

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 17, 2004**

MINUTES

Newton County Historic Courthouse
Covington, Georgia
Chairman Aaron Varner Presiding

Present: Chairman Aaron Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; County Attorney Tommy Craig and Clerk Jackie Smith. Executive Assistant John Middleton was in the hospital and unable to attend the meeting.

Also Present: Will Whitehorn, Covington News
Crystal Tatum, Newton Citizen
Large group of citizens

Chairman Varner called the meeting to order, read the thought for the day and welcomed all present. Rev. Tom McElhaney, High Point Baptist Church gave the invocation and the chairman expressed appreciation to Rev. McElhaney for his beautiful prayer and for his faithful service to the people of Newton County. The chairman led the Pledge of Allegiance to our great country.

APPROVAL OF BOC MINUTES DATED AUGUST 3, 2004

Motion: To approve the Minutes as written.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

**MOU-NEWTON/ROCKDALE COUNTY SALEM ROAD
ENGINEERING**

A power point presentation was given in the work session prior to this meeting from Earth Tech.

- Preliminary design work will take 15-18 months
- Right-of-way must be acquired
- Construction will begin by 2007-2008
- GDOT originally had on their calendar for 2010
- Road will be widened to four lanes
- Earth Tech will hold community meetings

- Project will also include sidewalks
- Board clarified that before design work and construction began they would come back to this board for approval.

Rockdale County Chairman Norman Wheeler expressed appreciation to board and stated he felt this would only come to strengthen ties between Newton & Rockdale. His board voted to unanimously approve the MOU in an earlier meeting.

Commissioner Dimsdale expressed his appreciation for the air of cooperation crossing county lines and working together and duly made a motion to approve.

Motion: To approve the Memorandum of Understanding (MOU) between Newton County and Rockdale County for SR 162/Salem Road Transportation Improvement Project for concept and engineering with Earth Tech.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried Unanimously

RESOLUTION R081704 TO PROVIDE FOR THE ISSUANCE OF NEWTON COUNTY, GEORGIA WATER REVENUE BONDS, SERIES 2004

Attorney Phil Craig appeared before the board to present Resolution R081704 to provide for the issuance of Newton County Water Revenue Bonds, Series 2004.

- Fund capital improvements at Cornish Creek
- To increase water capacity from 15mgd to 28mgd
- King & Spalding Bond Counsel
- Bonds sold today
- Asking for authorization to proceed in validation tomorrow
- Pays off outstanding GEFA loans
- Pays of '96 & '98 Bonds
- Pays for capital improvements at Cornish Creek
- 4.33% for 20 years fixed rate of interest
- Saves county \$327,000 in interest on GEFA loans
- '96-'98 break even on bonds, but advantage was to bring all under one umbrella

After a lengthy discussion and presentation the board duly voted to approve.

Motion: To approve Resolution R081704 to provide for the issuance of Newton County, Georgia Water Revenue Bonds, Series 2004.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

Note: The original resolution is contained in file number R081704, incorporated herein by reference and expressly made a part of these minutes.

BID #05-01 ASPHALT LAYDOWN FOR COVINGTON BY-PASS

Chairman Varner stated four bids were received and the low bidder was Shepherd Construction Company. Commissioner Dimsdale voiced concern with the quality of work Shepherd has provided to Newton County previously. Chairman said he had spoken with Billy Skinner (City of Covington) about this and he will request a certain foreman they are comfortable with. He stated that GDOT is comfortable with Shepherd's work. Chairman said that the GDOT will be responsible for quality of work and it has to be by state requirements.

- This is a joint project and includes funding from the State, the City of Covington, and Newton County.
- Mileage and turn lanes determine cost.
- Project will begin in September
- Price does not include striping

Motion: To approve Bid #05-01 Asphalt laydown for the Covington Bypass and award the contract to Shepherd Construction for a cost not to exceed \$243,491.60.

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

UPGRADE OF FUELMASTER SOFTWARE SYSTEM

Chairman Varner stated this was an upgrade of the Fuelmaster Software System at Public Works.

Motion: To approve the upgrade of the Fuelmaster Software System at Newton County Public Works and purchase from Atlanta Connection Electrical Services, Inc. for an amount not to exceed \$22,917.00.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

BID #05-03 SALE OF SURPLUS LAND

Chairman stated this was part of the property that Attorney Phil Craig presented in May and recommended for sale. The sale was duly advertised and sealed bids were received. Attorney Craig recommended selling the surplus land to the highest bidder on both pieces of property.

Motion: To accept Bid #05-03 from the highest bidder.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Monty Laster, District Five
Motion Carried Unanimously

FEES FOR ZONING MODIFICATIONS & CAP ON REZONING SUBMITTAL FEE

Planning & Development Director, Marian Eisenberg appeared before the board to request modifications and a cap on rezoning submittal fee.

Modification to Conditions(s) Zoning: \$275.00 for residential
\$525.00 for Non-Residential
Administrative Modification: \$100.00

Maximum Fee for Rezoning Petition: \$10,000

Motion: To affirm the requested fee changes by the Planning & Development Department.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Monty Laster, District Three
Motion Carried Unanimously

Zonings

Chairman Varner apprised the group of the procedure to address the board regarding zonings.

Public Hearing Procedure for Rezoning, Future Land Use Map Amendments and Conditional Use Permits:

The applicant and those in favor of the petition are allotted ten-minutes to address the board. In addition, ten-minutes is allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by commission members. Additional discussion may be held should the chairman be called upon to break a tie vote.

Speaker Cards: Cards are available on the information table. Should you desire to address the board regarding a **Rezoning, Future Land Use Map Amendment, or a Conditional Use Permit**, please complete the card and give to a bailiff at the beginning of the meeting.

Planning & Development Director presented the following zonings:

04-019

ALAIN BOUZOUBAA

5228 HIGHWAY 20 SOUTH

CN (NEIGHBORHOOD COMMERCIAL) TO (CG (GENERAL COMMERCIAL))

PARCEL SIZE: 0.72 ACRES

TAX PARCEL: 7A-28

DISTRICT TWO

Request: Zoning Change

Purpose of Request: Automobile Sales

Location: Georgia Highway 20, East Side, Frontage – 158.2 feet

Present FLUM: Development Node

Present Land Use: Agricultural

Applicant's Intent: To allow retail sales of automobiles

Planning Commission Recommendation: Denial

Petitioner Representative: Attorney Dan Greer

- # of issues allowed
- Auto sales rental
- Auto repair
- Auto Wash
- Auto Service Station
- Auto Wash directly across the street
- Way to solve is to offer Mr. Bouzoubaa Highway Commercial and not General Commercial and place restrictions you feel necessary.

No questions

No opposition

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

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Henderson voting in opposition to motion.

03-081

ROGER SINGLETON

OAK HILL ROAD & SMITH STORE ROAD

R-1 (SINGLE FAMILY RESIDENTIAL) TO CN (NEIGHBORHOOD COMMERCIAL)

PARCEL SIZE: 10.163 ACRES

TAX PARCEL: 15-63

DISTRICT TWO

Request: Amendment to the Future Land Use Plan and a Zoning Change

Purpose of Request: Convenience Store & Daycare Center

Location: Oak Hill Road, South Side, Frontage – 854.59 feet.

Smith Store Road, West Side, Frontage – 1,048.77 feet

Present FLUM: Rural Residential

Proposed FLUM: Commercial

Present Land Use: Undeveloped

Applicant's Intent: To develop a "General Store" style Convenience Store and a Daycare facility.

Planning Commission Recommendation: Denial

Petitioner: Roger Singleton

Displayed a plat of area

- One country store
- One Daycare Center
- A little over 10 acres
- 190 people can go to the store without ever getting on the highway.
- 160 houses next door
- CN zoning is designed to compliment residential use.
- All lots front Smith Store Road or Oak Hill Road
- Requested a country store design that looks more like a Cracker Barrel
- Daycare Center will be convenient for families to drop their children off in their neighborhood and not get on a county road
- Sees it as beneficial to county regarding traffic since nearest store is 2 miles

Opposition:

Terry Pulliam

Patrick Kirksey

Pansy Kirksey

- Not consistent with current zoning
- Not consistent with Newton County's FLUM
- Pollution of Snapping Shoals Creek
- Sell of Alcohol – church across the street
- There is not a need for childcare in area.
- 3 Daycare facilities within 2miles

- Decrease of property values
- Integrity of neighborhood
- Would change the face of neighborhood
- Rural area
- No need for a service station
- Open floodgates to commercial
- Donated Greenspace is undevelopable flood plain
- Spot zoning
- Encourages outside residents to come in area for shopping
- 3 stores within 2 miles

Petitioner: Roger Singleton

- The 160 houses (Berkshire) have not spoke out against this zoning.
- No other place this type of zoning can work other than here.

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

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Henderson voting in opposition to the motion.

04-020

CHRIS AND SHEILA BAKER

1775 ACCESS ROAD, SUITE A, B, & C

OI (OFFICE INSTITUTIONAL) TO CH (HIGHWAY COMMERCIAL)

PARCEL SIZE: 1.81 ACRES

TAX PARCEL: 43-1 & 1B

DISTRICT THREE

Request: Zoning Change

Purpose of Request: Retail, with Outside Sales & Display

Location: I-20 Access Road, South Side, Frontage – 111.94 feet

Present FLUM: Commercial

Present Land Use: Office

Applicant's Intent: To allow retail sales of recreational products, such as pools and hot-tubs, including outside sales and display, in a proposed 30,000 square foot building.

Planning Commission Meeting June 22, 2004: Deferred to allow staff to research water pressure. Both the Sewerage and Water Board and the Fire Department sent letters stating the water line was being upgraded and future pressure would be adequate.

Planning Commission Recommendation: Denial

Opposition:

Aaron Cooley
Ed Applewhite

- Objects to recreational facility behind houses
- No need for Highway Commercial in a Neighborhood Commercial
- Would not oppose office
- Serious water problems already
- Water shortage – no pressure
- Quality of life

Motion: To uphold the recommendation of the Planning Commission and deny zoning request #04-020 Chris & Sheila Baker @ 1775 Access Road.

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

04-026

EDDIE JOHNSON

1165 SMITH STORE ROAD

A-R (AGRICULTURAL RESIDENTIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL)

PARCEL SIZE: 20.42 ACRES

TAX PARCEL: 15-65, 65A

DISTRICT TWO

Ms. Eisenberg said she had received a letter from the petitioner requesting a 30-day deferral (September 21st).

Motion: To approve the request by the petitioner and defer the zoning until the September 21, 2004 commissioner's board meeting.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

04-027

SCOTT PADIS

NORTH SIDE OF HAZELBRAND ROAD NEAR MCMAHON ROAD

A-R (AGRICULTURAL RESIDENTIAL) TO M-1 (LIGHT INDUSTRIAL)

PARCEL SIZE: 9.808 ACRES

TAX PARCEL: 97-39

DISTRICT FIVE

After a lengthy discussion, and in light of information regarding changes in original petition that the planning commission did not hear, the board felt this petition should be remanded back to them for further review.

Motion: To remand the Petition #04-027 back to the Planning Commission for further review.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

04-031

MERIDIAN DEVELOPMENT CORPORATION

FAIRVIEW ROAD

R-2 (SINGLE FAMILY RESIDENTIAL) TO R-3 (SINGLE FAMILY RESIDENTIAL)

TAX PARCEL: 25-1

DISTRICT THREE

Request: Zoning Change

Purpose of Request: Proposed Subdivision

Location: Off Fairview Road adjacent to Magnolia Manor and Windcrest Terrace Subdivisions

Present FLUM: MHDR (Medium-High Density Residential)

Proposed FLUM: No change needed

Present Land Use: Vacant

Applicant's Intent: Eighty-three (83) lot subdivision with a access off a stub road connecting with Flowers Road in the Magnolia Manor Subdivision and Windcrest Terrace (street) in the Windcrest Terrace Subdivision. This access is across an existing but developed lot (#80). The applicant, Meridian Development Corporation, also is developing Windcrest Terrace.

Planning Commission Recommendation: Denial

Petitioner Representative: Attorney Dan Greer

- Presented letter dated August 17, 2004 as official part of minutes
- Petitioner has met with community and district commissioner
- Petitioner agreed to 16 conditions.
- Many of these conditions are an upgrade from the current conditions offered in area.

Mike Montgomery spoke in favor of the petition

There was lengthy discussion regarding petition. Commissioner Fleming met with community and petitioner to work out best possible conditions for zoning and felt the meeting was very successful and expressed appreciation to petitioner and community.

However, there was a large crowd of residents in area that voiced opposition to the petitioner:

Opposition:

Windell Darrington

Shawonya Campbell

Pearl Woofford

Keith Richardson

Patricia Aiken

Syreeta Lawson

Rosalyn Shehi

Hudgens, Cooper, Bostic

Sylvenna Rowe

Commissioner Fleming:

Commissioner Fleming addressed the board and stated that he could support the petition and would like to see it approved. One of his major concerns was the inner-connectivity, which was accomplished. He told the board and the audience that the petitioner could come in for an R-2 development and would not have to come back before the board. He voiced his concern that the community would be better served with this zoning and accomplished conditions and felt that if it were remanded back to the planning commission an injustice would have been served the community.

Motion: To remand Petition #04-031 back to the Planning Commissioner for further consideration.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Fleming voting in opposition to motion.

04-032

WADE STEPHENS

14625 HIGHWAY 36 SOUTH

R-1 SINGLE FAMILY RESIDENTIAL

TAX PARCEL: 90-57

DISTRICT ONE

Proposed Use: Underground Storage Tanks

Existing Use: Convenience Store

Location: 14625 Highway 36 South across from the Willow Springs Subdivision

Applicant's Intent: To reestablish gasoline sales at the store

Planning Commission Recommendation: Approval

Petitioner: Wade Stephens

- Gas sales in the past
- Engineer reviewed
- No opposition
- Reestablish gas sales with two tanks

- Old tanks have been removed.

Commissioner Ewing questioned the look of the station.

- Canopy with two gas pumps
- Approved by EPD
- No one in opposition has contacted Commissioner Ewing

Motion: To follow the recommendations of the Planning Commission and approve Petition 04-032.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

EXECUTIVE SESSION

Time: 9:10 P.M.

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

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

REGULAR SESSION

TIME: 9:25 P.M.

Motion: To enter into Regular Session.

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

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried Unanimously

ADJOURN

TIME: 9:25 P.M.

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, Clerk