

NEWTON COUNTY BOARD OF COMMISSIONERS

MINUTES

Newton County Jury Impaneling Room

Tuesday, July 16, 2002

Chairman Aaron Varner presiding

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, Billy Strickland, Administrative Assistant John Middleton, Attorney Tommy Craig, Clerk Jackie Smith

Also present: - Newton County Planner Lloyd Kerr
Nathan Cain, Covington News
Crystal Tatum, Newton Citizen
Large group of citizens.

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

Invocation: Rev. Cory Kloth, Trinity Presbyterian Church

Chairman Varner expressed appreciation to Rev. Kloth and the Trinity Presbyterian Church for their prayers and faithful service to the people of Newton County.

Pledge of Allegiance: Led by Chairman Varner

AMEND AGENDA

Chairman Varner requested that the board amend the agenda to discuss an increase in wholesale water rates and an update on LOST negotiations.

Motion: To amend the agenda as requested.

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

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

APPROVAL OF MINUTES DATED JUNE 18, 2002

Motion: To approve the minutes as written.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

APPROVAL OF WORK SESSION MINUTES DATED JULY 2, 2002

Motion: To approve minutes as written.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPROVAL OF MINUTES DATED JULY 2, 2002

Motion: To approve the minutes as written.

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

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

AMERICAN HEART ASSOCIATION (No Action Necessary)

Dwight Thomas (services this area) from the American Heart Association and Chief Latimer from the City of Atlanta Fire Department addressed the board. They provided information and showed a short, informative video regarding the results of early defibrillation. Mr. Thomas talked about four important steps to the chain of survival:

1. Early Access to care (911)
2. Early CPR
3. Early Defibrillation.
4. Early Advanced Care

Mr. Thomas said they would like to propose some type of system where an on-call volunteer fireman has access to a defibrillator at all times. They spoke of the importance of having a defibrillator at every station and would like to work with the board in accomplishing this.

- Commissioner Billy Strickland commented that he had been a direct recipient of emergency cardiac treatment, and expressed his deepest appreciation to the volunteers, fire service, medical department and EMT's. He offered his support of the program and willingness to help them anyway that he could.
- Chairman Varner expressed appreciation to the Heart Association and looks forward to working with them.

FORESTRY POSITION UPDATE – (No Action Necessary)

Chairman Varner said that Rockdale County will pay 1/3 of employee's salary. The dollar amount which Newton County previously budgeted will not change.

R071602 – CSBG GRANT FFY 2003

Chairman Varner told the board the grant is for Housing Assistance (DFACS), Energy Assistance (DFACS), and Meals on Wheels (Senior Services). The amount of the grant is \$118,560.00.

Motion: To approve Resolution R071602 CSBG Grant FFY2003.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPOINTMENT TO DFACS BOARD – DISTRICT FIVE

Commissioner Strickland expressed appreciation for the fine job that Benny Phillips has done on the DFACS Board. He said Mr. Phillips has indicated that he would like to serve another term and duly made motion to reappoint him.

Motion: To re-appoint Benny Phillips to Newton County DFACS Board. His term will expire on June 30, 2007.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

R071602a ACCG/GMA JOINT TASK FORCE ON QUALITY GROWTH

Chairman Varner said ACCG had mailed a report on the Joint Task Force to the board regarding Quality growth. ACCG has requested that each county adopt a resolution supporting the desire of local governments to promote sound growth management decisions. He said the support of the counties carries weight when ACCG meets with the legislative body in the fall. Commissioner Dimsdale said he would like to table the adoption of the resolution for further study of the report.

Motion: To table until August 6, 2002 meeting.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

INTERGOVERNMENTAL CONTRACT ON SERVICE DELIVERY STRATEGIES (JASPER, MORGAN, NEWTON, WALTON COUNTIES)

County Attorney Tommy Craig addressed the board and stated a request for a GEFA loan and financial assistance to provide water and sewer to the property has been submitted to the state. However, before the state will award the grant, or make a loan, it requires that HB 489, a law requiring service areas be established and agreed upon between the municipalities, counties and authorities be amended. It requires the signatures of all four counties, municipalities, and the authorities that are affected..

Motion: To approve the Intergovernmental Contract on Service Delivery Strategies.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

ZONINGS:

Chairman Varner stated 10 minutes would be allocated for the petitioner as well as those in opposition.

Planner Lloyd Kerr presented the following zonings:

TERRY SMITH (Tabled from June 18th meeting)

BYPASS ROAD AT SARA DRIVE

R30 TO RMF

DISTRICT 5

- **Mr. Kerr said this has been tabled on two previous occasions.**
- **The site plan differs from the original site plan.**
- **The Planning Commission recommended denial of the FLUM amendment.**

Petitioner: Not present

No Questions

Opposition:

David Jernigan

Candy Harville

Alvin Magestry

Derrick Otter

Thomas Buchhner

- **Concerned that 77 lots could be placed on 16 acres.**
- **Water & sewer concerns**
- **Concerned about overcrowding of schools, school buses, trailers in back of new schools now.**
- **Slow down growth.**
- **Increase in crime.**
- **Density of lots**
- **Traffic**
- **Infrastructure**
- **Part of land in 100 year flood plan**
- **Creek runs through property**
- **Concerned that water could run over into others properties.**
- **Quality of life.**

Motion: To uphold the recommendation of the Planning Commission and deny the request.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

CARL & ROZIE SMITH

WEST SIDE OF COUNTY LINE ROAD

A to RE2

DISTRICT ONE

Background:

- **56 acres zoned A**
- **Requested zoning for the purpose of deeding property to heirs.**
- **Property lies in Newton and Jasper Counties**
- **Property complies with the Future Land Use Map**
- **Proposed use is compatible with existing housing and patterns of development**
- **Minimal impacts on schools and roads**

Planning Commission recommends approval.

Representative: Sherry Smith (granddaughter)

- **Commissioner Ewing clarified that land will be divided only among the children, and Ms. Smith said that was correct.**

Opposition: None

Motion: To uphold the recommendation of the Planning Commission and approve the zoning request.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

WAYNE BOUCHILLON
870 MACEDONIA ROAD

A to RE2

DISTRICT ONE

Background:

- 2 acres zoned A
- Requested zoning to RE2 for the purpose of deeding property to heirs.
- Property complies with the Future Land Use Map.
- Proposed use and house is compatible with existing housing and patterns of development
- No impacts on schools or roads.

Planning Commission recommended approval.

Petitioner: Mr. Wayne Boucillon

No questions.

No opposition.

Motion: To uphold the recommendation of the Planning Commission and approve the request.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

A.B. STRICKLAND
NORTH SIDE OF OLD AIRPORT ROAD NEAR THE INTERSECTION OF
HWY. 142
AR to AR with CONDITIONAL USE
DISTRICT FIVE

Background:

- 28.76 acres zoned AR
- Requested zoning – Conditional use for the purpose of operating an outdoor recreation area for motorbikes.
- Currently in use as bicycle sales and repair facility with trails.
- Property complies with the Future Land Use Map.
- No other similar uses in area.
- No impacts on schools or roads.

Planning Commission recommended denial of the request citing concerns of potential impact on surrounding property.

- Semi rural area
 - Property is close to church and nursing home.
- Commissioner Henderson questioned the possible impact on the surrounding area.
- Mr. Kerr said the concern was regarding noise, hours of operation, dust.

Petitioner Representative: Attorney John B. Degonia

- Church has not raised any objections.
- Business will open at most convenient times
- Does not anticipate a lot of dust.
- Submitted a petition with over 200 names supporting zoning request. (people who utilize the trails, etc.)

Mr. A. B. Strickland:

- No dust problem
- Use water to contain dust
- Ride motorcycles one time per month for about 2-1/2 hours.
- go-kart's practice 2 times per week- 2/1/2 hours.
- Business will close at 10:00 p.m.

- **Business will be about 4 hours per week.**
 - **Relatively quiet**
 - **Good family sport**
 - **Will follow county rules**
 - **Provides a place for people to ride their go-carts.**
- **Commissioner Ewing asked for clarification on number of acres under Conditional Use. Petitioner said area that is listed as Oxford Race Track.**
 - **Commissioner Henderson asked balance of property was used for bicycle trails and Mr. Strickland said yes.**

Opposition:

Attorney Jimmy Alexander (representing Merryvale Nursing Home)

- **The petition submitted with over 200 names should indicate the probable nuisance this could cause.**
- **Merryvale is fully occupied and it is a premier Personal Care Home.**
- **People have come to Merryvale to live out their remaining years in peace and quiet.**
- **Area next to a Personal Care Home is not a place for motorcycles and go-cart racing.**
- **Personal Care Home is for the elderly and they have concerns how upsetting this could be to the people that live there.**

Sam Hay, Resident in area and part owner of Merryvale.

- **Considers Mr. Strickland a friend.**
- **Uses and appreciates bike trails.**
- **Has received several complaints from elderly residents and their family members.**
- **Noise is a problem. Noise from motorcycles and go karts is not fitting and a nuisance.**
- **Not compatible with rural, pastoral setting of neighborhood.**
- **Lives approximately ½ mile through the woods and has not complained to Mr. Strickland, but has talked with neighbors and they are opposed to this because of the noise factor.**
- **Commissioner Henderson asked if Mr. Hay could hear the noise inside his house and he indicated that he could.**
- **Mr. Hay said that there is a walking path for the residents of Merryvale to enjoy and concerned that if they are outside enjoying a walk this could become a nuisance to them.**
- **Commissioner Henderson asked if noise from go karts could be heard inside the Nursing Home, and if so, how many complaints have they received.**

- **Mr. Hay said you could hear it inside the home and they have received multiple complaints.**

Motion: To uphold the recommendation of the Planning Commission and deny the petition.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

REL PROPERTIES

SOUTH SIDE OF BROWN BRIDGE ROAD AT WOODLAND DRIVE

R40 To CORD-PRC (R3)

DISTRICT TWO

Background:

- **81 acres zoned R40**
- **Requested zoning – CORD-PRC (R3) for the purpose of developing a 243 lot subdivision.**
- **Proposing to reserve 20% as Greenspace**
- **Complies with Future Land Use Map**
- **Proposed use and house is compatible with existing housing and patterns of development.**
- **Potential significant impacts on schools and roads.**

Planning Commission recommended denial of the petition citing general concerns for the impact on infrastructure.

Petitioner Representative: Attorney Jimmy Alexander

- **Provided handout of Zoning Summary and Conditions Acceptable to Applicant. (8:08. P.M. July 16, 2002) (made part of these minutes)**
- **Greenspace does not include any flood plain**
- **Project requires the installation of sanitary sewer, which will tie in to the existing outfall line at Trelawney subdivision.**
- **Done at developers expense**
- **Adequate water and sewer (discussed with Randy Mills at Water Authority)**
- **Schools in area: (Deborah Robertson at BOE provided information)**
- **Newton County High: 1700 capacity; currently 1606**
- **Clements Middle School: 900 capacity; currently 726**

- **Porterdale Elementary School: 650 capacity; currently 617**
- **There are adequate schools in the area to serve this community.**
- **Trade off for doing CORD instead of R40 is 72 lots.**
- **CORD plan is much more marketable plan.**
- **Mr. Alexander presented the conditions acceptable to the applicant as:**
 - 1. Recordation of Protective Covenants including (at a minimum):**
 - a. 1500 square foot heated area minimum;**
 - b. no manufactured housing;**
 - c. architectural approval requiring facades primarily of brick, stacked stone, cedar shake, masonry or hardiplank;**
 - d single family houses only;**
 - e. off-street parking for two cars per resident required.**
 - 2. Request for street lighting submitted to County. All other outdoor lighting will be contained in cut off type luminaries which do not reflect onto adjoining properties.**
 - 3. Curb and gutter interior roadways.**
 - 4. Not more than 245 lots in entire subdivision. (Yield is approximately 175 lots under current (R40) zoning with 1250 square foot house minimums; if the open space overlay is used, lot sizes would be comparable to those proposed.)**
 - 5. Amenities package consisting of swimming pool, bath house, two tennis courts and passive recreation areas.**
 - 6. 16.38 acres of open space (more than 20% of total tract size of 81.9 acres)**
 - 7. Sidewalks along each roadway**
 - 8. Two additional two-inch street trees per lot, for a total of 490 street trees.**
 - 9. Two entrances off Brown Bridge Road. Internal street designs per planning department recommendations.**
 - 10. Price points for housing (at current prices) will be between \$120,000 - \$160,000**

Discussion:

- **Chairman Varner questioned who would be the owner of the Greenspace and Mr. Alexander said it would be Homeowners Association. He said it is reviewed by the County Attorney's Office.**
- **Chairman Varner asked if set aside would be phased out in 20 years or is it in perpetuity? Mr. Alexander said it is in perpetuity.**
- **Commissioner Dimsdale commented that it looked like the potential build out at R40 is a 40% increase in density.**
- **Commissioner Strickland questioned the entrances on Brown Bridge Road.**

Opposition:

**Terry Mitchell
Glen Colbert
Annie Smith**

James Hammock

- Does not object to development, but growth needs to slow down and let infrastructure catch up.
- Overcrowding of schools – Windscape will over build schools.
- Compactors are always full – has to take garbage back home at least two times per week.
- Crime
- Traffic horrendous
- Safety – took paramedics twenty minutes to get to house recently.
- Water – never enough water now.
- Roads
- Can't get out of driveway
- Would like to see lot sizes increased
- Give developer credit for agreeing to be responsible for sewer in area.
- Lived there 28 years
- Deer and turkeys in back yard
- Wildlife should be considered
- 3 houses per acre is too much!
- 3 house on one acre will back up to oppositions backyard.
- Would like to see a buffer between current neighborhood and proposed subdivision.
- Homes for sale in area (sign that says desperate to sell) on market for 2 years.
- Plenty of houses for sale in area already
- Can't get out of drive way at 6:30 a.m. now.
- School buses are overcrowded.
- Over built on houses now.
- Suggest turn lanes off Brown Bridge Road should it be approved.
- Concerned Newton County is becoming a mini Atlanta.
- Glynnshire to Trelawney – 158 new homes sitting there waiting to be purchased.
- Silos of Ellington, Springs of Ellington just getting started.
- Suggest a community for 55 years and older. This would not have an impact on schools. Many times 55 years and older are looking for less property to take care of.

Attorney Alexander said people today are looking for less yards to take care of. Suggest this board look at Greenspace and the extension of the Outfall line.

- Commissioner Dimsdale stated he had spent a considerable amount of time looking at this from many angles and practically every angle looked at, except sewer, leads him to believe it would be in the best interest of the community to deny the petition.

Motion: To uphold the recommendation of the Planning Commission and deny the request.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

WHOLESALE WATER RATE INCREASE

Administrative Assistant John Middleton drew the board's attention to the handout entitled Calculation of Wholesale Water Rate for Customers inside of Newton County. (made part of these minutes). He went over the rates and reiterated that at budget time board had discussed the budget for the Cornish Creek facility for FY2003. The increase will be .03 cents per thousand gallons of water. (\$1.38 per thousand gallons) This increase will assist in funding two additional full time employees at Cornish Creek. We will also increase the hours at Williams to 24 hours per day. We also operate Cornish Creek seven days per week now. Mr. Middleton said Jim Mathis has reviewed these rates to verify they were property calculated and he verified they were.

Customers inside Newton County:

Newton County Water & Sewer Authority and the municipalities: \$1.38 per thousand gallons

Rates for Water Sold Outside Newton County:

Walton County WSA = \$0.81 (based on operation and maintenance cost, and depreciation cost – Walton County is a 25% owner of Cornish Creek.

Jasper County WSA = \$1.53 (intergovernmental agreement is rate plus .15 cents.

Alcovy Shores = \$2.13

Effective date will be November 1, 2002, allowing 90 days for notification to authorities.

Motion: To approve the increase in water rates at \$.03 per thousand gallons of water.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

LOST NEGOTIATION UPDATE

County Attorney Tommy Craig addressed the board regarding the LOST negotiations.

- Mr. Craig went over distribution formulas.
- LOST distribution formulas made part of these minutes
- LOST is negotiated every ten years (after census)
- Held three meetings
- Discussion on prisoner housing.

- We bill at \$22.00 per day and the expense is \$37.00 per day.
- We have been subsidizing housing the prisoners for some time.
- Last time fee was discussed was 1995.
- Law was originally passed to give advorlem tax relief
- Always treated cities right.
- Negotiations are frank and friendly.
- Deadline is end of August.

ALCOHOL LICENSE: None

STREET LIGHT PETITIONS: None

COUNTY CHECKS/APPROVAL:

Motion:To approve county checks as submitted.

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

Second:Commissioner Mort Ewing, District One

Motion Carried Unanimously

Citizens Comments/Commissioner Comments

Executive Session:

Time: 9.20 P.M.

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

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

Regular Session:

Time: 9:50 P.M.

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

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

Motion to Adjourn

Time: 9: 50 P.M.

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

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, Clerk