

**NEWTON COUNTY BOARD OF COMMISSIONERS  
MINUTES  
February 6, 2001**

Newton County Judicial Center

**Presiding:** Chairman Aaron Varner

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, J.C. Henderson, and Billy Strickland; Attorneys Tommy Craig and Scott Cole, Clerk Jackie Smith

**Newspaper:** Cindy Tumlin, Covington News; Benjamin Bush, Rockdale Citizen  
Large group of citizens.

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

Chairman Varner extended a special welcome to a group of young people from Newton County's Youth Leadership program.

**Invocation:** Commissioner Ronnie Dimsdale

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

**APPROVAL OF MINUTES DATED JANUARY 16, 2001**

**Motion:** To approve minutes for January 16, 2001 meeting as submitted.

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

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

**Motion Carried Unanimously**

**RESOLUTION R-02-0601B MORATORIUM  
TELECOMMUNICATION TOWERS**

Chairman Varner stated this was discussed at an earlier work session and asked County Attorney Tommy Craig to review what this resolution would do.

The county attorney said there had been some concern by some of the people on the county commission regarding the process of telecommunication applications/procedure. The telecommunication tower industry comes to the county without prior consultation with the planning staff and based on information that they receive from their radio frequency engineers they begin to try and locate sites that are within an acceptable radius and that will perform the requirements they have for universal coverage in cellular area. By the time the applications are reviewed by this body or the planning commission its because an option has been obtained by a willing property owner. The commissioners have an overriding concern about the maintenance of people's property values, the maintenance of aesthetics and they have concerns that this whole process, while necessary, be carried out in an orderly fashion. It is for that reason the county attorney prepared a moratorium for consideration that would provide for 6 month period in which the

commissioners could review the current process in place, could look at appropriate revisions to the county telecommunication ordinance and consider the adoption of such within the 6 month period. He stated he received a call today from an attorney representing a petition tonight. Attorney Craig said, "It is not the intention of this ordinance to reach out and interfere with pending applications." He presented the resolution (see attached) for consideration.

**Motion:** To adopt Resolution R-02-0601B Moratorium Telecommunication Towers.

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

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

**Motion Carried Unanimously**

Note: The original resolution is contained in file number R-02-0601B, incorporated herein by reference and expressly made a part of these minutes.

### **RESOLUTION R-02-0601 PUBLIC WORKS BID PROCEDURE**

Chairman Varner stated this was discussed at prior work session. He asked the county attorney to address the resolution. The county attorney stated the action taken by the legislature has obsoleted the current Public Works Bidding ordinance and there are no tangible benefits that we can realize by maintaining our current ordinance. We would be better off by to rescind it. All of our options that we presently have, plus more, are available to us in reliance upon the state law. This is a housekeeping item.

#### **Discussion:**

- Commissioner Ewing stated all this does is puts us in compliance with state law and county attorney affirmed.
- Commissioner Henderson asked how it effects outstanding bids. County Attorney stated if they are outstanding and have not been accepted, they are accepted under the current ordinance when bid. If they are rejected, then we would readvertise and it would be under the new procedure.
- Commissioner Fleming stated he felt it was the way to go, giving more latitude as far as the bid process.

**Motion:** To move for adoption of Resolution R-02-0601 Public Works Bid Procedure as proposed.

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

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

**Motion Carried Unanimously**

Note: The original resolution is contained in file number R-02-0601, incorporated herein by reference and expressly made a part of these minutes.

## **PROPOSAL #01-07 – LANDSCAPE MAINTENANCE**

Chairman Varner stated this was also discussed at the work session on Thursday. It is the recommendation of the purchasing department to award the contract to the lowest qualified company, Great Southern Landscape. (See attachment). Commissioner Henderson asked if Great Southern had done any work for the county and if so how did the county rate him? Commissioner Dimsdale stated he remembered at the work session that he was given high ratings by his references. Commissioner Henderson asked that it be tabled for further investigation to see how he rated by the county.

**Motion:** To table to next meeting to receive more information on Great Southern.

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

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

**Against:** Commissioners Ewing, Dimsdale, and Fleming

**Motion Defeated**

Commissioner Ewing stated he understood that the person responsible for this bid did the work that was necessary to provide the board with information to be sure that this is a competent contractor that can do the work for the county that was outlined in the bid process and duly made motion to accept proposal.

Commissioner Strickland asked if there was one or two companies doing the landscape work?  
Commissioner Dimsdale said last year it was only one, SCA Lawn Care.

Commissioner Fleming stated he agreed with Commissioner Ewing that the low bid met the qualifications and if there were anything we needed on the work they had done in the past, it would have been presented to board.

**Motion:** To award Proposal #01-07-Landscape Maintenance Contract to the low bidder, Great Southern.

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

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

**For:** Commissioners Ewing, Dimsdale, and Fleming

**Against:** Commissioners Henderson, Strickland

**Motion Carried**

## **RESOLUTION R-02-1601A TO REQUEST FUNDING FROM THE LAND & WATER CONSERVATION FUND FOR RECREATION FACILITY AT OAK HILL**

Chairman Varner asked Special Projects Coordinator Cheryl Delk to present resolution. Ms. Delk stated this is a house keeping item to request consideration of funding through a Grant from the GA Department of Natural Resources – Land & Water Conservation Fund for the purpose of land acquisition or development of outdoor recreation facilities. The amount of the grant is \$75,000. She stated there is a 50% required match from the county and this is already met through the \$500,000 that had been allocated for the western part of the county, specifically this project, through SPLOST funding.

**Motion:** To approve Resolution R-02-1601A to request funding from the Land & Water Consideration Fund for recreation facility at Oak Hill.

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

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

**Motion Carried Unanimously**

Note: The original resolution is contained in file number R-02-0601A, incorporated herein by reference and expressly made a part of these minutes.

### **APPOINTMENT OF DISTRICT III EMS COUNCIL**

Chairman Varner stated that Mike Luna currently serves on the council representing Newton County. He is the EMS Director for Newton General Hospital. Chairman Varner recommended Mr. Luna's reappointment.

**Motion:** To reappoint Mike Luna as Newton County's representative on the District III EMS Council to serve a four year term. Term Expires June 30, 2005.

**Proposed by:** Commissioner Billy Strickland, District Five

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

**Motion Carried Unanimously**

### **WAIVER OF TAX PENALTY DEKALB TECH**

Chairman Varner introduced Robbie Roberts who addressed the board regarding this request. Mr. Roberts apprised the board at the work session on Thursday that this penalty was to no fault of DeKalb Tech. It was due to late payment on 1999 taxes that the previous owner failed to file. Commissioner Dimsdale stated:

- since it was no fault of their own (DeKalb Tech);
- since they received no communication about penalty, causing the penalty to be so high;
- and since they are such a vital and contributing part of the community, duly made motion to waive penalty.
- He stated this does not erase the tax liability, only the penalty.

Commissioner Fleming stated he does agree that DeKalb Tech plays a very vital part in our community and supports waiving penalty, but voiced concern that he does not want it to send a signal out that we are setting a precedent, this is a serious issue.

**Motion:** To waive \$5,795.26 in penalties from 1999 taxes on property located at 8100 Bob Williams Parkway. (DeKalb Tech)

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

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

**Motion Carried Unanimously**

## ZONINGS

Planning & Zoning Administrator Shawanna Qawiy presented the following zonings.

**VERTICAL PROPERTIES**  
**4341 SALEM ROAD**  
**COVINGTON, GEORGIA**  
**Clark Henkle**

**Current Zoning:** R-40 (R-1)

**Proposed Zoning:** A-R

**Acres:** 24.0219

**Staff Recommendation:** Staff recommends to approve the rezoning and the conditional use with the stipulation that the petitioners comply with the criteria for Telecommunication Towers in the Newton County Zoning Ordinance, (pg. 5-34, Section 510-530).

**Planning Commission Recommendation:** To deny.

This petition was first presented on December 5, 2000 at which time Commissioner Dimsdale asked to table request until further information could be attained.

**Background:** Vertical Properties, Inc. Clark Henkle is applying for a rezoning and conditional use. The property is located at 4341 Salem Road. The surrounding properties are zoned on the east CN (neighborhood commercial, across the street), south, R-30/R-3, and west R-40/R-1 (single family residential). In the vicinity of the R-40/R-1 zoning there is Veterans Memorial Middle School and West Newton Elementary School. The current zoning is R-40 (R-1) which is composed of low to medium density single family development. The intent of this district is to outline the areas, which are desirable and likely for future development. A-R, the proposed zoning is composed do large acreage, low-density development of single family dwelling. The purpose of this district is to provide protection for larger subdivision against the encroachment of high-density development of a residential commercial or industrial nature. The future land use map designates this area as low-density residential which does comply with the e rezoning. The purpose of the rezoning is for the placement of a telecommunication tower, which is not allowed under the current R-1 zoning. The petitioner is requesting to rezone to A-R. With the approval of the rezoning, the petitioners are requesting a conditional use for the telecommunication tower. After viewing the area, the telecommunication tower will be 10,000 square feet located within the pines.

The telecommunication tower will be 250 square feet.

**Petitioner:** Mr. Fred Boan and Mike Tennant

Mr. & Mrs. Raymond Mitchell – property owners for 55 years

### **Points of discussion:**

- Request for down zoning.
- Current zoning does not allow cell towers.
- Petitioner presented petition of support. (32 names-see attachment)
- Tower is compatible with surrounding uses.
- Existing and continued commercial development in this area creates a need for adequate communication coverage. The tower will serve this area for wireless communications, which is one of the fastest growing industries.
- 24 acres
- GDOT traffic flow maps indicate there are 10-15,000 cars per day on Salem Road.
- Vertical properties have been in business since 1966.
- In business of building towers, built over 2000.
- Accommodate a minimum of 5 cellular PCS carriers as well as additional paging and 911 service.
- It complies with all FAA, FCC requirements.
- It meet and exceeds all set backs in ordinance in every location.
- Displayed coverage map.
- Coverage is not good in Salem Road area

### **Discussion Points:**

- Commissioner Dimsdale stated he was concerned that we had two issues to address in same request. 1. Zoning issue 2. Special Use. Hard to handle one without handling the other because they are both in one package and feel the county should look at this process. It would be much cleaner process if we could handle rezoning and then special use.
- In regard to zoning issue, concern that it does not conform with Land Use Map. It shows a growth node at Salem/Brown Bridge Road intersection for about a mile. We are hoping as a county to develop in nodes rather than strips down highway.
- Property in question is going from a medium density to a low density in an area that we are projecting to be high to medium density and/or commercial. Sees that is regression going from low density away from medium density.
- Sees it as a violation of land use map.
- Growth node will happen.
- It seems you want to put tower up in anticipation of demands.
- There are other towers in area to co-locate on.
- We need good signals, but need to look at co-locating.
- Commissioner Ewing asked if dead area indicated was dead for all companies that provide cell service for Newton County? “Most”
- Has your companies had any experience in constructing towers that are camouflaged...pine tree, palm tree, predominant in area. Answer: Only effective to about 180 feet.
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**Opposition:**

Nancy Penn  
87 Smith Store Road

Mike Smith

Kim Peterson  
Buck Creek Subdivision

- Presented petition against tower (120 people in immediate area)
- Concerned about property values
- Does not need tower
- Towers in area already
- We want trees!
- Snapping Shoals tower will be completed in eight weeks.
- Co-locate on Snapping Shoals tower
- Concerned about safety
- No problem with using cell phones in area,
- Talk on cell phones all the time.
- Long term effects on health...no one knows.

Jack Schell  
Salem Road

Shirley Mitchell  
4359 Salem Road

- Need tower
- Lives in area and would like to see it.

**Petitioner:**

- Might be space available, but does not mean it is structurally safe
- Health issue: We all use cell phones, pagers, etc.

Commissioner Dimsdale stated the Board of Commissioners of Newton County have the burden of planning zoning land use in the county and part of that burden is having long range plans and having commitment to that long range plan (Land Use Plan). I see the downgrading of the zoning as being detrimental to the planning of the growth node in the Salem/Brown Bridge Road area. The property we are considering is well within that growth node. If we change zoning to lower density zoning is main concern and the fact that both are tied together, presume if we address the zoning it would include the possibility of putting tower in location. Duly made motion to deny.

**Motion:** To uphold the Planning & Zoning Commissions recommendation and deny zoning request.

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

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

**Motion Carried Unanimously**

**SPRINTCOM, INC.  
CONDITIONAL USE  
TELECOMMUNICATIONS TOWER  
NE CORNER OF BETHANY ROAD & GA HWY. 212**

**Current Zoning:** A-R

**Proposed Zoning:** N/A – Conditional Use Permit

**Purpose:** Telecommunications tower, antennas and related equipment.

**Staff Recommendation:** Staff recommends to approve the rezoning and the conditional use with the stipulation that the petitioners comply with the criteria for Telecommunication Towers in the Newton County Zoning Ordinance, (pg. 5-34, Section 510-530).

**Planning Commission Recommendation:** To deny.

Petitioner: Sprint.Com. Inc.- Mr. Steve Greenburg  
Suite 600  
100 Galleria Parkway  
Atlanta, Georgia

**Discussion:**

- 255% telecommunication tower
- Multi tenant wireless tower
- 38.4 acres
- Tower will be located near center of site.
- Heavily wooded
- Will be screening
- 260' feet away from closest residence.
- Mr. Marshall (Sprint.Com) assisted in site plan and distance from property line
- Satisfies all set back requirements in ordinance
- Safe and reliable uninterrupted service to area
- Site approximately 10,000 square feet
- Larger 38 acre tract is AR requiring conditional use permit
- Screening with 6-foot high chain link fence with top barbed wire.
- Facility will be unmanned.
- Facility will not have water or sewer service
- Complies with Newton County Zoning Ordinance standards
- Displayed visual that showed large gap in coverage area.
- Buffer around area
- Only site that can provide necessary coverage in area.
- Attempting to maximize co-location availability
- No existing towers in area
- 25 foot wide landscape buffer around facility

**Discussion Points:**

- Commissioner Dimsdale referred to map showing a small SPRINT Network.
- 4 locations; 2 existing...two in Henry County; 2 proposed one in Rockdale County, other in Newton County.
- In regards to 450' Snapping Shoals Tower – 1/3 way back in from Rockdale County...tower just beyond Ashton Manor.
- Looks like a focus on SPRINT facility and SPRINT Network without looking at other towers in area.

- Questioned how much did SPRINT struggle to find a tower to co-locate on.
- Answer: First focused on design of the network for SPRINT PCS; however building towers is not our job. If we can co-locate, we would rather do that. We did that on Spectra site. We made it work for network as SPRINT is already on Spectra site. We looked at other candidates A-E. This site is candidate E. We struggled to the extent of ruling out 4 other sites. Signals don't reach huge distances.

**Opposition:**

Quinton Nelson  
5907 Hwy. 212 North

Bill Hendricks  
Owns 50 acres

Tim Jackson  
1555 Bethany Road

- Tower near his house
- Concerned about property values
- Provided simulated tower location
- Provided photo of house and acreage
- Has cell phone and does not have any trouble re coverage
- Against location
- Does not want tower
- Suggested they use EMC tower and tower at Ashton Manor
- No temporary buildings

**Motion:** To uphold Planning Commissions recommendation and deny conditional use request.

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

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

**Motion Carried Unanimously**

**ALEXA ELWELL FOR THE SOCIETY OF OUR LADY OF THE MOST HOLY TRINITY  
CONDITIONAL USE PERMIT  
DRY POND ROAD**

**Current Zoning:** R-1

**Proposed Zoning:** N/A – Conditional Use Permit

**Purpose:** Private Chapel

**Staff Recommendation:** Staff recommends to approve with stipulation that petitioner comply with zoning ordinance.

**Planning Commission Recommendation:** To approve subject to staff's recommendations.

### **Discussion Points**

- Falls within Land Use Plan
- Temporary building, mobile home? No
- Permanent structure

**Motion:** To uphold Staff and Planning Commission's recommendation to approve conditional use request.

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

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

**Motion Carried Unanimously**

### **STREETLIGHTS: Spring Valley, Lake Charles, Dylon Downs and Fairview Chase**

**Motion:** To approve streetlight requests as submitted.

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

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

**Motion Carried Unanimously**

### **ALCOHOL BEVERAGE LICENSE: None**

### **APPROVAL OF COUNTY CHECKS**

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

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

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

**Motion Carried Unanimously**

### **CITIZEN COMMENTS:**

### **EXECUTIVE SESSION:**

**Motion:** To enter into Executive Session to discuss pending and/or threatened litigation.

**Time:** 9:00 PM

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

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

**Motion Carried Unanimously**

**Motion:** To enter into Regular Session.  
**Time:** 9:30 PM  
**Proposed by:** Commissioner Mort Ewing, District One  
**Second:** Commissioner J.C. Henderson, District Four  
**Motion Carried Unanimously**

**ADJOURN-Time: 9:30PM**

**Motion:** To adjourn  
**Proposed by:** Commissioner Ester Fleming, District Three  
**Second:** Commissioner Ronnie Dimsdale, District Two  
**Motion Carried Unanimously**

**Respectfully Submitted,**

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**Jackie B. Smith, Clerk**

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**Aaron Varner, Chairman**