

### **3.NEWTON COUNTY BOARD OF COMMISSIONERS**

#### **MINUTES**

**Newton County Executive Office Board Room**

**Tuesday, February 1, 2000**

**Chairman Davis C. Morgan presiding**

**Present:** Chairman Davis Morgan, Commissioners Tommy Ballard, Ronnie Dimsdale, Danny Stone, J.C. Henderson, Hubert White, Zoning Director John Byce, Attorney Tommy Craig, Attorney Scott Cole, Clerk Jackie Smith

**Also present:** Tamela Mills- Covington News, Matthew Everett- Rockdale Citizen, and small group of citizens.

**Call To Order:** Chairman Morgan extended welcome and read thought for the day.

**Invocation:** Jackie Smith, Clerk

**Pledge of Allegiance:** Led by Chairman Morgan

#### **APPROVAL OF MINUTES DATED January 18, 2000**

**Motion:** To approve minutes as submitted.

**Proposed by:** Commissioner Danny Stone, District Three

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

**Motion Carried Unanimously**

#### **APPROVAL OF MINUTES DATED 11.23.99**

**Motion:** To approve minutes as submitted.

**Proposed by:** Commissioner Danny Stone, District Three

**Second:** Commissioner Tommy Ballard, District Five

**Motion Carried Unanimously**

#### **APPOINTMENTS TO PLANNING COMMISSION**

Chairman stated these appointments are made from the district commissioners. Commissioner Ballard requested the board submit all the names for consideration and make one motion. District One Commissioner Ballard submitted L.H. Cook; District Three Commissioner Stone submitted Mike Smith; District Four Commissioner Henderson submit-

ted Charlie Hardy and District Five Commissioner White submitted Johnny Chestnut. Each commissioner applauded their nominee and their interest in the county, giving appreciation for what they have done previously on the planning commission board. Chairman Morgan expressed appreciation for all the time and hard works the Planning Commission puts in, and asked the board to touch base with their appointees to stress the importance of a quorum at all the meetings.

**Motion:**To re-appoint L.H. Cook, Mike Smith, Charlie Hardy and Johnny Chestnut to the Newton County Planning Commission for a two year term to expire on 1.1.2002.

**Proposed by:** Commissioner Tommy Ballard, District One

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

**Motion Carried Unanimously**

#### **APPOINTMENTS TO ZONING APPEALS BOARD**

District Two Commissioner Ronnie Dimsdale submitted John Head for re-appointment and expressed appreciation for the excellent job he has done. District Four Commissioner J.C. Henderson submitted Carolyn Hardeman for re-appointment and expressed appreciation for her hard work on this board. Commissioner Henderson stated that Ms. Hardeman was this year's recipient of the prestigious Martin Luther King Award. Chairman Morgan stated that he would make his appointment after speaking with Glen Whitaker. If Mr. Whitaker is receptive to continuing serving he will make that appointment.

**Motion:** To appoint John Head and Carolyn Hardeman to the Zoning Appeals Board for a term of two years. This term will expire on 1.1.2002.

**Proposed by:** Commissioner Tommy Ballard, District One

**Second:** Commissioner Danny Stone, District Three

**Motion Carried Unanimously**

#### **AWARD BID ON NEWTON COUNTY FIRE STATIONS NO. 9 & 14**

Chairman Morgan apprised the board that there were twelve companies to bid on this project. All twelve were qualified. The prices range from the low bid of \$678,000 to a high bid of \$799,200 for the construction of the two stations. Carter Watkins Associates evaluated the bids and made a recommendation to award the bid to the low bidder Lehigh Corporation in the amount of \$678,000. Commissioner Ballard asked if these stations would be able to make additions and easily adaptable. Chairman Morgan stated that we basically used the same plans of Fire Station One, with a little modification...instead of offices, we had bunks, giving places for the in-house firemen to sleep. It will basically look like Fire Station One. Commissioner Ballard asked if you could build on out with

the door in the center and Chairman Morgan stated yes, that the wall would have to be knocked out. Commissioner Stone stated that these numbers looked high from previous construction. Chairman Morgan noted we built Station One for a little over \$250,000. He said these buildings are higher than what we budgeted, and unfortunately the cost of construction has gone up, but with twelve bidders it was a very competitive bidding cycle. He stated that we are going to have to appropriate extra money out of contingency or fund balance for the construction of these stations. Commissioner Stone asked if Chairman Morgan and Chief Johnson and others who have sat down and looked at what we are in need of are comfortable with this. Chairman Morgan told the board that the plan is to make all the new stations identical so that everyone has the same infrastructure. Commissioner Ballard stated he thought Station One was constructed in '95 and the \$168,000 (more than what was spent in '95) is about in line with materials and inflation over five years. Commissioner Stone commented he was in dire need of a station in his end of the county and Commissioner Dimsdale, too, is in dire need for one in the western end of the county, both districts have waited a long time for this and duly made motion to approve.

**Motion:** To approve the low bidder, Lehigh Corporation and to include the 3-phase power, for a total of \$679,000.

**Proposed by:** Commissioner Danny Stone, District Three

**Second:** Commissioner Hubert White, District Five

**Motion Carried Unanimously**

### **REGULATIONS/COUNTY OWNED FACILITIES**

Commissioner Henderson made a request to discuss how alcohol is regulated when a function is held at Gaither Plantation. The members of the board voiced their opinions and it was decided that a work session was in order to discuss this further. The county attorney will investigate the issue of liability, if any. Chairman Morgan asked the board to look at their calendars and get back with him and he will schedule a work session at that time.

### **ZONINGS:**

### **PLANNING & ZONING DIRECTOR JOHN BYCE PRESENTED THE FOLLOWING ZONINGS:**

John Byce made copies of Newton County's Zoning Procedures available. Chairman announced that 10 minutes each would be allocated to the petitioner as well as those in opposition of the petition.

**Reuben Morgan**

**West side of Georgia Hwy. 36, South of Pickett Bridge Road**

**A-R to R-2 (Tabled from January 18,2000)**

**Current Zoning:** A-R (Agricultural-Residential)

**Proposed Zoning:** R-1 (originally requested R-2)

**Property:**64.54 acres

John Byce presented the petition and commented it was first heard in January with a request for an R-2 zoning. The Planning Commission recommended the original petition for denial. When original petition came before the Board of Commissioners. The petitioner amended their request to R-1 with stipulation that the densities on the proposed development not exceed one dwelling unit per acre. The total number of units would be 65. The petitioners argued that this would conform with the Future Land Use Plan and the area would remain low density residential. The Board of Commissioners sent the petition back to the Planning Commission for review and recommendation.

**Planning Commission Recommendation:** Planning Commission recommended approval with very strong stipulations.

**Petitioner's Representative:** Jimmy Alexander, Attorney

Mr. Alexander submitted a handout (attached and made a part of these minutes) of the project. He stated there was no community opposition at the Planning Commission meeting. He stated this number of lots conforms with Future Land Use Plan. There is sufficient infrastructure to cover this and area will not be over-burdened. This will be good growth and will improve the area. This is what we use to permit under R-45 zonings which was eliminated when the ordinance was rewritten. I suggest that this is why the R-1 low density is permitted very specifically.

Commissioner Dimsdale asked about public access to the green space? Mr. Alexander said that as a condition of the zoning there should be a provision in the conditions that require public access into the public space areas. He stated that the plan was very preliminary and it would be foolish not to provide public access into those areas. He stated from a practical standpoint they would gratefully accept that condition. Commissioner Stone commented that there was a creek on the backside. He voiced concern over petitioners saying they are leaving green space because there is a big difference in green space and useable green space. He wanted to know if the green space is usable? Mr. Alexander said that most of it was. On the backside there might be about four acres of wetlands. The remainder of the property set aside on the drawing (Commissioner Stone was ad-

dressings) would probably be somewhere in the ten to twelve acre range should be good useable land. Commissioner Stone questioned how many one acre lots. Mr. Alexander stated that the petitioner is setting aside approximately 17-18% of land. He said it will probably be ¾ of an acre lots. Commissioner Ballard commented that he had struggled with this and after looking at it, it does look like it fits with the Future Land Use Map, but he would like for Mr. Byce to confirm that he feels it is not setting a precedent. Commissioner Ballard stated that if Mr. Byce feels like it fits within the Future Plan Use Map and feels it does not set a precedent, then he could support it. Mr. Byce stated that he did if the board stipulated very strongly in the minutes that this is a conditional R-1 Zoning, conditional upon the fact that it does not exceed the low recommendation of the Future Land Use Map; that part of the consideration is the fact the large amount of open space that is being set aside; because of someone else comes along with same type of request after this, we won't recommend just the straight R-1, we would still recommend denial. They would have to come back with something every bit as good as this, with sufficient open space, no greater than the same density allowance. Mr. Byce noted that they are working on revising the open space provisions in the current ordinance. They have held several meetings and hopes to have some recommendations to the board in the near future. It will leave the zonings AR but would give enough incentives that no one would have to come and even ask for an R-1.

**Opposition:** None

**Motion:** To approve a conditional R-1 zoning. That the density not exceed one dwelling unit per acre and that the open space provision of the conservation overlay be applied. With the restrictions set forth by the developer, restrictions set forth by the planning commission, and the restrictions set forth by the board of commissioners that will allow access to the green space that has been submitted by the developer.

**Proposed by:** Commissioner Tommy Ballard, District One

**Second:** Commissioner Danny Stone, District Three

**Motion Carried Unanimously**

Note: The Planning Commission Report dated 12.28.99 and the Zoning request by Reuben Morgan, 65 acres -, Highway 36 submitted by Attorney Jimmy Alexander are made a part of these official minutes.

Note: The Board of Commissioners does not consider the R-1 Zoning a low density zoning category except as it was conditioned in this petition base upon the one unit per acre.

Chairman Morgan announced the next zoning request was from Snapping Shoals EMC. District Three Commissioner Danny Stone noted that Snapping Shoals was his full time

employer, stated he would be abstaining from this zoning and excused himself from the meeting.

**Snapping Shoals EMC**

**East side of the Georgia Hwy. 20, North of its intersection with Georgia 212**

**R-40 to C-G**

John Byce presented the zoning. He stated that when they first reviewed this application our recommendation was for denial based upon the fact that this was carrying the commercial zoning further up Hwy. 20 from what we thought was a logical stopping point, the MHP just to the south of that location. When we came to the planning commission and worked through some of the concerns we had, the petitioner stipulated that they would be willing to strongly condition the zoning. Their main concerns were having this as a buffer, and future storage space, and possibly future construction site of an engineering building to separate their administrative/engineering functions. Along Georgia Hwy. 20 they will establish a 100-foot deep undisturbed natural buffer. It will not be cleared, but remain natural. Behind that buffer any future buildings that are constructed will conform to an O&I (Office Institutional) zoning. Along the northern boundary of the property adjoining the property the Taylor family owns, they will establish no less than a 75 foot undisturbed natural buffer. With these specific conditions in mind, the planning commission recommended unanimously that the request be approved.

**Current Zoning:**R-40 (Medium-Density Residential)

**Proposed Zoning:**C-G (General Commercial for the purpose of providing commercially zoned land for any future expansion needs.

**Property:**10.90 acres

**Staff Recommendation:** Originally denial and then after compromise approval.

**Planning Commission Recommendation:** Approval

**Petitioner:** Randall Meadows

Mr. Meadows stated that Snapping Shoals has no immediate plans for the property. They just did not want the property to be sold off and developed, when, in fact, future growth will give cause for Snapping Shoals to expand. Mr. Meadows stated he does sympathize with the property owners in the area, but this appears it is going to be commercial. They have 29 acres developed now and feel it will be probably, at least, ten years to develop this present. He expressed the desire of Snapping Shoals to work with Mr. Taylor.

## **Opposition:**

Fred Taylor  
5032 Highway 20 South  
Covington, GA 30016

Mr. Taylor presented a hand out stating opinion of effect of commercial rezoning of adjacent land on 5032 Highway 20. (copy is made part of these minutes). Mr. Taylor stated he has lived at 5032 Hwy 20 for over 22 years. He said he sits in the middle of 11 acres. He would like to request a larger buffer down his side. At present Snapping Shoals goes behind his property and now going down the side of his property. He requested the same consideration that you are giving the people who pass down Georgia 20.

Commissioner Dimsdale asked for verification on minimum set back. Commissioner White stated it was 75 feet unless it has a fence and then it is 40 feet. John Byce stated that is correct and the planning commission did not want to allow Snapping Shoals the option of placing a fence. The planning commission stipulated no less than 75 feet under any circumstances. Mr. Meadows proposed the 100-foot and not the planning commission was his recollection. Commissioner White stated that one of the most important things in a buffer, and Snapping Shoals has a neat landscape, but along with that 75 feet would be putting some Leyland Cyprus or something which is not only a noise buffer, but a visibility buffer. This is really more important than the distance. They are probably going to do this any way, but I would like to suggest Leyland Cyprus.

Mr. Taylor said on his side of the fence there is a lot of noise and chain link fence. He said it's nice from the front, but not from his view. Commissioner White reiterated again he would like to see the Leyland Cyprus. Commissioner Dimsdale asked for noise and buffer and he replied yes. Commissioner White asked to make one other comment. He stated the following: "The truth is this particular piece of property, and Mr. Kane suggested in his original opinion that it be denied and he's pretty stiff when it comes to future land use. I guess I want to defend that the Future Land Use is a guideline, something we are going to use and try, or at least my position, as a commissioner, would be that it would be an excellent guide and that we try to stay as close to it as we can. But, there are exceptions and this would be one. I'm claiming that I'm pretty much in favor of this piece of property being zoned for Snapping Shoals future needs, but at the same time this piece of property is not in the Future Land Use of Newton County. We will not always be voting, if this is passed, and I'm personally in favor of it, we will not always be voting per the exactness of the future land use, because we won't be on this one if it is passed. And, I don't think we should, if we did we wouldn't need to be commissioners and voting, or we wouldn't need the planning commission because the land use would establish everything perfectly except the buffer and some other guidelines...you would never need to vote on a zoning." Attorney Craig stated that the 100-foot buffer on Georgia 20 is some-

thing that is being imposed irrespective of future land acquisitions by Snapping Shoals. The 75-foot buffer needs to be specified that it is for the benefit of the Taylor property. Commissioner Dimsdale asked the petitioner their thinking on putting Leyland Cyprus there as a sound buffer and visible screen for Mr. Taylor. Mr. Meadows, said they had already talked about that and they have created a noise problem for Mr. Taylor and we are going to correct it one way or another. Commissioner Dimsdale asked the petitioner if they were willing to go along with the stipulation of having a Leyland Cyprus type as a noise and visible screen. He indicated they would. Mr. Taylor stated if they felt 100-foot buffer should be on the front to obscure the visibility from people passing by Snapping Shoals, why could he not be given the same consideration. Commissioner Dimsdale stated that he understand from Mr. Byce's comments earlier that the 100 foot buffer on State Hwy. 20 is an undisturbed buffer. What we are talking about for you would be a 75-foot buffer plus the Leyland Cyprus, which would be an additional sound and visible buffer. The trees would be an extra buffering. Mr. Taylor thought the 100-foot on the front was plus the Leyland Cyprus. Commissioner Dimsdale stated he understood he was receiving an extra buffer. Commissioner White asked attorney if this was zoned with the 75 foot buffer and Leyland Cyprus, would there be a right to go before the board of appeals for a later reduction, if it was stated in the motion that the 75 foot buffer would be a part of the deed restriction. Mr. Meadows stated that this was 20% of the property. He stated he felt under these conditions they would volunteer the 100-foot. Commissioner Ballard commented that he agreed there would be times that the future land use map would have to be adapted to what the needs are of the county. He would like to see when a petitioner comes before the board to change the future land use map, that a case be made, and they file a petition first to change the land use map and then file a petition for a zoning.

**Motion:** To approve the petition and grant the zoning based on the recommendations that the staff brought forward, and further stipulates a 75 foot undisturbed buffer with an extra buffer of Leyland Cyprus to be planted on south side which is adjacent to Mr. Taylor's property. This 75-foot buffer should be planted within a year of purchase of property.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

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

**Motion Carried with Commissioner Stone abstaining.**

Note: Concerning the driveway coming off Highway 20. The driveway is an automatic allowed use under old zoning per John Byce. Also, Snapping Shoals has to maintain a 100-foot buffer on Georgia 20.

#### **STREET LIGHT PETITIONS:**

Wisteria Subdivision - Phase IV

Lake Charles Estates

**Motion:**To approve as submitted.

**Proposed by: Commissioner** Tommy Ballard, District One

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

**Motion Carried with Commissioner White abstaining**

**ALCOHOLIC BEVERAGE LICENSE:** None

**COUNTY CHECKS/APPROVAL:**

**Motion:**To approve county checks as submitted.

**Proposed by:**Commissioner Danny Stone, District Three

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

**Motion Carried Unanimously**

**Citizens Comments (5 minutes or less)**

**Executive Session:**

**Time:** 8.20 PM

**Motion:** To enter into Executive Session to discuss land acquisition, personnel and litigation.

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

**Second:** Commissioner Danny Stone, District Three

**Motion Carried Unanimously**

**Motion:** To enter into Regular Session and adjourn.

**Time:** 9:10 PM

**Proposed by:** Commissioner Danny Stone, District Three

**Second:** Commissioner Tommy Ballard, District One

**Motion Carried Unanimously**

Respectfully Submitted,

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Jackie B. Smith, Clerk

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Davis C. Morgan, Chairman

