

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

Newton County Executive Office Building

Presiding: Chairman Aaron Varner

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, and J.C. Henderson; Attorney Tommy Craig; Clerk Jackie Smith

Absent: Commissioner Billy Strickland

Newspaper: Cindy Tumlin, Covington News

Small 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 FEBRUARY 20, 2001

Motion: To approve minutes for February 20, 2001 meeting as submitted.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

APPROVAL OF MINUTES DATED FEBRUARY 15, 2001

Motion: To approve minutes for February 15, 2001 meeting as submitted.

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

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

NAMING OF PARK ON CLARK STREET

Commissioner Henderson addressed the board and stated that the Recreation Commission voted unanimously on February 26 to recommend to the Newton County Board of Commissioners that the naming of the park be "Trailblazers Park" and a sign at the bottom to read "In Honor of Mr. Nathaniel H. Mitchell". This was also requested by a group of citizens who worked with committee on naming the park. Commissioner Henderson introduced Hawnethia Williams, daughter of Mr. Nathaniel Mitchell and

selected spokesperson for the committee. Ms. Williams presented the board with a new suggestion regarding the naming of the park. (Copy attached) This design was modified from the recommendation received from the Recreation Commission. Ms. Williams also stated there was a list of about 60 trailblazers whose names they would like to have listed (on another sign) who have contributed to the community. They would like this sign to be placed somewhere within the park. She also expressed appreciation to Commissioner Henderson, Randy Vinson and Cheryl Delk for their hard work and dedication on this project.

Recreation Director Tommy Hailey addressed the board and stated this was the first time he had seen the new design. He expressed concern that this was not what the Recreation Commission had submitted for approval

Commissioner Henderson told the board this group was also soliciting donations for the park. He also stated he had contacted Senator Max Cleland to see if there were funds from the Federal Government that could be utilized.

Commissioner Ewing commented that he had received numerous contacts regarding the naming of the park. He stated he had done a lot of research regarding this and understood that "Trailblazers" was the original name agreed upon by the community. Commissioner Ewing expressed he felt the community would be best served by naming it the original name submitted for approval.

Commissioner's Ester Fleming and Ronnie Dimsdale commented the entire county helps to pay for this park (through SPLOST) and that it should be a generic name. They expressed appreciation to all the people who have made contributions to the community, as well as the support for SPLOST. Commissioner Fleming stated there are so many great people who have contributed to Newton County that could be honored, but agreed that it would be best served if it was a generic name.

Commissioner Henderson commented he would like to see the board approve the Recreation Commission's recommendation and was disturbed that, to his recollection, this was the first time the board had not approved the Recreation Commission's request regarding naming of parks/facilities, etc.

Newton County Recreation Commission Director Tommy Hailey addressed the board stating he felt it was time that a criteria was developed to determine how these parks should be named. He stated it would protect everybody if there were a policy in place set by the Board of Commissioners.

Ms. Williams stated that it bothered her that a policy was being considered now after all these facilities/parks had been named prior to this park.

Commissioner Dimsdale stated that his policy has been consistent throughout and this demonstrates serious need to have a policy on this. He stated the naming of this particular park is not a victim of a policy, but shows us that we really need to have a policy in place to address these matters.

Commissioner Ewing stated as far as he knew we did not have a policy in place as it relates to naming parks. He stated that this was the third time this has been discussed with three different names and with that in mind moved to name the park “Trailblazers Park.”

Ms. Williams asked for clarification that the sign would include “In Honor of Nathaniel H. Mitchell.”

Commissioner Ewing’s motion stood as stated.

Chairman Varner addressed Ms. Williams and recommended that the constituency gets together and see if they could put a tree or something like that in honor of Mr. Mitchell. He stated he had kept silent on this because his own father had a lake named after him. It was an honor to have that happen, but it seems like it is snowballing and we are choosing sides. He said he assumed Mr. Mitchell was a very good man and would not want Ms. Williams to think this board was slapping her in the face. He commented that when you get on the other side of the podium, dealing with so many issues, the view sometimes gets pretty tough to look at. He stated he felt that the board was trying to put some kind of order to all of this. He expressed appreciation for her concern, but felt the decision made tonight was the right decision, not because it denied her, but because it puts a little order back into it.

Motion: To name park on Clark Street “Trailblazers Park”.
Proposed by: Commissioner Mort Ewing, District One
Second: Commissioner Ester Fleming, District Three
For: Commissioners Ewing, Dimsdale and Fleming
Opposed: Commissioner Henderson
Motion Carried

NEW DESIGN FOR SQUARE

Chairman Varner introduced Main Street Director Cynthia Marvel who addressed the board. She stated what they were presenting to the board for approval was the re-design of the Town Square. She introduced the team that was assembled charged with doing this: Connie Head, Kendra Mayfield, Connie Waller, Loy Summers, Randy Vinson, Bill Fischer and myself. She said the new design will be partially funded through funds obtained in 1998 from the ISTE A Grant. (copy of design made part of these minutes). The new design indicates trees that need to be removed and/or relocated at this time. She stated the new design will encourage better use of the Square by pedestrians. It will have

some additional small pedestrian lamps, a new walkway connecting existing memorial to the brick path on the other side. She stated this new design will open up the Square for more pedestrian use. Funds are earmarked for irrigation to provide water for plant material and also include a sound system that will be connected on to the existing poles. She stated the committee had worked very hard on this design and requested board approval. She stated the committee had worked very hard on this design and requested board approval.

Commissioner Dimsdale stated he had several questions he would like to ask and did not feel prepared to vote on this request. He stated at the work session Randy said some trees needed to be moved while the weather was good, and felt there was no problem with the trees being removed without necessarily agreeing to or denying the new plan. Suggested to handle the tree issue and later on discuss the new plan/funding etc.

Chairman Varner stated that tonight we would just be authorizing the removal of trees and shrubs, etc.

Commissioner Ewing said approving the removal of the trees is the first step toward the new design?

Cynthia stated she understood they were not committing any monies by approving this design, the committee would like the board's endorsement of the design.

Chairman Varner addressed Randy Vinson for clarification on what he presented at Work Session was just the removal of the trees at this point. Randy Vinson stated that the committee was not asking for any money at this time, just the removal of the trees.

Mr. Bill Fischer commented that the City of Covington approved the design at their Council Meeting last night.

Commissioner Henderson asked who owned the property? Chairman Varner stated it is county property. Cynthia said it is county property and maintained (pretty much) by the city.

Motion: To approve the removal of trees that are in question and discussed.
(the maples and smaller magnolia)

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second: Commissioner Mort Ewing, District One

Motion Carried Unanimously

GE LIGHTING PROPOSAL FOR RECREATION COMMISSION

Chairman Varner stated this was also discussed at the work session on Thursday. Recreation Commission Director Tommy Hailey stated the park was in dire need of these lights and he and Financial Director John Middleton had worked out a financial agreement that allowed the Recreation Commission to pay for these lights through their budget. He stated that the Recreation Commission voted unanimously to support the financial agreement.

Motion: To approve the Master Lease Agreement with GE Capital Public Finance, Inc. and Newton County for the 5-year lease purchase of \$272,651 of GE Sports Lighting Equipment & Installation, for the City Pond Park Complex. These monies will be budgeted through the Recreation Commission Budget.

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

ZONINGS

Planning & Zoning Administrator Shawanna Qawi presented the following zonings.

**DENNY DOBBS & JOAN WYATT
ALMON CHURCH ROAD & MT. TABOR ROAD
COVINGTON, GEORGIA 30014
R-30 (R3) to DR (Single & Two family residential)**

Commissioner Dimsdale asked if it would be appropriate for him to make a motion before hearing the information? (to save time) He stated that the Planning Commission did not have the chance to question the petitioners since they were not at the meetings. They (Planning Commission) wanted to table it until they could question the petitioner. The petitioner was not there in order to accommodate a tabling of the motion so the only thing they (Planning Commission) could do was deny the request. He stated if it was legal he would make a motion to remand this request back to the Planning Commission for their perusal and to give us their recommendation at a future date. Commissioner Ewing gave the second to the motion.

Commissioner Fleming stated that he respectfully disagreed with Commissioner Dimsdale. He stated this was not a new zoning, but going from an establishment of 20 plus years. This is six or seven vacant lots within this development and should have been zoned probably when the Land Use Plan was amended. He said it is not any changes and not where you can put single family housing. He said the only thing suitable is duplexes and doesn't see what the Planning Commission could tell this board any different. He said if this was a new development being requested it would be different, but it's not and should have already been changed.

Zoning Director Shawanna Qawiy said that the Planning Commission received the recommendation from the staff to approve the petition, but since the petitioner was not present at the meeting, they (Planning Commission) had the choice by the ordinance to either table it or deny it.

Commissioner Fleming stated this should have already been done. He stated the zoning is within district three and strongly opposes tabling this request.

Commissioner Dimsdale stated he was not saying anything about the quality of the petition either way, but what he was concerned with was the procedural matter. He said the procedural matter should be that the petitioner needs to attend the Planning Commission Meeting to answer any questions or conservation needed allowing them (Planning Commission) to make their recommendation. He said he felt this board needed to uphold the dignity of the Planning Commission to say you really are important and this needs to go through the Planning Commission before coming to this board.

Commissioner Fleming expressed appreciation to the Planning Commission for all their hard work, but stated several times zonings have come before this board with a recommendation and this board overturned what the Planning Commission had recommended. He said this, too, is procedural.

He asked Attorney Craig if the board had ever heard a petition where the petitioner was not at the planning commission meeting? Mr. Craig said he thought this had occurred from time to time. Commissioner Fleming said a precedent has already been set.

Current Zoning: R-30 (R3)

Proposed Zoning: D-R

Staff Recommendation: Staff recommends to approve the rezoning.

Planning Commission Recommendation: To deny.

Petitioner: Mr. Denny Dobbs

Points of discussion:

- Gave brief history
- 40 years ago Mr. Dobb's father started building duplexes on property
- Left gaps
- Went to get a building permit and found out lots was zoned R30 sitting in the middle of these duplexes.
- Had to pay \$950 to get this rezoned.
- Been working on this for 6 to 8 months
- Had another meeting on night of Planning Commission meeting
- Talked with couple of members of commission who said there was no opposition
- Said they could either table it or deny it so it could move on this commission
- Expressed he understood procedural, but this was a development started 40 years ago
- Not proposing anything not already there
- Felt it was incorrectly zoned as R30
- It takes more time to go back & forth
- Obvious not a brand new apartment complex

Commissioner Ewing asked to speak to the motion stating that he had a great deal of respect for Mr. Dobbs and his father before him for what they have done. He said that he, too, has a problem with something coming directly to this board without the Planning Commission saying yes or no and would respectfully request that this board send it back to the Planning Commission allowing them to do their work and then bring back to Board of Commissioners for action.

Commissioner Fleming asked when Land Use Plan was last amended? 1999
He stated it should have been changed then.

Motion: To remand back to Planning Commission for their consideration.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second: Commissioner Mort Ewing, District One
For: Commissioner Dimsdale & Ewing
Against: Commissioner Fleming & Henderson
Chairman Votes: Chairman Varner broke tie in the affirmative
Motion Carried

**SPRINTCOM, INC.
SARRAN MARSHALL
CONDITIONAL USE
TELECOMMUNICATIONS TOWER
SOUTHWEST INTERSECTION OF GA SR 162 & GA SR 36**

Current Zoning: AR (Agriculture-Residential)

Proposed Zoning: CU (Conditional Use Permit)

Purpose: Construction of Telecommunications tower

Staff Recommendation: Staff recommends to deny the conditional use permit because the petitioner does not comply with criteria for Telecommunication Towers in the Newton County Zoning Ordinance (pg. 5-34, Section 510-530).

Planning Commission Recommendation: To deny.

Background: SprintCom, Inc. is requesting a conditional use permit for the construction of a telecommunication tower. The property is located on GA Hwy 162 and GA Hwy. 36. The current zoning of the property is A-R (agricultural residential). A-R zonings are composed of large acreage, low-density development of single family dwellings. The area does comply with the future land use map by being agricultural residential. The petitioner feels the tract is suitable for the conditional use permit because of its size topography, and configuration will allow the tower to be placed in such a manner that complies with all setback and other zoning requirements.

Telecommunication towers are permitted in the A-R zoning only under a conditional use. However, the petitioner has not submitted to staff documentation from FAA that the lighting is minimal requirements from FAA (Section 510-530 (I)). Documentation has not been given that no existing tower or structure can accommodate the application's requirements. Also there has not been documentation showing an inventory of existing towers that are either within the jurisdiction of Newton County or within one-quarter mile of the boundaries thereof, including information regarding height, location and design of each tower. (Section 510-530 (O)).

At the Planning Commission meeting the petitioner presented documentation, but not before the meeting and staff had already made its recommendation.

Ms. Qawiy stated the Planning Commission denied the petition due the availability of several towers that are a short distance from the control site.

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

Discussion:

- Presented a notebook of materials to be filed with county clerk (Appendix of Materials in Support of Sprintcom, Inc.'s Application For Conditional Use – Georgia SR 162 and Georgia SR 36, Newton County, Georgia (made part of these minutes)

Commissioner Dimsdale questioned the time frame in receiving the materials for board to digest. He asked if the petition should be tabled allowing the board time to digest material. Mr. Greenberg stated he would like to present the material.

The county attorney questioned the petitioner as to the supplemental materials presented. He stated that to the extent that the board is requested to review the 19 items and information of said notebook, it would be totally unreasonable to expect them to act on petition tonight.

Mr. Greenberg stated he understood and respected what the county attorney said and agreed with it in part. He stated he would like the opportunity to make the presentation tonight at public hearing. He stated he felt he could answer any questions that might arise from the board.

- Zoning Ordinance have been met
- All applications aspect have been satisfied
- Purpose is to provide safe, reliable and uninterrupted service to the public
- SprintCom has no facility in this part of the county
- Property: (see tab 11 in notebook)
- Southern part of county
- Heavily wooded
- 125 ft by 125ft and conditional use applies to this site on property as a whole
- All setbacks are met
- Facility: proposed to be a 250ft lattice style telecommunication tower with a 8 ft lightning rod on top bringing the total height to 258 feet.
- Will accommodate up to four collocated users
- Sprint facility at top and 3 other users
- Landscape plan (tab 12)
- Fully in compliance with ordinance
- Structural Integrity Letter: Tab 13
- Safe and have excellence track record
- Collapse inward
- Airspace Safety Analysis Letter: Tab 14
- The FAA will require obstruction marking and/or lighting on this proposed tower.
- Re: Collocation – Tab 15
- Sprint does not have any towers in Newton County at present.

Commissioner Dimsdale asked who provided information regarding towers in Newton County? Mr. Greenberg stated he received information from Shawanna Qawi, who stated at the time she provided the information she did not have an updated list of towers in the county.

- Maps & SprintCom sites: Tab 16
- Currently has no towers in county, but does have some facilities. 4 proposed SprintCom collocate facilities in Newton County and nearby Henry County.
- SprintCom has excellent track record of encouraging collocation.
- Two proposed towers by SprintCom in Newton County
- He stated without tower coverage is not adequate
- Tab 19 explains no negative impact to area

Discussion:

- Commissioner Ewing stated he understood that SprintCom does not have customers in the immediate area of the proposed tower and asked if that was correct?
- Mr. Greenberg said SprintCom does have customers in Newton County.
- Commissioner Ewing said he understood that SprintCom plus three other users would be located on tower?
- Mr. Greenberg said the tower is structurally and designed to accommodate up to four users.
- Commissioner Ewing commented that Mr. Greenberg had indicated tower structurally safe, understanding now it is basically open land. He asked if he could foresee any problems as the area develops as it relates to a safety issue?
- Mr. Greenberg said they do not anticipate any problems. He said these towers are designed to withstand severe kinds of weather, wind, ice, etc.
- Safety Report noted in Terry Love’s report in notebook.
- Commissioner Dimsdale questioned maps/plots indicating telecommunication coverage.
- Commissioner Dimsdale stated he thought the distance was less than what indicated by SprintCom.

Opposition: None

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

Proposed by: Commissioner Mort Ewing, District One

Second: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

ROBERT HOWELL
R-40 (R1) SINGLE FAMILY RESIDENTIAL TO
CN (NEIGHBORHOOD COMMERCIAL WITH AN AMENDMENT
TO TRACT 1)
BROWN BRIDGE ROAD, NE QUADRANT OF SALEM ROAD

Current Zoning: R-40 (R1)

Proposed Zoning: CN (Neighborhood Commercial)

Purpose: Said petitioner is requesting that the 6.28 acres be rezoned to CN for drive through restaurant and commercial businesses.

Staff Recommendation: Staff recommends to approve the rezoning along with the amendment to Tract 2 with the condition that the petitioner began studding/road construction on future roads networking onto Salem road with the plan submitted to Planning and Zoning as drawn.

Planning Commission Recommendation: Approval subject to staff recommendation.

Background: An application submitted by Robert L. Howell for rezoning of property from R-40 (R-1) to CN (Neighborhood Commercial) with drive thru restaurant. The surrounding zonings are north R-40 east R-35, south, R-40 and west CG. R-40 (R-1) consist of single family residential which has low to medium density single family residential development land. Neighborhood Commercial is composed of service businesses or light retail establishments generally designed to service nearby residential area. This property was brought before the Board of Commissioners, October 3rd, 2000. The petitioner was requesting that the property have C-N zoning with removal of condition for no parking in front of the store. During that time the Planing Commission denied the request. The Board of Commissioners made a motion to modify, **not lift**, restriction for no parking in front. Modification in restriction regarding no parking in front read as follows; areas reserved for possible off street parking between the building and Brown Bridge and Salem road, shall be designed in such a manner as to provide for inviting and aesthetically pleasing pedestrian access from the sidewalks as maybe approved by the Planning and Zoning Department. All other conditions are to remain the same, as stated from may 2, 2000 Board of Commissioners Meeting minutes, with recommendations follows: approval be contingent on the developer agreeing to build sidewalks along Salem road and brown Bridge Roads, landscaping in front of both building sites on Salem and Brown Bridge Roads, and preserving and existing hardwood trees on site. Staff also recommends that the developer be required to submit signage and building design plans to the planning commission at the same time a site development plan is submitted and receive their approval prior to the issuance of a development permit. Planning Commission recommended a tree protection plan, no parking in front, design should fit Salem Town Plan, and a C-N zoning that allows a drive through access window. The Board of Commissioners accepted the petition with staff and Planning Commission recommendations.

The petitioner is requesting that 6.28 acres be rezoned to C-N. tract 2 containing 2.12 acres would like to have condition number 5 amended (form the Board of Commissioner-May2, 2000 minutes), that there be no parking in front of building facing Salem Road. The petitioners request that the language be modified to ready that **“Areas reserved for possible off-street parking between the building and Salem Road, shall be designed in such a manner as to provide for inviting and aesthetically pleasing pedestrian access from the sidewalk, as may be approved by the Planning and Zoning Department.”** According to the petitioner this will conform to the zoning condition imposed on the adjacent 3.82-acre tract at the intersection of Salem road and Brown Bridge Road by the Board of Commissioners on October 3, 2000. This will enable all three tracts to be developed with compatible designs in keeping with the intent of this C-N zoning. Future roads for the area will be constructed (as noted on the drawing). However, road construction is contingent upon the rezoning and the possibility of getting the tenant to house their business in the location. The property is consistent wit the future land use map by being located in development node which are designate due to either already development rapidly or distinct communities that are expected to grow in the near future.

Petitioner: Represented by Attorney Dan Greer

Discussion Points

- Project been going on for over a year
- Displayed map of area and intersection
- Showed tract where McDonald's was going to purchase
- McDonald's did not purchase...sold to Ricky Bruce
- Trying to keep with Salem Village concept
- Desire to give village feel with interior roads
- Can't get a drug store to locate there without front parking
- Staff and Planning Commission recommends approval
- Commissioner Fleming voiced concern about so many parking places...
- Does not want to restrict parking, but would like to see number cut down
- Would like to see more greenspace
- Petitioner agreed to work on greenspace.
- Planning department must first approve any parking in front.
- Mr. Fowler stated they could do away with parking spaces that is furthest from front door

Opposition:

Mr. Eric Ellington

- Easement going to be 30 feet buffer
- Concerned about selling his house commercial

Chairman Varner stated all zonings had to be followed by proper procedure. He stated board could not say how zoning was going to go before it is ever heard. He stated this board could not guarantee Mr. Ellington's land would be zoned commercial.

Attorney Craig stated that problems arise when people purchase property/easements, etc and then property is sold and someone else do not agree with easements. Suggested all parties should have it recorded at courthouse.

Motion: To grant rezoning from R-40 on 6.2 acres and approve modification before us. Must go back to planning staff with any stipulations and recommendations as set forth by planning and zoning staff.

Proposed by: Commissioner Ester Fleming, District Three

Second: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

STREETLIGHTS: Berkshire Unit 2 Phase I, Pleasant Hills Phase II, The Falls of Butler Bridge Phase V, Woods of Dearing, The Reserve At

Bear Creek Phase II, Livingston Willows Phase III, Cypress Point Phase II, Pebblebrook Phase II, Green Valley Phase I

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 Ronnie Dimsdale, District Two
Motion Carried Unanimously

CITIZEN COMMENTS:

EXECUTIVE SESSION:

Motion: To enter into Executive Session to discuss pending and/or threatened litigation & personnel
Time: 9:10 PM
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Mort Ewing, District One
Motion Carried Unanimously

Motion: To enter into Regular Session.
Time: 9:25 PM
Proposed by: Commissioner Ester Fleming, District Three
Second: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

ADJOURN-Time: 9:26PM

Motion: To adjourn
Proposed by: Commissioner J.C. Henderson, District Four
Second: Commissioner Ester Fleming, District Three
Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, Clerk

Aaron Varner, Chairman

