

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
January 16, 2007
MINUTES**

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

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, Scott Cole, Jenny Carter and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn
Newton Citizen – Crystal Tatum
Very Large 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 the Pledge of Allegiance to our great Flag. Commissioner Ewing noted again that it was good to back and thanked his son, Ben, for taking time off from his job to bring him to the meeting.

Chairman Varner recognized Commissioner Ester Fleming who requested the board amend the agenda to consider two appointments in district three. Board concurred.

APPROVAL OF SCM MINUTES DATED DECEMBER 18, 2006

Motion: To approve the Special Called Meeting Minutes of Joint Meeting with City of Covington dated December 18, 2006 as written.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APPROVAL OF BOC MINUTES DATED JANUARY 2, 2007

Motion: To approve the Minutes dated January 2, 2007 as printed.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

**APPOINTMENT TO NEWTON COUNTY LIBRARY BOARD –
DISTRICT THREE**

Motion: To appoint Mrs. Tamara Richardson to the Newton County Library Board with term expiring on December 31, 2009.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT TO NEWTON COUNTY DEPARTMENT OF FAMILY & CHILDREN'S SERVICES BOARD – DISTRICT THREE

Motion: To appoint Ms. Becky Heisten to the Newton County Department of Family & Children Services Board with term expiring on December 31, 2011.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPOINTMENT TO PLANNING COMMISSION – DISTRICT TWO

Commissioner Simmons presented Faye White's name for nomination to the Planning Commission representing district two, and duly made a motion to approve.

Commissioner Henderson gave the second and the chair opened the floor for discussion.

The county attorney noted that Ms. White does not live in the second district and according to the Zoning Ordinance the appointee must live in the district they will be representing. He noted the appointment at large could have caused some confusion, but the at large appointment is to be made by the Chairman of the BOC and serves as the Chairman of the Planning Commission. Commissioner Simmons said that he would withdraw Ms. White's name and present another candidate at the next meeting.

Motion: To table appointment to the Planning Commission until the February 6th BOC meeting.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

PROPOSAL FOR A FEASIBILITY STUDY OF TRANSFERABLE DEVELOPMENT RIGHTS FOR NEWTON COUNTY, GEORGIA

Administrative Officer John Middleton addressed the board regarding this study and noted the following:

- How TDR's work in and for the county.
- Total cost of study is \$42,000
- \$16,000 committed from community for this project
- 4 Phases of Study

Commissioner Ewing

- Spoke in favor of project
- 1999 BOC established a goal to set aside 20% Greenspace over the next 20 years.
- BOC created Newton County Land Trust and since their creation they have worked so help set aside Greenspace land.
- Turner Lake (for example) is in the Land Trust.
- TDR's is a tool to be helpful in our planning process.
- Long time land owners and new comers have expressed interest in Land Trust
- Appreciates community's effort and contribution with funding this project.

Motion: To approve funding, not to exceed \$42,900, for a Feasibility Study of Transferable Development Rights for Newton County with understanding that \$16,000 has been committed from community for this project.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District

Motion Carried with Commissioner Simmons abstaining from the vote.

LETTER OF SUPPORT: NEWTON COUNTY PARTNERSHIP FOR HANDS ON GEORGIA 2007 CHALLENGE GRANT

Administrative Officer John Middleton noted:

- Housekeeping measure
- “Pass through” acceptance for the funds

Motion: To approve the letter of support for Newton County Partnership for Hands on Georgia 2007 Challenge Grant as presented to board.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Simmons abstaining from the vote.

RFP07-08 LANDSCAPING SERVICE

Purchasing Director Tina McDonald addressed the board and noted the following:

- Seven (7) companies presented proposals for RFP.
- G&G Landscape presented low bid.
- Evaluation Committee (Joe Waters, Facilities Director, Jerry Prosser & James Peters, Landfill Directors, Ted Crumbley, Contract Administrator and Tina McDonald, Purchasing Director) recommended awarding contract to G&G Landscape Management for a one-year term with option to renew four (4) additional years renewable each year for a total contract price of \$78,680.00 per year.

Commissioner Ewing:

- Questioned if new sites had been added to service?
- Ms. McDonald responded that Cornish Creek Treatment Plant was added to site list.

Commissioner Henderson:

- Questioned number of years current company has provided service and if prices had increased?
- Ms. McDonald responded Durden’s Lawn Maintenance has serviced county for five (5) years and during that time there has been one increase.

Commissioner Ewing, Fleming, and Henderson:

- Pleased with Durden’s consistently good service over the years.

Motion: To award RFP#07-08 Landscaping Service to Durden’s Lawn Maintenance for \$100,240.00 with an option to renew for four additional years.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

VEHICLES FOR FIRE DEPARTMENT

Purchasing Director Tina McDonald presented the following information:

- Received price from Covington Ford and Allan Vigil Ford in Morrow.
- 2007 Ford Crown Victoria
- 2007 Ford Expedition w/heavy duty towing package
- Recommend purchasing both vehicles from Covington Ford for a total cost of \$41,347.00.
- Funding: Fire Fund

Motion: To approve the purchase of a 2007 Ford Crown Victoria and a 2007 Ford Expedition w/heavy duty towing package for the Newton County Fire Services. Vehicles will be purchased from Covington Ford for a not to exceed price of \$41,347.00

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

7:30 P.M. ZONINGS:

Chairman Varner noted the following:

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

The applicant and those in favor of the petition are allowed 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.

Zoning Director Marian Eisenberg sounded the following zonings.

CUP06-012

Debra & Sherman Carr

Proposed Use: Home Occupation in Accessory Building
(Pharmacy/Home Health Care Distribution)

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: 2018 Butler Bridge Road (East Side)

182.42 Feet of Frontage

Parcel Size: 4.17 Acres

Tax Parcel: 9-35

Applicant's Intent: To allow a home occupation in an accessory building. The applicant's Letter of Intent describes the proposed business as pharmacy/home health care distribution.

Planning Commission Recommendation: Denial (November 28, 2006)

District One

Petitioner: Sherman & Debra Carr

- Expressed thanks for opportunity to come before board
- Addressed issues that P&D Commission had, i.e., driveway improved for commercial use. Provided a picture of driveway.
- House cannot be seen from road - driveway is 1500 ft long.
- Trees also hide house from view
- Willing to change hours of operation from 9:00 a.m. to 5:00 p.m.
- No impact on traffic in neighborhood
- Deliveries (FedEx, UPS, etc.) will be from 10:00 a.m. to 4:00 p.m. only
- Petition from some neighbors indicating they are o.k. with project.
- Visited with P&D two times last week and addressed issues with them.
- Positive impact on community.
- Willing to abide by any conditions you would place on approval.

Commissioner Henderson

- Questioned if business would be in detached garage? Yes
- Security concerns

Commissioner Fleming

- Requested name of company, but the Carr's replied that has not been decided as yet. Needs to get CUP approved first before going to state for a name approval.
- Questioned qualifications: Mrs. Carr is a licensed pharmacist and has worked for Kroger & Eckerd for over twenty (20) years. Mrs. Carr showed her up-to-date pharmacist I.D. card to board.

Commissioner Ewing

- Questioned the names of their suppliers? The Carr's noted this step comes after approval.
- Questioned what type of drugs would be distributed? The Carr's replied C-3 & C-5, plus other regulated drugs.
- Not a warehouse for drugs. Drug orders will be on Monday, Tuesday, and Wednesday via Federal Express.
- Questioned number of employees? Three (3) – Mr. Carr, Mrs. Carr, & Son
- Questioned phone in prescriptions? Yes, phoned in by doctors office and this will help to decrease the traffic.

Commissioner Simmons

- Expressed concerns over security and questioned what type of security would be on property? Cameras, Sensors, Lights
- The Carr's insisted property will continue to look like a residence. There will be no signs indicating a business.
- Questioned competitive pricing? Yes, family operated and low overhead.

Commissioner Fleming

- Reiterated that Mrs. Carr would be the pharmacist in charge. Yes

Mrs. Carr

- Noted that being a licensed pharmacist she would be able to go to homes and even do some consulting.
- Would provide rental equipment (bed, crutches, potty, etc.)

Commissioner Fleming

- Questioned where equipment would be stored and they (the Carr's) said the company they will use will deliver and pick-up at patients house.

Commissioner Henderson

- Reiterated that Mrs. Carr is a licensed pharmacist. Correct.
- Confirmed equipment would be stored at another location. Correct.
- Confirmed all a person would see is a residential hone. Correct.

Opposition

Kay Jones (Read aloud hand out that is attached and made part of minutes)

Carolyn Nelson

Brandon Hitchcock

Lori?

- Protective Covenants
- Sets a precedent
- Not opposed to this type of business, but not in a residential neighborhood
- Concerned about children outside playing near something that houses drugs.

Commissioner Ewing

- Questioned protective covenants and the Carr's replied they did not have any protective covenants on their property. Property was zoned AR with no covenants.

Commissioner Henderson

- Noted that the Carr's owned and lived on their property before the subdivision was built. Correct

George Zappa

- Spoke in favor of business
- Lives next door and they are not in a subdivision.
- Described a creek, ditch and hill between the Carr's property and those in opposition.
- Noted that people who spoke in opposition live beyond the Carr's property.

The Carr's

- We are regulated by Board of Pharmacy, Drug Agency, Home Service Business
- Desires to be of service to elderly, the sick and shut-in.

Motion: To uphold the recommendation of the Planning Commission and deny CUP06-012.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioners Simmons and Henderson voting in opposition to the motion.

CUP06-013

Lafarge Aggregates, S.E., Inc.
Proposed Use: Asphalt Producing Facility
Existing Zoning: M2 (Heavy Industrial)
Watershed: Yellow River
Location: Marble Road (North Side)
60.00 Feet of Frontage
Parcel Size: 15.85 Acres
Tax Parcel: 41-26

Applicant's Intent: To locate an asphalt plant and office on the subject site.

Planning Commission Recommendation: Approval (November 28, 2006)

On November 28, 2006, the Planning Commission recommended approval of this petition with Staff's Recommended Conditions. In addition, the applicant indicated that an 8-foot high, chain link fence would be provided around the facility. The Recommended Conditions have been updated to reflect the applicant's commitment to provide the fence.

District Four

Court Reporter: Dianna M. Cormier, CR-B-2353 - 4575 Ridders Ridge Trail, Snellville, GA (report made part of minutes)

Court Reporter: Yolanda R. Naracisse – CCR-B-2445 -Brown Reporting, Inc., 1740 Peachtree Street, Atlanta, GA (report made part of minutes)

Motion: Based on recommendation of the general counsel, I would move that we table it so that we can comply with our rules and regulations and then come back to this Board based on what we can do with our own rules and regulations.

Amend motion that we would consider third Tuesday in February. (February 20th)

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APP06-0060

VAR06-042

Lafarge Aggregates Southeast, Inc.
575 Marble Drive
Tax Parcel: 41-26

Request: Appeal to Board of Zoning Appeals decision (Denied) on November 30, 2006

Purpose of Request: To develop an asphalt plant.

Property Size: 15.85 Acres

Present Zoning: M-2 (Heavy Industrial)

Present Use: Quarry

District Four

Motion: Table until February 20th BOC meeting.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

FLU06-016

REZ06-032

Proposed Land Use Map: LDR (Low Density Residential)

Existing Land Use Map: RR (Rural Residential)

Proposed Zoning: R1 (Single Family Residential)

Existing Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Location: Campbell Road (West Side)

881.01 Feet of Frontage

Parcel Size: 15.008 Acres

Tax Parcel: 73-41

Owner: David Williams

Petitioner: Georgia Civil, Inc. / Todd M. Peaster, RLA

Applicant's Intent: To develop a 17-lot traditional residential subdivision on 15.008 acres at an overall density of 1.14 lots per acre.

Planning Commission Recommendation: Denial of FLU06-016 & REZ06-032 on

November 28, 2006

District One

Petitioner: Todd Peaster, Paul Oglesby

- Civil Engineer representing David Williams
- Campbell Crossing developed two (2) years ago
- Same request, covenants, amenities
- Two (2) entrances that come off Campbell Road
- It meets septic requirements for county
- Detention Pond to handle stormwater runoff.
- 50 ft undisturbed buffer on Campbell Road
- 2300 sq ft minimum house

Opposition: None

Commissioner Ewing

Note: Britt Smith, local homeowner, was in opposition to zoning to begin with; however via correspondence that Commissioner Ewing read (attached and made part of minutes) Mr. Smith has withdrawn his opposition.

Commissioner Ewing visited Mr. Smith about the zoning as well as spoke with Planning Commissioner for District One, Troy Bledsoe who also gave his approval.

No questions

Motion: To approve the change in the Future Land Use Map from RR (Rural Residential) to LDR (Low Density Residential).

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

Motion: To approve REZ06-032 from AR (Agricultural) to R1 (Single Family Residential) with the following conditions:

CONDITIONS OF ZONING

If this petition is approved by the Board of Commissioners, it should be approved R-1 (Single Family 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. No more than 17 total dwelling units, at a maximum density of 1.14 dwelling units per acre, whichever is less based on the total acreage zoned.
 - c. All houses shall be constructed with brick and/or stone fronts and the remaining sides shall be concrete siding.

Vinyl siding is prohibited.

- e. Minimum heated floor area per dwelling unit shall be 2,300 square feet.
- f. All houses shall have a minimum of two changes in the roofline on the front elevation to be accomplished by gables, dormers, shed roofs over porches or roofline setbacks (creating half gables on the side elevation).
- g. Any columns used for front or side porches shall be a minimum of 8" in diameter or square.

All houses shall have attached garages with side or rear entry.
All front entries shall have wood doors.

- j. Shutters shall be hinged, working shutters.

2. To the owner's agreement to abide by the following:

- a. To the revised site plan submitted on November 17, 2006 and legal description submitted on October 6, 2006 to the Department of Planning and Development. 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.

To the owner's agreement to abide by the following development standards:

Stormwater and water quality plan to be reviewed and approved by the Planning & Development Engineer.

Provide traffic calming measures as required by the County Engineer.

Provide sidewalks on both sides of internal subdivision streets or as may be approved by the Director of Planning and Development.

Provide underground utilities.

Provide sodded front and side yards.

Driveways shall have a minimum curvature so as to create greater visual appeal.

Provide streetlights.

Provide a mandatory homeowners association.

All areas which are not a part of an individual lot and held in common shall be accessible via dedicated roadways, easements, sidewalks, etc., and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of Planning and Development for review and approval prior to the recording of the first final plat.

Provide a 25-foot undisturbed buffer along the site's north, west and south property lines as depicted on the site plan referenced in Condition 2.a.

Provide a 50-foot vegetative/planted buffer along Campbell Road as depicted on the site plan referenced in Condition 2.a.

Signage shall be of stone veneer construction and entrances shall be landscaped.

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

REZ06-028

Existing Land Use Map: DN (Development Node)

Proposed Zoning: CG (General Commercial)

Existing Zoning: R2 (Single Family Residential)

Watershed: Yellow River

Location: Brown Bridge Road (South Side)

1,222.72 Feet of Frontage

Salem Road (East Side)

741.40 Feet of Frontage

Parcel Size: 33.127 Acres

Tax Parcel: 13-115, 13-116, 13-117, 13-118, 13-119, 13-122, 14-9, 14-10, 14-11, 14-12, 14-15

Owner: Bertha Viola Humble, et al

Petitioner: Chris Callaway / Wal-mart Stores

Applicant's Intent: To develop a 203,710 square foot Wal-mart Super Center and four (4) out parcels, with 64,000 square feet total, for a total of 267,710 gross square feet, on 33.127 acres, at an overall density of 8,081.33 square feet per acre.

Planning Commission Recommendation: Approval with Staff Recommended Conditions on November 28, 2006.

District Two

Petitioner Representative: Attorney Pete Hendricks

- Displayed of drawing
- Development Node
- Recent zonings in area (Publix, Waffle House)
- N.W. Corner – Highway Commercial Zoning
- Complies with FULM
- Applicant has offered up a number of self-improved conditions
- Look & feel will be compatible with Public
- Supercenter & 4 out-parcels
- No curb cut directly on Salem or Brown Bridge Road
- All recommendations made by Traffic Study have been addressed
- Internal roadway
- Side walk
- Infrastructure improvements totaling \$1.4 million dollars.
- Enter into separate agreement for improvements of Smith Store Road realignment, for a total of \$50,000.
- Population Growth within two (2) miles: 10,000 – 16,000

Commissioner Simmons

- Reiterated that full traffic signaling @ Salem/Brown Bridge would be at the cost of Wal-Mart. Turn Lanes.
- Questioned possibility of Wal-Mart putting in a gas station? No, and Wal-Mart would have to come before board for a variance.

Commissioner Fleming

- Accel/Decel Lanes would be a requirement by the county. Yes
- Concerned about more traffic in an already over-congested area
- Has a strong conviction about this particular zoning since back in 2004-05 we denied unanimously a Wal-mart request due to traffic. Feels this is identical.

Wal-Mart (David)

- Market demands show the need in area.
- Much of the traffic will stop at this Wal-Mart and not go into Rockdale County at the Wal-Mart located there.

Commissioner Ewing

- Questioned annual revenue, detention ponds and water quality, buffers, tree ordinance.
- Tree area is 13 feet wide, will abide by tree ordinance
- Would like another condition – NO ADULT ENTERTAINMENT STORES.
- Condition will be added to approval

Commissioner Henderson

- Questioned Chairman Varner on road plans and his recommendation.
- Traffic concerns is major concern of citizens in area.
- Jobs will be created

Chairman Varner

- Smith Store Road in process of intersection improvements and a light installed.
- GDOT has intention of improvements @ Spring Road.
- All of this will not solve problem, but it will help until long-range plan can be accomplished.
- Chairman Varner said that he and County Engineer Kevin Walter had a meeting with GDOT today. They were hopeful about getting some of the projects moved back up to a more reasonable time period.

Kevin Walter

- County Engineer reiterated that County Forces do as much as they possibly can, i.e., Smith Store Road, Old Salem Road, Spring Road.

Opposition

Lester Spatt

Jerry & Dolly Wooten

Morris Allen

Barry Hamlen

Kevin Harlek

- Covington already has a Wal-mart
- Safety Issue: Turning into driveway. Wal-Mart agreed to provide them a turn lane.
- Traffic
- School concerns
- Against a lot of out-parcels i.e., Conyers has 28 stores
- Safety

Favors Wal-mart

Flemmie Pitts

- County would greatly benefit from SPLOST (1% Sales Tax)

Rev. Smith

- FYI – met with churches in that area and they are supporting Wal-mart

Geoff Griffin

- In favor of Wal-mart, but would like to see them do more to improve roads.

Motion: To approve REA06-028 and change the zoning from R2 (Single-Family Residential) to CG (General Commercial) with the following conditions:

CONDITIONS OF ZONING

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 8,081.33 gross square feet per acre zoned or a total of 267,710 square feet (203,710 for the Wal-mart Supercenter and 64,000 square feet total for the outparcels), whichever is less.
 - b. A maximum of four (4) outparcels shall be allowed on the subject site, provided they are located as shown on the site plan referenced in Condition 2.a. The total gross square footage shall be calculated as part of the total floor area allowed in Condition 1.a.
 - c. The following uses are prohibited:
 - (1) Amphitheaters, Stadiums
 - (2) Animal Hospitals, Vet Clinics
 - (3) Auto Repair, Auto Sales (Except as an Accessory to Anchor Store)
 - (4) Bar, Night Club
 - (5) Auto Service Station
 - (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
- (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 Entertainment

2. To the owner's agreement to abide by the following:
 - a. To the revised site plan submitted on November 14, 2006 and the legal description submitted on September 25, 2006 to the Department of Planning & Development. 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. Stormwater and water quality plan to be reviewed and approved by County Engineer.
 - b. Provide left turn lanes and accel/decel lanes on Brown Bridge Road and Salem Road as required by the County Engineer and GDOT as applicable.
 - c. Provide inter-parcel access with future commercial development on adjacent parcels at time of future development.
 - d. Dedicate at no cost to Newton County, additional right-of-way as may be required to provide a total of 65 feet from the centerline of Salem Road or as may be required by GDOT.

- e. Dedicate at no cost to Newton County, additional right-of-way as may be required to provide a total of 65 feet from the centerline of Brown Bridge Road.
- f. All curb cuts shall be located at sufficient distance from the intersection to provide for turn lanes, and stacking to the development.
- g. A 3-lane thoroughfare through the site shall be constructed as depicted on the site plan referenced in Condition 2.a. to serve the Wal-mart Supercenter and outparcels.
- h. Provide, at no cost to the County, traffic signals at the intersection of the 3-lane thoroughfare referenced in Condition 3.g. with Salem Road and Brown Bridge Road. Signals to be synchronized with existing signal at intersection of Salem Road and Brown Bridge Road, and with signal at intersection of Salem Road and Smith Store Road when installed.
- i. Provide inter-parcel access with future commercial development on adjacent parcels at time of development. Should the adjoining property immediately to the south of the subject property be developed commercially, at the time of such development, Wal-Mart shall grant a reciprocal access easement to such adjoining property at a location which extends the alignment of the proposed internal three-lane roadway depicted on the approved site plan generally southward to the Wal-Mart property line. Should the owner of such adjoining property immediately to the south construct or cause to be constructed an inter-parcel roadway connection to the Wal-Mart property line, Wal-Mart shall construct or pay the cost of constructing the extension of such new inter-parcel roadway into the Wal-Mart property.
- j. The Wal-mart garden center shall have a drive-in for customer loading.
- k. Vehicular access to the outparcels shall be from the internal street only. The outparcels shall have no direct vehicular access to GA Highway 162 (Salem Road) or to Brown Bridge Road

- l. Exteriors of the buildings located on the outparcels shall be brick and/or stucco on all four 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. Metal roofs must match type and color of Publix's roof.
 - m. Exterior of the Wal-mart shall be substantially similar to the elevations/renderings submitted to the Department of Planning and Development on November 15, 2006. Colors 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. Metal roofs must match type and color of Publix's roof.
 - n. Developer shall submit a landscaping plan, which will include tree islands in parking areas. Landscaping plan subject to the approval of the County Arborist.
 - o. Transitional buffers may be disturbed and replanted, subject to approval by the County Arborist.
 - p. Provide downcast lighting 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 of Planning & Development.
 - q. Outdoor storage bins shall be located only in the rear yard.
 - r. Overnight parking of commercial vehicles is prohibited.
 - s. Provide southbound left-turn lane on Salem Road immediately south of new signalized intersection referenced in condition 3.g. to serve adjacent residential property.
4. Should Wal-mart vacate the building, the following conditions shall apply:
- a. Maintain the exterior of the building, landscaped areas, detention pond, and parking areas at the same standard as when the building was fully occupied.
 - b. Provide security patrols on the site to deter vandalism or other illegal activities on the property, and confer with the County Sheriff regarding such patrols.

- c. Use commercially reasonable efforts to market the property, for sale or lease, at fair market value and with reasonable terms, to any party and for any use acceptable to the owner and permitted under applicable County ordinances.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioners Fleming & Simmons in opposition to motion.

APP06-005

VAR06-044

Resource Piedmont, Inc.

165 Helm Drive

Tax Parcel: 24F-17

Request: Appeal to Board of Zoning Appeals decision (Denied) on November 30, 2006.

Purpose of Request: To construct a single family residence on lot 17 of the Providence Park Subdivision

Size of Property: 0.243 Acre

Present Zoning: R-3 (Single Family Residential)

Present Use; Undeveloped

District Three

Petitioner Representative: Attorney Jimmy Alexander

- Plat of subdivision in packet
- No residential use on other side of property.

No Opposition

Commissioner Fleming

- Clarified that it does not interfere with buffer. Mr. Alexander said that is correct.

Motion: To approve VAR06-044 as it relates to rear yard setback.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

ALCOHOL LICENSE:

Final Reading

Elks Club Chevron

10946 Hwy. 278E

Covington, Georgia 30014

Owner: Sadruddin Lakhani (100%)

District One

Motion: To approve the Alcohol License request for Elks Club Chevron located at 10946 Hwy. 278E, Covington, GA.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

Shell #3633

3633 Salem Road

Covington, Georgia 30316

Owner: Kanwar Tucker (34%), Harjeet Tucker (33%), Baljider Sandhu (33%)

District Two

Motion: To approve the Alcohol License request for Shell #3633 located at 3633 Salem Road, Covington, GA.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

COUNTY CHECKS:

Motion: To approve the county checks as read by the Chairman Varner.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

STREETLIGHTS

Hampton Place Estates

District Two

Motion: To approve the streetlight request for Hampton Place Estates as requested.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

St. Moritz Subdivision

District Two

Motion: To approve the streetlight request for St. Moritz Subdivision as requested.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

EXECUTIVE SESSION - None

ADJOURN

Time: 11:35 p.m.

Motion: To adjourn the meeting.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith
County Clerk