

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
November 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, Attorney James Griffin, and County Clerk Jackie Smith

**Newspaper:** Rachel Oswald, Covington News  
Crystal Tatum, Newton Citizen  
Large Group of Citizens

Chairman Varner called the meeting to order, extended a welcome, and read the Thought for the Day. Pastor Ronny Brannen, Prospect Methodist Church, gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

**AWARD PRESENTATION TO NEWTON COUNTY LANDFILL EMPLOYEES  
FROM ENVIRONMENTAL PROTECTION DIVISION STATE OF GEORGIA**

Jeff Cowan from the Georgia EPD and the Georgia Chapter of SWANA appeared before the board making a presentation to the Newton County Landfill honoring their achievements for Outstanding Innovations Program. The landfill partnered with the KCNB program to reduce waste. Mr. Cowan presented the award to James Peters, N.C. Landfill Director. Mr. Peters expressed appreciation for the award and introduced his staff.

Commissioner Varner and board expressed appreciation to Mr. Peters and staff for all their hard work.

**APPROVAL OF BOC MINUTES DATED NOVEMBER 4, 2008**

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

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

**CHANGE ORDER FOR BRIDGE & TUNNEL PROJECT @ TURKEY  
CREEK/YELLOW RIVER TRAIL**

Special Projects Coordinator Cheryl Delk appeared before the board with this request. Ms. Delk noted that over the last two years the county has received \$5 million dollars for projects and \$1 million dollars is pending.

After going over the project she requested board approval.

- Copy of correspondence from Street Smarts regarding project is attached and made part of minutes.
- Fund 250

Motion: To approve the Change Order for Bridge & Tunnel Project @ Turkey Creek/Yellow River Trail with Street Smarts for an additional \$25,000.00 for a total of amount of project \$267,418.96.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

### **CHANGE ORDER FOR SCOPE TO TRAIL DESIGN, LIBRARY TO EASTSIDE HIGH SCHOOL**

Special Projects Coordinator Cheryl Delk appeared before the board with this request.

- Copy of correspondence from Street Smarts regarding project is attached and made part of these minutes.
- TE dollars will pay for project
- Fund 250

Motion: To approve Change Order for Scope to Trail Design, Library to Eastside Trail for an amount not to exceed \$30,000.00 with Street Smarts.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **INFRATEC CONSULTANTS, INC. CHANGE ORDER #1**

Steve Hewett from Infratec and Karl Kelley appeared before the board and presented this request.

Motion: To approve Change Order #1 for Infratec Consultants as it relates to the Cornish Creek WTF Expansion as outlined in board packet for a not to exceed amount of \$28,558.73.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

### **PURCHASE OF (10) ADDITIONAL VEHICLES FOR SHERIFF'S OFFICE**

Purchasing Director Tina Malone appeared before the board to present this request.

- Received three quotes.
- Covington Ford provided lowest quote.
- Sheriff's budget/General Fund
- Cost: \$197,910.00

Motion: To approve the purchase of ten (10) additional vehicles for the Newton County Sheriff's Office with Covington Ford for an amount not to exceed \$197,910.00 to be funded through Sheriff's Budget/General Fund.

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

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

Motion Carried Unanimously

## **NEIGHBORHOOD STABILIZATION PROGRAM**

Senior Planner Scott Sirotkin addressed the board regarding this program.

- Power Point Presentation
- Memo dated October 27, 2008 made part of minutes
- DCA administers program
- Money used to purchase foreclosed or abandoned homes
- Rehabilitate houses
- Funding is based on need and the capability to implement the program.
- Not a program for beginners.
- Can't be used for property maintenance
- City & County agreed to file a joint application for the grant due to the deadline.

Commissioner Fleming

- Would be in favor of participating in program if it was for redevelopment of a large blighted area.
- Can't see government in housing business.
- Commissioners' Ewing & Laster concurred.

Commissioner Henderson

- Very much in favor of program
- Would like to see at least thirty homes purchased that have been foreclosed on or abandoned.
- Would help the community in cleaning up eyesores
- Suggest joint private/public venture

## **CSSTP-0006-00 (365) NEWTON COUNTY, P.I. #0006365**

Chairman Varner addressed the board regarding this project.

- SR 20 & SR 212 /Brown Bridge Road worst intersection in Newton County
- Grateful for help from GDOT
- GDOT received an acceptable bid of \$1,030,119.99 from Pittman Construction
- Newton County's share is \$530,119.99
- Funding: SPLOST

Motion: To approve CSSTP-0006-00 (365) Newton County, P.I. #0006365 with Newton County's share of project being \$530,119.99. This is for GDOT Operational Improvement located at SR 20 @ SR 212.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried Unanimously

## **R111808 ACCEPTANCE OF HISTORIC CEMETERY HERITAGE TOURISM GRANT**

Debbie Bell appeared before the board to present this grant.

- Heritage Tourism is a growing marketing and cemeteries are a big part of this.
- With that in mind applied for grant to create a booklet listing cemeteries in Newton County
- All matching funds will come from Main Street.
- Copy of resolution is made part of these minutes.

Commissioner Laster

- Expressed appreciate to Debbie for searching out these grant funds.

Commissioner Henderson

- Thanked Commissioner Laster for his hard work on cemeteries in Newton County. His dedication to this has been and will continue to be excellent.

Motion: To approve R111808 Acceptance of Historic Cemetery Heritage Tourism Grant in the amount of \$1,450.00 to fund publication as outlined by Ms. Bell.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

### **R111808A RESOLUTION TO ABANDON OTIS NIXON FARM ROAD**

Chairman Varner declared Public Hearing Open

Attorney Jenny Carter addressed the abandonment of Otis Nixon Farm Road.

- Last month board approved a resolution to pursue abandonment.
- Letters were sent to surrounding property owners
- Advertisement was placed in newspaper
- County will erect and maintain a sign that gives name (Echols Cemetery) and access to cemetery.
- Copy of resolution is made part of these minutes.

Motion: To approve Resolution R111808a to Abandon Otis Nixon Farm Road, which intersects with Elks Club Road near Hwy. 278.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

Commissioner Simmons

- Questioned who would be responsible for the key to the gate?

Attorney Carter

- County will need to designate someone to be responsible for the key.

Commissioner Ewing

- Suggested the key be kept in the office of the chairman and indicated such on sign

Motion: Newton County Board of Commission Chairman's office will be responsible for the key to the gate of the cemetery and when sign is erected this should be noted to contact.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Earnest Simmons, District Two  
Motion Carried Unanimously

**R111808B RESOLUTION TO TRANSFER PUBLIC LANDS TO THE CITY OF COVINGTON FOR THE PUBLIC PURPOSE OF ROAD IMPROVEMENTS**

Attorney James Griffin appeared before the board to present this resolution.

- Transfer of county land at the intersection of Turner Clark Road and Clark Street.
- Transfer to City of Covington for public service in building a Roundabout.
- Deed for Land
- Walkway Easement
- City will take responsibility for land.
- Copy of resolution is made part of these minutes.

Motion: To approve Resolution R111808b to Transfer Public lands to the City of Covington for the Public Purpose of Road Improvements.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

**ZONINGS**

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

Planning Director Marian Eisenberg addressed the Board regarding the amendments and Judy Johnson sounded the following zonings:

**R111808c TO AMEND THE 2004 NUISANCE ABATEMENT ORDINANCE**

Attorney James Griffin addressed the board regarding this ordinance.

- Worked on this update for some time now to make sure it gives us all the authority that state law allows us.
- After explaining the process of the
- Copy of Ordinance is made part of these minutes.

Motion: To approve Resolution R111808c Amending the 2004 Nuisance Abatement Ordinance as outlined by Attorney James Griffin. \_

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

**R111808d (AMD08-003) AMENDMENTS TO THE 2003 ZONING ORDINANCE OF NEWTON COUNTY**

Planning & Development Director Marian Eisenberg presented these amendments to the 2003 Zoning Ordinance.

After a very lengthy discussion between board members and Director Eisenberg, the board directed Ms. Eisenberg to make duly noted changes to the ordinance and approved AMD08-003 with the understanding that all changes would be made as directed.

County Attorney Tommy Craig

- Suggested that after revisions are made that a copy of given to clerk for board to ratify at December 2<sup>nd</sup> meeting.
- Copy with changes made part of these minutes.

Motion: To approve R111808d Amendments (AMD08-003) to the 2003 Zoning Ordinance of Newton County as discussed by board members and Director Eisenberg. A copy of Changed Amendments is made part of these minutes.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **R111808e (AMD08-004) AMENDMENTS TO THE 2003 DEVELOPMENT REGULATIONS OF NEWTON COUNTY**

Planning & Development Director Marian Eisenberg presented these amendments to the 2003 Development Regulations.

- Copy made part of these minutes

Motion: To approve Resolution R111808e (AMD08-004) Amendments to the 2003 Development Regulations of Newton County as recommended by the Planning Commission.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **REZ08-009**

Existing Land Use Map: COM (Commercial)

Proposed Land Use Map: N/A

Existing Zoning: CN (Neighborhood Commercial)

Proposed Zoning: CH (Highway Commercial)

Watershed: South River

Location: 5274 Hwy. 20 (East Side)

175.41 Feet of Frontage

Parcel Size: 0.913 Acres

Tax Parcel: 7A-25

Applicant's Intent: To operate a Veterinary Clinic

Owner: Complete Brenda Orr

Petitioner: Beth McElhenny

Planning Commission Recommendation: Approve with Staff Conditions (October 28, 2008)

District Two

Petitioner: Beth McElhenny

- Small Animal Vet Hospital
- Storage Unit directly behind property
- Commercial property in area
- No housing of animals outside of facility

Commissioner Simmons

- Questioned hours of operation? Answer: Monday – Friday from 8:30 a.m. to 5:30 pm and on Saturday from 8:30 a.m. to noon.

No opposition

Motion: To approve REZ08-009 and change zoning from CN (Neighborhood Commercial) to CH (Highway Commercial) as requested with the following conditions read aloud by Director Eisenberg.

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. Veterinary Clinic, retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas.
  - b. The following uses shall not be allowed:
    - (1) Amphitheaters, Stadiums
    - (2) Major Auto Repair, Auto Sales
    - (3) Bar, Night Club
    - (4) Auto Service Station (not excluding fuel centers associated with convenience store)
    - (5) 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) Hospital for humans
    - (11) Manufactured Home Sales, Rental, Repair
    - (12) Kennel
    - (13) Manufactured Home Display
    - (14) Personal Care Home
    - (15) Produce Stands
    - (16) Farm Equipment Sales
    - (17) Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall

be allowed if they meet  
environmental regulations.)

- (18) Light Manufacturing
- (19) Commercial Outdoor Recreational Facilities
- (20) Place of Worship
- (21) Private Recreation Center or Club
- (22) Temporary Religious Meeting
- (23) Sawmill, Planing Mill
- (24) Mini-Warehouses
- (25) Tattoo Parlors
- (26) Adult Entertainment
- (27) Auto Recovery

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 September 5, 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. Pursuant to VAR08-028, no outside dog runs allowed and no housing of animals allowed outside.
  - b. Any exercising of animals to be under the direct supervision of caregiver.
  - c. The current structure cannot be enlarged or an additional structure built that would encroach upon the septic field and repair area.
  - d. Prior to the issuance of a Development or Building Permit any improvements, modifications, or additions must obtain approval from Newton County Environmental Health.

Proposed by: Commissioner Earnest Simmons, District Two  
Second by: Commissioner Monty Laster, District Five  
Motion Carried Unanimously

**CUP08-012**

Proposed Use: Day Care in Place of Worship  
Existing Zoning: AR (Agricultural Residential)  
Watershed: South River  
Location: 100 Usher Road (North Side)

360.53 Feet of Frontage

Parcel Size: 3.88 Acres

Tax Parcel: 16-105

Applicant's Intent: To operate a Day Care for children in a Place of Worship.

Owner: Faith of Jesus Ministry Church

Representative: Pastor Lamar Bell

Planning Commission Recommendation: Approve with Staff Conditions (October 28, 2008)

District Two

Petitioner: Pastor Lamar Bell

- Hours of operation: 6:00 a.m. to 6:00 p.m. Monday – Friday
- Closed on specific holidays
- Open year round
- Up to 80 children
- Approve by Planning Commission

No opposition

Commissioner Simmons

- Expressed appreciation to Pastor Bell and his wife for being such outstanding example in community

Commissioner Henderson

- Echoed Commissioner Simmons comments and expressed appreciation for them reaching out to help the community.

Motion: To approve CUP08-012 for a Day Care Center with a maximum of 80 children and conditions as read aloud by Director Eisenberg.

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A Day Care with up to 80 children.
  - b. Comply the standards of Sec. 510-210 of the Newton County Zoning Ordinance, as applicable.
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 September 2, 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. Improve the driveway by widening the driveway entrance off Usher Road, paving the driveway apron, and installing a traffic control device (a painted "Stop Bar"), subject to obtaining a permit and the approval of the County Engineer.

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

**CUP08-013**

Proposed Use: Car Wash

Existing Zoning: CH (Highway Commercial)

Watershed: Alcovy River

Location: 15805 Georgia Highway 36 (East Side)

321.23 Feet of Frontage

Parcel Size: 1.012 Acres

Tax Parcel: 72.66

Owner: Valerie Mitchell

Applicant's Intent: To allow a Car Wash in the Alcovy River Watershed Protection District.

Planning Commission Recommendation: Approval with Staff Conditions. (October 28, 2008)

District One

Petitioner: Valerie Mitchell

- Owner of car lot behind property.
- Washes cars there
- Has recycling water system

No opposition

Motion: To approve CUP08-013 for a Car Wash as recommended by Planning Commission with the following conditions as read aloud by Commissioner Ewing:  
Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A car wash.

- b. Comply with the standards of Sec. 510-120 of the Newton County Zoning Ordinance, as applicable.
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 September 5, 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:
  - b. Obtain a Building Permit from the Office of Planning and Development and Certificate of Occupancy for the structure.

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

**ALCOHOL LICENSE:**

First Reading

Shell Food Mart  
3633-B Salem Road  
Covington, Georgia 30016  
Owner: Jawahar Chugh (50%)  
Kamlesh Chugh (50%)  
District Two

First Reading

Pure Food Mart  
50 Morningside Drive  
Covington, Georgia 30016  
Owner: Barkat Ali (100%)  
District Five

**COUNTY CHECKS:**

Motion: To approve the county checks as read aloud by the chairman and printed in board packet.

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 J.C. Henderson, District Four

Second by: Commissioner Month Laster, District Five

Motion Carried Unanimously

**Respectfully submitted,**

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**Jackie Smith, County Clerk**

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**Aaron Varner, Chairman**