

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**May 15, 2007**  
**MINUTES**

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Scott Cole 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 Henderson gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

Chairman Varner noted that we have Georgia road maps, for anyone who would like to have one, compliments of the Georgia Department of Transportation.

**APPROVAL OF BOC MINUTES DATED MAY 1, 2007**

Motion: To approve the minutes of May 1, 2007 as written.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**DISCUSSION OF RENEWAL OF CABLE TELEVISION**  
**FRANCHISE**

Attorney Scott Cole appeared before the board to brief them on the upcoming renewal of the county's cable contract with the City of Covington.

- Public Hearing is required. Date June 19<sup>th</sup>.
- Advertise in paper & give clerks name, # & address for comments.
- Contract before board on June 19<sup>th</sup>.
- Recommends approving contract for one year beginning July 1, 2007 through June 30, 2008.
- No action necessary at this time.

**DISCUSSION OF NOTIFICATION RE SEX OFFENDERS LIVING**  
**IN NEIGHBORHOODS**

Commissioner Henderson voiced his concerns regarding sex offenders living in neighborhoods without people being notified.

- Strongly urged that citizens be notified of sex offenders in their neighborhood.
- Does not want to see what happened in Florida to the little girl who lived in the neighborhood with the offender happen here or anywhere else.

- Appreciated Ezell Brown (Sheriff Department) coming to house and talking with him about this.
- Concerned that City of Covington Police was not even aware that the offender lived in neighborhood.
- Suggested there be more communication with information between both departments
- Requested this topic be placed on the agenda and invited the Sheriff to attend meeting and comment on this issue.
- Expressed appreciation for the Sheriff coming and addressing these concerns.

Sheriff Joe Nichols

- Expressed appreciation to the board for allowing him to come and address this issue.
- Provided handouts (attached and made part of minutes)
- Prisons are overcrowded and unfortunately offenders are released early.
- Concurs with Commissioner Henderson's concerns. Spoke with the Florida sheriff personally and, too, does not want to ever see anything like this happen in Newton County.
- Department has two investigators dedicated to supervising these predators.
- This type of criminal moves quite frequently.
- Sheriff Department will have new program up and running by June 1<sup>st</sup>. Offender Watch.
- Logs listing names, address of all local sex offenders placed in public buildings for public use.
- Key in on the website – review map and it will show where a sex offenders lives. This can be viewed 24 hours a day. Updated every two weeks.
- Also, will be glad to provide the City of Covington Police Department a copy of book as well.

### **GEORGIA NRCS/TSP PARTNERSHIP AGREEMENTS**

Administrative Officer John Middleton presented this agreement for the board's consideration. After reviewing pages 30 – 47 the board approved the agreement.

Motion: To approve the NRCS/TSP Partnership Agreements as outlined on pages 30-47 of agenda packet for a cost not to exceed \$21,000.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

### **TAX COMMISSIONER – SATELLITE OFFICE/SERVICE CENTER**

Commissioner Simmons addressed the board regarding the request to provide a Satellite Tax Office in the western part of the county. Tax Commissioner Barbara Dingler was on hand to answer any questions.

Commissioner Simmons

- Information in agenda packets regarding office plans
- Needed for and will cover portions of district three as well as district two.

- Meet with the Tax Commissioner and feels this is much needed in this area of the county.
- Request that board approve this office.

Commissioner Ewing

- Talked about this during budget work sessions for 2-1/2 months
- Discussed satellite office on three occasions and board agreed it is something to look at during our next budget time.

Commissioner Fleming

- Satellite office would be advantageous for a lot of people.
- Very convenient
- Would like to see, at some point, Tax Assessors and other offices as well, but feels now is not the time. Noted that county could be better served by fire stations, and law enforcement.
- Great concern is safety and places fire & law enforcement first.

Commissioner Henderson

- So much growth in western part of county.
- Feels we need to provide service by making things more convenient for our citizens.

Commissioner Simmons

- Asked fellow commissioners to approve the lease on pages 59-62 in agenda packet for retail lease moving forward with satellite office in district two.

Motion: To move forward with the satellite office for the Tax Commissioner and approve lease described on pages 59-62 in agenda packet and located in the second district.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Failed with Commissioners Ewing, Fleming, and Laster voting in opposition to the motion.

## **VEHICLES AND EQUIPMENT FOR SURPLUS**

- List of vehicles attached and made part of minutes.

Motion: To declare the vehicles and equipment as surplus and to approve being sold on-line at GovDeals.com.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Unanimously

## **2028 COMPREHENSIVE PLAN UPDATE**

Director Marian Eisenberg addressed the board with the recommendations for consideration and requested approval to submit plan to DCA. She introduced Jim Summerbell who gave an overview of the plan.

- 2<sup>nd</sup> Public Hearing
- 2028 Comprehensive Plan Update
- Voting tonight to allow Director to send plan to DCA for review.

- Usually around 3 months it will come back from DCA to BOC.
- County has until February 2008 to adopt Plan.

Citizen Comments

Shawn H

Paul Oeland

Micheal Penland

- Concerned about subdivision growth
- Would like to see Home Owners Association met with.
- Smart Growth appreciates and support plan.
- Appreciates the guidance within plan
- Supports work already done and support sending it to DCA.
- Land Use Plan Map Update every 6 months. Yes, however BOC can amend Land Use Plan at any time. Plan says staff will bring to BOC every six months.

Commissioner Fleming

- Addressed Mr. Summerbell and Ms. Eisenberg and strongly noted that TDR is indeed an option and is not mandated. Mr. Summerbell replied stating that is the intent. Commissioner Fleming said there is a long way to go regarding TDR discussions.

Commissioner Ewing

- TDR: Understands this board will have a work session to discuss TDR's.
- Scenic Corridors: Wants to see it left in plan. Went to 4 out of 6 meetings and the people want scenic corridors.

Motion: To approve sending the 2028 Comprehensive Plan Update to the Department of Community Affairs for review with the following changes. Also, leave the scenic corridors in the plan with the understanding that the board of commissioners will approve these roadways.

- (1) Change the future land use designation of the quarry property west of Oxford to Agricultural/Forestry.
- (2) Add the following sentence at the end of the first paragraph on page IV-45: "If the County ultimately adopts a transfer of development rights program, some of the densities indicated in this plan might only be achievable through compliance with that program."
- (3) Designate Highway 138 as a Quality Development Corridor on the Future Development Map.

Proposed by: Commissioner Mort Ewing, District One

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

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

Planning & Development Director Marian Eisenberg sounded the following zonings for board action.

**CUP07-005**

**REZ07-007**

Existing Land Use Map: Commercial  
Existing Zoning: AR (Agricultural Residential)  
Proposed Zoning: CN (Neighborhood Commercial)  
Watershed: Big Haynes Creek  
Location: Highway 138 (North Side)  
320.01 Feet of Frontage  
Kent Rock Road (West Side)  
200.0 Feet of Frontage  
Parcel Size: 1.4 acres (out of 5.11 acres)  
Tax Parcel: 36-23  
District Three

Petitioner Representative: Frank Turner, Jr., Attorney

- Underground storage tank
- N.W. corner of Kent Rock Road
- FLUM – Commercial
- Recommended conditions are amenable to the applicant.
- Staff Recommendation: Approval
- Planning Commission Recommendation: Approval

Commissioner Ewing

- Questioned proposed design? 2 were shown
- Applicant said P&Z had special recommendations of how to build and is willing to do whatever P&Z requires them to do.
- Fairly close to Gum Creek and board received a letter from the chairman of Rockdale County voicing concern about polluting Gum Creek. Rockdale's concern is Big Haynes Creek, which is almost a mile from project.

Opposition:

Doug Cook  
Amos Sutherland  
Barbara Cook  
Richard Skelton

Concerns:

Traffic: so much now, you can't get out of Kent Rock Road now on to Hwy. 138.  
Turn left & there are 5 service stations  
Turn right & less than a mile there is a service station  
Businesses closed, failed, and changed ownership less than ¼ of mile toward Walton County.  
Lives less than ¼ of mile from station and could coast to station if out of gas – not viable project.  
Spent entire life building home that we love and raised our family there.

2 daughters built homes there.  
Residential & farming all these years.  
Don't need another station.  
Will detract from beauty of area.

Frank Turner, Jr.

- Staff reports it is sufficient to handle the traffic.
- It is not the business of the government to determine the number of stations in an area or if the market will handle it.
- Population growth will require more stations.

Phil Schmidt, Professional Engineer

- Worked in area 20 years
- Good product, stores are nice and clean
- Regarding concerns over water quality – the county has adopted water quality standards that require us to adhere to.
- Every inch of water run-off will be treated.
- Spends \$20,000 for tank to make sure there is no leakage.

Commissioner Fleming

- Good job, but have some very important concerns.
- Zoned commercial, but presently it is in residential use.
- April 18, 2006 board denied a request for light industrial in area.
- This board voted to protect the watersheds. Very, very important.

Motion: To deny the Conditional Use Permit 07-005 as requested.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Simmons in opposition to motion and Commissioner Henderson abstaining from motion. Commissioner Laster voted in favor of the motion.

Motion: To deny REZ07-007 from AR to CN (Neighborhood Commercial).

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

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Simmons in opposition to motion and Commissioner Henderson abstaining from motion. Commissioner Laster voted in favor of the motion.

**FLU07-004**

**REZ07-008**

Existing Land Use Map: LDR (Low Density Residential)

Proposed Land Use Map: RR (Rural Residential)

Existing Zoning: CN (Neighborhood Commercial)

Proposed Zoning: AR (Agricultural Residential)

Watershed: South River

Location: Highway 20 (South Side)

233.79 Feet of Frontage

Parcel Size: 1.44 Acres

Tax Parcel: 2-33A

District Two

Petitioner: Dan Tidwell

- Property is a couple of hundred yards from the Henry County Line
- Desires to build a single-family home.

No Opposition

Motion: To approve FLU07-004 changing Land Use Map from LDR to RR (Rural Residential) as requested.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Unanimously

Motion: To approve REZ07-008 from CN to AR (Agricultural Residential) with the following changes which were read aloud by Planning Director Marian Eisenberg.

If this petition is approved by the Board of Commissioners, it should be approved AR (Agricultural 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. One single-family detached dwelling and accessory uses and structures.
  - b. The minimum heated floor area shall be 3,000 square feet.
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 March 2, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

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

**APP07-001**

Original Case Number: VAR07-009

Name of Applicant: Clyde Tant

Address of Property: Georgia Highway 20

Tax Parcel: 1-018

Request: Appeal to Board of Zoning Appeals decision (denial) at March 22, 2007 meeting.

Original Request: Variance Request to reduce the 55-foot buffer with 8-foot fence to a 20-foot buffer with 8-foot fence along north, south, and west property lines.

Applicable Standard: Section 520-020 A.1 (Zoning Ordinance)

Purpose of Request: To construct an 8,125 square foot day care facility (MOD07-001 was denied on March 20, 2007).

Size of Property: 2.12 acres

Present Zoning: CG (General Commercial)

Present Use: Undeveloped

Potential Effects on County: May impact adjacent property but could be mitigated with planting and fencing as recommended by the County Arborist.

District Two

Petitioner Representative: Daniel Digby

- Zoned in 1996 to CG (General Commercial)
- Adult Health Care
- Minutes are vague from 1996.
- 95 foot buildable area
- Not feasible to construct anything.
- Requesting a reduction on all 3 sides of 20 foot.
- Topo issue – unworkable with out a variance
- Can only be accomplished with variance.

Opposition

Ben Tylenco

- Adjoining property owner
- Zoned commercial in a residential area
- Surrounded by residential property
- If buffer is reduced it will adversely affect others.
- Will have negative impact on quality of life in area.
- Neighbors do not want to move – this property has a for sale sign up as of today.
- Who will maintain fence in the future?
- Grading has already been done and the 55-foot buffer has been encroached upon.

Clyde Tant (rebuttal)

- Commercial property right across the road is zoned CN.
- Property meets criteria
- Property is so narrow without the variance.
- To deny this would be unconstitutional.
- It was zoned CG in 1996.

Motion: To uphold the Zoning Appeals Board decision to deny the Conditional Use Permit 07-005 as requested.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **APP07-002**

Original Case Number: VAR07-008

Name of Applicant: Mark Brown, Retail Planning Corporation

Address of Property: Northeast Corner of Salem and Kirkland Roads

Tax Parcel: 12-032,12-033

Request: Appeal to Board of Zoning Appeals decision (Denial) at March 22, 2007.

Original Request: Variance Request to reduce the width of the transitional buffer from 75 feet to 20 feet along the northern and eastern property lines, as depicted on the applicant's site plan.

Applicable Standard: Section 520-020 A.1. (Zoning Ordinance)

Purpose of Request: To develop a retail center.

Size of Property: 3.4 acres

Present Zoning: R-2 (Single Family Residential) – Petition (REZ07-001) to rezone the property to CG (General Commercial) was denied by BOC on March 27, 2007.

Present Use: Vacant single-family residence

Potential Effects on County: May impact adjacent residential property, but could be mitigated by sufficient planting and fencing as recommended by the County Arborist.

District Three

Petitioner was not present.

Motion: To uphold the Board of Appeals decision to deny APP07-002 regarding width of buffer from 75-feet to 20-feet.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **APP07-003**

Name of Applicant: Baxter Bouchillon

Address of Property: 13165 Brown Bridge Road

Tax Parcel: 13-130D

Request: Appeal to decision (Denied) of Planning Director

Original Request: To delay installation of sidewalks until adjacent property to west installs sidewalks (within 5 years).

Applicable Standard: Section 520-020 C. (Development Regulations)

Purpose of Request: Property will be developed as professional office.

Size of Property: 1.0 acre

Present Zoning: CN (Neighborhood Commercial)

Present Use: Vacant Property (Currently under development)

Potential Effects on County: Compliance to standards must occur prior to the first Certificate of Occupancy. Beyond that there is no mechanism for enforcement.

Comments: It is the policy of the Board of Commissioners to require developers/builders as a project improvement to provide sidewalks along the property frontage of non-residential uses. In the long term, as development continues to occur, sidewalks will connect, and where needed, the county can connect any breaks. This petition is in a high growth area, where sidewalks will be needed in the future. The property is in a development node and abuts other non-residential zoning where this same standard will apply.

District Two

Petitioner: Baxter Bouchillon

- Would like to wait on installing sidewalks.
- 2 & 3/10's of a mile from Salem Shopping Center
- It's like installing 200 feet of sidewalks to nowhere.
- Asking to forgo installation until adjacent property is developed.
- Trying to spend his money wisely.

Director Eisenberg

- Addressed the board noting the board's policy to require sidewalks.
- Property is 200 feet wide. Property will eventually be in a development node.
- Questioned by Commissioner Simmons if there were any agreements with others who would like to put off the installation of sidewalks for five years? Not that I am aware of. Policy of board to require installation of sidewalks along the property frontage of non-residential uses.

Motion: To uphold the decision to deny APP07-003 by the Planning & Development Director Marian Eisenberg.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

## **ALCOHOL LICENSE**

### **Final Reading**

Wilson's Grocery Store  
2299 Hwy. 212  
Covington, Georgia 30016  
Owner: Benjamin Arthur Weathersby (100%)  
District One

Motion: To approve an Alcohol License for Wilson's Grocery Store located at 2299 Hwy. 212 in Covington, Georgia as requested.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

## **COUNTY CHECKS**

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

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

## **EXECUTIVE SESSION**

Time: 8:50 p.m.

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

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

## **REGULAR SESSION**

Time: 9:05 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

## **ADJOURN**

Time: 9:05 p.m.

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Respectfully Submitted,

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Jackie B. Smith, County Clerk

