

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**April 17, 2007**  
**MINUTES**

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Jenny Carter and County Clerk Jackie Smith  
**Newspaper:** Covington News – Rachel Osborn  
Newton Citizen – Crystal Tatum  
Large group of citizens

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

Chairman Varner, on behalf of the board, extended a welcome to members of Youth Leadership Newton County who attended the meeting.

**APPROVAL OF BOC MINUTES DATED APRIL 3, 2007**

Motion: To approve the minutes for April 3, 2007 board meeting as written.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**R040707 RESOLUTION FOR CSBG CONTRACT AMENDMENT FOR FY2007**

Chairman Varner told the board this was a simple housekeeping item that was required by DCA. The Senior Services will receive \$507.00 more money through CSBG Grant.

Motion: To approve Resolution R040707 for CSBG Contract Amendment for FY2007 to support the Senior Services in the amount of \$507.00.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

**CORNISH CREEK FACILITY EXPANSION**

Chairman Varner:

- County is at the stage to hire an engineer for project.
- Firm who submitted proposal is well qualified for this project.

Commissioner Fleming:

- Project discussed at earlier work session
- Ready to get this much needed expansion started.

Jim Mathis, President Infratec

- Plant expansion (Alcoy River Intake & Raw Water Main to Lake Varner)
- County obtained increased withdrawal permit from EPD to allow withdrawal of 35 MGD
- Worked on first reservoir (Cornish Creek/Lake Varner)
- Expressed appreciation to continue working with the development of the County's water infrastructure.
- Went over proposed fees for design and construction services.
- Design Development Report: \$49,480.00
- Detailed Design: \$649,730.00
- Bidding Assistance: \$15,540.00
- Construction Management: \$629,600.00
- Geotechnical Investigation Allowance: \$20,000.00
- Operation Manual Update: \$24,080.00
- Total Fee: \$1,388,430.00
- Summary: Because of our complete knowledge of the Cornish Creek plant, we will be able to begin productive work on the design of the plant expansion immediately upon authorization to proceed. This project will be our highest priority at Infratec Consultants and we will make every effort to assure that the final product exceeds the County's expectations.

Motion: To approve and award the Cornish Creek Facility Expansion to Infratec Consultants, Inc. for a not to exceed cost of \$1,388,430.00.

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

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

Motion Carried

### **FIREFIGHTING UNIFORMS FOR FIREFIGHTER PERSONNEL**

Chief Mike Satterfield presented request.

- Boots
- Turnout Gear
- Helmets
- Bennett Fire Products low bidder
- Cost: \$48,914.00
- Funding Source: Fire Fund

Motion: To approve the purchase of Firefighting Uniforms and award the bid to the low bidder Bennett Fire Products, Woodstock, Georgia for a not to exceed amount of \$48,914.00.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

## **CATERPILLAR 953C TRACK LOADER FOR PUBLIC WORKS**

Chairman Varner presented this request to the board for the Caterpillar 953C Track Loader.

- Replaces a 1988 models that stays either broke or in for repairs.
- County can sell track loader back to Yancey Brothers for a guaranteed price of \$72,410.00 after 5,000 hours or 5 years.
- Yancey Brothers (John Whitley) will include parts, service and operation manuals at no charge.
- Recommends that board approve this purchase for \$179,025.00.

Commissioner Simmons:

- Questioned number of hours logged each year and the chairman noted approximately 3500 hours total since purchase.

Motion: To approve the purchase of a Caterpillar 953C Track Loader for Newton County Public Works Department and award the bid to Yancey Brothers for a cost not to exceed \$179,025.00.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

## **DISCUSSION RE FUNDING FOR CENTER/GYM & FIELDS @ LASETER STREET and FUNDING OF COUSINS GYM & FIELD**

Commissioner J.C. Henderson addressed the board with the following concerns:

- Noted that he was placed on the Recreation Commission by this board to bring the needs back to them for their consideration.
- Expressed the following needs and concerns:
- Places where the children can play. (Build nice buildings, but no place for children to play)
- Not enough fields to play ball on (children play late night games due to the lack of fields)
- Wants to see field at Cousins as well as the gym being renovated.
- Basketball Court for Washington Street Center (Blacktop basketball area at Washington Street and provide new goals)
- Concerned that we have forgotten about our neighbors and commented that one end of the county indeed affects the other end of the county.

Commissioner Laster

- Stated that he is not against the projects, but that the board needs time to discuss things further and has not had a chance to do this.
- However, some of these projects already have been designated for SPLOST funds.

Commissioner Ewing

- Thanked Commissioner Henderson for bring the needs to their attention and noted that some of these concerns have been briefly discussed and will be more thoroughly discussed in the future.
- This board set aside \$500,000 through SPLOST funds for this project.

- Contacted Denny Dobbs regarding Cousins Gym and he feels it can be renovated and ready for children to use for a low cost.
- Mr. Dobbs said that the roof could be repaired, lights replaced and inside sand blasted, renovate bleachers and install a new floor. He stated that gym could be renovated and updated for children to play.
- Hopes board will work through getting the gym renovated and in use.

Commissioner Henderson

- Again expressed his concerns for the children and reiterated how strongly he feels about getting these things done for the children.

Motion: To approve the funding requested for children's needs as requested.

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

Second by: Commissioner Earnest Simmons, District Two

Motion failed 3to 2 with Commissioners Ewing, Fleming and Laster voting against the motion with understand projects will be discussed further during budget time.

### **RFP307-09 TRAILS DESIGN PROJECT**

Special Project Coordinator Cheryl Delk appeared before the board regarding this request.

- Rebid project
- Turkey Creek/Yellow River and Library to Eastside High School
- 9 firms submitted qualification
- 5 firms were short-listed based on experience & qualifications
- Firms were interviewed by committee (Commissioner Laster, John Middleton, Scott Cole, Cheryl Delk, Tommy Hailey, Carl Kelly and Tina McDonald)
- State and Federal guidelines were followed for project since Federal & State funds are involved.

Commissioner Laster

- Expressed appreciation to the committee who worked through long tedious meetings regarding this project.
- Committee recommendation is to award bid to StreetSmarts.

Motion: To award the contract to StreetSmarts for a not to exceed amount of \$410,318.96 for both projects.

Proposed by: Commissioner Mont Laster, District Five

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

Motion Carried

## **NEWTON MEDICAL CENTER PROPOSED REFINANCING**

County Attorney Tommy Craig addressed the board apologizing that no one was present from the hospital, but noted it would be in the best interest of the hospital financially for the board to consider this request. He noted the following:

- Request is to back the refinancing of the remainder of hospital bonds for the 1999 Series for \$16.2 million dollars.
- County's ability to collect property tax helps the hospital to secure a lower interest rate for the bonds.
- Estimated savings to hospital is \$1.5 to \$2 million dollars.
- Suggested to place resolution on May 1st board meeting.
- Someone from the hospital will be on hand for further discussion and questions.

Commissioner Fleming

- Board has always supported our local hospital and would recommend the continuance of this support by approving this request.

Motion: To support Newton County Medical Center in their proposed refinancing endeavor with the understanding that a resolution will be forthcoming at our May 1<sup>st</sup> meeting for approval.

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

Second by: Commissioner Monty Laster, District Five

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:

NOTE: Commissioner Ester Fleming abstained from taking part in the discussion of zoning request REZ06-035 as well as abstaining from the vote. Commissioner Fleming stated he was recusing himself due to a conflict of owning property in the vicinity of the property in question.

## **REZ06-035 (Deferred from March 20<sup>th</sup> BOC Meeting)**

Proposed Zoning: CG (General Commercial)

Existing Zoning: R2 (Single Family Residential)

Existing Land Use Map: DN (Development Node)

Location: Georgia Highway 212 (Northeast)

557.87 Feet of Frontage

Brown Bridge Road (Southeast)

1,159.74 Feet of Frontage

Parcel Size: 34.44 Acres

Tax Parcel: 7-16, 7-16A, 7-17, 7-35A, 7A-36, 7A-37, 7A-38

Owners: Lane & Sherry Walker, et al

Petitioner: South Harbor Development, LLC

Representative: Greenberg Farrow Architecture & Engineering

Applicant's Intent: To develop a Home Depot store with garden center and no more than 5 out-parcels for a total of 240,000 square feet at an overall density of 6,968.6 square feet per acre. One (1) out-parcel on approximately 1.5 acres is illustrated on the applicant's site plan, the remaining are proposed within the 5.33 acres labeled future development.

Planning Commission Recommendation: Approval with Staff Conditions on February 27, 2007

District Two

Petitioner Representatives:

Duke Sullivan

Hamilton Williams

Steve Lilly

- Assembled 7 parcels
- GDOT has plans to relocate portion of road
- Planning Commission recommended unanimously
- Desires to be good corporate citizen
- Estimated economic benefits for county is \$2 million
- Provide 175-200 jobs
- Working with GDOT regarding traffic problems
- Intersection will be aligned properly and built to county standards
- Traffic lights will be installed at intersection
- Home Depot will put in road that will eventually tie into Brown Bridge Road and will be constructed to county standards.
- Worked with GDOT to make sure intersection is aligned properly
- 3 sided brick/stucco (Hwy. 142 store)
- 175 to 200 employees

Commissioner Henderson:

- Questioned representatives regarding Home Depot being good corporate citizens and the part they planned to play in the community.
- Home Depot in District Four was annexed into the City of Covington

- Questioned if Home Depot was taking part in the proposed YMCA Park at Stone Road? Yes, HD has volunteers and associate who come out and work on project.
- Steve Lilly noted that HD has built 1000 parks in 1000 days.

Commissioner Ewing:

- Reviewed conditions and suggested that Adult Bookstore or Novelty Store be added to list of conditions of business that WILL NOT be allowed. Home Depot concurred with Commissioner Ewing's request.

Opposition

Kevin Hauck

- Traffic major concern
- Safety another major concern
- Buffer around cemetery is deplorable

County Engineer Kevin Walter:

- Have had several conversations with applicant
- 100 feet of ROW is what is needed
- Presently 2-lane road in 10/20 years will be a four-lane road.
- End of Road – important for road to go all the way to the property line
- Recommended that board make this a part of condition (end of road property line)

Duke Sullivan:

- Home Depot is willing to give ROW to go to property line, but would like for county to do their work first.
- Will work with county engineer to get this done.

Commissioner Simmons:

- Note that in the future that supplies and cost of labor will be higher and Mrs. Eisenberg said county could provide a development agreement.

Chairman Varner:

- Noted that 2 lights installed with turn lanes are in the making
- Committed to complete road all the way to Brown Bridge Road as soon as legal questions can be answered.
- GDTO had this project pushed back to 2012 and by completely this leg of the project it would put project back on tract.
- Commented that board can't choose where a developer selects to build a project.

Motion: To deny REZ06-035 from R2 Single Family Residential to CG General Commercial.

Proposed by: Commissioner Earnest Simmons, District Two

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

Chairman's comments:

- Unusual for chairman to have to vote up or down on a petition.
- Understands traffic concerns in area
- Working feverishly to get concerns addressed

- Have temporary plans right now in the hands of GDOT.
- Our engineer will answer GDOT's plans and afterwards we can begin to acquire the ROW.

Motion failed 3 to 2 with Commissioner Ewing and Laster voting against the motion. Commissioner Fleming recused himself from the motion and Chairman Varner broke the tie voting against the motion.

Motion Failed.

### **NEW MOTION**

Motion: To approve REZ06-035 for a Home Depot with zoning change from R2 to CG General Commercial with following conditions as read by Director Eisenberg.

### **CONDITIONS OF ZONING**

If this petition is approved by the Board of Commissioners, it should be approved CG (General 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, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 6,968.6 gross square feet per acre zoned or a total of 240,000 square feet, whichever is less.
  - b. No more than five out-parcels shall be allowed. One is to be located as depicted on the site plan referenced in Condition 2.a
  - c. Applicant shall be required to obtain site plan approval by the Planning Commission (per section 420-020 of the Newton County Development Regulations) for the proposed future development of the 5.33-acre tract prior to construction of any buildings on said parcel.
  - d. The following uses shall not be allowed:
    - (1) Amphitheaters, Stadiums
    - (2) Animal Hospitals, Vet Clinics
    - (3) Major Auto Repair, Auto Sales
    - (4) Bar, Night Club
    - (5) Auto Service Station (not excluding fuel centers associated with convenience store)
    - (6) Campground, RV Park

- (7) Private Club, Order, Lodge
- (8) Electric Station; Gas Pumps Not Related to Anchor Store
- (9) Flea Market
- (10) Funeral Home
- (11) Hospital
- (12) Manufactured Home Sales, Rental, Repair
- (13) Kennel
- (14) Manufactured Home Display
- (15) Personal Care Home
- (16) Produce Stands
- (17) Farm Equipment Sales
- (18) Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall be allowed if they meet environmental regulations.)
- (19) Light Manufacturing
- (20) Commercial Outdoor Recreational Facilities
- (21) Place of Worship
- (22) Private Recreation Center or Club
- (23) Temporary Religious Meeting
- (24) Sawmill, Planing Mill
- (25) Mini-Warehouses
- (26) Tattoo Parlors
- (27) Adult Bookstore, Novelty Store

- 2. To the owner's agreement to abide by the following:
  - a. To the revised site plan received on February 19, 2007 and to the legal description received on November 30, 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 comply with the following development standards:
  - a. Provide decel lanes and left turn lanes as required by the Planning & Development Engineer and/or GDOT.
  - b. Provide signalization as may be required by the Planning & Development Engineer and/or GDOT.
  - c. All curb cuts shall be located at sufficient distance from the intersection to provide for turn lanes and stacking to the development.

- d. Provide the necessary right-of-way, at no cost to Newton County, necessary for future improvements to Brown Bridge Road and/or Georgia Highway 212.
- e. Developer shall submit a landscaping plan, which shall include tree islands in parking areas. Landscaping plan subject to the approval of the County Arborist.
- f. Stormwater plan to be reviewed and approved by County Engineer.
- g. Provide downcast lighting.
- h. Exteriors of the buildings located on the out parcel and the 5.33 acre tract for proposed future development shall be brick and/or stucco on three sides. Fourth side shall be painted to match the color of brick used on other sides. Brick and stucco shall match the colors of those used by Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning & Development.
- i. Exterior of the Home Depot building shall be substantially similar to the elevations/renderings submitted to the Department of Planning and Development on February 15, 2007. Exterior of building shall be brick and/or stucco on three sides in areas as depicted on submitted rendering. Fourth side shall be painted to match the color of brick used on other sides. Color of brick shall match those used by Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning and Development.
- j. Temporary seasonal sales and outdoor display/sales are to be limited to area as shown on concept plan referenced in condition 2.a. above.
- k. Proposed two-lane through-road shall be constructed as shown on the site plan referenced in condition 2.a., at no cost to Newton County, from Highway 212. All associated improvements (sidewalks, landscaping, etc.) shall be to county standards, with turn lanes subject to approval by the County Engineer. A satisfactory Development Agreement shall be entered into regarding the extension of the through-road to the property line prior to issuance of a Land Disturbance Permit.
- l. Buffers shall comply with approval of VAR06-048.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Commissioner Simmons and Commissioner Henderson voted against the motion and Chairman Varner broke the tie in favor of the motion. Commissioner Fleming recused himself from the motion.

Motion Carried 3 to 2

**O-041707A – ORDINANCE TO ADOPT OFFICIAL ZONING DISTRICT MAP**

Marian Eisenberg, Director

- Update
- Map displayed
- Map will be displayed in Planning & Development Office
- Clerk provided with 8-1/2 x 11 for Official Minute Book

Motion: To approve O-041707a – To adopt Official Zoning District Map as presented.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**R041707B – RESOLUTION TO CORRECT ZONING MAP**

MC07-002

District One

Motion: To approve R041707b - To correct MC07-002 Zoning Map as requested.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**CUP06-014**

Proposed Use: Child Day Care Facility w/Live Above Space

Existing Zoning: CORD-PRD (R3)

Watershed: Yellow River

Location: Capeton Square

333.01 Feet of Frontage (Circle)

Parcel Size: 8,825 Square Feet

Tax Parcel: 27H-65

Owner: Newton C&R

Petitioner Newton C&R

Applicant's Intent: To develop one 2-story building with a 1,800 square foot child day care facility on the first floor for 40 children and 700 square feet of live-above space on the 2<sup>nd</sup> floor (updated per revised letter of intent received on March 23, 2007 and per presentation at March 27, 2007 Planning Commission meeting.)

Planning Commission Recommendation: Denial (March 27, 2007)

District Three

Petitioner Representative: Not present

Opposition

Jacqueline Johnson

Cory Bell  
Edith Harrington

- Area not adequate
- Entrance and exits not adequate
- No diagram where children will play
- Concerned about parking
- 7 children to one adult
- Provided petition
- Traffic
- Safety of school children

Motion: To deny the CUP06-014 for a proposed Child Day Care Facility w/live above space.

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

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

Motion Carried

### **MOD07-005**

Proposal: Modification of Condition 11

Existing Zoning: CORD – PRD (Community Oriented Residential Development approved December 5, 2000)

Location: Capeton Square

333.01 Feet of Frontage (Circle)

Parcel Size: 8,825 Square Feet

Owner: Newton C&R

Petitioner: Newton C&R

Petitioner Representative: Newton C&R / Kevin Greer

District Three

Petitioner: Not present

Motion: To deny MOD07-005 requesting modification of condition 11.

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

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

Motion Carried

### **REZ07-001**

Proposed Zoning: CG (General Commercial)

District Three

Petitioner: Mark Brown, Casey Durden

- Revised plan to comply with buffer
- Access drive off Kirkland Road
- Would like to encroach buffer to make it work

Commissioner Fleming:

- Traffic is herendous and turning left coming out onto Salem Road is a joke.

Petitioner said this was conceptual plan.

Commissioner Ewing:

- Noted it appeared that petitioner is continuing to make changes as we speak.
- Staff noted they had agreed to some changes and Commissioner Ewing wondered if this should go back to Planning Board for review.

Opposition:

Glenda Beam

- 2 service stations on corners
- Takes 10 minutes to get out of driveway now
- Questioned when road would be widened? Engineer said scheduled for 2008 and 2 years later construction will begin.

Chairman Varner:

- Aware of problem and we are addressing it now.
- Spring Road and Smith Store Road will have light and turn lanes

Motion: To uphold the recommendation of the Planning Commission and deny REZ07-001, Tax Parcel 12-032, 12-033 and located at Kirkland Road and Salem Road in the District Three.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

### **CUP07-003**

Proposed Use: Use of Accessory Structure for a Home Occupation. Sec. 510-31

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: Creekside Lane (West Side)

1,312 Feet of Frontage

Brown Bridge Road (South Side)

388 Feet of Frontage

Parcel Size: 13.1 Acres

Tax Parcel: 05A-036

Owner: John Kauffman

Applicant's Intent: To use an accessory structure for a home occupation for a machine shop for car engines.

Planning Commission Recommendation: Approval with Staff Conditions

District Two

Petitioner: John Kauffman

- Internet business
- Petitioner is o.k. with CUP
- No problems for neighbors

- Home occupation
- Beautiful place
- Provided color pictures

Chairman Varner:

- Questioned if the engines were assembled there? No, we put in parts i.e cylinder head parts and components.

Commissioner Simmons

- Questioned the size of the engine blocks? 2 to 2-1/2 feet; parts are usually 24-36 inches long.
- Presented photos that were provided to him by someone against the petition and asked petitioner to comment. The petitioner noted the photos was when he purchased the equipment to work on other equipment. It would be one time unless he had to replace the equipment.
- Concerned about 18 wheelers on a consistent basis in neighborhood. Petitioner stated this would not be taking place. Maybe three times in life time.
- Concerned about mode of transportation of products coming to home. Ask if petitioner would be o.k. with a stipulation added to condtions. Yes, o.k. with it.
- Products will be delivered by UPS, Federal Expres and no deliveres after 2:00 p.m.

Motion: To approve CUP07-003 for a Home Occupation with the following conditions as read by Director Eisenberg.

### **CONDITIONS OF USE PERMIT**

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Home Occupation within an Accessory Structure 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. A Home Occupation operated in an accessory structure.
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 January 26, 2007. 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. No outside storage of parts or parking of automobiles allowed.
- b. No work related to the home occupation shall occur outdoors.
- c. Deliveries shall be by UPS, Fedex, USPS, etc. only. No tractor trailers (18-wheelers) shall make deliveries to property.
- d. No deliveries after 2:00 pm.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

### **CUP07-004**

Proposed Use: Commercial Kennel – Sec. 510-035

District Two

Petitioner: Not Present

Opposition:

Brian Lynn

John Comer

Craig P-?

- Concerned about children in the neighborhood
- Children play in yards throughout neighborhood
- Concerned a dog will get out of kennel
- 90% of homes have children
- Water run off towards Snaping Shoals creek
- Traffic in neighborhood
- Noise
- Stench
- Children riding bikes and dogs loose to chase them

Motion: To deny CUP07-004 for Commercial Kennel Use.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

### **REZ07-005**

Director Eisenberg stated a letter was received from the applicant requesting to withdraw their petition.

Proposed Zoning: RE (Rural Estate)

District One

Motion: To accept the applicants' request to withdraw zoning request REZ07-005.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

### **MOD07-003**

Proposal: Modification of Conditions 2.a, 3.a., 3.c.

Existing Zoning: AR (Agricultural Residential) approved June 21, 2006)

Locaton: Elks Club Road (Northeast Side)

905.09 Feet of Frontage

Parcel Size: 15.0 Acres (Original Submittal = 145.38 Acres)

Tax Parcel: 116-16G, 16H

District One

Petitioner: Bill Marks on behalf of Mother

- Plan modification was approved
- All adjacent property owners are satisfied.
- Family land

Commissioner Ewing:

- Board approved rezoning of property in June 2005
- Worked with petitioner and adjoining property owners as it relates to total development.
- Proposed as a Conservation Development with a grea deal of Greenspace.
- Land to be considered tonight is part of that Greenspace.
- In the last 24 hours I have received many calls in opposition to this petition and make a motion to deny.

Motion: To deny MOD07-003 to modify conditins 2a, 3a, 3c as requested.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

### **FLU07-003**

### **REZ07-006**

Existing Land Use Map: LDR (Low Density Residential)

Proposed Land Use Map: C (Commercial)

Existing Zoning: R2 (Single Family Residential)

Proposed Zoning: CH (Highway Commerical)

Watershed: Yellow River

Location: GA. Highway 81 N. (West Side)

283.35 Feet of Frontage

Parcel Size: 1.801 Acres

Tax Parcel: 60A-03

Owner: Samuel Greggory Cowan

Applicant's Intent: To develop a 4,000 square foot HVAC office, with warehousing. The existing residence shall remain.

Planning Commission Recommendation: FLU-Approval; REZ – Approval with changed conditions on March 27, 2007

District Five

Petitioner: Greg Cowan

- Family been in county 70 years
- Family land
- All kin folks who live around property
- No opposition

Motion: To uphold the recommendation of the Newton County Planning Commission and approve the Future Land Use Map change from LDR to C (Commercial).

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ester Fleming, District Three

Motion Carried

Motion: To uphold the recommendation of the Newton County Planning Commission and approve REZ07-007 with the following conditions as read by Director Eisenberg.

**CONDITIONS OF ZONING**

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. Office and accessory warehouse, at a maximum density of 2,220.99 gross square feet per acre zoned or a total of 4,000 square feet, whichever is less.
  - b. Limit the height of the building(s) to no more than 1 story.
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 February 2, 2007. 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 entrance, as required by the County Engineer.
  - b. Dedicate, at no cost to Newton County, right-of-way as may be required by the County Engineer or GDOT. Additional right-of-way may be necessary from back-of-curb of the deceleration lane to provide for placement of utilities.
  - c. Stormwater plan to be reviewed and approved by County Engineer.
  - d. Provide downcast lighting.
  - e. Current operation on Adams Circle shall cease within 45 days after issuance of a Certificate of Occupancy for subject site.
  - f. All parking shall be to rear of building.
  - g. Front of building shall be brick.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ester Fleming, District Three

Motion Carried

### **ALCOHOL LICENSE:**

#### **Final Reading**

West Fork Convenience Store

Charleston Place

Owners: Hubert White (100%)

District Two

Motion: To approve the alcohol license request for West Fork Convenience Store on Charleston Place in Covington, Georgia

Proposed by: Commissioner Ernest Simmons, District Two

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

Motion Carried

Final Reading

Texaco Food Mart  
2156 Hwy. 81  
Oxford, Georgia 30354  
Owner: Showkat Hossain (100%)  
District Five

Motion: To approve the alcohol license request for Texaco Food Mart located at 2156 Hwy. 81 in Oxford, Georgia 30354.

Proposed by: Commissioner Monty Laster, District Five  
Second by: Commissioner J.C. Henderson, District Four  
Motion Carried

**COUNTY CHECKS:**

Motion: To approve the county checks as read by the chairman.

Proposed by: Commissioner J.C. Henderson, District Four  
Second by: Commissioner Mort Ewing, District One  
Motion Carried

**ADJOURN**

Time: 9:20 p.m.

Motion: To adjourn the meeting.

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

Respectfully Submitted,

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Jackie B. Smith  
County Clerk