

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 20, 2011
MINUTES**

Present: Chairman Kathy Morgan, Commissioner's Lanier Sims, Nancy Schulz, J.C. Henderson and Tim Fleming; County Attorney Tommy Craig & Clerk Jackie Smith
Note: Commissioner Ewing and Administrative Officer John Middleton were out of town.

Newspaper: Newton Citizen- Crystal Tatum
Citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Rev. Ronny Brannen, Prospect United Methodist Church gave the invocation and Chairman Morgan led the Pledge of Allegiance to our great flag.

APPROVAL OF BOC W/S MINUTES DATED SEPTEMBER 6, 2011

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Motion by Commissioner Schulz, and seconded by Commissioner Sims to approve the BOC W/S Minutes and BOC Minutes dated September 6, 2011 as printed in the board book.

Motion carried unanimously

**SHERIFF'S OFFICE: ACCEPTANCE OF THE FY2011 EDWARD
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) -
\$33,354.00**

Newton County Sheriff Ezell Brown appeared before the board seeking approval to accept the JAG Grant in the amount of \$33,354.00.

- Information is made part of these minutes

Motion by Commissioner Henderson, and seconded by Commissioner Sims to approve the Sheriff's request to accept the FY2011 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$33,354.00.

Motion carried unanimously

**JUVENILE COURT: ACCEPTANCE OF TRUANCY
INTERVENTION PROJECT GRANT - \$1,500.00**

Chairman Morgan presented this request to the board on behalf of the Juvenile Court.

- Information is made part of these minutes

Motion by Commissioner Fleming, and seconded by Commissioner Sims to approve the Juvenile Court's request to accept funds in the about of \$1,500 for the Truancy Intervention Project Grant.

Motion carried unanimously

SENIOR SERVICES: ACCEPTANCE OF EMERGENCY FOOD & SHELTER GRANT - \$9,000.00

Chairman Morgan presented this request to the board on behalf of Senior Services.

- Information is made part of these minutes

Motion by Commissioner Sims, and seconded by Commissioner Henderson to approve acceptance of a \$9,000.00 Grant for the Meals on Wheels program from FEMA on behalf of Senior Services.

Motion carried unanimously

PUBLIC WORKS: REQUEST TO PLACE A GATE @ TULIP POPLAR WAY OR NEAR WOODLAND ROAD IN FOREST HEIGHTS SUBDIVISION

Chairman Morgan addressed the board regarding situation of neighborhood being used for illegal dumping.

- Provided pictures of trash dumped on roads and right-of way.
- 17 manhole covers have been stolen (replaced by Public Works)
- Request permission to install a gate w/key provided to Fire Dept. as well as Mr. Mitchell (developer of Forest Heights Subdivision) for access.
- Mr. Mitchell does not have funds to install a gate.
- Code Enforcement is investigating to find names & addresses within trash piles.
- Public Works will utilize existing materials on hand at Public Works to construct the gate.
- Information made part of these minutes

Motion by Commissioner Sims, and seconded by Commissioner Schulz to approve the installation of a gate at Tulip Poplar Way or near Woodland Road in Forest Heights Subdivision as presented by the chairman.

Motion carried unanimously

SPLOST 2011: FLEET REPLACEMENT PURCHASE

Chairman Morgan addressed the board noting this agenda item was previously discussed at the earlier work session.

- Phase One a of a two-part purchase
- First part is to replace 34 Sheriff vehicles
- Companies will hold vehicles for 30 days allowing us time to process documents
- Would like to keep a certain number of vehicles down at public works for replacement parts, etc. There will be no tags or insurance on the ones we keep @ public works.
- Seeking authorization for chairman to execute purchase order.
- Savings on light package and communication package – will transfer to new vehicles

- Capital Lease Agreement must be approved by the BOC.
- Information made part of these minutes

Motion by Commissioner Schulz, and seconded by Commissioner Sims to approve Phase One-A for the 2011 SPLOST Fleet Replacement. This is to include 34 Sheriff Vehicles for a not to exceed amount of \$789,423.00 and with the understanding that all Capital Lease Agreements will come back before this board for action.

Motion carried unanimously

PUBLIC WORKS: SURPLUS PROPERTY

Chairman Morgan presented a request to declare several vehicles as Surplus Property to be sold on GovDeals.com.

- Vehicles need major repairs
- Cost to repair exceeds current value
- Information is attached and made part of these minutes.

Motion by Commissioner Henderson, and seconded by Commissioner Fleming to declare as Surplus Property to be sold on GovDeals.com the attached vehicle list from Public Works and presented by the chairman.

Motion carried unanimously

ZONINGS:

PUBLIC HEARING

Chairman Morgan declared the public hearing open at 7:30 p.m.

O-092011 – TAXIDERMY ORDINANCE - AMD – 11-0003

Development Services Director Scott Sirotkin was on hand to present the amendments.

- Allows for meat processing
- Amendments presented at an earlier work session
- No comments
- Copy of ordinance-O-092011- Taxidermy Ordinance made part of these minutes.

Motion by Commissioner Schulz, and seconded by Commissioner Fleming to approve O-092011 – Taxidermy Ordinance as presented and printed in board book.

Motion carried unanimously

R092011 – TO CORRECT THE 2003 ZONING MAP

- No questions or comments
- Copy of Resolution R092011 is made part of these minutes

Motion by Commissioner Sims and seconded by Commissioner Schulz to approve Resolution R092011 to correct the 2003 Zoning Map as presented and printed in board book.

Motion carried unanimously

R092011A – TO CORRECT THE 2007 ZONING MAP

- No questions or comments
- Copy of Resolution R092011a is made part of these minutes

Motion by Commissioner Fleming and seconded by Commissioner Henderson to approve Resolution R092011a to correct the 2007 Zoning Map as presented and printed in board book.

Zoning Administrator Branin Burdette addressed the Board and sounded the following zonings:

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

CASE NUMBER: FLU11-000101

REZ11-000100

Existing Land Use Map: RES (Residential)

Proposed Land Use Map: COM (Commercial)

Existing Zoning: R-3 (Single-Family Residential)

Proposed Zoning: CG (General Commercial)

Watershed: Yellow River

Character Area: Salem

Location: 2486 Highway 81 South

638 Feet of frontage along Hwy. 81 S

707 Feet of frontage along Shepherd Road

130 Feet of frontage along Salem Road

Parcel Size: 3.10 acres

Tract 1: 1.36 acres

Tract 2: 1.74 acres

Tax Parcel: 28A-1

Owner: Kathryn Chestnut

Petitioner: Jeremy Head

Planning Commission: Approved with conditions on August 23, 2011

District Two

Applicant's Intent: To rezone the entire property to allow for an existing non-permitted landscaping business to expand and come into compliance with the Newton County Zoning Ordinance.

Petitioner: Jeremy Head

- Landscape business
- Distribution center for sod
- Will move everything to rear of property
- Will install a chain link fence
- Shepherd Road has a natural buffer of trees

No opposition

Motion by Commissioner Sims, and seconded by Commissioner Fleming to change the Future Land Use Map from RES (Residential) to COM (Commercial).

Motion carried unanimously

Motion by Commissioner Sims, and seconded by Commissioner Henderson to approve REZ11-000100 changing the zoning from R-3 (Single-Family Residential) to CG (General Commercial) with following conditions as read aloud by Commissioner Sims:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. The following uses shall not be allowed:
 1. Amphitheaters, Stadiums
 2. Major Auto Repair, Auto Sales
 3. Bar, Night Club
 4. Campground, RV Park
 5. Private Club, Order, Lodge
 6. Electric Station; Gas Pumps not related to Anchor Store
 7. Flea Market
 8. Group Home
 9. Hospital
 10. Manufactured Home Sales, Rental, Repair
 11. Kennel
 12. Manufactured Home Display
 13. Personal Care Home
 14. Produce Stand
 15. Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall be allowed if they meet environmental regulations.)
 16. Light Manufacturing
 17. Commercial Outdoor Recreational Facilities
 18. Used or New Auto Sales
 19. Private Recreation Center or Club
 20. Sawmill, Planing Mill
 21. Mini-Warehouses
 22. Tattoo Parlors
 23. Adult Book Store/Entertainment
 24. Establishments selling alcoholic beverages
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Development Services Department on January 26, 2011 and the legal description received by the Development Services Department on

August 2, 2011. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, other applicable ordinances or regulations and these conditions prior to the approval of a Land Disturbance Permit or other applicable development/grading permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy or business license (as applicable).

3. To the owner's agreement to abide by the following development standards:
 - a. Obtain all necessary permits from the Development Services Department, which may include, but are not limited to, building permits, landscape plans, and business licenses, and approval from Environmental Health.
 - b. If future development is proposed on the subject parcel(s), obtain all necessary permits from the Georgia Department of Transportation (GDOT) and the Development Services Department, which may include, but are not limited to, sidewalk installation, deceleration lane installation, right turn lane installation and any required hydraulic or stormwater studies.
 - c. No processing, manufacturing, assembly, etc. of materials shall be allowed on the property. Materials may be loaded and unloaded from vehicles to the display and storage areas only.
 - d. Hours of operation shall be limited to 7:00 am through 10:00 pm, seven days a week.
 - e. All existing trees along the northern property line adjacent to Shepherd Road, for a width of no less than 75-feet, shall remain and shall be kept in their natural state and replaced as necessary.
 - f. No commercial vehicles may remain on-site overnight. Commercial vehicles include tractors, earthmoving equipment, dump trucks, heavy construction equipment, flatbed trucks, box vans, vehicles with trailers and semi-tractor cabs with or without trailers. If the applicant wishes to allow for parking of commercial vehicles on-site over night, a Conditional Use Permit shall be required.
 - g. All existing signage, outdoor display of merchandise, equipment or storage that is within the GDOT right-of-way shall be removed immediately.

- h. The existing house and all accessory structures associated with the existing or any future commercial uses shall require a fire marshal inspection. All recommendations and requirements set forth by the fire marshal shall be implemented within thirty (30) calendar days.
- i. All existing vehicles without tags shall be removed within fifteen (15) calendar days of obtaining rezone and FLUM change approval.
- j. All existing on-site solid waste which includes used tires and commercial debris shall be removed to a proper disposal facility within fifteen (15) calendar days. A receipt from the disposal facility shall be submitted to the Development Services Department within twenty (20) calendar days.
- k. The applicant shall seed, grass or sod all exposed areas of the property that are not currently paved or graveled. This shall include all those areas between the accessory structure associated with the landscape business and the existing single family home.
- l. The applicant shall be required to obtain a business license for the property within fourteen (14) calendar days from the date of any approval of this proposal and APP11-000049. In addition to the business license fees, all other fees associated with the Fire Marshal review and back-flow preventer certification shall be required.

Motion carried unanimously

CASE NUMBER: APP11-000049

ORIGINAL CASE NUMBER: VAR11-000005

Applicant: Jeremy Head

Owner: Kathryn Chestnut

Location: 2486 Highway 81 South

Tax Parcel: 28A-001

Owner: Kathryn Chestnut

Petitioner: Jeremy Head

District Two

Amendment Request: To waive the requirements to screen the outdoor storage from neighboring residential properties and streets.

Motion by Commissioner Sims, and seconded by Commissioner Henderson to approve APP11-000049 with the following conditions as read aloud by Commissioner Sims.

1. The applicant shall obtain a Newton County business license within fourteen (14) calendar days. In addition to the business license fees, all other fees associated

with the Fire Marshal review and back-flow preventer certification shall be required.

2. All conditions of approval set forth in REZ11-000100 shall also be identified as conditions of approval for this appeal.
3. Must locate all bins to the rear portion of the property in accordance with a site plan that must be submitted to the Development Services Department within fourteen (14) calendar days.

Motion carried unanimously

CASE NUMBER: CUP11-00096

Proposed Use: Day Care Facility

Existing Zoning: CN (Neighborhood Commercial)

Watershed: South River

Location: 25 Lovers Lane

540 Feet of frontage

Parcel Size: 2.29 acres

Tax Parcel: 28A-110

Owner: Florida Properties, LLC

Petitioner: McIntosh Trail Early Childhood Development Council

District Five

Applicant's Intent: To operate a day care facility that would serve up to 300 children and have 50 employees.

Petitioner Representative: Mr. Johnson

- No opposition
- Appreciate support
- Planning Commission approved unanimously
- Would like to change hours of operation to 6:00 a.m. to 7:00 pm. Monday through Friday.

Motion by Commissioner Fleming, and seconded by Commissioner Sims to approve CUP11-00096 with the following conditions as read aloud by Commissioner Fleming:

1. The hours of operation are limited to 6:00 am to 5:00 pm, Monday through Friday.
2. The applicant shall obtain a septic approval from the Newton County Environmental Health Department prior to the business license being issued.
3. When the existing off-site septic systems fail, the property owner of 25 Lovers Lane shall be required to extend the public sewer lines to the property, decommission the existing off-site septic systems and connect to the new public sewer lines.

4. Based on existing off-site site conditions near the location of the septic systems, it is encouraged that the applicant work with the off-site property owner to properly maintain the area of the septic systems. At a minimum, all trees, brush, and other tall vegetation should be removed.
5. All recommendations and requirements set forth by the State Fire Marshall's office shall be implemented and approved prior to issuance of the business license.
6. All signage associated with the Day Care facility shall require appropriate permits from the Newton County Development Services Department.
7. Any and/or all required building permits shall be submitted and approved by the Newton County Development Services Department prior to issuance of the business license.
8. The use must provide outdoor recreation areas as required by state daycare requirements.
9. The outdoor play area must be enclosed with a four foot high fence.
10. The use shall comply with all applicable state daycare requirements for standards, licensing and inspections.
11. Initial operation shall be limited to up to 151 children and up to 25 staff. Operations may be increased to up to 300 children and up to 50 staff upon approval of a revised business license. Said increases shall be approved by the County Engineer and the Environmental Health Department. Any improvements and/or changes that they require shall be implemented prior to the increase taking place.

Motion carried unanimously

ALCOHOL LICENSE:

Final Reading

FS Food Mart

10946 Hwy. 278 East

Covington, GA 30014

Owner: Feroz Somani (100%)

District One

Motion by Commissioner Schulz, and seconded by Commissioner Fleming to approve the Alcohol License for FS Food Mart located at 10946 Hwy. 278 E, Covington, Georgia as requested.

Motion carried unanimously

First Reading

Texaco Food Mart
5633 Salem Road
Covington, GA 30016
Owner: Ramandeep Singh Mokha (100%)
District Two

COUNTY CHECKS:

Motion made by Commissioner Schulz, seconded by Commissioner Fleming to approve the county checks read aloud by Chairman Morgan and listed in board packet.
Motion carried unanimously.

EXECUTIVE SESSION

Time: 8:30 p.m.
Motion by Commissioner Henderson, seconded by Commissioner Sims to enter into Executive Session for the purpose of litigation.
Motion carried unanimously

REGULAR SESSION

8:50 p.m.
Motion by Commissioner Henderson, seconded by Commissioner Sims to enter into Regular Session.
Motion carried unanimously

With no further business, a motion by Commissioner Henderson, and seconded by Commissioner Fleming the meeting adjourned at 8:51 p.m.

Respectfully submitted,

Jackie B. Smith, County Clerk

Kathryn G. Morgan, Chairman