

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 15, 2006
MINUTES**

**Newton County Historic Courthouse
1124 Clark Street
Covington, Georgia
Chairman Aaron Varner, Presiding**

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Attorney Scott Cole, Attorney James Griffin and County Clerk Jackie Smith

Newspaper: The Newton Citizen
Small group of citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Commissioner Mort Ewing gave the invocation and Chairman Varner led in the Pledge of Allegiance to our great Flag.

PANDEMIC INFLUENZA UPDATE

Dr. Lloyd Hofer, Director of Newton County Board of Health appeared before the board to provide an update on pandemic influenza. A summary of his report is made part of these minutes.

The BOC expressed appreciation to Dr. Hoffer for this update.

APPROVAL OF BOC MINUTES DATED AUGUST 1, 2006

Motion: To approve the minutes with correction noted and accounted for.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

ANNUAL REPORT FOR FORESTRY UNIT

Chief Ranger Terry Quigley appeared before the board with his annual forestry report. A copy of the report was included in the agenda packets for board review. The board expressed thanks to Ranger Quigley for a job well done.

No action necessary.

T/O#4A FOR TRANSPORTATION CONSULTANT J.B. TRIMBLE

County Engineer Kevin Walter presented this request to the board. He noted the following:

- Add-on to the design of improvements to the Alcovy Road Bridge (previously approved by BOC).
- Safety improvements (not included in original task order)
- Guard Rails
- Improvements to the approach slabs leading up to the bridge
- Bidding together will save county money

Motion: To approve Task Order #4A for Transportation Consultant J.B. Trimble for a not to exceed cost of \$12,216.06.

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

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

Motion Carried

T/O #3 FOR TRANSPORTATION CONSULTANT PBS&J

County Engineer Kevin Walter presented this request to the board. He noted the following:

- CIE contains a line item for repairs of guardrails at various unspecified locations around the county.
- Allocated \$250,000 over 10 years.
- Would allow enable PBS&J to survey entire county and report back to board.

Motion: To approve Task Order #3 for Transportation Consultant PBS&J for a not to exceed cost of \$3,900.00.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

PROFESSIONAL SERVICES FOR CELL TOWER REVIEWS

Administrative Officer John Middleton presented this request to the board to renew Mr. Zimmerman's contract for cell tower reviews.

- Suggested language change to read: Zoning Administrator
- Commissioner Ewing:
- Questioned the last paragraph on page 60 indicating that the person would receive same protect as any full time employee. The county attorney said State Law provides county has the right to extend protection to employee. A resolution was passed in 1976, however it does not bind the board.

Commissioner Fleming:

- Noted when board set cell tower fees cost was included to cover these services. Mr. Middleton confirmed.

Motion: To approve the Professional Services Contract with Mr. Robert P. Zimmer, for a cost of \$68.00 per hour for Cell Tower Reviews as recommended by the Purchasing Department and outlined in agenda packet.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

**R081506 – RESOLUTION TO PURSUE ABANDONMENT
PROCEEDINGS FOR A PORTION OF HAMILTON ROAD**

Attorney Scott Cole appeared before the board regarding these proceedings.

- Mr. Blackwell & Mayor Cocchi, City of Mansfield requested abandonment of a portion of Hamilton Road.
- This resolution authorizes chairman to take steps to notify landowners in area of abandonment.

Commissioner Ewing:

- Working on project for several months.
- Road has not be utilized as a public road since mule & wagon days.
- No opposition to proposed abandonment
- Would like to see proceedings to begin in abandoning this road.

Motion: To approve Resolution R091507 to pursue abandonment proceedings for a portion of Hamilton Road as presented by Attorney Scott Cole.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried

R081506A – TAX ALLOCATION DISTRICT (TAD)

Administrative Officer John Middleton noted the following:

- Work Session held last week regarding TAD
- Resolution will authorize question to be placed on the ballot

Commissioner Dimsdale:

- Read through resolution and information
- Has several concerns & questions.
- Suggest another work session

Commissioner Laster:

- Questioned a time frame? Yes, Board of Elections must have information for ballot not later than tomorrow morning due to a deadline to get the ballot printed.
- Extended time from August 1st.

Commissioner Henderson:

- Questioned who would get the message out to the citizens? Attorney Cole said their office would be capable of handling this and will offer assistance. Chairman Varner noted the Chamber is looking into this also.

Commissioner Ewing:

- Subject discussed at length and would like to see it on the ballot.
- This would simply give the citizens an opportunity to vote on this.

Commissioner Dimsdale:

- Reiterated concerns
- Noted that City of Covington could pass this independent of county.

- All examples of TAD are located within the City of Covington.

Motion: To approve R081506a – Tax Allocation District (TAD) to be placed on ballot for General Election in November 2006.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioners' Dimsdale and Fleming voting in opposition to motion.

R081506B – APPROVAL OF SUPPLEMENTAL RESOLUTION & CERTIFICATE PURCHASE AGREEMENT

Robert Reardon from King & Spalding presented this to the board for authorization.

- This authorizes county to move forward with lease with First Baptist Church
- Authorizes county to enter into agreement with ACCG & Merchant Capital

Commissioner Dimsdale:

- Questioned terms for agreement with church? County Attorney Tommy Craig told the board that church held a general session on Sunday and approved the trustees to meet with county regarding terms. Board is being asked to approve a resolution allowing county to move forward with lease. The lease will come back to this board for final approval.

Motion: To approve Resolution R081506b approval of Supplemental Resolution & Certificate Purchase Agreement as presented.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

7:30 P.M. – ZONINGS

Chairman Varner noted that each side would have ten minutes to present their issues and it would not include board discussion.

Planning Director Marian Eisenberg addressed the board and sounded the following zonings:

REZ06-014

Note: Commissioner Dimsdale recused himself and left the meeting because his personal property is close to location in question.

Emmanuel Smith & Lisa A. Davis, Owner

Petitioner: Kenneth D. Brown

Proposed Land Use Map: N.A.

Existing Land Use Map: DN (Development Node)

Proposed Zoning: CH (Highway Commercial)

Existing Zoning: R3 (Single-Family Residential)

Watershed: Yellow River

Location: Salem Road (East Side)

100.0 Feet of Frontage

Brown Bridge Road (South Side)

200.0 Feet of Frontage

Parcel Size: 1.292 Acres (to be developed with adjoining parcel)

Tax Parcels: 13-1119A, 121

Applicant's Intent: To develop a 14,490 square-foot drug store (Walgreen's) and 7,800 square feet of retail space on 2.372 acres at a total density of 9,397.13 square feet per acre.

Planning Commission: Approved w/ Staff Conditions on 05-23-06

Board of Commissioners deferred to 8/15/06 Meeting on 6/20/06

- Chairman received a call and letter from property owner stating he did not want to go forward.
- Now says it is o.k. A little confusing
- Would prefer to have it tabled and landowner be present
- Director Eisenberg noted she was comfortable in proceeding with request.

Kenneth Brown (Petitioner)

- Met with Mr. Smith for three hours and explained trade-off.
- Has a contract that was signed today (2 hours ago)
- Walgreen's Drug Store
- Did a marketing analysis
- Commercial node
- Down cast lighting
- Same stucco

No opposition

Commissioner Laster:

- Condition F: Would like to see that at 65 ft ROW at no cost to Newton County.

Motion: To approve REZ06-014 with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved CH (Highway Commercial) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, drug store and accessory uses, at a maximum density of 9,397.13 gross square feet per acre zoned or a total of 22,290 square feet (14,490 square feet for the drug store and 7,800 for the retail space), whichever is less.
 - b. The following uses shall require the approval of a conditional use permit by the Board of Commissioners:
 - (1) Auto Repair

- (2) Auto Service Station
- (3) Auto Wash
- (4) Restaurant, Drive-Through/Drive-In

2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on April 7, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to abide by the following development standards:
 - a. Provide a left-turn lane and a deceleration lane at the proposed entrances, as required by the County Engineer.
 - b. Stormwater plan to be reviewed and approved by County Engineer.
 - c. Exteriors shall be brick and/or stucco on all four sides. Bricks and stucco shall match the color of those used for the Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director. Metal roofs must match type and color of Publix's roof.
 - d. Provide sidewalks along Brown Bridge Road. Sidewalks shall be located within 10-foot landscaping strip. Landscaping strip and sidewalk location subject to approval of the Director.
 - e. Provide inter-parcel access with future commercial development on adjacent parcels at time of future development.
 - f. Dedicate, at no cost to Newton County, additional right-of-way necessary to bring the total right-of-way from the centerline of Brown Bridge Road to 65 feet. Additional right-of-way may be required from back-of-curb of the deceleration lane to provide for placement of utilities.
 - g. Provide downcast lighting. Lighting to be similar in architectural style and color to the Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director.
 - h. The development must comply with the requirements as recommended by Earth Tech, subject to the approval of the Director. These standards

include, but may not be limited to, landscaping, building materials, setbacks and signage.

- i. Access on Salem Road shall be right-in, right-out only.
- j. Dedicate, at no cost to Newton County, additional right-of-way necessary to bring the total right-of-way from the centerline of Salem Road to a minimum of 65 feet (or more, as required by DOT). Additional right-of-way may be required from back-of-curb of the deceleration lane to provide for placement of utilities.

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

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

Motion Carried with Commissioner Dimsdale recusing himself from the meeting and vote.

APP06-003

Original Case Number: VAR06-014

Name of Applicant: Kenneth Brown

Address of Property: Southeast Corner of Intersection of Brown Bridge Road and Salem Road

Parcel Size: 2.372 Acres

Tax Parcels: 13-119A, 120, 121

Request: Appeal to Board of Zoning Appeals decision (Denied) at May 23, 2006 meeting.

Original Request: Variance Request to reduce the transitional buffer from 75 feet to 6 feet along the south and east property lines.

Purpose of Request: To construct a drug store and retail shops

Present Use: Existing Day Care, Single-Family Residences (to be removed)

Planning Commission: Approved w/ Staff Conditions on 06-27-06

Board of Commissioners deferred to 8/15/06 Meeting on 7/18/06

District Two

Motion: To deny APP06-003, Original Case Number VAR06-014.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Dimsdale recusing himself from the meeting and the motion.

Note: Commissioner Dimsdale reentered the meeting.

REZ06-016

Douglas & Brad Parker, Owner

Petitioner: Douglas & Brad Parker

Proposed Zoning: RE (Rural Estate)

Existing Zoning: A (Agricultural)

Location: 220 Bohannon Road (North Side)

Parcel Size: 83.03 Acres

Tax Parcels: 72-1, 1B

Request: Appeal to Board of Zoning Appeals decision (Denied) at June 22, 2006 meeting.

Original Request: Variance Request to (1) decrease the minimum width and road frontage of the access portion of lag lots from 40 feet to 15 feet, (2) increase the maximum length of the access portion of flag lots from 300 feet to 4.404.29 feet and (3) allow the flag lots to constitute more than 10% of the total number of building sites.

Planning Commission: Approved w/ Staff Conditions on 06-27-06

Board of Commissioners deferred to 8/15/06 Meeting on 7/18/06

District One

Petitioner: Doug & Brad Parker

- Decrease minimum width of road
- Parents & three (3) siblings to build on property
- Tract of land owned by long time family residents of county

No opposition

Commissioner Ewing:

- Been working on project since March with The Parker's.
- 83+ acres
- Worked through system to provide housing for family members
- Did everything asked of them by P&D.
- Parker's purchased land many years ago and they were provided a variance of what they are asking for tonight. They purchased the land with the understanding the variance was approved.
- They have been very easy to work with and cooperated 100%. It's been a pleasure to work with them.

Motion: To approve REZ06-016 with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Estate) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 3.73 acres.
 - c. No more than 5 total dwelling units
 - d. The minimum heated floor area per dwelling unit shall be 1,800 square feet.

2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on May 3, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

4. To the owner's agreement to abide by the following development standards:
 - k. All lots shall use shared (existing) driveway. No new driveway permits to be issued unless additional frontage on Bohannon Road is acquired.
 - l. The minimum width and road frontage of the access portion of flag lots shall be 15 feet. (APP06-004)
 - m. The maximum length of the access portion of flag lots shall be 4,404.29 feet. (APP06-004)
 - n. Flag lots shall be allowed to constitute more than 10% of the total number of building sites. (APP06-004)

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

Motion: To approve APP06-004 as requested.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

FLU06-005

REZ06-017

Betty Ozburn, Owner
Petitioner: John E. Knight
Proposed Land Use Map: RR (Rural Residential)
Existing Land Use Map: A (Agricultural)
Proposed Zoning: AR (Agricultural Residential)
Existing Zoning: A (Agricultural)
Watershed: Murder Creek
Location: Pitts Chapel Road (east Side)
142.74 Feet of Frontage
Parcel Size: 1.0 Acres (Parent Parcel is 232.55 Acres)
Tax Parcels: 139-27
Applicant's Intent: To subdivide one lot for a family member.

Planning Commission: Approved w/ Staff Conditions on 07-25-06
District One

Tray Polk appeared before the board and presented this request on behalf of his mother, Betty Ozburn.

- Mother owns over 240 acres
- Would like to give one acre to another family member.

No Opposition.

Motion: To approve FLU06-05 change from A (Agricultural) to RR (Rural Residential).

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Motion: To approve REZ06-017 with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural Residential) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 43,560 square feet (1.0 acre).
 - c. No more than 1 total dwelling unit, at a maximum density of 1.0 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 1,800___ square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on June 1, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

NTL06-002

Hal E. Boyton, Owner

Petitioner: Sara Marshall (T-Mobile South, LLC)

Proposed Use: New Telecommunications Tower)

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: Highway 20 (North Side)

521.75 Feet of Frontage

Parcel Size: 19.2516 Acres

Tax Parcel: 2-4

Applicant's Intent: To locate a 150-foot monopole telecommunications tower.

Planning Commission: Deferred to June 27, 2006 meeting

Deferred to July 25, 2006 meeting

Planning Commission Recommendation: Denial on 07-25-06

District Two

Motion: To defer NTL06-002 until the first BOC meeting in September. (September 5th)

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

STREETLIGHTS

Barberry Woods Subdivision

Country Roads Subdivision - Unit II

District 2

Motion: To approve streetlights for Barberry Woods Subdivision and Country Roads Subdivision – Unit II as requested.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

Kings Ridge Subdivision

Wyndmont Subdivision

District 3

Motion: To approve streetlights for Kings Ridge Subdivision and Wyndmont Subdivision as requested.

Proposed by: Commissioner Ester Fleming, Jar, District Three

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

Motion Carried

St. Regis Subdivision

District 5

Motion: To approve streetlights for St. Regis Subdivision as requested.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

ALCOHOL LICENSE

Final Reading

Maverick at the Hub

12708 Hwy. 278

Social Circle, GA 30025

Steve Smallwood (100% Owner)

Motion: To approve an Alcohol License for Maverick at the Hub located at 12708 Hwy. 278, Social Circle.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

COUNTY CHECKS

Motion: To approve the county checks as read by the chairman with clarification of general fund numbers. (Duly noted)

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

EXECUTIVE SESSION

Time: 8:55 p.m.

Motion: To enter into Executive Session for the purpose of discussing threatened litigation.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

REGULAR SESSION

Time: 9:10 p.m.

Motion: To enter into Regular Session and adjourn meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried

Respectfully Submitted,

Jackie B. Smith, County Clerk

Aaron Varner, Chairman