

NEWTON COUNTY BOARD OF COMMISSIONERS

MINUTES

Newton County Jury Impaneling Room

Tuesday, June 5, 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 Scott Cole, Clerk Jackie Smith

Also present: - Cindy Tumlin-Covington News
Josh Puckett-Newton Citizen
Large group of citizens.

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

Invocation: Commissioner Ronnie Dimsdale

Pledge of Allegiance: Led by Chairman Varner

APPROVAL OF MINUTES/DATED MAY 15, 2001

Motion: For the adoption of minutes as printed.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

PLANNING & ZONING APPOINTMENT – DISTRICT FIVE

Commissioner Billy Strickland presented Jody Smith's name to replace John Chestnut on the Planning Commission. Commissioner Strickland said he had met with Mr. Smith who is willing to serve. He stated he has known Mr. Smith a long time and felt he would be an asset to the commission. He voiced his thoughts on how important he felt the Planning Commission is to Newton County and expressed appreciation for those who are willing to serve.

Motion: To appoint Jody Smith to serve on the Newton County Planning Commission. Mr. Smith's term is an unexpired term to end January 2002.

Proposed by: Commissioner Billy Strickland, District Five

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

RESOLUTION R-06-05-01 LOCAL GOVERNMENT ENFORCEMENT & EDUCATION GRANT ACCEPTANCE

Chairman addressed the board stating this grant is provided by the Georgia Department of Natural Resources. The total amount of the grant is \$66,494.40. The grant provides 80% of our environmental code enforcement officer's salary, equipment, office supplies, recycling bins and educational programs thorough the Clean & Beautiful Department. Newton County applies for this grant yearly.

Motion: To approve Resolution R-06-05-01 Local Government Enforcement & Education Grant Acceptance.

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 R060501, incorporated herein by reference and expressly made a part of these minutes.

FOUR COUNTY PARK – WASTE WATER TREATMENT APPROVAL

Chairman Varner asked Commissioner Ewing to give an overview of this project.

Commissioner Ewing stated he and Denny Dobbs serve as Newton County's representatives on the board and gave the following informational points:

- Newton County owns 37-1/2% of the 4-County Park located at the intersection of Hwy. 278 & Interstate 20.
- Jasper, Morgan and Walton County are also owners of the park.
- JDA (4-County Park) has entered into a contract with Technology Atlanta for the development of the first 100 acres of the 1500 acre park.
- JDA & Technology Atlanta have agreed to do certain things in order for this contract to be carried out.
- An item that Newton County has responsibility for is the water & sewer since the first 100 acres is located entirely in Newton County. According to HB489 (passed two years ago) all areas in the county had to be designated for service as it relates to a variety of services including water and sewer, and that area of Newton County was designated as a service area by the Newton County Water & Sewer Authority.
- The JDA voted several months ago to ask for an agreement to be made to provide water and sewer to these first 100 acres in the park.
- The agreement would be between all the counties involved and the City of Social Circle.
- A water line will be extended from approximately Old Social Circle Road East to the park.
- A redundant supply under Interstate 20.
- Meetings were held to devise the most economical/feasible way to provide water and sewer for these first 100 acres.
- An in-house system (plant to be built in the park) was considered, but because of cost it was not feasible at this time.
- Presently Newton County does not have any sewer lines east of the Alcovy River. It is not feasible for Newton County to run a sewer line somewhere west of the Alcovy River to the intersection of I-20 & Hwy. 278.
- The City of Social Circle has a sewer line directly across the road from the park on the north side of I-20. The line was placed there through a cooperative effort with the State of Georgia so that the City of Social Circle could provide water and sewer service to the two rest areas that are East of there on I-20.
- Total cost of project: \$935,450.
- State of Georgia has promised a \$500,000 grant.
- \$435,450 will be divided among the four counties.
- Newton County's portion is \$11,040 per year for 20 years

Questions:

- Commissioner Fleming asked if the Newton County Water & Sewer Authority was involved with the discussion and would they be participating in this project?

- Commissioner Ewing stated they were involved with the discussions, but at this time they would not be participating.

Motion: Move to approve expenditure of \$11,040 per year for twenty years, which is Newton County's portion to provide water and sewer service to the Four County Park.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

50-25-25 WATER LINE PROJECT CONLEY DITCH ROAD & POPE TRAIL

Chairman Varner stated the W&SA requested the county participate in the 50-25-25 program for a water line Conley Ditch Road & Pope Trail. He stated this program has been into effect for many years. The W&SA pays 25% of the cost, the county pays 25% of the cost and the residents pay 50% of the cost.

The chairman gave an overview of the project:

Total Distance of project: 8,624'

NCWSA portion: \$48,402.20

NCBOC portion: \$48,402.20

Residents portion: \$96,804.40

Total Cost: \$193,608.80

Commissioner Dimsdale and Commissioner Strickland serve on the Water Committee representing Newton County. Commissioner Dimsdale gave the mechanics of the program. 1. The request is presented to the Water Committee (2 members of the BOC, 2 members of the W&SA) 2. The number of signatures on the petition is important. 3. If the Water Committee recommends the project then the representatives from each board presents the request to their respective boards for approval. 3. Once approval is received from boards, the W&SA presents the approval to the people whose signatures were received. If all of the people do not pay their share of the project, then the project will be void.

Commissioner Fleming asked about the people who do not sign up, how they will be charged?

Commissioner Dimsdale stated the W&SA stated the process after this would be their normal business procedure.

Commissioner Dimsdale said the county will be spending this amount of money and it will not be coming back, except that we will be gaining more water customers.

Commissioner Fleming felt that if other customers took part in the project or added on later, then the equitable thing to do would be to reimburse the county back on the 25%. He asked that the Water Committee consider this and Commissioner Dimsdale stated he would explain this to the committee. He said this had come up in the discussion and he would bring it up again.

Commissioner Ewing commented that if the other twenty people decided to join they would pay the normal tap fee? Yes

Commissioner Dimsdale stated he remembered there is money in the Water Fund to accommodate these requests. Yes

Motion: To approve water line request as presented for 50-25-25 program on Conley Ditch Road and Pope Trail.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Billy Strickland, District Five

Motion Carried Unanimously

50-25-25 WATERLINE PROJECT – COOK ROAD & BALD ROCK ROAD

Motion: To approve water line request as presented for 50-25-25 program on Cook Road and Bald Rock Road.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

ZONINGS:

PLANNING & ZONING ADMINISTRATOR SHAWANNA QWAIY PRESENTED THE FOLLOWING ZONINGS:

Chairman announced that 10 minutes each would be allocated to the petitioner as well as those in opposition of the petition. Chairman introduced Zoning Administrator Shawanna Qawiy who presented proposed zonings.

STEWART BAPTIST CHURCH **STEWART CHURCH ROAD** **COVINGTON, GEORGIA**

Current Zoning: A-R Agricultural Residential

Proposed Zoning: Conditional Use

Property: 6.921 (purchasing 5.0 acres; existing 1.921)

Staff Recommendation: The staff recommends to approve the conditional use with the condition that the petitioner complies with Section 510-400; a Place of Worship in the Newton County Zoning Ordinance.

Planning Commission Recommendation: Approval

Purpose: To construct a place of worship.

BACKGROUND: Stewart Baptist Church is applying for a conditional use to construct a place of worship. Currently there is an existing structure on 1.92 acres with a cemetery. Stewart Baptist Church is purchasing 5 acres located on Stewart Church Road and Campbell Road. A place of worship is allowed in the A-R zoning under a conditional use. Adjoining zoned property is north, C-H, east R-50 (A-R), west is currently a Manufactured Home Subdivision. The property is consistent with the future land use map by being in a development node, which is developing or is expected to grow in the near future.

Petitioner: Mark Clark, Chairman of Deacon Board

➤ Stated church is growing and they would like to build a larger sanctuary and educational building.

Opposition: None

Discussion:

Commissioner Dimsdale commented that it speaks well for our community when our churches are growing like Stewart Baptist Church and have to make room for new people.

Commissioner Ewing stated Stewart Baptist Church is located in District One and he has talked with the people in the area including the adjacent landowners. He has received only positive comments about the request and so moved for approval.

Motion: To uphold the Planning & Zoning Commission recommendation to approve requested Conditional Use with the condition that the petitioner complies with Section 510-400; a Place of Worship in the Newton County Zoning Ordinance.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

GREG MITCHELL

HIGHWAY 162 NORTH (1/4 mile off Hwy. 81)

Current Zoning:A-R Agricultural Residential

Proposed Zoning:R-3 Single Family Residential (high density)

Property: 115 acres

Staff Recommendation:The staff recommends approving the rezoning. The petitioner should comply with the buffer requirements and the R-3 zoning requirements in the Newton County Zoning Ordinance.

Planning Commission Recommendation: Approval with conditions: 1. Minimum lot width 2. Sidewalks on both sides of the streets.

Purpose: To rezone the property to construct a subdivision.

Background: Currently the property is zoned A-R, which is composed of relatively large acreage with low-density development. The proposed zoning R-3 is composed of high-density development including zero lot line development. Surrounding zonings in the area is north, east and south R-15, and west is A-R. The future land use map designates this area as medium to high-density development, which is consistent with the proposed zoning.

Petitioner: Greg Mitchell was out of town, but property owner Lewis Rice was present to answer any questions.

- Mr. Rice stated there was no opposition at the Planning Commission meeting.
- Planning Commission approved zoning.
- He stated he had talked with the neighbors and they were didn't have any problems with zoning request.

Discussion:

Commissioner Dimsdale voiced his concern over water availability in the area. He stated he had received many complaints about water pressure since last summer in this area. He voiced concern over public safety in area. He stated there has been some safety problems in this area due to water pressure. He said the W&SA have done some things to correct the problem, but it still has not been brought up to standards where it needs to be. He questioned if the staff had touched base with the W&SA regarding the availability of water to area. He said he and the chairman had asked the W&SA for their comments on the water situation and the kind of impact this development could have. The chairman received a letter today (attached and made part of the minutes). It stated they (W&SA) would sit down with petitioners to see if they can assist them in getting water to that area. The petitioners stated they would like to do that. Chairman Varner asked them if they were willing for that to be a condition to the approval of this zoning. The petitioners said yes.

Commissioner Dimsdale stated he would like to see it tabled until the petitioners met with the W&SA.

Mr. Rice said they were working down to the wire on this zoning. They were willing to put it in writing regarding the condition, but they needed to move on it. He stated the county could make this condition part of the rezoning approval, that the petitioner would help with the cost of the water being run.

Commissioner Dimsdale pointed out that the W&SA did not say “they would”, they said it was a “possibility.” This request would have to go before the Water Committee process like the previous request we heard tonight. (Conley Ditch Rd. & Pope Tr., & Cook Rd & Bald Rock Rd.)

Commissioner Strickland asked how far the line would have to be extended? Mr. Rice said approximately ¼ mile.

Commissioner Fleming stated he respected what Commissioner Dimsdale said, but was disturbed that the Planning Department had not contacted the W&SA and felt it was unfair to the petitioner for the county not to have all the needed information.

Chairman Varner asked Lloyd Kerr, Planner to address the situation. Mr. Kerr stated the W&SA were invited to the meeting and Mike Hopkins (W&SA) attended that meeting. He stated nothing was said to express concern about the availability of water. The W&SA were aware of this and no undue concern was expressed. Mr. Kerr said they are communicating and thinks Mike Hopkins will continue to attend the meetings.

Commissioner Dimsdale asked for particulars about the rezoning other than water?

- 1300 square feet heated
- sidewalks on both sides of the street
- enclosed 2 car garages
- Lots are going to be 100 feet wide
- Greenspace
- Approximately 130 lots
- Entrance Way? Stone or brick with wood privacy fence

Commissioner Dimsdale stated that the county has been looking for redundant routes, how to get more than one way in and out of the subdivision, access from one parcel of land to another so there is more than one way to move around. He asked Lloyd Kerr to address this issue. Mr. Kerr stated we could suggest to the petitioner that conditional to the rezoning would be to upgrade Anderson Street.

Petitioner said DOT determines where to put the entrance of the subdivision.

Lewis Rice said that Greg Mitchell said he could put an outlet onto Morningside Drive.

Chairman Varner asked if the DOT had requested Accel/Decel lanes? Yes

Opposition: None

Commissioner Ronnie Dimsdale stated it was in his district and ordinarily he would make the motion, however the water issue was still not answered and he felt it was a safety issue. He was concerned about making a commitment to this type of density with the questions still hanging over them as to when, if, and how to fight a fire if one occurred.

Chairman stated he was advised (by Attorney Scott Cole) that if this is passed under the condition that the petitioner reach an agreement with the W&SA to do what the W&SA says is required, and are unable to do so, this zoning would not go forward.

Commissioner Dimsdale asked the county attorney if he was saying there could be a zoning stipulation that it not be developed, no dirt moved, until the water issue was settled? Attorney Cole said that was correct. Commissioner Dimsdale said if that stipulation is o.k. with the purchaser he would make a motion to approve with stipulations.

Commissioner Ewing commented he hoped petitioner would consider up to 20% of area for greenspace. Petitioner said there would be Greenspace, but did not know how much, they would have to run numbers to determine how much.

Motion: To uphold the Planning & Zoning Commissions' recommendation to approve with staff and planning commission conditions as well as the following conditions:

- 1) Petitioner is to reach agreement with the W&SA regarding water line being upgraded before development begins.
- 2) 1300 sq. ft. minimum house
- 3) Double Car Enclosed Garage
- 4) Sidewalks on both sides of the street
- 5) Brick or Stone Entrance
- 6) Entrance will have wood privacy fence
- 7) Streetlights
- 8) 100 foot wide lots
- 9) Possibility of using Anderson Road (if feasible) as second exit for subdivision.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Ester Fleming, District Three

Motion Carried Unanimously

GREG MITCHELL

FLATSHOALS ROAD (1/4 mile east of the firestation)

COVINGTON, GEORGIA

Current Zoning: R-40 (R-1)

Proposed Zoning:R-3

Property:45.1

Staff Recommendation:The staff recommends to approve the request, with the stipulation to comply with Section 230-010 R-3 Single Family Residential District, in the Newton County Zoning Ordinance. Also to comply with the buffer requirements for abutting a church.

Planning Commission Recommendation: Deny

Purpose: To rezone the property to develop subdivision.

Petitioner: Attorney Dan Greer (representing Greg Mitchell)

Mr. Greer introduced Mr. Charles Wood – owner of property and Mr. Brinson. He stated Mr. Mitchell was out of town and unable to attend tonight's meeting.

Points:

- Tract lies within Future Land Use with medium to high density use.
- Arranging with City of Covington to bring sewer into property.
- R-3 appropriate place for high density development is where it is served by water and sewer. This meets all tests.
- It will not tie on to school sewer
- Sewage fully funded by developer
- \$100,000 bond for 2 years for maintenance
- This is good quality housing development.
- **Petitioner is willing to have these conditions placed on zoning:**

- **Minimum square feet – 1400 sq. ft**
- **Sodded yards**
- **2 car enclosed garage**
- **Brick/rock accent on front**
- **Recreational area – 1 acre**
- **Sidewalks on both sides of road**
- **Streetlights**
- **Underground utilities**
- **3 inch street trees**

Discussion:

Commissioner Dimsdale asked if accel/decel lanes had been discussed. The petitioner said there would be accel/decel lanes. He asked number of lots? 126 (maybe a few less)

Opposition:

Derek Otter (neighborhood spokesperson)

- Not in opposition to subdivisions, opposition to high density.
- Lot sizes are for high density
- Schools are overcrowded, including new ones
- Trailers at new schools already
- 240-250 cars added to traffic on Flat Shoals Road.
- Flat Shoals Road already overloaded.
- Other developments in area not built out
- Low water pressure...
- Water & Sewer concern
- Large demand on water system
- R-1 is ok, its already zoned for R-1
- Keep more with the community
- One Road in and out

Man - ?

- Concerned developer wants to tie on to school main line sewage.
- Ask BOC to deny
- Large contingency against zoning.

Herman Haygood

1061 Flat Shoals Road

- Traffic concern
- Bridge across Yellow River
- There needs to be another way out
- Question to BOC: Why are you rationing water and yet keep on building so many houses?

Rebuttal: Attorney Dan Greer

- It will not tie on to school sewer
- Sewage fully funded by developer
- \$100,000 bond for 2 years for maintenance
- This is good quality housing development.

Commissioner Henderson said he was concerned about so much traffic in the area. He stated he felt board should consider Planning Commission recommendation to deny. It is hard to get in and out of area now.

Commissioner Fleming stated this zoning, too, is sensitive, however it complies with Newton County's Future Land Use Map. He said last fall people ran for election stating they would support the Future Land Use Map. Sometimes it is not an easy decision, but we need to support the Future Land Use Map.

Commissioner Henderson stated he agreed, but board should listen to people in area as well.

Commissioner Dimsdale asked about future use of line availability to others? They said once it is completed it will be turned over to the City of Covington who will determine who ties onto line.

Commissioner Dimsdale stated he was very concerned about water availability, but this concern has been answered. He stated he was looking for "quality development" in the county and felt this development would exceed the minimums required. Commissioner Dimsdale commented he had spoken with people in the community who voiced some concerns, as he did, and felt some of these were answered tonight. He mentioned that there is no requirement for sodded yards, sidewalks, recreational area, two car enclosed garages, but the petitioner has agreed to do. He said these are the types of things that can add to the quality of life in a neighborhood. He stated the community that surrounds the proposed development is comprised of septic tank users, and the developer will connect several lines to the new development. He felt this would benefit the community as well. It's a positive move to have a sewage system in a neighborhood. The sewer connection will be available to whoever might be able to connect to it. He said he saw this as a very positive move. He also stated there would probably be an additional 35 more lots in the settlement, but he again he was more concerned about quality and not quantity and thought some of these points were addressed tonight.

Commissioner Billy Strickland commented that based on the 30+ lots that would be added, it would be a far better zoning for the neighborhood. He stated he felt this would be a community neighborhood. He looked at "quality development," and feels this is a quality development. (sodded yards, sewage, sidewalks, Greenspace, etc.)

- **Motion:** To approve rezoning request based on stipulations stated by Petitioner's Representative Attorney Dan Greer:
- **Minimum square feet – 1400 sq. ft**
- **Sodded yards**
- **2 car enclosed garage**
- **Brick/rock accent on front**
- **Recreational area – 1 acre**
- **Sidewalks on both sides of road**
- **Streetlights**
- **Underground utilities**
- **3 inch street trees**

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Billy Strickland, District Five

Against: Commissioner Mort Ewing and J.C. Henderson

Motion Carried

GARY LOCKMAN

MANOR HOMES INC.

KIRKLAND ROAD (across from Womack Road)

Current Zoning: R-1 Single Family Residential

Proposed Zoning: R-3 Single Family Residential

Property: 113.9 (31.6 will be designated as open space)

Staff Recommendation: The staff recommends the rezoning with the stipulations in the letter submitted by Manor Homes (4.5.01) #3 a-j. (letter made part of these minutes)

Planning Commission Recommendation: Approve

Purpose: To rezone and develop land into single family residential detached homes.

Background: Surrounding properties zoning is R-1 north, east, south and west. According to the petitioner, east of the property is small acre tracts. South, has residential development. There is undeveloped property south west of Beaverdam Creek. The west has a power sub-station. Also a 10 acre outparcel is located in front of the site with an existing house and accessory building located on the property. R-1 zoning consists of low to medium density single family residential development land. R-3 is composed of high density housing including zero lot line development where surrounding land uses are compatible with high density development. The Future Land Use Map designates this area as medium to high density development, which is consistent with the Future Land Use Map. The developer is planning to build single family subdivision that consist of detached single family homes which will consist of 214 lots. The price range of the homes would be \$140,000 to \$180,000. A restrictive covenant will be formulated and include but not limited to the following: 1. Builders will be required to submit house plans and site plans on each lot to an architectural committee for individual approval. This will control size, quality, and design and to conserve trees in the area. 2. 1,600 square feet homes are required for one level homes and 1,800 square feet homes will be required for two story homes. 3. Front elevation of home shall be constructed of stone, brick, stucco, or wood approved by the architectural committee. 4. No exposed block. 5. All garages shall be enclosed. 6. Sidewalks shall be installed along both sides of the interior streets. 7. Brick and fence entry treatments will be constructed along the entrances to the subdivision. The entrance will be planted with sod and landscaped intensively.

31.6 acres will be left as open space, which includes a 125 foot wide power line easements and most of the floodplain adjacent to Beaverdam Creek. All open space will be deeded to and maintained by a mandatory homeowners association along with the responsibility of the project entrance areas.

Petitioner: Michelle Stanack? – Representing petitioner Gary Lockman

- Protective covenants
- 31 acres of open space and could increase
- Price Range: \$140,000 to \$180,000
- Will be on sewer.
- They have talked with W&SA about water capacity and it is available to site.

Opposition: None

Commissioner Fleming stated this zoning lies in district three. He stated that our Future Land Use Map designates this area as medium to high density and the R3 zoning falls into this category. He commended Mr. Lockman for a well thought out petition. He said, along with the stipulation and the conditions he doesn't see how we could ask for much more, 1600 sq. ft for one level and 1800 sq. ft for two-story homes with all these other conditions attached, if we've got to have R3 high density this is the type of development that we do need.

Chairman Varner asked if accel/decel lanes were planned? The petitioner representative was not sure, except to say the plans looked like there was a decel lane, however she was not provided with that information.

Chairman Varner asked Planner Lloyd Kerr to address this. Mr. Kerr stated we could require accel/decel lanes and petitioner representative stated they would comply with this request.

Chairman asked Commissioner Fleming to amend his motion to include the accel/decel requirement and he concurred.

Commissioner Mort Ewing commended petitioner for their 31 acres of Greenspace to help, not only, the people who live there, but the people who live around it

Motion: To approve the rezoning with the letter from Mr. Lockman attached as conditions to the motion and any other stipulations that fall under the R3 subdivision. The petitioner will also be responsible for accel/decel lanes into the subdivision.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

STREET LIGHT PETITIONS: Aspen Place & Avery Place

Motion: To approve streetlight requests as presented.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

ALCOHOLIC BEVERAGE LICENSE:

Final Reading:

Super Short Stop
10104 Washington Street
Covington, GA 30014
Owner: Young Ho Cha
Note: Background check indicated no record.

Bubba's #4
10055 Covington ByPass
Covington, GA 30014
Owner: Tim Mathis
Note: Background check indicated no record.

Motion:To approve alcohol license as requested.

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

Second:Commissioner Ester Fleming, District Three

Motion Carried Unanimously

COUNTY CHECKS/APPROVAL:

Motion:To approve county checks as submitted.

Proposed by:Commissioner Mort Ewing, District One

Second:Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

Citizens Comments (5 minutes or less)

Executive Session: None

Motion to Adjourn

Time: 8: 50 P.M.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, Clerk

Aaron Varner, Chairman