Display
 - (15) Personal Care Home
 - (16) Produce Stands
 - (17) Farm Equipment Sales
 - (18) Dry Cleaning, Institutional
 - (19) Light Manufacturing
 - (20) Commercial Outdoor Recreational Facilities
 - (21) Place of Worship
 - (22) Private Recreation Center or Club
 - (23) Temporary Religious Meeting
 - (24) Sawmill, Planing Mill
 - (25) Mini-Warehouses
 - (26) Tattoo Parlors
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2. To the owner's agreement to abide by the following:
 - a. To the site plan received on April 12, 2006, and the elevations and legal description received on March 3, 2006, by the Planning and Development Department. 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 comply with the following development standards:

- a. Provide a left-turn lane and deceleration lane at the entrance along Kirkland Road.
- b. All curb cuts shall be located at sufficient distance from the intersection to provide for turn lanes, and stacking to the development.
- c. Provide the necessary right-of-way, at no cost to Newton County, necessary for future improvements to Salem Road as proposed by DOT.
- d. The development must comply with the requirements as recommended by Earth Tech, subject to the approval of the Director. These standards include, but may not be limited to, landscaping, building materials, setbacks and signage.
- e. The proposed road connecting Salem Road to Kirkland Road shall be constructed at the developer's expense and shall be constructed to Newton County standards. Road shall be divided along portion adjacent to commercial tract and Salem Road.
- f. Upon receipt of approval by DOT, developer shall install at its expense a traffic light at the intersection of the proposed road with Salem Road.
- g. An 8-foot landscaped berm will be constructed at the rear of the main building of the retail center.
- h. Developer shall submit a landscaping plan which will include tree islands in parking areas. Landscaping plan is subject to the approval of the County Arborist.
- i. Stormwater plan to be reviewed and approved by County Engineer.
- j. Provide downcast lighting.
- k. Upon receipt of approval by DOT, developer shall install at its expense a second traffic light.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Monty Laster, District Five
Motion carried unanimously.

REZ06-008

Anderson Home Builders, Inc.
Existing FLUM: LDR (Low-Density Residential)
Existing Zoning: AR (Agricultural Residential)
Proposed Zoning: R1 (Single-Family Residential)
Watershed: Yellow River & South River
Location: Hwy 162 (West Side)

1,507.69 Feet of Frontage
Parcel Size: 62.19 Acres
Tax Parcel: 30-6A, 6B
District Two

- Petitioner Representative: Attorney Jimmy Alexander
- Commissioner Ewing asked about the protection for the blue line streams, possibly moving the entrance away from the curve for safety if the plan is using a conservation overlay and if a homeowners association is planned.
 - Mr. Alexander states the streams would be protected by the County ordinance although nothing is specifically stated in the plan or provisions.
 - The road could be moved easily on the site plan, but DOT requires new roads to line up with existing roads.
 - No conservation overlay is being used.
 - Homeowners Association will be in charge of the administration of the subdivision.
- Commissioner Dimsdale asks that the developer not use vinyl siding.
 - Mr. Alexander agrees.

Opposition: None

Motion: To approve REZ06-008 rezoning change from AR (Agricultural Residential) to R1 (Single Family Residential) with the following conditions as read by Planning Director Marian Eisenberg.

If this petition is approved by the Board of Commissioners, it should be approved R1 (Single-Family Residential) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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 25,500 square feet.
 - c. No more than 59 total dwelling units, at a maximum density of 0.949 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 1,800 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 March 3, 2006. 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 a left-turn lane and a deceleration lane at the proposed entrance, subject to approval of the County Engineer. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of the deceleration lane to provide for placement of utilities.
 - b. Stormwater plan to be reviewed and approved by County Engineer.
 - c. Provide a 25-foot undisturbed buffer along the entire perimeter. Buffers to be located within lots.
 - d. No vinyl siding allowed.

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

CITIZEN COMMENTS/COMMISSIONER'S COMMENTS

None.

EXECUTIVE SESSION

TIME: 7:55 PM

Motion: To approve enter into executive session to discuss land acquisition, pending litigation and threatened litigation.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion carried unanimously.

REGULAR SESSION

Motion: To approve enter into regular session.

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

Motion: The BOC resolved to take the following actions regarding the City of Social Circle's proposal submitted May 4, 2000, to annex and rezone more than 1,000 acres located in unincorporated Newton County east of Highway 11, north of I-20, northwest of U.S. Highway 278, and southwest of the Walton County border:

- (1) to document its objections to the proposed annexation and rezoning as declared in its May 10, 2006, letter of intent sent pursuant to O.C.G.A. § 36-36-11; and
- (2) to authorize the Chairman and Clerk, with assistance from the County Attorney, to draft and execute all documents necessary to comply with O.C.G.A. § 36-36-11

and begin the process of negotiating with the City of Social Circle to mitigate the adverse effects of the proposed rezoning.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion carried unanimously.

A Resolution documenting and supplementing the major points of the May 10, 2006, including eight numbered exhibits and maps, is attached to these minutes hereof and incorporated herein and made a part of these minutes.

AJOURN

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion carried unanimously.

Respectfully submitted,

Kellie L. Lundy for
County Clerk Jackie Smith

Aaron Varner, Chairman