

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 18, 2008**

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 and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn

Newton Citizen – Crystal Tatum

Small group of citizens

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

GENERAL ADMINISTRATION

Chairman Varner recognized Commissioner Mort Ewing who noted the following:

- Displayed mock million-dollar check from Governor Perdue's One Georgia Authority Grant.
- This grant money comes from tobacco settlement.
- Very pleased to receive this grant money.
- Joint Development Authority received check for Stanton Springs road project.
- Economic Development Program that BOC in late '90's saw fit to support and this board continues to support today.
- Members of the Joint Development Authority are from the following counties who own the following percent of project:
 - Newton: 37.5%
 - Walton: 37.5%
 - Morgan: 15%
 - Jasper: 10
- Commissioner Ewing and Denny Dobbs are Newton County's representatives on authority board and have been since its inception.
- 30-year project
- Presently in 10th year of project
- Expressed appreciation to board for their continued support and assistance in moving project forward.

APPROVAL OF W/S MINUTES DATED FEBRUARY 19, 2008

Motion: To approve the Work Session Minutes dated February 19, 2008 as printed.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPROVAL OF BOC MINUTES DATED MARCH 4, 2008

Motion: To approve the BOC Session Minutes dated March 4, 2008 as printed.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

APPROVAL OF PUBLIC INFORMATION MINUTES DATED MARCH 6, 2008

Motion: To approve the Public Information Minutes dated March 6, 2008 as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

INTERGOVERNMENTAL CONTRACT BETWEEN NEWTON COUNTY THE CITY OF PORTERDALE REGARDING THE ACQUISITION OF RIGHT-OF-WAY FOR INTERSECTION IMPROVEMENTS AT STATE ROUTE 81, CROWELL ROAD AND THE COVINGTON BYPASS

Chairman Varner recognized Porterdale Council Member Robert Foxworth who made the motion for the City of Porterdale to move forward with this project and received council approval.

Commissioner Laster

- Project long time coming.
- Excited to see city and county move forward with this project.

Motion: To approve the Intergovernmental Contract between Newton County and The City of Porterdale regarding the Acquisition of Right-of-Way for Intersection Improvements at State Route 81, Crowell Road and the Covington Bypass. A copy of the Agreement is made part of these minutes.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

GAITHER PLANTATION STEWARDSHIP PROGRAM PRESENTATION

Chairman Varner recognized Beryl Budd with the Georgia Forestry Department and Ted Wynne Newton County Extension Agent who presented a power point presentation to the board for their information and consideration. A copy of the presentation is made part of these minutes.

Commissioner Ewing

- BOC purchased land for Bear Creek Reservoir almost ten years.
- Was part of the Stewardship Program that Mr. Budd and Mike Welborn (former county extension agent) put together.
- Beryl Budd, Mac Barber & Ted Wynn work together on this project
- Updated Land Use Map shows that 50% of Newton County is still undeveloped land.

Chairman Varner

- Requested that Mr. Budd & Mr. Wynn look at Factory Shoals and come back to board with a recommendation regarding timber stewardship program.

Motion: To update the Gaither Plantation Stewardship Program as outlined by Mr. Budd & Mr. Wynn. To participate in the program receiving a \$10,000.00 Grant, as well as, invest \$12,000.00 funded through sale of timber from Gaither Plantation property.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

INDUSTRIAL DEVELOPMENT AUTHORITY **REQUEST TO PURCHASE PROPERTY**

Attorney Frank Turner, Jr. appeared before the board and presented this request. He noted the following:

- County Attorney Tommy Craig serves as county representative on Industrial Development Authority Board
- April of 2007 Mr. Rutherford came before this board and wanted to purchase property. At that time the city and the county agreed to sell him the property, however due to the economic downfall Mr. Rutherford had to withdraw his offer.
- There is another buyer who would like to purchase the property and then build it out and work with Mr. Rutherford to purchase from them when feasible.

Motion: To approve the proposal as outlined by Frank Turner, Jr. regarding the sale of property "To convey the County's ½ undivided interest in 4 acres, more or less, on Georgia Peach Avenue. to the Newton County Industrial Development Authority for a promissory note for \$50,000, said note to be repaid, without interest, 24 months later or earlier upon the Ida's sale of the acreage."

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

PROTECTIVE CLOTHING POLICY

Administrative Officer John Middleton presented Protective Clothing Policy for the board's consideration and note the following:

- Policy is the result of work done by County Safety Committee.
- Policy emphasizes safety regarding protective clothing.

Commissioner Simmons

- Questioned which departments policy would cover? Public Works & Solid Waste Departments
- Designed to address safety & protection of employees.

Commissioner Laster

- Expressed appreciation to safety committee for working on this policy and for bringing this to the board's attention. Duly made motion to adopt.

Motion: To adopt the Protective Clothing Policy as outlined with a copy being made part of these minutes.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

UPGRADE TO FIRE PAGING & NETWORK FIRST EXPANSION

E911 Director Mike Smith appeared before the board to present this request. He noted the following:

- Power Point presentation (copy made part of minutes)
- Working with Chief Satterfield
- Equipment from 1980's (old & outdated)
- Difficult to maintain
- Multiple points of failure
- Have done a good job over the years keeping it running, but it has used up its lifespan.
- Cost savings in new equipment – Utilities & operational cost at sites (\$2000.00 per month) also monthly cost of \$300.00 for Alpha Pagers
- Will also give Chief Satterfield another credit towards his ISO rating.
- Prime site is Hwy. 36 @ Piper Road

Commissioner Ewing

- From day one we did not want anyone to be left out.
- Concerned about the amount of money we continue to spend monthly - \$50,000 to 14 different companies in a ten-day period. (Reviewed check register)
- What is net cost? Answer: \$54,506.02 to install new system with one-year warranty.
- Maintenance Agreement? Answer: We have not signed a maintenance contract yet. Maintenance agreement varies and they will look at exactly what we need.
- The \$54,506.02 is cost for equipment and labor.

Motion: To approve the upgrade to Fire Paging and Network First Expansion for a not to exceed cost of \$54,506.82 with M/A-COM. Funding Source is Fire Fund.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

BID #08-13 – GRADING, SITE WORK, & UTILITY INSTALLATION FOR FIRE STATION #7

Administrative Officer John Middleton presented Bid#08-13 to the board for approval.

- Outlined on pages 37 & 38 in Agenda Packet
- Site: Brown Bridge Road
- Bid is for grading, site work and utility installation
- Received 3 bids
- Low bidder is Sunbelt Builders, Inc. @ \$393,673.00
- Funding: Fire Fund

Motion: To approve Bid#08-13 – Grading, Site Work, & Utility Installation for Fire Station #7 located on Brown Bridge Road and award to Sunbelt Builders for a not to exceed cost of \$393,673.00. Funding Source is Fire Fund.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

REQUEST TO GDOT FOR SPEED LIMIT REDUCTION FROM 55 MPH TO 45 MPH ON SR162 CONNECTOR BETWEEN MOTE ROAD & FIRE TOWER ROAD

- Memo from County Engineer Kevin Walter attached and made part of minutes.
- Request from Good Hope Baptist Church made part of minutes.

Motion: To approve the request to GDOT for Speed Limit Reduction from 55 MPH to 45 MPH on SR 162 Connector between Mote Road and Fire Tower Road.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

TO #11 FOR OUR TRANSPORTATION CONSULTANT PBS&J: CONSTRUCTION MANAGEMENT ASSISTANCE FOR THE BAILEY CREEK ROAD REALIGNMENT PROJECT

- Memo from County Engineer Kevin Walter made part of minutes.
- Proposal from PBS&J made part of minutes.

Motion: To approve Task Order #11 for our Transportation Consultant PBS&J for Construction Management Assistance for the Bailey Creek Road Realignment Project.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

**BRICK STORE TRANSPORTATION ENHANCEMENT PROJECT –
GRANT ADMINISTRATION LETTER OF ENGAGEMENT
W/NEGRDC**

Administrative Officer John Middleton presented this to the board for their approval.

- Letter of Engagement from the NEGRDC
- RDC will manage grant administration services for the Brick Store TE project
- Rehabilitation of historic Brick Store
- NEGRDC requires 5% administration fee (this is based on award amount)
- Administration Fee for this project is \$12,500 to be billed over projects life.

Motion: To approve the Grant Administration Letter of Engagement with the NEGRDC as for the Brick Store Transportation Enhancement (TE) Project as presented by Mr. Middleton and outlined on page 50 in Agenda Packet.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

ZONINGS

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

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

MOD07-013

Proposal: Modification of Conditions 1.b., and 2.a.

Existing Zoning: A (Agricultural) approved April 19, 2005

Location: Byrd Road (East Side)

2,462 Feet of Frontage

Gum Creek Road (North Side)

123 Feet of Frontage

Parcel Size: 64.38 acres

Tax parcel: 59-35A, 35B, 35C

Owner: Crosspointe Baptist Church, LLC

Applicant's Intent: 1. To increase the number of children from 75 to 250 for the private school. 2. To modify the site plan to add one additional building (10,000 square feet)

Deferred to February 19, 2008

Deferred to March 18, 2008

District Five

- Petitioner requested a deferral until April 15th meeting.
- Request is made part of these minutes
- Commissioner Laster has spoken to petitioner and approves deferral request.

Motion: To approve the petitioner's request to defer MOD07-013 until the April 15th BOC regularly scheduled meeting.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Chairman Varner opened Public Hearing for any questions and comments.

AMD07-003

Proposed Amendments to Zoning Ordinance

Applicable Section: Amendments to Sections 105-020, and 620-670, and to Division 420 (Newton County Zoning Ordinance)

Planning Commission Recommendation: Approval

Director Marian Eisenberg presented amendments to board and noted the following:

- These amendments came out of work session that was held in January.
- Covered changes in Conditional Rezoning
- Met with committee to go over changes and to receive feedback.
- Further defines what changes to conditions are significant enough to warrant a rezoning or a conditional use permit.

Commissioner Henderson

- Who served on committee? Answer: President of the Home Builders Association, Michael Penland, Patrick Engineering

Commissioner Ewing

- Questioned if there was a committee who was working on a redesign of detention ponds? If not, recommending that a committee be formed to look at this and would like to see this happen within the next six months.
- The design standard is in-correct.
- Lakes are muddy because of this.

Director Marian Eisenberg

- Covered amendment to the Zoning Ordinance Land Disturbance in environmentally sensitive areas in the South & Yellow River Watersheds, and adding Murder Creek.
- Add development restrictions not currently in the Yellow/South River Watershed. Add the Murder Creek Watershed (District 1), which has never been protected and may have been inadvertently left out when watershed protections were adopted.

Commissioner Fleming

- Suggested that these two issues be voted on separately. Board concurred.

There were no questions or comments from the audience.

Chairman closed the Public Hearing.

Motion: To approve AMD07-003 proposed Amendments to Zoning Ordinance - Sections 105-020, and 620-670 (CONDITIONAL REZONING), as presented by Director Eisenberg and recommended by the committee. A copy of amendments is attached and made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried with Commissioner Henderson abstaining from the vote.

Motion: To approve AMD07-003 proposed Amendments to Zoning Ordinance - Division 420 (LAND DISTURBANCE IN ENVIRONMENTALLY SENSITIVE AREAS IN THE SOUTH & YELLOW RIVER WATERSHEDS, AND ADDING MURDER CREEK), as presented by Director Eisenberg and recommended by the committee. A copy of amendments is attached and made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson abstaining from the vote and Commissioner Fleming voting in opposition to the motion.

APP08-001

VAR07-052

Applicant: Jawahar L.Chugh

Address: 3611 Salem Road

Tax Parcel: 13-042, 13-42D, 13-042E

Request: Appeal to Board of Zoning Appeals' decision (Denied) at January 2, 2008 meeting.

Property Size: 16.36 acres

Zoning: CG (General Commercial)

Potential Effects: Negative effects to neighboring property may be mitigated through extensive screening of fencing and vegetation.

District Two

Petitioner Representative: Attorney Jimmy Alexander

- Plans on this particular building were approved in 2000.
- Unfortunately property did not get approved until 2005.
- Neither engineer, owner, nor the county picked up on county changing the transitional buffer (75 feet).
- Would like to see board approve variance.
- Understands conditions
- Doesn't feel like a judge will make the owner take the building down because of this.
- Complimented the county planning staff and, in particular, Ms. Bell, who has worked very hard to do the very best job possible to reduce the affect on property next door.

Commissioner Henderson

- Questioned if the opposing counsel was given a copy of the updated conditions.
Answer: Judy Johnson (P&D) yes.

Opposition: Attorney Daniel Digby (represents homeowners)

210 & 215 Summerset Drive

- Provided photos to the board of view from homeowners property (made part of minutes)
- Building was constructed in 2005
- Ordinance for 75 foot buffer was actually in place in 1999
- Plans approved in 2000
- Petitioner is asking for nine feet instead of the 75-foot buffer.
- There is no buffer presently....
- Fence in disrepair
- Property owners have trespassers on their property who are going to petitioner's location.
- Very noisy
- Lights at night are very disturbing
- Petitioners' building was involved in a raid by Sheriff Department last year and 33 people were arrested.
- We have reviewed landscape conditions.
- Landscape conditions will not eliminate the visual blight of a three-story building looking over property owner's homes.
- Clients are not happy with this situation at all.
- Mr. Reese & family have been there since 1996.
- Ms. Tanner (spelling?) since 1999
- This has financially impacted them.
- Diminish value in property value
- Applauds arborist attempt to help, but his will not solve my clients problems.
- Ask to deny variance.
- This has been a taking of their property.
- This is not a one-story building with a buffer between the properties.
- We are talking about going from a 75-foot buffer to 9 feet!

County Attorney Tommy Craig

- Questioned if this matter was in litigation between parties? Answer: Not yet.

Attorney James Griffin

- Told Mr. Craig that Judge Degonia found Mr. Chugh guilty of violating the zoning ordinance and is presently waiting on a decision regarding this petition tonight.

Attorney Daniel Digby

- Planting trees is not going to make them (property owners-implied) whole after their property value has been diminished.



Attorney Jimmy Alexander

- Believes board has a responsibility to try and mitigate this issue. It is messy at best.

County Attorney Tommy Craig

- Wondered if two sides could meet together to try and work something out. Afterwards come back to this board in two weeks and report what has taken place.

Attorney Daniel Digby

- We tried as early as January of 2007 to see what could be done to eliminate all of this.
- Been to two zoning hearings and one BOC meeting.
- Again, reiterated...talking about a 75 foot buffer going to 9 feet with a 3-story building.

County Attorney Tommy Craig

- Questioned if there was any interest on part of Attorney Digby or his clients to explore an economic settlement in this matter? Answer: Yes

Attorney Daniel Digby

- Never been anyone's intent to turn into litigation. We feel there has been effort made by Mr. Chugh to help.

Commissioner Fleming

- Does not think a judge will order the building to be demolished.
- After ready staff recommendations and report feels we should move forward with plan.

Commissioner Ewing

- Would like to see both parties meet and try to work things out and then come back before this board as suggested by county attorney.

Motion: To approve APP08-001, VAR07-052 (Variance) with the following conditions as read aloud by Director Eisenberg:

1. To the owner's agreement to abide by the following development standards:
 - a. All conditions and terms laid out in Memorandum dated February 26, 2008 from Debbie Bell, County Arborist.

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INTER-OFFICE MEMORANDUM**

To: Judy Johnson
From: Debbie Bell, Arborist

Date: February 26, 2008

RE: Landscape Recommendations for VAR07-052

The following conditions are recommended for APP08-001 (fka VAR07-052):

1. Remove Bradford Pear trees. Many are already dead. Bradford Pears are not approved as landscape trees in Newton County.
2. The old chain link fence between the commercial parcel and the two adjoining residential parcels (13-312, 13-313) shall be removed. Refer to diagram for locations. If the old fence is on or within 8" of the property line it shall not be removed.
3. A new 8' tall black, vinyl-coated chain link fence with black slats shall be installed as close to the existing retaining wall as possible. The fence shall contain a double gate at the point where it crosses the utility easement. The gate shall match the rest of the fence and be approved in writing by the utility company. Newton County is coordinating exact specifications for the gate to ensure that it meet the utility's requirements for access and width. The fence should tie in to the existing fence behind the storage units to prevent trespassers from using the neighbors' yard as a shortcut (see diagram). Fencing shall conform to the standards set forth in the current Newton County Development Regulations.
4. Developer will plant all proposed landscape plantings on his property. He will need install a walk-thru access gate to be able to maintain and water the plantings.
5. Planting holes shall be inspected and approved by the County Arborist prior to planting.
6. Landscape planting as illustrated in the attached plan shall be installed per Newton County standards (planting detail and specifications attached). Quantities are not specified because the attached plan only includes a graphic representation of the area. The utility easement may not contain any landscape plant materials.
7. Trees shall be either Eastern Red Cedar (*Juniperus Virginiana*), but not a cultivar that has a narrow growth habit OR 'Carolina Sapphire' Cypress. Trees shall be 6' tall-planted height.
8. Root-bound plant material **WILL NOT BE ACCEPTED.**
9. Landscape plantings shall be inspected and approved by the County Arborist.
10. Landscape plantings shall be mulched with 2" to 3" of organic, un-dyed mulch.
11. All landscape materials shall be watered according to approved outdoor watering regulations. Plants shall be watered for a

period of 6 months. Plants shall be watered twice a week for the first three weeks then once a week thereafter unless adequate rainfall is received. Adequate rainfall shall be considered as a total of one inch (1”) per week. If less than one inch is received, enough supplemental water shall be applied to achieve a total application of one inch in that week.

12. Light fixtures shall be installed on the back of the building at a height not greater than 10’. The fixtures shall be full-cutoff type, meaning that no light will be emitted above the horizontal plane of the fixture. Light fixtures shall be approved by the Arborist.

GENERAL REQUIREMENTS

- A complete landscape plan is required for all projects. This includes specifying the proposed trees and shrubs, their locations, spacing and quantities. Spacing shall be suitable to the species.
- Disturbed areas of required buffers shall be landscaped to completely fill the buffer area.
- All detention ponds must be completely screened from view.
- Due to unforeseen conditions, field changes may be necessary. Please advise the County Arborist of the need for changes before making them.
- The landscape contractor will be required to have a preconstruction meeting with the County Arborist.
- All substitutions must be approved before installation.

PLANT MATERIALS -- SPECIFICATIONS (include on plans)

1. All plant materials shall be equal to or surpass specifications as defined in the current issue of “American Standards for Nursery Stock”, published by the American Association of Nurserymen, Inc.
2. Plants shall be sound, healthy, vigorous, well branched, and densely foliated when in leaf.
3. Plants shall be free of disease, insect pests, eggs, or larvae, and have healthy, well-developed root systems.
4. Plants shall be free of physical damage or adverse condition that would prevent thriving growth.
5. **Plants shall not be in a root bound condition.**
6. All B & B and container plants shall have symmetrical branching patterns and shall be of specimen quality as viewed from all sides.
7. All trees over 8’ in height or 2” caliper shall be balled and burlapped with a wire basket. Ball size shall conform to the “American Standards for Nursery Stock” specifications. B & B plants shall be freshly dug.
8. All plant material must be of the species and variety listed. No substitutions will be allowed of variety or size unless approved ahead of time by the County Arborist. Plants must meet all specifications as described.

9. All B & B material shall have the top three tiers of wire basket and corresponding burlap removed. Refer to Newton County Standard Detail for all planting specifications.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried with Commissioner Ewing voting in opposition to the motion.

APP08-002

VAR07-050

Applicant: Angela J. Smith

Address: 11574 Hwy. 36

Tax Parcel: 66A-68C

Request: Appeal to Board of Zoning Appeals' decision (Denied) at January 24, 2008 meeting.

Property Size: 0.602 acres

Zoning: R3 (Single-family Residential)

Potential Effects: Commercial vehicles may present negative aesthetic/noise impacts on neighbors. However, some of these impacts may be mitigated through the implementation of the recommended conditions.

District Five

Commissioner Laster

- Received written request from petitioner to defer the appeal.
- Request made part of minutes.

Motion: To approve the request for deferral until April 15th regularly scheduled BOC meeting.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

FLU07-017

REZ07-033

Existing Land Use Map: MHDR (Medium/High-Density Residential)

Proposed Land Use Map: PI (Public/Institutional)

Existing Zoning: R2 (Single-family Residential)

Proposed Zoning: OI (Office-Institutional)

Watershed: Yellow River

Location: Kirkland Road (North Side)

458.07 Feet of Frontage

Jack Neely Road (East Side)

250 Feet of Frontage

Parcel Size: 2.767 Acres

Tax Parcel: 26-10A, 43

Owner: Faye Laing

Applicant's Intent: To increase the number of clients in an existing business, EBJ Adult Day Care, with the use of both homes on the property.

Planning Commission Recommendation: Approval of request to withdraw FLU07-017 and REZ07-033
District Three

Commissioner Fleming

- Noted request to withdraw

Motion: To approve the request to withdraw FLU07-017 & REZ07-033, Map & Parcel #26-10A, 43.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

REZ07-034

Existing Land Use Map: C (Commercial)

Proposed Land Use Map: N/A

Existing Zoning: R2 (Single-Family Residential)

Proposed Zoning: CG (General Commercial)

Watershed: Yellow River

Location: Iris Drive (South Side)

558.92 Feet of Frontage

Parcel Size: 9.18 Acres

Tax Parcel: 11-1, and 24-84, 83, 83A

Owner: Resource Piedmont

Applicant's Intent: To develop a 48,678 square foot commercial, business, and retail center at a density of 5,302.6 square feet per acre.

Planning Commission Recommendation: Approval w/Staff Conditions

District Three

Petitioner Representative: Attorney Jimmy Alexander

- Property is right at the county line.
- Part of property runs into Rockdale County.
- This project has been underway for quite some time.
- No tenants lined up at this time.
- Appreciate working with staff regarding conditions.

No opposition

Motion: To approve REZ07-034 and change zoning from R2 (Single-Family Residential) to CG (General Commercial) to develop a 48,678 square foot commercial, business, and retail center. Tax Parcel #11-1, & 24-84, 83, 83A with the following conditions as read aloud by Director Eisenberg:

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 5,302.6

gross square feet per acre zoned or a total of 48,678 square feet, whichever is less.

- b. Limit the height of the building(s) to no more than 35 feet.
 - c. 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) Campground, RV Park
 - 6. Private Club, Order, Lodge
 - 7. Electric Station; Gas Pumps not related to Anchor Store
 - 8. Flea Market
 - 9. Funeral Home
 - 10. Group Home
 - 11. Hospital
 - 12. Manufactured Home Sales, Rental, Repair
 - 13. Kennel
 - 14. Manufactured Home Display
 - 15. Personal Care Home
 - 16. Produce Stand
 - 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. Sawmill, Planing Mill
 - 24. Mini-Warehouses
 - 25. Tattoo Parlors
 - 26. Adult Book Store/Entertainment
 - 27. Establishments selling alcoholic beverages
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 December 6, 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. Driveway entrances along Manas Court must be located 200 feet from Iris Drive.
 - b. Provide a left-turn lane and a deceleration lane at each proposed entrance, subject to approval of the County Engineer. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of any improvement to provide for placement of utilities.
 - c. Stormwater plan to be reviewed and approved by Planning & Development Engineer.
 - d. Provide downcast lighting.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

FLU08-002

REZ08-001

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: LDR (Low Density Residential)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: R1 (Single-Family Residential)

Watershed: South River

Location: Rocky Plains Road (South Side)

278.71 Feet of Frontage

Parcel Size: 15 Acres

Tax Parcel: 32-16A

Owner: Michael Fogarty

Applicant's Intent: To develop a 20-lot residential subdivision on 15 acres for a density of 1.33 lots per acre.

Planning Commission Recommendation: FLU-8-002 Approval; REZ08-001 Approval with Amended Conditions

District One

Petitioner Representative: Attorney Linda Dunlavy

- Develop a 20-lot subdivision
- Property located next to Brittan Trace Subdivision
- Lot sizes & density substantially the same
- Petitioner has agreed to conditions
- Price Point: \$200,000 to \$400,000
- 3,000 square feet

- Meets Land Use criteria
- Homes will be 4-sided brick

Commissioner Laster

- Questioned two car garages – side entry? Answer: Mix of both (front & side) and understands that board would like to see more side entry garages. Will work towards that end.

Commissioner Ewing

- This is third time petitioner has come before this board. Two previous times petition was denied.
- Petitioner has come tonight with much better plans.
- Appreciates petitioner working towards more side entrance garages where land will permit.

No opposition

FLUO8-002

Motion: To approve the Future Land Use Change from RR (Rural Residential) to LDR (Low Density Residential) as requested.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried

REZ08-001

Motion: To approve REZ08-001 and change the zoning from AR (Agricultural Residential) to R1 (Single-Family Residential) with the following conditions as read aloud by Commissioner Ewing.

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 20 total dwelling units, at a maximum density of 1.33 dwelling units per acre, whichever is less based on the total acreage zoned.
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 7, 2008. 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:
 - e. Provide 25-foot planted buffer along the entire perimeter. Buffer may be inside the lot. Plantings and specifications subject to the approval of the Newton County Arborist. Buffer may be disturbed for septic system if needed.
 - f. Provide a deceleration lane at the proposed entrance, 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.
 - g. Stormwater plan to be reviewed and approved by County Engineer.
 - d. Homes to be 4-sided brick.
 - e. Average house size shall be 3,000 heated square feet.
 - f. Minimum house size is 2,500 heated square feet.
 - g. Houses to be built with a 2-car garage with consideration to side-entry.
 - h. Provide sidewalks on both sides of internal subdivision streets or as may be approved by the Director of Planning and Development.
 - i. Subdivision entrance sign to meet or exceed Division 525 of the Newton County Zoning Ordinance.
 - j. Provide streetlights along the interior of the subdivision designed as to minimize the glare onto adjacent properties.
 - k. Agree that there will be recorded protective covenants establishing mandatory homeowners' association. The homeowners' association shall be activated upon the sale of the first lot with any general assessments for the homeowners funded by the developer on or before the date the first lot sale closes.
 - l. Provide underground utilities.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

CUP08-001

Proposed Use: Taxidermy (Existing)

Existing Zoning: R3 (Single-family Residential)

Watershed: Yellow River

Location: 10295 Flat Shoals Road (East Side)

130 Feet of Frontage

Parcel Size: 1.32 acres

Tax Parcel: 32-3-3A, 3B

Owner: Steve Bishop

Applicant's Intent: To continue to operate a deer processing business (Taxidermy) under a change of ownership.

Planning Commission Recommendation: Approval with Staff Conditions

District Four

Petitioner: Steve Bishop

Commissioner Henderson

- How do you dispose of waste? Answer: In 44 gallon drums. Place drums on trailer and take to landfill.

No opposition

Motion: To approve CUP08-001 (Conditional Use Permit) allowing the operation of a deer processing business (Taxidermy) under a change of ownership with the following conditions as read aloud by Director Eisenberg:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single-family Residence with Home Occupation (Taxidermy/Meat Processing).
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 7, 2008. 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. Prior to the issuance of a new business license and at each renewal, submit to the Department of Planning and Development a copy of the State license and provide a letter outlining what non-domestic waste will be produced and how waste will be disposed of.

Proposed by: Commissioner J.C. Henderson, District Four
Second by: Commissioner Earnest Simmons, District Two
Motion Carried

CUP08-003

Proposed Use: Adult Day Care
Existing Zoning: R2 (Single-family Residential)
Watershed: Yellow River
Location: 660 Kirkland Road (North Side)
458.07 Feet of Frontage
Jack Neely Road (East Side)
250 Feet of Frontage
Parcel Size: 2.767 acres
Tax Parcel: 26-43
Owner: Faye Laing
Applicant's Intent: To increase the number of clients from 6 to 12 in an existing business, EJB Adult Day Care.
Planning Commission Recommendation: Denial (February 26, 2008)
District Three
➤ Petitioner requested a deferral due to illness.

Motion: To approve the request to defer CUP08-003 until the regularly scheduled BOC meeting on April 15th.
Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Monty Laster, District Five
Motion Carried

ALCOHOL LICENSE (WAITING ON REPORT FROM GCIC)

COUNTY CHECKS:

Motion: To approve the county checks as printed and read by the chairman.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

NO EXECUTIVE SESSION

ADJOURN

Time: 9:10 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