

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
May 18, 2010**

**MINUTES**

**Present:** Chairman Kathy Morgan, Commissioner's Mort Ewing, Earnest Simmons, Nancy Schulz, J.C. Henderson, and Tim Fleming. Administrative Officer John Middleton, Attorney Tommy Craig & Clerk Jackie Smith

**Newspaper:** Covington News-Gabe Khouli  
Newton Citizen- Crystal Tatum  
Citizens

Chairman Morgan called the meeting to order, extended a welcome, and read the thought for the day. Pastor Ronnie Brannen of Prospect UMC gave the invocation and Chairman Morgan led the Pledge of Allegiance to our great flag.

**APPROVAL OF BOC MINUTES MAY 4, 2010**

Motion by Commissioner Ewing, seconded by Commissioner Fleming to approve the BOC Meeting Minutes dated May 4, 2010.

Motion Carried

**JUVENILE DRUG COURTS MENTORING & SUPPORT SERVICES GRANT APPLICATION**

Juvenile Judge Lisa Mantz and Diana Summers appeared before the board to request permission to apply for a Mentoring and Support Services Grant.

- Memorandum of information from Judge Sherri Roberts is attached and made part of these minutes.
- No funding from the Board of Commissioners
- Match is satisfied through in-kind services

Motion by Commissioner Simmons, seconded by Commissioner Henderson to approve the Juvenile Drug Courts Mentoring and Support Services Grant Application in the amount of \$218,571.00 with the understanding there is a 25% match that will be satisfied through in-kind services.

Motion Carried

**NEWTON COUNTY BOARD OF HEALTH BUILDING IMPROVEMENTS THROUGH WIC PROGRAM**

Newton County Board of Health Nurse Manager Julianne Schell and Facilities Management Director Jason Johnson appeared before the board to request approval to make building improvements to the health department.

- Commissioner Nancy Schulz recused herself from the meeting until after the presentation and vote as she is an employee of the Newton County Health Department.

- Information is made part of these minutes
- These improvements are federally funded through the WIC Program.

Motion by Commissioner Simmons, seconded by Commissioner Ewing to approve building improvements to county property known as the Newton County Health Department and award the bid to the lowest bidder, SteelCo Builders in Covington, Georgia for \$122,250.00.

Motion Carried with Commissioner Schulz recusing herself from the vote.

**R051810 – NEWTON COUNTY NSP SECTION 504 RESOLUTION**

Senior Planner Scott Sirotkin appeared before the board to present R051810 Neighborhood Stabilization Program Section 504 resolution regarding discrimination.

- Federal requirement for participation in program
- Information presented to board at earlier work session
- PowerPoint information made part of these minutes.
- Copy of resolution is made part of these minutes

Motion by Commissioner Schulz, seconded by Commissioner Ewing to approve R051810 – Newton County Neighborhood Stabilization Program (NSP) Section 504 Resolution.

Motion Carried

**R051810A – NEWTON COUNTY NSP FAIR HOUSING RESOLUTION**

Senior Planner Scott Sirotkin appeared before the board to present R051810a Neighborhood Stabilization Program Fair Housing Resolution.

- Federal requirement for participation in program
- Information presented to board at earlier work session
- PowerPoint information made part of these minutes.
- Copy of resolution is made part of these minutes

Motion by Commissioner Schulz, seconded by Commissioner Fleming to approve R051810a – Newton County Neighborhood Stabilization Program (NSP) Fair Housing Resolution.

Motion Carried

**HEALTH INSURANCE PROPOSALS**

Administrative Officer John Middleton addressed the board regarding the health insurance proposals.

- Provided handout/attached and made part of these minutes.
- Discussed proposal on previous occasions.
- Date coverage begins is July 1, 2010
- No gap in coverage
- Excellent Wellness Program

- Save county over \$300,000
- Agent of Record is Massey Insurance Agency/Gary Massey

Motion by Commissioner Ewing, seconded by Commissioner Fleming to move forward with the CIGNA Insurance proposal as follows and to authorize Chairman Morgan and Mr. Middleton to work out the implementation details as well as notify Blue Cross/Blue Shield of Georgia of cancellation.

1. Agent of Record: Gary Massey Insurance Agency
2. Effective date: July 1, 2010
3. Plan: Option 3 – Moderate Plus Plan Change
4. Chairman Morgan and Mr. Middleton to work out implementation details
5. Mr. Middleton to notify, in writing, Blue Cross/Blue Shield of Georgia (current insurance provider) of cancellation.

Motion Carried

### **ZONINGS**

Planning Director Marian Eisenberg sounded the following petitions, and Chairman Morgan read aloud the rules regarding speaking in favor or in opposition to the petition.

Case Number: CUP10-002

Proposed Use: School for Training of Dogs

Existing Zoning: AR (Agricultural Residential)

Watershed: Alcovy River

Location: 240 Hwy. 213

39.09 Feet of Frontage

Mabry Road (North Side)

45.36 Feet of Frontage

Parcel Size: 11.76 acres

Tax Parcel: 85-09

Owner: Santiago Reyes

Petitioner: Ekundayo Ade

Applicant's Intent: To allow a law enforcement canine training school

Planning Commission Recommendation: Denial

District Five

Petitioner: Ekundayo Ade

- Dog training school
- 11.76 acres of land with training area taking up 18% of the property
- Train dogs (27 years experience)
- Open 3 days per week
- No more than 5 to 7 dogs per session.
- No sessions after 5:30 p.m.
- Built mobile obstacle course/jumps
- Open for onsite competitions
- No boarding of dogs over night
- Trains different breeds, German Shepherds, Rottweiler's, Pitt Bulls, Schnauzers'

& others

- Trained dogs in other states and countries (police dogs, guard dogs, etc.)
- Owned similar facility in Maryland
- Presently not open for business
- No one has visited site to see what he plans to do
- Met with Planning Director three times
- Planning Department has a copy of survey that defines property lines.
- Property goes to the center of the Old Farr Road
- Property is zoned agricultural/residential.
- Did not know there was a problem with the neighbors until the Planning Commission meeting.
- Smell from Porta-Pottys is disinfecting. Potty's have been there 5 months
- No dogs at facility at present time
- From time to time visitors/friends bring their pets to run and jump, but not for business
- No dogs have run loose while visiting site
- Handler always has control of dogs
- Dogs are tethered to a 100 foot line
- Has trained over 800+ dogs
- In nearly 30 years of training has never had a dog get loose.
- Two volunteers/no employees (Mr. Park and Mr. Wright)

Opposition:

Brooks Cunard

20 Alcovy Reserve Ways

Covington, GA

Teresa Jones

100 Alcovy Reserve Way

Covington, GA

- Representative for residents against training facility
- Invited residents to stand to show the BOC the large number of people in opposition.
- Nothing personal against Mr. Ade – residents don't feel a dog training school is conducive to their area.
- Believes he is already operating business without a license
- Greatest concern is for the safety of our children/grandchildren
- Dogs could get loose and attack/wife scared to go outside
- Safety concerns for children
- Concerns for their pets
- Scared of pit bulls and Rottweiler's that will be trained
- Concerns about the odor from Porta-Potty's
- 17 residential properties in area

Supports Facility

Timothy Wright

Georgia Tech  
Atlanta, GA

- PHD candidate at Tech
- Dog enthusiast
- Volunteers time at dog training school
- Visit school and see what is being done
- Dogs do not run loose

Motion by Commissioner Fleming, seconded by Commissioner Ewing to uphold the recommendation of the Planning Commission and deny CUP10-002 for the following reasons as outlined in Section 620-060(B) of the Zoning Ordinance:

1. Incompatibility with adjacent properties and with other properties in the same zoning district;
2. Inadequacy of the public street on which the use is proposed to be located and insufficient traffic-carrying capacity for the use proposed so as to unduly increase traffic and create congestion in the area;
3. The proposed use will create unreasonable adverse impacts upon adjoining land use by reason of noise generated by the proposed use;
4. The proposed use will create unreasonable adverse impacts upon adjoining land use by reason of the manner of operation of the proposed use.

Motion Carried with Commissioners Simmons and Henderson voting against the motion.

Case Number: CUP10-003

Proposed Use: Outdoor Storage of Automobiles Related to Auto Repair Shop

Existing Zoning: Ch (Highway Commercial)

Watershed: Yellow River

Location: 995 Hwy. 162 (East Side)

1,422.83 Feet of Frontage

Parcel Size: 8.509 acres

Tax parcel: 46-38

Owner: CJP Holding

Petitioner: Anthony Dean Quamina

Applicant's Intent: To allow outside storage of automobiles related to automotive repair and body shop.

Planning Commission Recommendation: Approval

District Five

Petitioner:

Anthony Quamina

- Runs garage
- General automobile work
- Advised by county to put up a fence and need a permit to do so.

Opposition:  
Bob Halpern  
65 Kane Court  
Social Circle, GA

- Not actually in opposition
- Questioned how it might affect the watershed?
- Director Eisenberg noted this has been addressed through the ordinance and Mr. Quamina will comply with all necessary requirements.

Motion by Commissioner Fleming, seconded by Commissioner Ewing to uphold the recommendation of the Planning Commission and approve CUP10-003 with 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. Outside storage of automobiles related to auto repair business.
  - b. No salvage or junk vehicles, or salvage and storage of other materials are permitted.
  - c. Hours of operation shall be limited to Monday through Friday, 8:00 am to 5:00 pm.
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 3, 2010. 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 issuance of a business license.
3. To the owner's agreement to abide by the following development standards:
  - a. The storage area shall be paved (gravel permitted) and have proper drainage, approved by the Water Resources Department.
  - b. Provide a permit for ingress egress from GaDot, and make necessary improvements to the driveway as may be required.
  - c. Provide an eight-foot opaque wooden fence or masonry wall surrounding the storage area. A ten-foot landscape strip shall be planted in front of the fence facing Highway 162. Plantings and specifications are subject to the approval of the County Landscape Architect.

- d. Show compliance with items 3.a through 3.c. to the Department of Planning and Development prior to the issuance of your business license, or at a time approved by the Director.

Motion Carried

### **COUNTY CHECKS**

Motion by Commissioner Henderson, seconded by Commissioner Ewing to approve the county checks as read aloud by Chairman Morgan and printed in the board book.

Motion Carried

### **ALCOHOL LICENSE**

#### **First Reading**

Hub Marathon

12752 Hwy. 278

Social Circle, GA 30025

Owner: Yousuf Dosani

District One

#### **First Reading**

Bailey's Food Pride

5890 Salem Road

Covington, GA 30016

Owner: Vitmac K. Patel; Dharmesh K. Patel

District Two

### **EXECUTIVE SESSION**

Time: 8:25 pm

Motion made by Commissioner Simmons, seconded by Commissioner Fleming to take a five minute break and afterwards enter into Executive Session for the purpose of discussing litigation.

Motion Carried

### **REGULAR SESSION**

Time: 8:35 pm

Motion made by Commissioner Simmons, seconded by Commissioner Henderson to enter into Regular Session.

Motion Carried

With no further business, a motion by Commissioner Simmons, seconded by Commissioner Henderson the meeting adjourned at 8:36 p.m.

Motion Carried

Respectfully submitted,

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Jackie Smith, County Clerk

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Kathryn G. Morgan, Chairman

