

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 19, 2007
MINUTES**

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

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, Attorney's Jenny Carter, Scott Cole and James Griffin, Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn
Newton Citizen – Crystal Tatum
Large group of citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Reverend Ronnie Brannen from Prospect Methodist Church gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

APPROVAL OF BOC MINUTES DATED JUNE 5, 2007

Motion: To approve the Commission Minutes dated June 5, 2007.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**APPROVAL OF BOC A.M. BUDGET PUBLIC HEARING DATED
JUNE 12TH**

Motion: To approve the 11:00 A.M. FY2008 Budget Public Hearing dated June 12th.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

**APPROVAL OF BOC P.M. BUDGET PUBLIC HEARING DATED
JUNE 12TH**

Motion: To approve the 6:00 P.M. FY2008 Budget Public Hearing dated June 12th.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

HEALTHY AT WORK PROCLAMATION

Commissioner Ewing expressed appreciation for the proclamation but requested that one sentence be removed regarding number of work hours in other places. Board concurred.

Motion: To approve the Healthy at Work Proclamation with noted change in wording.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

STATE OF GEORGIA SENIOR SERVICES MANAGER OF THE YEAR AWARD – JOSEPHINE BROWN

Chairman Varner invited Ms. Josephine to the platform and presented her State Award that she previously received at the conference in Augusta recently. The chairman told the board and citizens that Ms. Josephine was named Georgia's Senior Services Manager of the Year and noted this is the first time this award has been presented. This is quite an honor for Ms. Josephine and the citizens of Newton County. Members of the board of directors and staff member joined Ms. Josephine on the platform to congratulate her and show their support.

Ms. Josephine shared her story with the board and the citizens of where the Senior Services began and was so grateful to the board for their support to where it has come today. Of course, she gave credit to the wonderful staff she has, the support of a great board of directors and the senior citizens of this county. She wouldn't have it any other way. Congratulations and appreciation was given to Ms. Josephine who promised to always give her best and be involved, even after she retires; after all, serving others has been her life.

APPOINTMENT TO LIBRARY BOARD – DISTRICT TWO

Commissioner Simmons read Dr. Upham's impressive bio to the board and requested their support of his nomination.

Motion: To appoint Dr. Lois Upham of 45 Cory Court, Covington, Georgia 30016 to serve on the Newton County Library Board of Directors. Dr. Upham's term will expire on June 30, 2010.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

BUDGET AMENDMENT FY2007 – CONTINGENCY FUNDS

Administrative Officer John Middleton went over the amendments with the board for their approval.

Commissioner Henderson asked for confirmation that this would mean Cousins Field would be fully funded. Yes.

Motion: To approve the Budget Amendments for FY2007 in the amount of \$262,006.00. The allocation is as follows:

1. Cousins Football Field: Project Costs & Contingency for \$120,023
2. Meadors Demolition: Sunbelt Builders Contractor - \$61,100.00 and Dobbs Environmental - \$34,050.
3. Newton County Solid Waste & Recycling: Purchase of 3 – 35 Yard & Self Contained Compactors - \$46,833.00.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

ADOPTION OF FY2008 MILLAGE RATE

Administrative Officer John Middleton presented the adoption of the Millage Rate to the board. He noted there was a public hearing prior to the meeting discussing the millage and open to the public for questions and comments.

Motion: To approve the millage rate as presented by Mr. Middleton, outlined in our board packet and listed below:

County M&O:	9.730
Hospital Indigent Fund:	1.200
Emergency Medical Services	0.451
State of Georgia:	0.250
Fire Districts: NC Fire Services	0.792

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

RESOLUTION R061907 ADOPTION OF FY2008 BUDGET

Administrative Officer John Middleton presented the adoption of the FY2008 Budget to the board for approval. He noted there was a public hearing prior to the meeting discussing the proposed budget and open to the public for questions and comments. There were no questions or comments at the public. After reading the advertisement from the legal organ the floor was again opened for questions and comments. There were no comments or questions from the public, however members of the board expressed their appreciation for the hard work the Finance Director Marcia Allen and Accounting Manager Lorri Smith had done on the budget.

Commissioners Fleming spoke of a good, balanced budget and the long hours and meetings the board put into balancing this budget. He noted a lot of hard work had gone into finalizing this budget. Also noting that citizens do not want their taxes raised and expressed what a great job SPLOST does for the county.

Commissioner Henderson strongly noted he would like to see more dollars in the budget for the seniors and the youth of the county. He said that both are busting at the seams and feels more should be done. Disappointed that seniors are packed into one room and children don't have places to go. Doesn't understand how dollars are found for some things and not for others. Did not vote for last year's budget and can't this year either in good conscious.

Commissioner Ewing noted there had been 7 work sessions and 3 public hearings regarding this budget. We were \$6 Million dollars out of balance and I would never support putting that on the backs of the citizens.

Commissioner Simmons noted that during the budget process not everyone agreed on the budget allocations.

Commissioner Ewing expressed how proud he was to be a commissioner for a county that has received so many great awards, noting Ms. Josephine was just presented with Senior Services Director for the entire State of Georgia. We have received awards for Recreation, Library, Judicial Center and others. It makes me proud to be a commissioner and what this board has accomplished.

Again, Commissioner Fleming noted it was a good balanced budget, noting again, projects can be funded through our SPLOST Program and made a motion to adopt.

Motion: To approve Resolution R061907 Adopting Newton County's FY2008 Budget.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioners Simmons and Henderson voting in opposition to the motion.

Note: The original resolution is contained in file number R061907, incorporated herein by reference and expressly made a part of these minutes.

RESOLUTION R061907A GEORGIA HERITAGE PROGRAM HISTORIC PRESERVATION GRANT APPLICATION

Administrative Officer John Middleton presented the grant application to the board and noted the following:

- Formality
- 40% match required
- Funding will come from SPLOST

Motion: To approve Resolution R061907a application for the Georgia Heritage Program Historic Preservation Grant.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

Note: The original resolution is contained in file number R061907a, incorporated herein by reference and expressly made a part of these minutes.

RENEWAL OF CABLE TELEVISION FRANCHISE

Chairman Varner noted this was a public hearing and declared it opened. He introduced Attorney Scott Cole who presented renewal for the board's consideration.

- Noted board received franchise agreement in May for their review.
- Opened floor for comments. No opposition and no comments were given.

Motion: To approve the renewal of the Cable Television Franchise with the City of Covington as presented.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

REPLACEMENT OF COMPUTER EQUIPMENT

IT Director Tim McCart addressed the board and expressed thanks for the board allowing him to present this request.

- ½ will be used immediately
- Will replace computers as needed
- Purchase Cost: \$32,572.00
- Funding: General Fund, Information Systems Department

Motion: To approve the purchase of computer equipment as presented. Not to exceed amount is \$32,572.00 with purchase from Bytespeed.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

HR & EMPLOYEE BENEFITS WEBSITE

Chairman Varner noted that there was a work session held at 6:00 pm at which time Tony Wilson made his presentation.

- Excited about the proposed website
- Commissioner Henderson expressed thanks to HR Director Becky Heisten for working so hard on this project to get it done.

Motion: To approve the proposed website as outlined and presented in work session by Tony Wilson of NuVision with a not to exceed cost of \$10,000/

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

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

Motion Carried

GDOT CONTRACT: CSSTP-0006-00 (365) STATE ROUTE 20 & STATE ROUTE 212

Chairman told the board that we had agreed to purchase the right-of-way on this project.

Motion: To approve GDOT Contract CSSTP-0006-00 (365) State Route 20 & State Route 212.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

GDOT CONTRACT: CSSTP-0007-00 (339) SMITH STORE ROAD

Chairman told the board that we had agreed to purchase the right-of-way on this project.

Motion: To approve GDOT Contract CSSTP-0007-00 (339) Smith Store Road.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

TO #6 FOR URS – OLD SALEM ROAD & SALEM ROAD INTERSECTION TURN LANE

- Development of plans & obtaining special encroachment permit to reconfigure the intersection.
- Left turn lane
- Widen Salem Road
- Provide tapers for merging safety & upgrade traffic signal system

Motion: To approve Task Order #6 for Consultant URS for Old Salem Road & Salem Road Intersection Turn Lane for a not to exceed amount of \$47,128.89.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

RESOLUTION R061907B - I-20 EXIT 101 SIGN FOR STANTON SPRINGS

Attorney James Griffin presented request.

- Enhance quality of life in Newton County with high yielding jobs.

Commissioner Ewing noted that he was one of the two representatives serving on the JDA Board and would like to see the board approve this request.

Motion: To approve Resolution R061907b requesting that an I-20 Exit 101 Sign should also read Stanton Springs.

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 R061907b, incorporated herein by reference and expressly made a part of these minutes.

RECIPROCAL SANITARY SEWER EASEMENT AGREEMENT

Motion: To table reciprocal sanitary sewer easement agreement until board meeting on July 3, 2007.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

7:30 P.M.

ZONINGS

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

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

REZ07-010

Existing Land Use Map: DN (Development Node)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: CG (General Commercial)

Watershed: Alcovy

Location: Georgia Highway 212 (East Side)

District One

Commissioner Ewing noted that he received a request from the applicant to defer this zoning until July 17th and moved to table.

Motion: At the request of the applicant, table zoning until Tuesday, July 17th regular board meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

R061907C – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP

MC07-003

District Three

Motion: To approve Resolution R061907c to correct the Newton County Zoning Map for property located at 1282 Brown Bridge Road, Map & Parcel number 13-85A. The correction is from R2 to CN.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Note: The original resolution is contained in file number R061907c, incorporated herein by reference and expressly made a part of these minutes.

R061907D – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP

MC07-004

District Two

Motion: To approve Resolution R061907d to correct the Newton County Zoning Map for property located at 180 Ellis Trail, Map & Parcel Number 30-2C. The correction is from MSR to AR (with CUP).

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

Note: The original resolution is contained in file number R061907d, incorporated herein by reference and expressly made a part of these minutes.

R061907E – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP

MC07-005

District Five

Motion: To approve Resolution R061907e to correct the Newton County Zoning Map for property located at 10699 Hwy. 36, Map & Parcel Number 84-2B. The correction is from M1 to R2.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

Note: The original resolution is contained in file number R061907e, incorporated herein by reference and expressly made a part of these minutes.

NTL07-001

Proposed Use: New Telecommunications Tower

Existing Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Location: 4610 Highway 138 (South Side)

1,302.04 Feet of Frontage

Parcel Size: 10.4 Acres

Tax Parcel: 36-11C

District Three

Petitioner: Lannie Greene

- Request to locate 195-foot monopole telecommunications tower
- Support of Mr. Bob Zimmer (letter attached)

Motion: To approve NTL07-001 Telecommunications Tower located at 4610 Highway 138 (South Side), Tax Parcel 36-11C with the following conditions as read by Commissioner Fleming.

Approved for a Conditional Use Permit for a Telecommunications Tower 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 leased area of the subject property as follows:
 - a. A telecommunications tower.
 - b. Comply with the standards of Section 510-630 of the Newton County Zoning Ordinance, as applicable.
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 April 6, 2007. 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. Telecommunications tower shall be a monopole design.
 - b. Maximum height of tower to be 195 feet, with 4-foot lightning rod.
 - c. Provide for at least four antennas.
 - d. Monopole shall accommodate equipment for potential use by Newton County for E-911 and other emergency services below fourth antenna.
 - e. Lighting shall be installed on top of tower.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

CUP07-006

FLU07-007

REZ07-013

Proposed Use: Personal Care Home (Sec. 510-220)
Existing Land Use Map: LDR (Low Density Residential)
Proposed Land Use Map: PI (Public Institutional)
Existing Zoning: R2 (Single Family Residential)
Proposed Zoning: OI (Office Institutional)
Watershed: South River
Location: Gum Creek Road (Northeast Side)
185 Feet of Frontage
Parcel Size: 1.35 Acres
Tax Parcel: 60A-30
District Five

Petitioner: Dawn Walker for Deta Barnes

- Would like to increase capacity from 6 to 10
- Same address since 1992
- Has always been licensed for 12 (prior to her management)
- Ms. Barnes took over in January 2007

Opposition

Kay Strickland

- Resides at 123 Gum Creek Road and has for 31 years
- Was not aware this was a Personal Care Home
- Has never even seen a sign indicating PCH.
- Will increase traffic in area
- People who move into the county and purchase property should first see what they are purchasing, instead of moving here and then try and tell the people who have lived here all their lives what are going to do.
- Requesting board to leave as is....thank you.

Motion: To uphold the Planning Commission's recommendation and deny CUP07-006.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Motion: To uphold the Planning Commission's recommendation and deny FLU07-007.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Motion: To uphold the Planning Commission's recommendation and deny REZ07-013.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

CUP07-007

Proposed Use: Gymnasium (Sec. 510-480)
Existing Zoning: R2 (Single Family Residential)
Watershed: Yellow River
Location: Iris Drive (South Side)
613.36 Feet of Frontage
Parcel Size: 11.165 Acres
Tax Parcel: 24-77A, 24-80
District Three

Petitioner: Frank Krech

- Would like to add a gym to Belmont Baptist Church
- Food Bank
- Large children's ministry

No opposition

Motion: To approve CUP07-007 for construction of a gymnasium located on the property of Belmont Baptist Church on Iris Drive, Parcel Size 11:165 Acres and Tax Parcel 24-77A, 24-80.

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

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

Motion Carried

CUP07-008

Proposed Use: Home Occupation – Beauty Salon
Existing Zoning: R3 (Single Family Residential)
Watershed: Yellow River
Location: Pebble Brook Court (Northwest Side)
85 Feet of Frontage
Parcel Size: 0.35 Ares
Tax Parcel: 13-569
District Three

Petitioner: Joel Jordan

- Needs to do this to provide for family
- Has already been serving customers – did not know she needed a permit
- Has state license
- Had to leave job at a salon because could not afford daycare.
- Clientele consists of 11 customers
- 209 houses in subdivision
- Over 800 vehicles

- Understands concern about property values going down, but doesn't feel that will happen.
- Provided list of property value to be included in minutes
- Photos of neighborhood
- This will be a temporary fix until clientele can be built up.

Opposition

Ms. Maddox

Mary Waltz, President

(Representing Homeowners' Association for Pebblebrook Subdivision)

- Not trying to stop someone from making a living
- Trying to keep our property values up
- ? Who is going to monitor one chair salon
- Pebblebrook is a residential community and we want to keep it that way.
- Sorry about Ms. Jordan's trouble, but if we let one come in.... there will be others.

Commissioner Henderson

- Questioned attorney if Phase III would be included in association:
- Ms. Carter said if you purchase a house and previous owner was part of the association, then your house is a part of the association.
- Number of vehicles at peek of business? 3 in driveway and some on side of street.

Commissioner Simmons

- Questioned how the association knew if a home had a business or not. Someone usually calls and reports the property owner.
- How would I know if it was a beauty shop? Number of cars in driveway and on side of street.
- He then asked if he passed by could he tell if it was a salon? No

Rebuttal

Janis Wasting – neighbor

- Surrounding neighbors do not mind salon.

After listening to both sides and reviewing all information provided regarding this request, Commissioner Fleming made the following motion:

Motion: To uphold the Planning Commission's recommendation and deny CUP07-008 for a Home Occupation with Customer Contact Beauty Salon located at Pebble Brook Court, Tax Parcel 13-569 located in District Three.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

CUP07-009

Proposed Use: Personal Care Home (Sec. 510-460)

Existing Zoning: AR (Agricultural Residential)

Watershed: Alcovy

Location: Ridgeway Road (South Side)

312 Feet of Frontage

Parcel Size: 2.8 Acres

Tax Parcel: 99-15

District One

Petitioner: Lorna Richardson

- Would like to have a 6-bed personal care home in existing residence.
- Registered nurse for over 30 years
- Area is peaceful, quiet
- Place will be a home away from home for residents
- Designed to help those that living at home is not an option.
- Requesting from 4 to 6 beds

Commissioner Simmons

- Questioned if patients would need medical assistance or bed ridden? No, all patients will be fully ambulatory.
- Patients will require minimum assistance

Opposition

Ted Bog

Bill Hoosan

Tom Stubbs

Doug Sigarella

- Resident of Ridgeway Subdivision
- There is no law to say she can't have a 19 year old living there.
- 17 homes in community and we want to keep it that way.
- Lived there 17 years
- 2 basic concerns: property values, neighborhood value
- She has a right to have a PCH, but limit to 4 people
- 4th property she has purchased in county and two CUPs.
- Welcomes her as neighbor, but not as a PCH owner.
- Mr. Stubbs read his letter to the board.
- Lived there 30 years
- Devaluing property if approved.
- Lived on property 10 years
- Concerned that petitioner has not even moved in yet and wants to change area.

Commissioner Simmons

- Questioned if PCH & Hospice were different? Yes

Motion: To uphold the Planning Commission's recommendation and deny CUP07-009 for a Personal Care Home located on Ridgeway Road in District One.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

FLU07-005

REZ07-009

Existing Land Use Map: A (Agricultural)

Proposed Land Use Map: PI (Public/Institutional)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: OI (Office-Institutional)

Watershed: South River

Location: Brown Bridge Road (South Side)

728.38 Feet of Frontage

Roberts Road (West Side)

302.37 Feet of Frontage

Parcel Size: 1.917 Acres

Tax Parcel: 14.98

District Two

Petitioner: Martha Hiller

- Child care provider
- Putting in decel and accel lane
- Revised plan
- Brown Bridge Road becoming commercial very rapidly.

Commissioner Simmons

- Received site plan on June 21st

Commissioner Henderson

- Suggested request be sent back to P&D to revisit revised site plan.

Opposition

Reuben Miller

Carolyn Sullivan (resident for over 27 years.)

Angela Miller

Scott Miller

Rudy Miller

- Many Roberts Road residents are here tonight to oppose this (stand up).
- Concerned about traffic

- Residential subdivision – not for businesses.
- Echoes keep it neighborhood and not co-exist or co-mingle with businesses.
- Negative impact on families
- Glynsshire will also be affected.
- Traffic and accidents
- 10 day care centers within a 5-mile radius
- Neighborhood does not need this...please deny.

Motion: To remand back to the Planning Commission to review revised site plan from petitioner.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Denied with Commissioners' Ewing, Fleming, and Laster voting in opposition to the motion.

Motion: To deny FLU07-005.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried 3 to 2 with Commissioner Ewing voting in favor of the motion and Commissioners' Simmons and Henderson voting in opposition to the motion.

Motion: To deny REZ07-009 located on Brown Bridge Road, Tax Parcel 14.98.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried 3 to 2 with Commissioner Ewing voting in favor of the motion and Commissioners' Simmons and Henderson voting in opposition to the motion.

REZ07-011

Existing Land Use Map: RR (Rural Residential)

Existing Zoning: AR (Agricultural)

Proposed Zoning: RE (Rural Estate)

Watershed: Bear Creek

Location: Bear Creek Trail (North Side)

430.33 Feet of Frontage

Parcel Size: 10.9 Acres

Tax Parcel: 119.11

District One

Petitioner: Angela Bunn

- Separate land to give to daughter and husband to build a home on

No opposition

Motion: To uphold the Planning Commission's recommendation and approve REZ07-011 for one additional home on property with the following conditions as read aloud by Commissioner Ewing.

It should be approved RE (Rural Estate) 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. (one new unit and one existing unit) on the total 10.9 acre property.

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 April 11, 2007. 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.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

FLU07-006

REZ07-012

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: LDR (Low Density Residential)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: R1 (Single Family Residential)

Watershed: South River

Location: Rocky Plains Road (South Side)

278.71 Feet of Frontage

Parcel Size: 15 Acres

Tax Parcel: 32-16A

District One

Petitioner: Michael Fogarty

- To develop a 20-lot residential subdivision
- 1.33 lots per acre
- Similar to other subdivisions in area
- Will conform to recommendations of planning staff
- Constitutes a reasonable zoning
- Presented letter of additional considerations that Mr. Fogarty spoke from at the meeting stating denial of his request would be unconstitutional. Letter a part of these minutes.

No Opposition

Commissioner Ewing

- Noted that petitioner had come to P&D Board a year or so ago and was turned down by them as well as this board.
- Turned down again in May by P&D Board
- Met with petitioner yesterday

Motion: To uphold the recommendation of the Planning Commission and deny FLU07-006.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster District Five

Motion Carried with Commissioner Fleming voting in favor of the motion, with Commissioner Simmons voting against the motion and Commissioner Henderson abstaining from the vote.

Motion: To uphold the recommendation of the Planning Commission and deny REZ07-012 for a zoning change, located on Rocky Plains Road, Tax Parcel 32-16A.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster District Five

Motion Carried with Commissioner Fleming voting in favor of the motion, with Commissioner Simmons voting against the motion and Commissioner Henderson abstaining from the vote.

REZ07-014

Existing Land Use Map: DN (Development Node)

Existing Zoning: OI (Office Institutional) REZ06-040

Proposed Zoning: CN (Neighborhood Commercial)

Watershed: South River

Location: Georgia Highway 212 (North Side)

725 Feet of Frontage

GA Hwy. 20 (West Side)

195 Feet of Frontage

Parcel Size: 1.4 Acres

Tax Parcel: 7A-63

District Two

Petitioner: Robert J. Groote, Rockdale Health Systems, Inc.

- To restore original CN zoning which was inadvertently changed to OI pursuant to REZ06-040.

No opposition

Motion: To uphold the Planning Commissions recommendation to approve REZ07-014 with the following conditions:

It should be approved CN (Neighborhood 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. Uses permitted in the CN (Neighborhood Commercial District)

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

MOD07-006

Proposal: Removal of all conditions of zoning

Existing Zoning: M1 (Light Industrial) Approved August 20, 2002

Location: Marble Drive (West Side)

322.33 Feet of Frontage

Parcel Size: 4.5 Acres

Tax Parcel: 42.152

District Four

Petitioner: Chester Clay (D&D Enterprises, Inc.)

John Small (D&D Enterprises, Inc.)

- To relocate operations (truck stop, parking, dispatch) to subject site.

Commissioner Henderson

- Questioned the number of trucks to be serviced? 8 trucks, but not all at same time.

Commissioner Simmons

- Will this number increase on demand? Yes

Commissioner Ewing

- Questioned Director Eisenberg about conditions i.e. 8-foot vegetative buffer? Petitioner is requesting those be removed.
- Same Marble Drive this board denied a request for earlier in residential area? Yes

Commissioner Henderson

- Road is already beat up...improvements when? Chairman noted they are working to improve road in future.

Opposition
Jean Shapley
Vivian Harris
Claude Sitton

- Traffic
- Live in Victoria Station – please deny.
- Same page – different players.
- 1500 homes on Cook Road
- Industrial going up there
- Roads are already bad enough
- 3000 new vehicles going down road with new subdivisions
- Concerned for children
- Advertisement said it would be a tractor trailer operation – now wrecker operation

Chairman Varner

- Raises same concerns as previous request (LaFarge)

Rebuttal

Dennis (D&D)

- Trucks already exist
- We want to service them

Chester Clegg

- Zoned M-1
- Doesn't feel it would adversely affect community

Commissioner Henderson

- Honor to represent the citizens of Oxford and Cook Road area.
- Always desires to know what the citizens want and what is going on...please let me know.

Motion: To deny MOD07-006 located on Marble Drive.

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

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

Motion Carried

Alcohol License:

Final Reading

Rocky Plains Grocery Store

2310 Hwy. 212

Covington, Georgia 30016

Owner: Farid Bhamani (100%)

District One

Motion: To approve the Alcohol License request for Rocky Plains Grocery Store located at 2310 Highway 212, Covington, Georgia 30016.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

First Reading

Kroger Store #436
5341 Hwy. 20 South
Covington, Georgia 30016
Owner: Kroger Company
District Two

COUNTY CHECKS:

Motion: To approve the county checks as read by the chairman.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

EXECUTIVE SESSION

Time: 10:00 P.M.

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

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

REGULAR SESSION

Time: 11:05 P.M.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

ADJOURNMENT

Time: 11:06 P.M.

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith, County Clerk

Aaron Varner, Chairman

