

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 16, 2008
MINUTES**

Present: Chairman Aaron Varner, Commissioners' Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster. Administrative Officer John Middleton, Attorney Jenny Carter, Attorney James Griffin, and County Clerk Jackie Smith

Newspaper: Rachel Oswald, Covington News
Crystal Tatum, Newton Citizen
Small 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.

APPROVAL OF BOC MINUTES DATED SEPTEMBER 2, 2008

Motion: To approve the Minutes dated September 2, 2008 as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**PUBLIC HEARING RE: FINANCING OF THE OAK HILL
LIBRARY CONSTRUCTION**

Chairman Varner declared the public hearing open.

- No comments or questions by citizens

R091608 – ACQUISITION OF A LIBRARY

Administrative Officer John Middleton noted:

- Financing- lease/purchase agreement
- Public Facilities, Inc.
- Term: 2015
- Total Bonds: \$3,460,000
- Library will also be funded in part of state with \$2,000,000 contribution.

Brian Husky, Merchant Capital

- Looked @ 7 lending institutions over past three months
- RBC Bank: 3.49% rate
- Sun Trust: 3.92% rate
- 3.49% = \$550,00 through 2015
- Enclosed: Limited Warranty Deed, Installment Sale Agreement, and Transfer Agreement

Motion: To approve Resolution 091608 Authorizing, Among Other Things, The Execution of Documents Relating To The Acquisition of A Library as outlined on pages 9-13 in board packet for the second district.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

R091608A – NEWTON COUNTY SCHOOL DISTRICT GENERAL OBLIGATION BONDS SERIES 2008

General Council Kent Campbell for the Newton County Board of Education appeared before the board regarding resolution.

- Financing for new schools
- Part of \$62,500,000 bond issue that citizens voted on in Sales Tax.
- History shows that sales tax has been more than sufficient to cover bonds.

Motion: To approve Resolution 091608A, Newton County School District General Obligation Bonds, Series 2008 as presented by Mr. Campbell and provided in board packet.

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

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

Motion Carried Unanimously

DENNY DOBBS PARK @ OAK HILL UPDATE

Recreation Director Tommy Hailey and Steve Provost from jb+t appeared before the board and noted the following:

- Provided map of property
- Provided copy of proposed Sports Complex Concept Plan
- Gave an update on status of project
- Next: Compile project manual to instruct the bidders (standard manual)
- Construction Documents
- Bidding Process
- After approving contractors it will take 6 months to build.
- Soil sample and sewer issue has been resolved.
- Jb+t will be on site and meet with recreation commission throughout project.
- Timeline: 6 months from start to finish

Commissioner Simmons expressed appreciation for update.

CONFERENCE CENTER/CIVIC CENTER SCENARIOS

Administrative Assistant John Middleton presented to the board two scenarios with more conservation numbers for review.

John Boothby, President, Chamber of Commerce

- Initial numbers overly optimistic
- Information used by Merchant Capital was from hotel industry regional numbers.
- Goal is to keep project revenue neutral for the taxpayer.
- 100 jobs will be created by this project.
- Read a statement
- Thanked commissioners for their support of project.

Jerry Bouchillon

- Met with City of Covington to present same funding scenarios here tonight.
- Questions rose about accuracy of previous numbers presented.
- Read a statement to board regarding his concerns
- Feels officials are being financially irresponsible, relying on projections prepared by & for those with vested interest in project.
- Voted for SPLOST...not against civic center project.
- Concerned that public portion of project cost has risen to an estimated \$28 million, plus interest.
- Stated that new moderate numbers may still be overly optimistic.
- Questioned funding for furnishing, operations, utilities, insurance and maintenance.
- Concerned these costs, too, will be borne by taxpayers.

George Stamps

- Challenge is renewed growth after housing bubble clears.
- You buy long and sell short.
- Support project...will create new jobs, help to draw more retail into Covington
- More restaurants

The commissioners expressed thanks for all who spoke and appreciated information given to them.

CHANGE ORDER #1 FOR BID #08-19 CR213 & JACK NEELY ROAD RESURFACING

Chairman Varner noted board approved this contract sometime back, but since that time asphalt has jumped in price.

- E.R. Snell notified chairman that he could not do project for same cost.
- Liquid asphalt went up 400%.
- 60-Day Notice to Proceed expired before price went up and allowed them an opportunity to back out of contract.
- Support board approval of change order for \$42,827.50

Motion: To approve Change Order #1 for Bid #08-19, CR 213 & Jack Neely Road Resurfacing project for a not to exceed amount of \$42,827.50 for ER Snell Contracting, Inc.

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

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

Motion Carried Unanimously

R091608B SERVICE DELIVERY AMENDMENT

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

- Commissioner Fleming placed on agenda 60/90 days back.
- Mr. Griffin completed research and met with cities.
- Increases size of sewer service area in district three.
- Expands service territory northward.

Motion: To approve Resolution 091608b Service Delivery Amendment regarding Expansion of Sewer Service Area.

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

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

Motion Carried Unanimously

7:30 P.M.

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 and sounded the following zonings:

R091608B 2003 OFFICIAL ZONING DISTRICT MAP CORRECTION

District Three

Director Eisenberg noted this was a housekeeping matter to correct the district map.

Motion: To approve Resolution 091608b Official Zoning District Map Correction located in the third district.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried Unanimously

CASE NUMBER: APP08-007

Original Case No.: VAR08-025

Name of Applicant: Scott Boling

Address of Property: 2156 Butler Bridge Road

Tax Parcel: 9-29

Size of Property: 3.6 Acres

Present Zoning: AR (Agricultural Residential)

Present Use: Single-Family Home & accessory structures (existing)

Request: Appeal Zoning Appeals decision to deny (July 24, 2008)

Original Request: To allow accessory structure in the front yard.

Potential Effects on County: Due to the improvements made by the applicant to the property since the July 24, 2008 Board of Zoning Appeals meeting, Staff does not anticipate any n negative effect if developed in compliance with Staff's Recommended Conditions.

District Two

Petitioner: Scott Boling

- Photos presented of area
- Petition w/133 signatures in support of request.
- 2 sons who also have lawnmowers and help work on property.
- Use all equipment on property.

Commissioner Simmons

- Questioned if Mr. Boling had met w/neighbors? Yes, did not know there was a problem until Appeal Board meeting.

Commissioner Fleming

- Questioned if a business was run out of this location? No
- Petitioner stated he owns a Video Game business.
- Questioned if equipment remained on property at all times? Yes

Ms. Eisenberg

- Stated that county has no evidence of this equipment in question is being used for business purposes.
- You are allowed to keep this equipment for property maintenance.

Commissioner Ewing

- Questioned equipment? Mr. Boling said one piece is being used to change lights at a Shopping Center.

Commissioner Henderson

- Stated the equipment to change lights needs to be removed. Mr. Boling said he would remove that piece of equipment

Opposition

Carolyn Nelson

Marie Donaldson

- Request that BOC adhere to ZBA decision to deny the request.
- Does not meet guidelines for agricultural zoning.
- We have no commercial zoning and do not want commercial vehicles on roads in the "country".
- Moved to Butler Bridge to get away from businesses.

Favor Petition

Heather Boling

Jeff Elliott

Tina Sailor

- Water lines o.k.
- Have almost 4 acres of land

- Thinks Mr. Boling has done an excellent job making improvements to property
- Can't see the building in question.
- Should not be held against Mr. Boling that he purchased the equipment instead of renting it.

Motion: To deny the appeal, APP08-007 and uphold the Board of Zoning Appeals' decision on VAR08-025.

Proposed by: Commissioner Earnest Simmons, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

CASE NUMBER: APP08-008

Original Case No.: VAR08-020

Name of Applicant: Ken Portocarrero

Address of Property: 85 Avalon Road

Tax Parcel: 105-7

Size of Property: 8.4 Acres

Present Zoning: AR (Agricultural Residential)

Original Request: To allow commercial vehicles on less than 10 acres; and increase the number of commercial vehicles on property from 1 to 2.

Purpose of Request: To continue parking a semi-cab with flatbed trailer and a box trailer on property.

Present Use: Single-family home & accessory structures (existing).

Potential Effects on County: No negative effect anticipated if developed in compliance with Staff's Recommended Conditions.

Request: Appeal Zoning Appeals decision (July 24, 2008)

District One

Petitioner: Ken Portocarrero

- Neighbor across the road appealed decision of Zoning Appeals Board to approve variance.
- Since that time we have worked out a solution to concern.
- Been parking behind house since 2001
- Came to zoning office before I purchased property to see if it was o.k. to park commercial vehicle there and they said it was o.k.
- Only one big truck is parked there on weekends only.
- On the road during the week and only home on the weekends.

M/M Abrams

- Lives across the road from property.
- Felt county did not address their concerns
- Met with the county arborist who came up with a solution that meets concerns.
- Satisfied with county arborist solution and we are now asking the board to approve her recommendation. We want something in writing.

Ms. Eisenberg

- They are asking Board of Commissioners to adopt the condition of County Arborist sketch and recommendation to be part of conditions.

Commissioner Ewing

- Noted that board has worked on ordinance for almost a year and would not be in favor of allowing commercial vehicles to be parked on less than ten acres.
- Stated that as of tonight this board has not broken own rules on 10-acre minimum and could not vote to do so.

Motion: To approve the Appeal and overturn the Board of Zoning Appeals' decision on VAR08-020.

Proposed by: Commissioner Mort Ewing, District One

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

Further discussion

Commissioner Simmons

- Questioned the legality of being able to overturn the BZA decision to approve and Attorney Carter noted it was legal should the board choose to do so.

Motion Carried with Commissioners Ewing, Fleming, & Laster voting in favor of motion and Commissioners Simmons & Henderson voting in opposition to the motion.

CASE NUMBER: FLU08-010 & REZ08-008

Existing Land Use Map: HDR (High Density Residential)

Proposed Land Use Map: COM (Commercial)

Existing Zoning: R2 (Single-Family Residential), RMF (Multi-Family Residential), and M2 (Heavy Industrial)

Proposed Zoning: CG (Commercial General)

Watershed: Yellow River

Location: Access Road (South Side)

1,466.23 Feet of Frontage

Fairview Road (East Side)

1,107.17 Feet of Frontage

Parcel Size: 25.39 Acres

Tax Parcel: 25-40, 40A, 41, 42, 42A, and 42B

Owner: Fairview Road LLC, Jody Hammond's, and Resource Piedmont

Representative: Attorney Jimmy Alexander

Applicant's Intent: To develop a 175,550 square feet of commercial space at a density of 6,914.14 square feet per acre.

Planning Commission Recommendation: Approval with conditions (August 26, 2008)

District Three

Petitioner Representative: Attorney Jimmy Alexander

- No particular tenant at moment

- Could be one of premier pieces of property in the county
- Down zoning from R2, RMF & M2 to Commercial

No opposition

Motion: To approve the Future Land Use Map change from HDR (High Density Residential) to COM (Commercial).

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

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

Motion Carried Unanimously

Motion: To approve REZ08-008 from R2, RMF, & M2 to CG (Commercial General), Tax Parcel 25-40, 40A, 41, 42A, & 42B to develop a 175,500 square feet of commercial space at a density of 6,914.14 square feet per acre with the following conditions as read by Commissioner Fleming:

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. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 6,914.14 gross square feet per acre zoned or a total of 175,550 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)
 6. Campground, RV Park
 7. Private Club, Order, Lodge
 8. Electric Station; Gas Pumps not related to Anchor Store
 9. Flea Market
 10. Funeral Home
 11. Group Home
 12. Hospital
 13. Manufactured Home Sales, Rental, Repair
 14. Kennel
 15. Manufactured Home Display

16. Personal Care Home
17. Produce Stand
18. Farm Equipment Sales
19. Dry Cleaning, Institutional (Neighborhood Dry Cleaners that do on-site cleaning shall be allowed if they meet environmental regulations.)
20. Light Manufacturing
21. Commercial Outdoor Recreational Facilities
22. Place of Worship
23. Private Recreation Center or Club
24. Sawmill, Planing Mill
25. Mini-Warehouses
26. Tattoo Parlors
27. Adult Book Store/Entertainment
28. Establishments selling alcoholic beverages

2. To the owner's agreement to abide by the following:
 - a. To the legal description received by the Department of Planning and Development on July 7, 2008, and the revised site plan received by the Department of Planning and Development on July 15, 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. Number of entrances allowed will be determined at the time of the issuance of a Land Disturbance Permit.
 - b. Provide a deceleration lane and left turn at the proposed entrance(s), subject to the approval of GADOT and the County Engineer. Dedicate, at no cost to Newton County, additional right-of-way necessary from back-of-curb of the lanes to provide for placement of utilities.
 - c. All Conditions of VAR08-029.
 - d. Stormwater plan to be reviewed and approved by Planning & Development Engineer.
 - e. Provide full cut-off lighting.
 - f. Sidewalks shall not to be located within the 10-foot landscape strip.

- g. All service/rear of the buildings that face the street shall have a façade appearance of the front of the building.
- h. All dumpsters, service areas, and any additional outdoor storage must be screened properly and not located within the building setbacks.
- i. Provide a 75-foot undisturbed transitional buffer along the southern property line. Said buffer shall be undisturbed and replanted where sparsely vegetated. Plantings and specifications subject to the approval of the Newton County Arborist.
- j. Buildings shall be three-sided brick with color matching paint for rear side, and that all service trucks be parked in the rear of the structure. Prior to issuance of a building permit, renderings shall be submitted to the Department of Planning & Development for approval by the Director.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner Monty Laster, District Five
Motion Carried Unanimously

ALCOHOL LICENSE:

Final Reading

Logan's Grocery
2299 Hwy. 212
Covington, Georgia 30016
Owner: Wendy Jacques (100%)
District One

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

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
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 Monty Laster, District Five
Motion Carried Unanimously

EXECUTIVE SESSION

Time: 8:40 p.m.

Motion: To enter into Executive Session for the purpose of discussion land acquisition.

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

REGULAR SESSION

Time: 8:55 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: 8:55 p.m.

Motion: To adjourn the meeting.

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

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

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, County Clerk