

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
REGULAR MEETING
May 20, 2014

MINUTES

Present: Chairman Keith Ellis, Commissioners John Douglas, Lanier Sims, J.C. Henderson, Levie Maddox; Assistant County Manager Tom Garrett, County Attorney Tommy Craig, Attorney Jenny Carter, & Clerk Jackie Smith
Absent: Commissioner Nancy Schulz – Out of town
County Manager John Middleton - ill
Newspaper: Covington News, Newton Citizen
Large group of citizens

Chairman Ellis called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Todd Hilton, Mansfield United Methodist Church, and the Pledge of Allegiance was led by Nan Morales, Executive Producer of Selma Productions

CHAIRMAN'S COMMENTS

- Made brief comments about the PowerPoint presentation.
- Presentation attached and made part of these minutes.
- Announced Brick Store Overlay meeting May 21st @ 6:30 pm – GPC College
- Updating the SPLOST Vehicle Committee soon – needs a couple of replacements to this committee.

CITIZEN COMMENTS (3 minutes each)

Chairman Ellis opened the citizen comment portion of the meeting and asked anyone who would like to speak to come forward.

Dennis Taylor, North Newton

- Suggested that tutoring and children activities be offered throughout the county and not just in the fourth district.

Hoke Thomas, South Newton

- Concerned about a road in Newton County that was closed is now owned by Henry County.
- Thought that he and his brother (now deceased) were given the road by the NCBOC.

Chairman Ellis closed citizen comments portion of the meeting.

OLD BUSINESS:

Case Number: APP14-000006

Name: Troy Bledsoe, Planning Commissioner District One

Original Case Number: VAR13-000149

Name of Applicant: Liberty Marts LLC

Address of Property: 387 Highway 11

Tax Parcel: 112-116A

District One

Tabled 60 days (May 20th BOC Meeting)

County Attorney Tommy Craig advised the board that an agreement had been reached between Mr. Bledsoe and Mr. Price (Liberty Marts, LLC) regarding appeal APP14-000006. He presented a proposed resolution for their approval.

- Applicant (Liberty Marts, LLC) agreed to acquire, within 18 months from date of agreement, adjacent property to meet the impervious surface requirements of the county zoning ordinance.
- Presented proposed resolution R052014 and Exhibit A – Settlement Agreement between Troy Bledsoe and Liberty Marts, LLC to the board for their consideration.
- Resolution and Exhibit A is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Sims, to approve Case Number APP14-000006 and Resolution R052014a regarding Liberty Marts, LLC located at 387 Highway 11, as presented by the county attorney.

Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF MINUTES DATED MAY 6, 2014

Motion by Commissioner Henderson, second by Commissioner Maddox, to approve the minutes dated May 6, 2014 as presented.

Motion carried unanimously (4-0)

COUNTY CLERK: APPROVAL OF ES MINUTES DATED MAY 6, 2014

Motion by Commissioner Sims, second by Commissioner Maddox, to approve the executive session minutes dated May 6, 2014 as presented.

Motion carried unanimously (4-0)

SUPERIOR COURT: PERMISSION TO APPLY FOR A FEDERAL DRUG COURT GRANT

Drug Court coordinator Wes Long appeared before the board seeking approval to apply for a federal grant.

- Housekeeping issue
- Information is attached and made part of these minutes.

Motion by Commissioner Sims, second by Commissioner Maddox, to approve the request to apply for a federal drug court grant by Superior Court as presented by Drug Court Coordinator Wes Long.

Motion carried unanimously (4-0)

EMA: MOU BETWEEN STATE OF GEORGIA (GEMA) & NCBOC

EMA Deputy Director Jody Nolan appeared before the board to present this request.

- Housekeeping issue
- Allows Newton County to house hurricane victims traveling I-20 away from the storm.
- 100% funded by GEMA
- MOU is attached and made part of these minutes.

Motion by Commissioner Douglas, second by Commissioner Sims, to approve the Memorandum of Understanding (MOU) between the State of Georgia (GEMA) and the Newton County Board of Commissioners as presented.

Motion carried unanimously (4-0)

MIRACLE FIELD: APPROVAL OF RESURFACING CONTRACT W/A-TURF

Assistant County Manager Tom Garrett presented this request to the board for approval.

- Briefly went over contract (received 2 bids, but only one was qualified)
- 501c3 will pick-up the additional \$12,486.30 needed for project.
- City of Covington has a \$100,000 match so money has to be shown that was spent on the Miracle Field.
- Contract is attached and made part of these minutes.

Motion by Commissioner Sims, second by Commissioner Henderson, to award the resurfacing contract for the Miracle Field to A-Turf, Incorporated for a not to exceed amount of \$112,486.30.

Motion carried unanimously (4-0)

ORDINANCE: O-052014 – AMENDMENTS REGARDING GROUP RESIDENCE

Attorney Jenny Carter provided a presentation on the proposed changes to the Newton County Zoning Ordinance regarding “Group Residence” for board action.

- Investigated the compatibility of larger homes in residential areas.
- According to census records (2012) the average household size in county: 2.93
- Smaller PCH may be suitable in residential zoning districts that are similar in size to average households.
- Number of residents: 4 permitted
- Will require a resident manager
- Ordinance O-052014 is attached and made part of these minutes.

Chairman Ellis opened the public hearing and asked anyone who would like to speak to come forward.

Opposition

Mr.

- Stated that downsizing group homes to a smaller number makes it hard for a business to continue financially.
- Voiced his concern that a lot of youth are being placed in an environment that is not conducive to “home-style” life that they are trying to keep in the community.

There being no further speakers Chairman Elis closed the public hearing.

Motion by Commissioner Maddox, second by Commissioner Henderson, to adopt Ordinance O-052014 – Amendments to the Newton County Zoning Ordinance regarding Group Residence.

Motion carried unanimously (4-0)

FIRE SERVICES: FIRE DEPARTMENT OVERVIEW & REORGANIZATION

Fire Chief Kevin O’Brien appeared before the board and provided a brief summary of a 5-year Strategic Plan for Newton County Fire Services.

- Summary is attached and made part of these minutes
- Presented a Memorandum of Fire Protection Agreement seeking board approval to use/execute between all Volunteer Fire Departments and NCBOC.
- MOA has not been updated since 1987.
- Copy of MOA is attached and made part of these minutes.
- Volunteer Stations are owned by individuals or a church.
- Newton County owns the equipment, apparatus, we pay the insurance, maintenance and operations, but we don’t own the buildings.

Motion by Commissioner Maddox, second by Commissioner Henderson, to approve the Memorandum of Understanding (MOU) - Fire Protection Agreement as presented by Chief O’Brien.

Motion carried unanimously (4-0)

NEWTON ADMINISTRATIVE: NEWTON 457(B) RESOLUTION (3-6-14) **NEWTON ADMINISTRATIVE: NEWTON ADMINISTRATIVE SERVICES AGREEMENT (3-16-14)**

NEWTON 457(B) ADOPTION AGREEMENT (3-16-14)

NEWTON 457(5) PLAN DOCUMENT (3-6-14)

Assistant County Manager Tom Garrett presented this request to the board for approval.

- Housekeeping issue that was previously approved by BOC in March.
- Reviewed by the county attorney’s office.
- Information is attached and made part of these minutes.

Motion by Commissioner Maddox, second by Commissioner Henderson, to approve the Administrative Agreement between Newton County and Association County Commissioners of Georgia and Defined Contribution Plan Program Board of Trustees for

Administration of the ACCG 457(b) Deferred Compensation and/or the ACCG 401(a) Defined Contribution Plans as presented by Mr. Garrett.
Motion carried unanimously (4-0)

R052014 – SALEM OVERLAY USE MORATORIUM EXTENSION

Attorney Jenny Carter appeared before the board and provided a presentation on the proposed resolution.

- April 1, 2014 BOC issued a moratorium on CUP within the Salem Overlay
- Current moratorium expires on May 31, 2014.
- Requesting a 60-day extension of the Salem Overlay Use Moratorium
- Resolution R052014 – Salem Overlay Use Moratorium Extension is attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Maddox, to approve Resolution R052014 – To extend the Salem Overlay Use Moratorium for 60 days.

Motion carried unanimously (4-0)

7:30 PM

ZONING

Public Hearing

Chairman Ellis noted the following:

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes is allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by the commission members.

Development Services Judy Johnson sounded the zoning requests.

CASE NUMBER: REZ13-000153

Existing Land Use Map: Development Node

Proposed Land Use Map: N/A

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: CG (General Commercial)

Watershed: Bear Creek

Location: 12821 Hwy. 278 (North Side)

Hwy. 11 South (East Side)

500 Feet of Frontage along Hwy. 11

Parcel Size: 5.9 acres of a 42.75 acre tract

Tax Parcel: 112.23

Owner: Genia Stanton

Applicant's Intent: To create two (2) commercial tracts with immediate plans to develop a Dollar General on Tract 1.

Planning Commission Recommendation: Approval w/added conditions (March 25, 2014)
District One

Opposition: None

Motion by Commissioner Douglas, second by Commissioner Sims, to approve REZ13-000153 and change the zoning from AR (Agricultural Residential) to CG (General Commercial) as annotated.

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 for Tract 1 of 5,200 gross square feet per acre zoned or a total of 9,100 square feet, whichever is less; and a maximum density for Tract 2 of 2891.6 gross square feet per acre zoned or a total of 12,000 square feet, whichever is less.
 - b. The following uses shall be prohibited:
 - (1) Amphitheatres, Stadiums
 - (2) Animal Hospitals, Vet Clinics
 - (3) Auto Repair, Automobile Dealership/Sales (Except minor repair such as lube change and auto parts retail may be allowed.)*
 - (4) Bar, Night Club
 - (5) Auto Service Station
 - (6) Campground, RV Park
 - (7) Private Club, Order, Lodge
 - (8) Electric Station; Gas Pumps (Except gas pumps related to Convenience store is allowed)*
 - (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 (Except neighborhood dry cleaning is allowed)*
 - (19) Light Manufacturing
 - (20) Commercial Outdoor Recreational Facilities
 - (21) Private Recreation Center or Club
 - (22) Temporary Religious Meeting
 - (23) Sawmill, Planing Mill
 - (24) Mini-Warehouses
 - (25) Tattoo Parlors
 - (26) Adult Entertainment
 - (27) No 24-hr businesses
 - (28) Pawn Shop, including Title Loan businesses

2. To the owner's agreement to abide by the following:
 - a. To the legal description received December 6, 2013, and the revised site plan received January 24, 2014 by the Department of Planning and Development. 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 for both Tract 1 and 2 unless otherwise noted:
 - a. Provide a proper ingress and egress to the site as required GaDOT.
 - b. Stormwater plan to be reviewed and approved by the Newton County Transportation Department.
 - c. Provide access and 30' access easements to all adjoining properties.
 - d. Provide downcast lighting.
 - e. Comply with all applicable standards of section 435-040 of the Zoning Ordinance (Rural Village Overlay) or Brick Store Overlay if in effect at the time of development.
 - f. Comply with all conditions of VAR13-000152:
 - (1) Variance is tied to approval of REZ13-000153, specifically Tract #1.
 - (2) Development must provide a minimum of 30 parking spaces.
 - (3) Must provide sidewalks and a landscaping plan
 - g. Provide gooseneck accent lighting for the sign. Sign shall not be internally illuminated
 - h. Wall sign shall be channel lettering
 - i. The ground sign shall be monument style
 - j. Landscape Plan to be approved by the Newton County Landscape Architect will be implemented and maintained. Landscaping plan shall include landscaping around the perimeter of the detention pond to help screen the detention pond from the road. If a fence around the detention is required, green vinyl coating shall be used to blend in with the landscaping, and all landscaping shall be placed on the exterior of the fence.
 - k. Provide downward, box lighting.
 - l. The buildings will be 4-sided brick with false shutters and will have a peaked parapet similar to the Historic Brick Store. The brick color and bond style will emulate the actual Brick Store historic building.

(1) Building rendering must be approved by Development services prior to the issuance of a building permit.

- m. Impervious setback for the property will be 150 feet from ROW. In order to accommodate the additional setback, and with the permission of the adjoining landowner who also owns the subject property, the septic tank drain field may encroach into the 75' buffer adjacent to the AR property to the minimum extent necessary to provide the additional front setback.

Motion carried unanimously (4-0)

CASE NUMBER: CUP14-000008

Proposed Use: Personal Care Home

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: 110 Roberts Road (West Side)

160 Feet of Frontage

Parcel Size: 1.36 acres

Tax Parcel: 14-94A

Owner: Leroy Mack

Applicant's Intent: To operate a Personal Care Home with up to 6 persons (5 residents and 1 resident manager)

Planning Commission Recommendation: Denial (March 25, 2014)

District Two

Applicant: Absent

Opposition:

William Camp

35 Roberts Road

- Dead-end street
- Concerned, if request is approved, it would open the door to other businesses to come into the area.
- Request that it remain residential

Scott Miller

95 Roberts Road

- Presented slide show of area
- Would like for road to remain residential

Motion by Commissioner Sims, second by Commissioner Maddox, to deny CUP14-000008 – Conditional Use Permit for a personal care home based on the following criteria contained in Section 620-060(B) of the Newton County Zoning Ordinance:

- Incompatibility with adjacent properties and with other properties in the same and adjoining zoning districts.
- Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and

automotive safety, traffic flow and control, and access in the event of fire or other emergency.

Motion carried unanimously (4-0)

CASE NUMBER: CUP14-000021

Proposed Use: Operation of a title loan business in Tier 3 of the Salem Overlay

Existing Zoning: CG- General Commercial (Salem Overlay Tier 3)

Watershed: South River

Location: 13015 Brown Bridge Road, Suite 300 (South Side)

Salem Road (West Side)

Parcel Size: 12.8 acres

Tax Parcel: 13.124

Owner: BRE Tarpon Salem Road Station LLC

Petitioner: Andre' Merkerson, Title Match USA

Applicant's Intent: To operate a Title Loan Business

Planning Commission Recommendation: Approval w/amended conditions (April 22, 2014)

District Two

Applicant: Andre' Merkerson

- Wants to open a Title Loan Business
- Location: Public Shopping Center
- No vehicles will ever be stored on property.
- Ample customer parking space.
- Provides a short term solution to a client's problem on the west side of the county.
- There will not be any exterior work on the building.
- Hours of Operation: Monday – Friday 9 am - 6 pm; Saturday 9 am - 6 pm; closed on Sunday.

Opposition:

Thomas Buckner

- Does not think the business is needed in area.

Motion by Commissioner Sims, second by Commissioner Maddox, to approve CUP14-000021 – Conditional Use Permit to operate a Title Loan Business in Tier 3 of the Salem Overlay with the following conditions:

To the owner's agreement to abide by the following development standards:

- a. The Conditional Use approval is specific to a Title Loan Business. Any change of use or expansion would require a zoning review for compliance to the Newton County Zoning Ordinance.
- b. No storage of automobiles may occur on the property.
- c. All signs must meet the requirements under Section 460-050 P. of the Zoning Ordinance prior to issuance of a sign permit.
- d. For any structural modifications to the building, the applicant must obtain

a permit from the office of Development and must comply with all the provisions of the Salem Overlay.

- e. Hours of Operation shall be : Monday – Friday 9 am - 6 pm
Saturday 9 am - 6 pm

Motion carried 3 – 2 with Commissioners Douglas and Henderson voting in opposition to the motion and with Chairman Ellis breaking the tie and voting in favor of the motion.

CASE NUMBER: REZ14-000018

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: N/A

Existing Zoning: A (Agricultural)

Proposed Zoning: RE (Rural Estate)

Watershed: Yellow River

Location: Gum Creek Road (West Side)

616.25 Feet of Frontage (North Side)

871.48 Feet of Frontage

Parcel Size: 2 acres (Portion of 17.208 acres)

Tax Parcel: 39-115E

Owner: Chessie and Martha Brooking

Applicant's Intent: To rezone one 2 acre lot from existing 17.208 acre property for a family member to build a house.

Planning Commission Recommendation: Approval w/staff's recommended conditions (April 22, 2014)

District Three

Owner: Chessie Brooking

- Wants to build a house for his grandson.

Opposition: None

Motion by Commissioner Sims, second by Commissioner Douglas, to approve REZ14-000018 and change the zoning from A (Agricultural) to RE (Rural Estate) with the following conditions:

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 2.0 acres.
 - c. 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 5, 2014. 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.

Motion carried unanimously (4-0)

ALCOHOL LICENSE:

Final Reading

Pony Express Chevron
1820 Hwy. 11
Covington, GA 30014
Owner: Pony Express Development, LLC
District One

Motion by Commissioner Sims, second by Commissioner Maddox, to approve the alcohol license for Pony Express Chevron located at 1820 Hwy. 11, Covington, GA as requested.

Motion carried 3-0 with 1 abstention (Commissioner Douglas)

Final Reading

Brown Bridge Shell
14656 Brown Bridge Road
Covington, GA 30016
Owner: Petro South, Inc.
District Two

Motion by Commissioner Sims, second by Commissioner Maddox, to approve the alcohol license for Brown Bridge Shell located at 14656 Brown Bridge Road, Covington, GA as requested.

Motion carried unanimously (4-0)

First Reading

Note: The alcohol license request was read aloud by Chairman Ellis. Final reading will be June 3, 2014 for board action.

Pure Happy Mart
1313 Hwy. 11 North
Social Circle, GA 30025
Owner: Amirali Babwani
District One

COMMISSIONER'S COMMENTS

Commissioner Henderson

- A district four block party was held last Saturday - sponsored by the First Baptist Church
- Great attendance and great fun and games for all.

Commissioner Sims

- Car Show rained out, but was able to spend some "personal time" with Brayden Eavenson, son of our fallen firefighter Brad Eavenson.
- Presented Brayden a bronze plaque and a blanket for his grandmother.
- Appreciate everyone's efforts for this event.

Commissioner Douglas

- Expressed appreciation to everyone who has participated in the Brick Store Overlay.

EXECUTIVE SESSION

Time: 8:25 p.m.

Motion by Commissioner Sims, second by Commissioner Maddox, to enter into executive session for the purpose of land acquisition and pending litigation.

Motion carried unanimously (4-0)

Motion by Commissioner Maddox, second by Commissioner Douglas, to enter into regular session and adjourn the meeting @ 8:40 p.m.

Motion carried unanimously (4-0)

Respectfully submitted,

Jackie B. Smith, County Clerk

William K. Ellis, Chairman