

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 18, 2007
MINUTES**

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, Attorney Scott Cole, Attorney Jenny Carter 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. He asked that Commissioner Ewing and his family be remembered in prayer for the loss of Ms. Faye's brother, local attorney, true southern gentleman, and friend to all, Mr. Dan Greer. Reverend Ronnie Brannen gave a beautiful prayer and Chairman Varner led the Pledge of Allegiance to our great Flag.

APPROVAL OF W/S MINUTES DATED JULY 3, 2007

Motion: To approve the BOC Work Session Minutes dated July 3, 2007 as printed.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

APPROVAL OF RETREAT MINUTES DATED AUGUST 24,25, 2007

Motion: To approve the Minutes for the BOC Retreat dated August 24, 25, 2007 as printed.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

APPROVAL OF MEETING MINUTES DATED SEPTEMBER 4, 2007

Motion: To approve the BOC Minutes dated September 4, 2007 as printed.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

FORESTRY ANNUAL REPORT

Chief Ranger Terry Quigley appeared before the board to present the annual report for Newton-Rockdale-DeKalb Forestry Unit.

A copy of the annual report is made part of these minutes.

No official was taken.

NEWTON COUNTY HOME BUILDERS ASSOCIATION REQUEST

Representatives from the Newton County Home Builders Association and East Metro Board of Realtors appeared before the board to make a request regarding directional signs. Bob Goucher and Vanessa Hardy noted the following:

- Home sales are very low right now
- Foreclosures are at an all time high
- Affects all segments of county
- Request board to amend the sign ordinance regarding weekend signs.
- People take long weekends to look for a home and two extra days could be a tremendous help to sell these houses.
- Suggest one weekend directional sign per development (reduces clutter)
- Would like to suggest trying this for a 12-month period.

Attorney Jenny Carter

- The Sign Ordinance is a part of Newton County's Zoning Ordinance and there is a process to follow in amending the ordinance.
- Public Hearings before Planning Commission & BOC
- Advertisement

Commissioner Henderson

- Feels it would help the county
- Made a motion to proceed

Motion: To request the county attorney begin the process to amend the Zoning Ordinance regarding Directional Signs as presented.

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

Second by: Commissioner Earnest Simmons, District Two

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

FIREFIGHTING TURNOUT GEAR & BOOTS

Fire Chief Mike Satterfield appeared before presenting this request and noted the following:

- Bids taken in April '07.
- Bid awarded to Bennett Fire Products
- This request is for additional sets of equipment for firefighters.
- Cost: \$38,195.00
- Funding: Fire Fund

Commissioner Simmons

- Questioned if Bennett was the sole source for equipment? Yes, exclusive. We tested several different suits and this is, by far, superior equipment.
- What is turn around time? 3 – 4 months for gear, boots a little longer.
- Pricing in line? Yes, and dealer is very responsive to needs and calls.

Chairman Varner

- Questioned # of sets to be in inventory? 6 to 8 sets on hand. Purchases most universal size.

Motion: To approve the purchase of Turnout Gear and Boots from Bennett Fire Products for a not to exceed cost of \$38,195.00 as requested and presented by Chief Satterfield.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

7:30 P.M. – ZONINGS

Chairman Varner noted that each side would have ten minutes to present their issues and the time allotted does not include board discussion, noting also, the chairman cast a vote in the case of a tie.

Planning Director Marian Eisenberg addressed the Board and sounded the following zonings:

FLU06-004

REZ06-012

Proposed Land Use Map: LDR (Low-Density Residential), PRC (Parks/Recreation/Conservation)

Existing Land Use Map: A (Agriculture) PRC (Parks/Recreation/Conservation), LDR (Low-Density Residential)

Proposed Zoning: R1 (Single-Family Residential)

Existing Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Location: On the Newton/Rockdale County line in the vicinity of Griffin Mountain Trail
No road frontage in Newton County (Access through a subdivision in Rockdale County)

Parcel Size: 27.25 Acres (Portion of 68.6 Acres)

Tax Parcel: 23-1

Owner: I-20 East, Inc.

Applicant's Intent: To develop a 37-lot residential open space conservation subdivision on 27.25 acres for a density of 1.43 lots per acre. This is an expansion of an opens pace subdivision in Rockdale County.

Planning Commission Recommendation: FLU06-002 – Denial; REZ06-012 – Denial (May 23, 2006)

BOC Decision on June 20, 2006: Denial of FLU & REZ.

District Three

Attorney Jenny Carter told the board that Attorney Ed Tolley (who is representing the county in this case-court remanded back to BOC) was not able to attend tonight's meeting and would like for FLU06-004, REZ06-012 be deferred until the October 2nd meeting. Mr. Tolley has spoken with I-20 East, Inc. (Robbie Lanier) and he is agreeable with this request.

Motion: To defer FLU06-004 to October 2, 2007 BOC meeting as requested.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

Motion: To defer REZ06-012 to October 2, 2007 BOC meeting as requested.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

REZ 07-020

Existing Land Use Map: DN (Development Node)

Proposed Zoning: CH (Commercial Highway)

Existing Zoning: R2 (Single-Family Residential)

Watershed: South River

Location: 5361 & 5369 GA Hwy. 20S (West Side)

216 Feet of Frontage

Parcel Size: 1.957 Acres

Tax Parcel: 7A-10, 11

Owner: GA Hwy. 20, LLC

Applicant's Intent: To develop a maximum 15,000 square-foot retail establishment or drive-thru restaurant at a density of 7,664.8 square feet per acre.

Planning Commission Recommendation: Approved with Changed Conditions (August 28, 2007)

District Two

Director Marian Eisenberg noted the applicant has requested a deferral until October 16th BOC Meeting allowing time to work with traffic engineer.

Motion: To defer REZ07-020 to the October 16th BOC meeting as requested.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

REZ07-022

Existing Land Use Map: DN (Development Node)

Proposed Zoning: CN (Neighborhood Commercial)

Existing Zoning: R2 (Single-Family Residential)

Watershed: Yellow River & South River

Location: Salem Road (East side)

472 Feet of Frontage

Parcel Size: 3.001 Acres

Tax Parcel: 13.49

Owner: Greg Mitchell

Applicant's Intent: To develop (1) a retail space with up to 6 tenants and (2) a drive-thru restaurant at a maximum density of 8,663.77 square feet per acre, for a total of 26,000 square feet.

Planning Commission Recommendation: Approved with Revised Conditions
(August 28, 2007)

District Three

Petitioner Representative: Archie Wanamaker

- Request to allow left turn subject to the approval of traffic engineer

No opposition

Commissioner Fleming:

- Parkway is a public road.
- Would like to see a median break along the parkway approved by the county engineer.

Motion: To approve REZ07-022 and change the zoning from R2 (Single-Family Residential) to CN (Neighborhood Commercial) to develop retail space with up to six tenants and a drive-through restaurant. Total square Parcel #13.49 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 overall density of 8,663.77 gross square feet per acre zoned or a total of 26,000 square feet.
 - b. Limit the height of the building(s) to no more than 1 story.

- 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 June 26, 2007 and to the revised site plan received by the Department of Planning and Development on August 28, 2007. Said site plan 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. Provide a deceleration lane on Salem Road, subject to approval of the County Engineer and GaDOT. Access on Salem Road shall be right-in/right-out.
 - b. Provide right-turn lane from Salem Road to the proposed parkway subject to approval of the County Engineer and GaDOT.
 - c. Dedicate, at no cost to Newton County right-of-way as may be required by the County Engineer or GaDOT. Additional right-of-way may be necessary from back-of-curb of the road improvements to provide for placement of utilities.
 - d. Stormwater plan to be reviewed and approved by Planning & Development Engineer.
 - e. Provide downcast lighting.
 - f. Provide inter-parcel access at time of future development of adjacent property to south.
 - g. Number and location of access and improvements on Salem Road and proposed parkway shall comply with Salem Road Plan per EarthTech, as approved by GaDOT and County Engineer.
 - h. Architectural style and building materials/colors shall be substantially compatible with the Covington Marketplace development. Prior to issuance of a building permit, renderings shall be submitted to the Department of Planning & Development for approval by the Director.
 - i. Buildings shall be three-sided brick (north, south and west sides). On the east side of building(s) paint shall match the color of the brick.
 - j. Transitional buffers along east property line shall be 50 feet in width. No variance to buffer width shall be allowed. Buffer shall be planted, as approved by County Arborist.
 - k. Provide a 20-foot landscaping strip along Salem Road. Said strip to be measured from edge of right-of-way after dedication referenced in condition 3.c.
 - l. Within landscaping strip referenced in condition 3.k., provide a three-foot high landscaped berm, planted with one tree per 30 feet of road frontage and additional plantings as approved by the County Arborist.

- m. Number of parking spaces shall not exceed the minimum requirements of the Newton County Zoning Ordinance Sec. 515-020.
- n. Must provide solid fencing (at least six feet in height) along east property line and standing sound barriers (block wall with brick veneer, six to seven feet in height and four to six feet in width) along east side of drive-through lanes for the bank and the restaurant (VAR07-026). Locations to be approved by County Arborist.
- o. Median break along the Parkway as approved by County Engineer.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

FLU07-010

REZ07-024

Existing Land Use Map: LDR (Low-Density Single-Family Residential)

Proposed Land Use Map: C (Commercial)

Existing Zoning: R3 (Single-Family Residential)

Proposed Zoning: CH (Highway Commercial)

Watershed: Yellow River

Location: 10670 Covington Bypass (North Side)

439.56 Feet of Frontage

Parcel Size: 1.90 Acres

Tax Parcel: 64B-134A

Owner: Otis Spillers

Applicant's Intent: To develop property of 1.90 acres in (2) two phases. First phase will be a 6,000 square-foot building for 3 tenants, one of which will be a HVAC business.

The second phase will be an additional, identical building for a total of 12,000 square feet. Total density will be 6,315.8 square feet per acre

Planning Commission Recommendation: Approve with staff conditions.

District Four

Petitioner: Byron Hopper & Doug Biggers

- Two buildings w/in five years
- Suites will have 600 sq ft offices, i.e., HVAC, Electrician, Landscaping

Commissioner Henderson

- Would like to see buildings compatible with other buildings across the street and placed as a condition.

No Opposition

Motion: To approve FLU07-010 and change the Future Land Use Map from LDR (Low-Density Single-Family Residential) to C (Commercial) as requested

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

Motion: To approve REZ07-024 and change the zoning from R3 (Single-Family Residential) to CH (Highway Commercial) for Tax Parcel #64B – 134A with the following conditions as read by Director Eisenberg:

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

COUNTY CHECKS:

Motion: To approve the county checks as printed and read by the chairman.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

EXECUTIVE SESSION

Time: 8:10 p.m.

Motion: To enter into Executive Session for the purpose of discussing pending litigation and personnel.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

REGULAR SESSION

Time: 8:45 p.m.

Motion: To enter into Regular Session.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

ADJOURN

Time: 8:45 p.m.

Motion: To adjourn the meeting.

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

Second by: Commissioner Earnest Simmons, District Two

Motion Carried

Respectfully Submitted,

Jackie B. Smith
County Clerk