

## **NEWTON COUNTY BOARD OF COMMISSIONERS**

### **MINUTES**

#### **Newton County Jury Impaneling Room**

**Tuesday, August 21, 2001**

**Chairman Aaron Varner presiding**

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, J.C. Henderson, Billy Strickland, Administrative Assistant John Middleton, Zoning Director Shawanna Qwaiy, Attorney Tommy Craig, Attorney Jenny Carter and Clerk Jackie Smith

**Also present:** - Cindy Tumlin-Covington News  
Large group of citizens.

**Call To Order:** Chairman Varner extended welcome and read thought for the day.

**Invocation:** Rev. Stanley Young, East Newton Baptist Church

**Pledge of Allegiance:** Led by Chairman Varner

Chairman Varner extended apologies to anyone who came to the meeting regarding the Rural Village Overlay Ordinance as this was removed from the agenda. He stated after further discussion it was decided to hold another a public hearing regarding the revisions made to this ordinance. The county attorney's office will advertise the revisions in the paper with the date of the public hearing.

### **APPROVAL OF MINUTES/DATED AUGUST 7, 2001**

**Motion:** To approve the minutes as written.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

### **NEWTON COUNTY SIGN ORDINANCE DISCUSSION**

It was a consensus of the board to have another work session to discuss the sign ordinance. Commissioner Ewing asked the board to consider a moratorium since there could

be a delay in taking action. The county attorney's office will prepare a moratorium for consideration and approval at next regular board meeting.

## **TOWN OF NEWBORN – JOINT RESOLUTION RE: CODE ENFORCEMENT**

Chairman Varner apprised the board that he had spoken with Zoning Director Randy Vinson who stated that the county is not providing this assistance to Newborn currently and voiced concern that we might be setting a precedent if we provide this service. Commissioner Ewing suggested that board invite Ms. Chamberlain and others from Newborn to a work session for further information and discussion.

**Motion:** To table for work session discussion.

**Proposed by:** Commissioner Mort Ewing, District One

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

**Motion Carried**

## **ACCESS TO NEWTONSBORO ROAD CHURCH**

Chairman Varner provided pictures regarding access to Newtonsboro Road (attached and made part of these minutes).

Concerns:

- Easement to property on backside
- Newtonsboro Road, which goes up to the reservoir, has limited access to it.
- Gates locked from 7:00p.m. to 7:00 a.m. in the winter and from 9:00 p.m. to 7:00a.m. in the summer.
- Road basically a trail
- Liability on county's part
- Concerned access road cannot carry increase of traffic.

Attorney Jimmy Alexander represented home owners in the area and stated that a Conditional Use Permit requires that a church be located on an arterial public road. The ordinance was created to make sure churches had excellent road access.

Rev. Cooksey addressed the board and expressed their desire to improve to the community. He stated the church began with about 25 people and the building will hold 300. They would like to have access on Sunday mornings and Wednesday nights. He commented that he did not feel security should be an issue. He suggested allowing them to have a key to the gate, should gates be locked. He stated he appreciated their consideration of this request.

After further conversation it was decided to table the issue and discuss further

**Motion:** To table request for further information on issue.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Ronnie Dimsdale, District Two

**Motion Carried**

## **FEASIBILITY STUDY & INTERCHANGE JUSTIFICATION REPORT PROPOSAL**

Chairman stated this was discussed at previous work session. The total cost is \$70,000 for both, however if we decide not to go further after the Feasibility Study it will cost \$40,000. Commissioner Dimsdale gave a synopsis of project. He stated this regards a redundant route along Salem Road from Brown Bridge Road to I-20. This will help us determine if we can provide more than one route to I-20. Also, it would cover the loop around Covington, Crowell Road over to I-20. By-pass where it ends at GA 81 and take it to a proposed new interchange off the access road. The DOT has indicated that we have to first have a Feasibility Study and then a Justification Report. We simply need to find out if it is feasible and justifiable. It will benefit so many people if this can be done. Money is available and will come out of the Public Works budget.

**Motion:** To approve Moreland Altobelli Associates, Incorporated to provide Feasibility Study with a cost not to exceed \$40,000 and if project is feasible through that study, then we provide \$30,000 for Justification Report.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Ester Fleming, District Three

**Motion Carried**

## **PURCHASING 2000 DELINQUENT FI-FA TAXES**

Chairman stated this, too, was discussed at work session. Suggested that Tax Commissioner handle this situation, but we want to acknowledge to Commissioner Dingler that we disapprove of this sale.

**Motion:** To deny request to sell the FI-FA.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Ester Fleming, District Three

**Motion Carried**

## **APPOINTMENT TO PLANNING COMMISSION – DISTRICT THREE**

Commissioner Fleming expressed appreciation for Mike Smith's service on this board and apprised the board that Mike was resigning due to the fact his job was requiring more and more of his time. He then presented Ms. Allene Burton's name for appointment to this board. He commended Ms. Burton for her many years of service to people and felt she we be a tremendous asset to the Planning Commission. The board unanimously approved her appointment.

**Motion:** To appoint Allene Burton to serve the unexpired term of Mike Smith on the Newton County Planning Commission. Term will expire December 31, 2001.

**Proposed by:** Commissioner Ester Fleming, District Three

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

**Motion Carried**

## **AWARD BID FOR HYDROSEEDER FOR PUBLIC WORKS & LANDFILL**

Chairman stated that this is much needed equipment that our Road Department and Landfill can utilize. We received three bids and three demonstrations. Recommendation from chairman is to go with Hydroseeder from Bowie. It is covered in budget.

**Motion:** To approve the purchase of a Hydroseeder from Bowie, not to exceed the cost of \$22,765.01.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Billy Strickland, District Five

**Motion Carried**

## **AWARD BID FOR TRACTORS – PUBLIC WORKS DEPARTMENT**

Chairman stated Road Department is in dire need of these tractors. This, too, is provided for in the budget. Road Department has requested the John Deere and we feel that they will hold up better. Chairman said we have purchased tractors locally, but we have had some trouble with clutch and brakes on those tractors.

**Motion:** To approve the purchase of two (2) John Deere Tractors not to exceed the price of \$24,300.00 each from Greenfield Equipment Company.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Billy Strickland, District Five

**Motion Carried with Commissioner Henderson abstained**

## **ZONINGS**

Chairman Varner explained that ten minutes would be given to the petitioner as well as those in opposition of the zoning to speak to the board. He explained that questions by the board would be beyond the ten-minute allotment.

Zoning Administrator Shawanna Qwaiy presented the following zonings:

### **ROBERT JOHNSON** **CHRISTIAN CIRCLE** **COVINGTON, GEORGIA**

**Current Zoning:** R-1 Single Family Residential

**Proposed Zoning:** Conditional Use

**Property:** 8.01 acres

**Staff Recommendation:** The staff recommends approving the conditional use request. The petitioner must comply with the place of worship section in the Newton County Zoning Ordinance.

**Planning Commission Recommendation:** Approved

**Purpose:** Conditional Use request for a place of worship.

**Background:** The petitioner is requesting to construct a place of worship on Christian Circle. Surrounding property zoning is R-1, Single Family Residential. A place of worship is allowed under the approval of a conditional use permit. According to the petitioner, the property is located in the vicinity of other churches. Due to the fact that church worship services are on Wednesdays and on Sundays, the petitioner states there would not be adverse traffic conditions.

**Petitioner Representative:** Mike Crotts

- times the amount of property required for churches
- worthwhile project for area
- fits well in area

**Opposition:**

Mr. Steve Burson  
1825 Christian Circle

- traffic concerns
- presented petition of opposition (made part of these minutes)

After discussion regarding lighting not being invasive/intrusive to the neighborhood (ex-ample ball-fields with lights, etc.) Commissioner Dimsdale verified lighting is covered in ordinance and duly made motion to approve.

**Motion:** To approve conditional use permit as requested.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

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

**Motion Carried**

## **RONNIE HUGGINS**

### **NW CORNER OF STATE HWY. 81 & OAKHILL ROAD**

**Current Zoning:** A-R Agricultural Residential

**Proposed Zoning:** C-N Neighborhood Commercial

**Property:** 6.14 acres

**Staff Recommendation:** The staff recommends approving the rezoning request with the stipulation to comply with residential property abutting commercial property with buffer requirements. Constructing access driveways with sidewalks into Oakhill Subdivision; Landscaping and site plans must meet staff approval; Exterior lighting must be pedestrian oriented, fully shielded and meet staff approval.

**Planning Commission Recommendation: Approved with staff recommendations and construction be consistent with neighborhood; brick, or masonry 3-sided; Keep 50' vegetation buffer (no fence); make application to DOT for curb cut.**

**Purpose:** To rezone residential from agricultural residential to neighborhood commercial.

**Background:** The petitioner is requesting to have the property rezoned. It's an outparcel that was not rezoned at a rezoning request by the Board of Commissioners on October 5, 1999. According to the minutes from that meeting, the final recommendation was to approve the petition with the recommendation of the Planning Commission except for #3 regarding widths of sidewalks. (Currently the Newton County Planning and Zoning Department and the Planning and Zoning Commission require 4 feet sidewalks on both sides of the street. It is part of a larger tract containing 152 acres. According to the petitioner 146 acres was rezoned R-1, pertaining to the minutest, the petitioner rezoned 152 acres to R-1 according to the petitioner, it was understood that at the time of the 1999 rezoning

that the petitioner was excluding this proposed outparcel to reserve it for future commercial use. Number 4 of the Board of Commissioners minutes state “that a 50; row be left to access approximately 6 acres left at A-R, but planned for future commercial uses. The future land use map designates this area as agricultural. The petitioner has not submitted to staff any potential site plan for possible development of this commercial area. Surrounding property zoning to this out parcel is north and east is R-1, south is R-1 and C-C/C-N (across the street).

**Petitioner:** Representative Attorney Dan Greer

- Site plan presented
- Property is no longer suitable for A-R purposes due to its size, location and the transition of the area from rural to suburban in character.
- Understood when first rezoned in 1999 that this parcel would be presented for rezoning as CN.
- Developer has a 130-lot subdivision adjacent to area.
- Developer intentionally left his strip on Hwy. 81 when previous zoning was requested on October 5, 1999. (minutes attached)
- No one really wants a house fronting Hwy. 81
- Zoning has developed a pattern in area that is not consistent with present Future Land Use Plan.
- This would promote village concept.
- Brick or masonry on three (3) sides.
- Pitch roof (if requested)
- Developer has vested interest.
- Buffer area will be in rear of property.
- Sidewalks: 4 feet on 1 side or 3 feet on both sides.

**Discussion by board:**

- Sidewalks: yes- width: 4 feet on one side or 3 feet on both sides.
- Rationale for staff approval since it does not comply with Future Land Use Plan? Staff stated that we have areas where it makes sense that these types of commercial uses are in walking distance to surrounding developments. This is that type of development.
- Does 50 foot buffer encompass entire area? Ans. Buffer will be in rear. No buffer will be on Hwy. 81. Three (3) sides will be buffered. Area between the neighborhood commercial and the residential area.
- Has DOT looked at it? Developer said DOT has not looked at it, but he must and will abide by all DOT requirements.

- Question about sidewalks? Developer said sidewalks from rear of subdivision to commercial development would access everything.
- Staff must approve site plan.
- Voiced concern again about out-parcels being left from developments and wants to discourage such.

**Opposition:** None

**Motion:** To approve zoning petition with Planning Commission and Staff stipulations and conditions as presented.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Billy Strickland, District Five

**Motion Carried 4 to 1 with Commissioner Fleming in opposition.**

## **CONNIE TAYLOR**

### **5032 HWY. 20**

**Current Zoning:** R-40 Single Family

**Proposed Zoning:** C-G General Commercial

**Property:** 11 acres

**Staff Recommendation:** The staff recommends approving the rezoning request with the condition that the petitioner follows the requirements for the CG zoning and the buffer requirements for the district.

**Planning Commission Recommendation:** Approved with added condition of cross access on property and staff must approve site and landscape plan before construction starts.

**Purpose:** To rezone the property for commercial use.

**Background:** The petitioner is requesting to have 11 acres rezoned from R-1 Single family residential to General Commercial for commercial development. Surrounding property zoning are north, mobile home subdivision, east Rockdale County line, south general commercial and R-1 single family residential. The future land use map designates this area as commercial, so the rezoning request will be consistent. According to the petitioner the area is changing to a more commercial environment and the proposed use should act as an appropriate buffer between heavier industrial and residential districts. The petitioners are unaware of what they would like to develop on the property.

**Consistent with Land Use Map:** No

**Petitioner:** Representative Attorney Phil Shinall

- Presented Synopsis of request (made part of these minutes)
- Area no longer residential
- Mixture of CN in area
- Request is from R-1 to CG to permit the construction of small strip-type shopping.
- One of the last remaining unzoned parcels on the east side of GA 20 within the commercial node near Snapping Shoals/Kroger Center.
- Applicant has agreed with Planning Staff on deletion list for certain uses permitted in CG, all acceptable to both parties.
- Buffers are specified under ordinance; and will be fully complied with.

**Opposition:** None

Discussion:

- No site plan
- Concerned it is not in compliance with Future Land Use Plan
- List exclusions agreed upon:
  12. Amphitheater/Stadium Concert Hall
  13. Animal Hospital Vet Clinic
  17. Arcade, Game Room, Bowling, Billiard
  21. Auto Auction
  22. Auto Repair
  23. Auto Sales or Rental
  24. Auto Service Station
  29. Bar, Night Club
  30. Bed Breakfast
  36. Bus Terminal
  37. Campground Recreational Vehicle Park, Private
  38. Cemetery
  43. College, University
  53. Department Store
  56. Dry Cleaning Institutional
  60. Electric, Petroleum or Gas Substation
  64. Farm Equipment, Sales, Rental Repair
  65. General Farming
  68. Feed, Feed Store
  69. Flea Market
  73. Funeral Home
  80. Gun Smith Store
  84. Hotel/Motel
  95. Manufacturing Light

100. Manufactured Home, Sales, Rental, Repair

106. Museum

113. Parking lots, Garage

114. Pawn Shop

137. Sawmill, Planing Mill

143. Storage Yard, Lumber

154. Theater

155. Theater, Drive-In

- Understands nothing but neighborhood commercial has been zoned in that area since the Kroger Shopping Center.
- Snapping Shoals property made a commitment not to develop that area that comes out into Hwy. 20 and only would use it occasionally for employee traffic only.
- Concern that board is sending wrong signal in development.
- Concerned that a site plan was not presented.
- Skipping over quite a few residents if rezoned as CH.
- Concerned about sprawl.

**Motion:** To deny petition as requested.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second:** Commissioner Ester Fleming, District Three

**Motion carried with Commissioner Henderson in opposition to motion.**

## **JOHN D. PELTON**

### **NORTHWEST CORNER OF U.S. HWY. 278 & GOSHEN**

#### **WAY**

**Current Zoning:** A-Agricultural

**Proposed Zoning:** RE-2 Rural Estate

**Property:** 7 acres

**Staff Recommendation:** The staff recommends approving the rezoning request with the stipulation that construction is of two houses and that the petitioner comply with the RE-2 zoning requirements as stated in the Newton County Zoning Ordinance.

**Planning Commission Recommendation: Approved**

**Purpose:** To rezone to build two houses.

**Background:** The petitioner is rezoning 7 acres with the current zoning of A, which consist of a minimum of 10 acres to RE-2 with the minimum lot size being 2 acres. RE-2 districts are composed of areas having primarily a rural character, which will generally be maintained for some length of time. Surrounding zonings for this property is Agricultural. The future land use map designates this area as agricultural which is in compliance. On the western perimeter of this parcel of land is a development node. There would be

construction of no more than two single family residences and permitted accessory buildings. The property will front on both Highway 278 and Goshen Way. The construction of driveways will be off of Goshen Way if permitted, based on the placement of the houses.

**Petitioner:** Representative Attorney Dan Greer

- Complies with Future Land Use Map
- Staff and Planning Commission approved
- Driveway access can be on Hwy. 278

**Opposition:**

Larry Greer

- Goshen Way is a private drive
- Has paid for blacktop on drive
- Sign was put up so that 911 could find house if needed.
- Wife disabled

**Board discussion:**

- Concern about drive being private
- Understands petitioner will use Hwy. 278 for drive entrance.

**Motion:** Move for the adoption of request and for driveway entrance to be off Hwy. 278.

**Proposed by:** Commissioner Mort Ewing, District One

**Second:** Commissioner Billy Strickland, District Five

**Motion Carried**

## **WOODSOUTH**

### **EDWARDS ROAD; GUM CREEK ROAD**

**Current Zoning:** A-Agricultural

**Proposed Zoning:** A-R Agricultural Residential

**Property:** 313.24 acres

**Staff Recommendation:** The staff recommends approving the zoning request. The petitioner should comply with A-R zoning requirements and buffer requirements in the Newton County Zoning Ordinance.

**Planning Commission Recommendation:** **Approved**

**Purpose:** To rezone the property for the development of homes.

**Background:** The petitioner is requesting a rezoning from Agricultural which is composed of areas presently having a rural character and devoted primarily to farm operation

and having a minimum of 10 acres for development. A-R zoning which is composed of relatively large acreage with low-density development of single family dwellings, consisting of one- (1) acre lots with the community water and sewer, or community water and individual septic tank. 60,000 square feet lots are required when private well and individual septic tanks are required. Surrounding property zonings are north and south agricultural, east and west agricultural residential. The future land use map designates this area as low density residential, which is consistent with the Newton Country Comprehensive Plan. The development will consist of 114 lots with 1.5 to 5 acre lots.

**Petitioner:** Representative Attorney Jimmy Alexander

- Provided synopsis of project (made part of these minutes)
- good quality project
- Protective Covenants designed to insure that the development is similar in quality to Highlands of Haynes Creek, Highlands Plantation, Highland Meadows and River Cove Meadows will be placed on the property. Covenants will be at least as strict as those attached to the summary.
- Final design of the subdivision will be dependent on level III soil testing.
- Particular attention will be paid to buffers that are specified under ordinance, and will be fully complied with.
- Lot sizes under current plan range from 1 to 5 acres.
- Public water will be utilized
- Underground power lines.
- 114 lots
- Minimum square house size is 2200 feet

**Board discussion:**

- How many acres in flood plain? Attorney said less than 10% of property.
- Greenspace? Attorney said land has a lot of rock and water. Not sure how much greenspace will be available.

**Opposition:**

Jimmy Jones  
Jack Waldrop  
Melissa Whitmire

- Would like to see number of houses reduced
- Traffic Concerns
- Presently 142 houses, 284 cars
- Water issues
- Sewage issues

- Impact on swamp area
- Suggested call Corp of Engineers
- Density
- Noise
- Impact on wetlands and wildlife
- Not opposed to subdivision
- Acreage to small
- Protection for land area around creekbanks
- Concerned about tree removal
- Impact on well water

**Board discussion:**

- Wetlands will take care of themselves because developer must abide by the Clean Water Act.
- Planned Greenspace? Yes, but does not know how much at this time.
- No intention to go into wetland area.

**Motion:** To approve zoning request with staff recommendations including minimum 2200 square heated feet, and with understanding there is no intention to disturb wetland area, except permitted under nation wide permit. Also, underground utilities and covenants as stated by Attorney Alexander.

**Proposed by:** Commissioner Ester Fleming, District Three

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

**Motion Carried**

**STREET LIGHT PETITIONS: None**

**ALCOHOLIC BEVERAGE LICENSE: None**

**COUNTY CHECKS/APPROVAL:**

**Motion:**To approve county checks as submitted.

**Proposed by:**Commissioner Ester Fleming, District Three

**Second:**Commissioner Mort Ewing, District One

**Motion Carried**

**Citizens Comments (5 minutes or less)**

Attorney Tommy Craig apprised the board of a question presented to him and the Attorney General regarding how Work Sessions are being held and minutes kept on said work

sessions. He advised board and clerk that in the future written minutes should be kept and posted.

Attorney Tommy Craig announced the court's decision regarding Vertical Properties.

**Executive Session:**

**Motion:**To enter into Executive Session for the purpose of discussing possible litigation and personnel.

**Time:** 10:05 P.M.

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

**Second:** Commissioner Billy Strickland, District Five

**Motion Carried**

**Motion:**To enter into Regular Session.

**Time:** 11:30 P.M.

**Proposed by:** Commissioner Ester Fleming, District Three

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

**Motion to Adjourn**

**Time:** 11:35 P.M.

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

**Second:** Commissioner Mort Ewing, District One

**Motion Carried**

Respectfully Submitted,

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**Jackie B. Smith, Clerk**

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**R. Aaron Varner, Chairman**