

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 20, 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, Jenny Carter, James Griffin, and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn
Newton Citizen – Crystal Tatum
Group of citizens

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

APPROVAL OF BOC MINUTES DATED MARCH 6, 2007

Motion: To approve the minutes dated March 6, 2007 as written.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

R-030607 KLIP INTERACTIVE CABLE COMPANY FRANCHISE AGREEMENT

Attorney James Griffin presented a resolution to the board regarding a franchise agreement for cable with KLIP Interactive. Mr. Griffin noted the following:

- Resolution authorizes KLIP LLC to operate a cable system in Newton County, Georgia.
- KLIP bought out LB Cable who previously provided cable to Newton County citizens.
- The Board of Commissioners must authorize a cable franchise for the county.
- By rules of contract we are acknowledging that KLIP bought out LB Cable.
- KLIP is asking us to extend the life of the contract.

Commissioner Ewing

- Tabled from last meeting so that county attorney could review agreement.
- Called cable company representative with several questions that they answered for me. Thanks expressed.
- Also, thanked the company for providing free cable service to public schools, police stations, and fire stations.

Motion: To approve Resolution R030607 a Franchise Agreement between KLIP Interactive Cable Company and the Newton County Board of Commissioners as outlined by Attorney James Griffin.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Note: The original resolution is contained in file number R030607, incorporated herein by reference and expressly made a part of these minutes.

RIVER OF WORDS POETRY & ART CONTEST WINNERS

Clean & Beautiful Director Connie Waller presented the winners of the River of Words Poetry & Art Contest to the board. She noted that their entries have also been submitted to the state and national levels as well.

The chairman and board congratulated each winner and presented him or her with a Savings Bond, a framed Award Certificate and a Scoops Gift Certificate. A group picture was made with the winners and the BOC.

DISCUSSION RE FUNDING FOR CENTER/GYM & FIELDS @ LASSETER STREET & COUSINS GYM & FIELD

Commissioner J.C. Henderson presented this request to the board and noted the following:

- Children need place for recreational activities
- Presently short on football fields
- Requesting for gym & field to be put in this year's budget.
- Applying for \$500,000 grant for Cousins, but if not approved, wants county to provide funding
- Estimated Cost for gym & field is \$1,500,000
- Suggested that each commissioner make comments on what is needed in their particular district
- Present board agreed to renovate football fields @ Cousins.
- We need at least two more gyms and I would like for one to be at the Lasseter Street property.

Commissioner Ewing

- Noted that in 2005-2006 the Recreation Commission did a comprehensive plan regarding community projects and what is needed in different areas of county.
- Suggested that BOC involve Rec Commission and review Master Plan. The requests could be discussed in upcoming budget meetings.
- Met with Denny Dobbs today and his opinion is that Cousins Gym could be renovated and usable for less money.

Commissioner Simmons

- Reviewed recreation package
- Understands that Denny Dobbs Park was a concept several years ago, and that there was a (5) five-year plan for parks throughout the county.
- With Impact Fee dollars tied up in litigation...look at other avenues.

Commissioner Fleming

- Suggest that Recreation Commission get involved and look @ long-range plan.
- Thinks there is \$2.5 million in Impact Fees for recreation. Would like to see that money is “earmarked” for recreation.
- Work with Recreation Commission regarding Master Plan; SPLOST for Cousins Gym; \$500,000 for Porterdale Gym. Work with Rec Board to get it done.

To be discussed further during budget time.

LETTER OF CONSENT – AGAPE SANCTUARY FOR THE CHILDREN, INC.

Administrative Officer John Middleton introduced Ms. Clark who presented her request to the board and noted the following:

- Applied for grant and requesting a letter of consent from this board.
- Letter is a requirement to be eligible for the grant.
- 16-19 females will go through program “Raising Strong Women”
- Youth will come from Newton County DFACS
- Will provide individual counseling and family counseling.
- Grant has nothing to do with Agape Group Homes
- Grant is from DeKalb County

Commissioner Laster

- Grant money will not be used for housing? Correct
- Sheriff Dept has received a number of calls for law enforcement to come to home in last six months; 40+ calls to one home alone.

Commissioner Ewing

- Clarified that Ms. Clark was CEO of company. Yes
- Applaud Ms. Clark for taking care of children
- Questioned relationship between Dept. of Justice in DeKalb County and grant money for Newton County? Ans: Wide band of funds available through Juvenile Justice.
- Clients in group homes? Ans: All Newton County residents.
- Services provided @ Hwy. 278 East, i.e. camping area and go to office for counseling.
- Questioned if there was a deadline date so issue could be tabled to April 3rd for further information

Commissioner Simmons

- Understand that different agencies will act as a feeding unit to send kids to program. Ans: Correct
- Questioned if some of the grant money will go towards clothes for young people to purchase when applying for a job? Ans: Yes

Commissioner Fleming:

- Questioned where funding came from for the two group homes?
- Ans: Two group homes in county through Dept. of Justice.
- Number of employees? 18
- Requested a copy of their budget? Yes
- Would like request to be tabled to April 3rd meeting.
- Questioned how fixed assets are paid for? Ans: We are a 501C3 and funded through the Department of Justice and others
- Concerned with so many calls to the Sheriff's Office that there must be some type of problem at homes. Ans: Direct care is provided 24 hours a day.

Commissioner Henderson

- Expressed appreciation for program.
- Very concerned about children.
- Would like to see request tabled as well for more information.

Motion: To table request for Letter of Consent for Agape Sanctuary until April 3rd BOC meeting.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

BID 07-13 – ELKS CLUB ROAD @ US 278 INTERSECTION

County Engineer Kevin Walter addressed the board regarding this project and noted the following:

- Intersection improvements/traffic signalization
- Pittman Construction Company was the low bidder
- Pittman has done a lot of our paving projects and theirs is a favorable bid.
- Board determined in 2006 determined this to be a priority one project.
- Safety issue – dangerous intersection – serious accidents.
- Funded by Capital Projects Account of the Roads & Bridges Capital Improvement Program.

Motion: To award Bid 07-13 regarding Elks Club Road @ US 278 Intersection Improvements to Pittman Construction Company for a not to exceed amount of \$197,208.15 at the recommendation of County Engineer Kevin Walter.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

EQUIPMENT FOR FIRE LADDER TRUCK & TWO ENGINES

Chief Satterfield was on hand to answer any questions the board might have and noted the following:

- One vendor in Georgia who can supply all the equipment (American Safety & Fire House, Inc.).
- Equipment for Ladder Truck
- 2 Engines (make operational)
- Equipment for East Newton's Truck
- County saves money by combining all the equipment together.
- Funds will be transferred from East Newton to cover their share.
- Scott 2.2 SCBA
- Scott 2.2 SCBA Spare Cylinders
- Scott Scout Portable Multi Gas Detector
- Cost: \$145,633.00

Motion: To approve the purchase of Equipment for Fire Ladder Truck & Two Engines to American Safety & Fire House, Inc for a not to exceed price of \$145,633.00 at the recommendation of the Fire Chief and the Purchasing Department.

Proposed by: Commissioner Monty Laster, District Five

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

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:

R032007A – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP

MC07-001

District Two

Motion: To approve Resolution R032007 to correct Newton County's Zoning Map for MC07-001.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

Note: The original resolution is contained in file number R030607A, incorporated herein by reference and expressly made a part of these minutes.

Planning Director Marian Eisenberg announced that petitioner South Harbor Development, LLC has requested that REZ06-035 be deferred until the BOC meeting on April 17th.

REZ06-035

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

Motion: To defer REZ06-035 to the April 17th meeting as requested by the applicant.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

CUP07-001

Proposed Use: Family Life Center with Gymnasium Amphitheater, Outdoors Pavilion
Existing Zoning: AR (Agricultural Residential), Conditional Use Permit for a Church
(12/05/00)

Watershed: South River

Location: Oak Hill Road (North Side)

673 Feet of Frontage

Parcel Size: 15 Acres

Tax Parcel: 15-110

Owner: Worship Ministries

Petitioner: Worship Ministries

Representative: Darrell Payne

Applicant's Intent: To expand the Christ Cornerstone Church adding a family life center with gymnasium, an outdoor pavilion/picnic shelter and an amphitheater.

Planning Commission Recommendation: Approval with Changed Conditions

February 27, 2007

District Two

Motion: To uphold the recommendation of the Planning Commission and approve CUP07-001 with the following conditions as read by Marian 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 Place of Worship with Accessory Uses and Structures 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 Place of Worship with accessory uses and structures.
- b. The uses will be constructed in phases:

Phase I may include the Family Life Center with Gym (13,500 square feet), the Outdoor Pavilion Picnic Shelter (1,800 square feet) and the Amphitheater.

Phase II may include the Sanctuary (22,500 square feet) and the Education Office Facility (14,400 square feet)

- c. Comply with the standards of Sections 510-480, Place of Worship.

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 4, 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, or as otherwise conditioned.

3. To the owner's agreement to abide by the following development standards:
 - a. The amphitheater must be setback 100 feet from adjoining property lines.
 - b. Second access must be approved by the County Engineer. If approved, the access may be constructed during the second phase.
 - c. Provide downcast lighting.
 - d. Provide deceleration lane, and or left-turn lane, subject to the approval of the County Engineer. Such improvements shall be constructed during the second phase or as may be approved by the Planning Director.
 - e. Dedicate at no cost to Newton County necessary right-of-way, including from back of curb of all improvements in order to provide shoulder for utilities.
 - f. Storm water shall be reviewed and approved by the County Engineer.

Proposed by: Commissioner Earnest Simmons, District Two
Second by: Commissioner Mort Ewing, District One
Motion Carried

FLU07-002

REZ07-002

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: I (Industrial)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: M1 (Light – Industrial)

Watershed: Big Haynes Creek

Location: Old Hwy. 138 (North Side)

58.99 Feet of Frontage

Parcel Size: 7.72 Acres

Tax Parcel: 36-02B

Owner: Douglas S. Walker

Petitioner: Douglas S. Walker

Representative: Douglas S. Walker

Applicant's Intent: To provide vehicle and material storage related to an off-site business. There will be a 2,400 square foot storage building for materials and overnight storage of two dump trucks with trailers hauling backhoes, an 18-wheeler and a standard work truck. No office will be located on the property.

Planning Commission Recommendation: Denial of FLU07-002 & Denial of REZ07-002

February 27, 2007

District Three

Petitioner Representative: Robert Rogers

- Was using it to store equipment
- Does not do work on site
- Good use of property
- Arrives @ 7:00 a.m. picks up equipment and returns between 6:30 & 7:00 p.m.
- Only uses it to store equipment
- One security employee at night
- Petitioner willing to do whatever it takes to get approved.
- Cleaned up property (old tires, etc.)

Commissioner Simmons

- Questioned if trucks would be stored overnight? Ans. Yes
- Questioned if maintenance on vehicles is done there? Ans. Yes, service man comes out to service vehicles.
- Questioned homes in area? Ans. One house is close to property and petitioner is willing to put up privacy fence or Leland Cyprus trees.
- Concerned about noise to neighbors. Ans. Dump trucks are small. Would be willing to come to work at 8:00 a.m. if that would help.

Opposition
W.J. Landers
Patty Howard
Tavis Murray

- They do not have 100 feet of frontage
- They do not have a 75 foot buffer
- This is in a residential subdivision
- Value of homes negatively impacted
- Community is served by well system
- Concerned water will be contaminated
- Safety hazard i.e. oil, gas, diesel in ground
- Does not meet zoning requirements
- Provided pictures for board of area
- Putting up fence will not stop problem
- Security employee drinks and encountered him drunk two times
- Employee lives there
- Lights shine directly into my house
- They are very inconsiderate of other people
- Equipment is everywhere.
- Noise
- Headlights shining
- Person lives in a trailer they brought in.
- Plays loud music that interferes with quality of life
- Did not build my house in a trailer park

Motion: To uphold the recommendation of the Planning Commission and deny petition to change the Future Land Use Map.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

Motion: To uphold the recommendation of the Planning Commission and deny petition REZ07-002.

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

FLU07-001

REZ07-004

CUP07-002

Existing Land Use Map: LDR (Low Density Residential)

Proposed Land Use Map: PRC (Park/Recreation/Conservation)

Existing Zoning: R2 (Single Family Residential)

Proposed Zoning: AR (Agricultural Residential)

Proposed Use: Recreation Center, Club/Private (Sec. 510-540)

Watershed: Cornish Creek & Yellow River

Location: Stone Road (South Side)

1,212 Feet of Frontage

GA. Highway 142 (West Side)

272.45 Feet of Frontage

Old Georgetown Road (West Side)

455.69 Feet of Frontage

Parcel Size: 28.02 Acres

Tax Parcel: 59-77

Owner: Stone Road Park, LLC

Petitioner: Covington Family YMCA

Representative: Frank Turner, Jr.

Applicant's Intent: To develop a recreation facility to include sports fields and courts, playground, and structures and buildings to support day camp activities and other recreational programs.

Planning Commission Recommendation: FLU07-001 – Approval; REZ07-004 – Approval with Changed Conditions; CUP07-002 – Approval with Changed Conditions
February 27, 2007

District Five

Petitioner Representative: Attorney Frank Turner, Jr.

- Property is adjacent to Newton County Recreation property on Stone Road
- Seeking a “down” zoning to AR (Agricultural Residential)
- Community Park w/four ball fields, soccer fields
- YMCA is only program that provides soccer in the county

Motion: To uphold the recommendation of the Planning Commission and approve the Future Land Use Change from LDR (Low Density Residential) to PRC (Park/Recreation/Conservation).

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Motion: To uphold the recommendation of the Planning Commission and approve Zoning Request REZ07-004 to change the zoning from R2 (Single Family Residential) to AR (Agricultural Residential) with the following changes read aloud by Marian Eisenberg:

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural Residential) with a Conditional Use Permit for Private Recreation 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. Recreation facility and accessory uses and structures.
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 5, 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 screening of outdoor recreational area along the north and east property lines. Plantings and specifications subject to the approval of the Newton County Arborist.
 - b. Improve Old Georgetown Road, subject to the approval of the County Engineer. No access to Old Georgetown Road shall be allowed until improvements are completed.
 - c. A traffic study shall be conducted to evaluate the need for access, deceleration lanes, left-turn lanes, intersection improvements and traffic signals. Study shall address need for second access. Improvements required by traffic study to be implemented at no cost to Newton County, subject to approval of the County Engineer. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of the deceleration lane to provide for placement of utilities.
 - d. Stormwater plan to be reviewed and approved by County Engineer.

- e. Provide downcast lighting.
- f. No activities to be allowed after 10:00

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

Motion: To uphold the recommendation of the Planning Commission and approve Conditional Use Permit #CUP07-022 with the following changes read aloud by Marian Eisenberg.

To the owner's agreement to restrict the use of the subject property as follows:

- b. Recreation facility and accessory uses and structures.
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 5, 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.
4. To the owner's agreement to abide by the following development standards:
- g. Provide screening of outdoor recreational area along the north and east property lines. Plantings and specifications subject to the approval of the Newton County Arborist.
 - h. Improve Old Georgetown Road, subject to the approval of the County Engineer. No access to Old Georgetown Road shall be allowed until improvements are completed.
 - i. A traffic study shall be conducted to evaluate the need for access, deceleration lanes, left-turn lanes, intersection improvements and traffic signals. Study shall address need for second access. Improvements required by traffic study to be implemented at no cost to Newton County, subject to approval of the County Engineer. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of the deceleration lane to provide for placement of utilities.
 - j. Stormwater plan to be reviewed and approved by County Engineer.

- k. Provide downcast lighting.
- l. No activities to be allowed after 10:00

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

MOD07-001

Proposal: Modification of Condition

Existing Zoning: CG (General Commercial) Approved June 4, 1996

Location: Highway 20 (West Side)

205.08 Feet of Frontage

Parcel Size: 2.124 Acres

Tax Parcel: 1-18

Owner: Rob Minks

Petitioner: Clyde Tant

Representative: Clyde Tant

Applicant's Intent: To "have the existing zoning modified to allow an 8,125 sq ft day care center for children vs. a day care of senior adults" (per applicant's letter of intent)

Planning Commission Recommendation: Approval with Staff Conditions on January 23, 2007

District Two

Petitioner Representative: Daniel Digby

- Mr. Tant would like to change from Adult Care to Child Care facility
- Maximum Children: 134
- To make it work we need a 20-foot buffer.

Commissioner Simmons

- Questioned if a traffic study/forecast been done? Ans: No

Commissioner Laster

- 134 children would require a space of 13,400 sq ft. You listed 12,300 sq ft.
- Ans: Can raise playground site
- Might require a turn lane

Commissioner Fleming

- Concerned that it is too much development on one small lot.

Commissioner Ewing

- Questioned Septic Tank? Proposing one septic tank for 134 children? Ans: Yes, done all the time.

Opposition

Ben Deleno

Margo ?

- Traffic concerns
- Traffic in area from GA 20 – Covington/Conyers, McDonough/Stockbridge
- Residential homes on both sides of property
- 18 wheelers in area
- Traffic backs up on road already
- Safety issue
- Several car accidents have taken place there
- Concerned about children @ play

Motion: To deny MOD07-001 as presented.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

ALCOHOL LICENSE:

Final Reading

Liberty Food Mart

10055 Covington By-Pass Road

Covington, Georgia 30014

Owners: Mahboor Jamal 82%

Shahnaz Surani 9%

Iqbni Surani 9%

District Four

Motion: To approve the alcohol license request for Liberty Food Mart located at 10055 Covington By-Pass Road in Covington, GA as requested.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Discount Food Mart

1032 Hwy. 142

Covington, Georgia 30314

Owner: Sikander Virani (100%)

District One

Motion: To approve the alcohol license request for Discount Food Mart located at 1032 Hwy. 142 in Covington, GA as requested.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

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 Monty Laster, District Five

Motion Carried

EXECUTIVE SESSION

Time: 9:20 p.m.

Motion: To enter into Executive Session for the purpose of discussing land acquisition, pending and threatened litigation and personnel.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

REGULAR SESSION

Time: 9:45 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

ADJOURN

Time: 9:45 p.m.

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith

County Clerk