

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
August 16, 2005**

Newton County Historic Courthouse
1124 Clark Street
Covington, Georgia
Presiding: Chairman Aaron Varner

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; Administrative Assistant John Middleton, Attorney Scott Cole, Attorney Kim Degonia, and Clerk Jackie Smith

Chairman Varner extended a welcome to all present and read the thought for the day. District One Commissioner Mort Ewing gave the invocation. Chairman Varner introduced Scout Commanders John Elliott and Keith Ingram from Boy Scout Troup 316. He, on behalf of himself and the board expressed a special welcome to them and members of Troup 316 who led the Pledge of Allegiance to our great country.

APPROVAL OF BOC MINUTES AUGUST 2, 2005 MEETING

Motion: To approve the August 2, 2005 Board Meeting Minutes as printed.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried

APPOINTMENT TO PLANNING COMMISSION/CHAIRMAN

Chairman Varner advised the board that Richards Coleman who has served as Chairman of the Planning Commission has resigned his position due to ill health. He noted Mr. Coleman has done an outstanding job and appreciated his service on this board.

He presented Mr. Glover Anderson's name for approval. He noted Mr. Anderson is a dedicated citizen of Newton County and has expressed a desire to serve. He asked the board for their ratification of his nominee.

Motion: To appointment Mr. Glover Anderson of 205 Oak View Drive, Covington to serve the unexpired term of Mr. Richard Coleman as recommended by Chairman Varner. Mr. Anderson's term will expire on December 31, 2006.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

RESOLUTION 081605 ZONING MAP CORRECTION

Zoning Director Marian Eisenberg appeared before the board requesting approval of this resolution. She noted this was a correction to the zoning map and read aloud the resolution.

Motion: To approve Resolution R081605 Zoning Map Correction as read by Director Marian Eisenberg.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

Note: The original resolution is contained in file number R081605, incorporated herein by reference and expressly made a part of these minutes.

MOU BETWEEN N.C. EMA & N.C. AMATEUR RADIO EMERGENCY SERVICE

EMA Director Tray Polk appeared before the board and presented the Memorandum of Understanding. He stated we are being proactive and this would be very beneficial to the county.

Motion: To approve the Memorandum of Understanding (MOU) between Newton County EMA and Newton County Amateur Radio Emergency Service as presented.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried

MOU BETWEEN GA FORESTRY COMMISSION & N.C. FIRE DEPARTMENT

Motion: To approve the Memorandum of Understanding (MOU) between Georgia Forestry Commission and the Newton County Fire Department as printed.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

PURCHASE OF TRUCKS FOR PUBLIC WORKS DEPARTMENT

Chairman Varner noted the following:

- Received two bids
- Low bid is Covington Ford
- Price: \$30,371.50
- Funding will come from General Fund/Public Works
- Recommend awarding to low bidder.

Commissioner Dimsdale commented that he felt it was rewarding to us when we can offer a contract to our local businesses and was glad to see that take place. He duly made a motion to approve.

Motion: To approve the purchase of two trucks for the Public Works Department from Covington Ford for a total cost not to exceed \$30,371.50.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried

PURCHASE OF BOBCAT FOR PUBLIC WORKS DEPARTMENT

Chairman Varner noted the following:

- Replaces stolen bobcat.
- Stolen 2-1/2 months ago
- This bobcat will also work with several other pieces of equipment in department.
- Funding: Tray Polk is working with insurance company on reimbursement.
- Cost: \$23,628.00
- General Fund/Public Works will pay what insurance does not cover.

Motion: To approve the purchase of Bobcat for the Public Works Department from Perimeter Bobcat for a cost not to exceed \$23,628.00.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

RESOLUTION 081605A TO AMEND THIRD RESTATED BENEFIT PLAN WITH ACCG

Attorney Scott Cole told the board he had reviewed the resolution and this was simply a housekeeping item.

Motion: To approve Resolution R081605a to Amend the Third Restated Benefit Plan with Association County Commissioners of Georgia (ACCG).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Note: The original resolution is contained in file number R081605a, incorporated herein by reference and expressly made a part of these minutes.

REQUEST FOR ABANDONMENT OF OLD BROWN BRIDGE RD RIGHT OF WAY

Attorney Frank Turner, Jr. appeared before the board to request approval to begin the process of abandonment of Old Brown Bridge Road. He noted:

- Any action taken tonight would not be final
- Represents Clark's Grove LLC
- Clark's Grove owns property on both sides of road.
- They would like to purchase property from the county and give it to the Episcopal church

Motion: To approve the request to begin the process of abandonment of Old Brown Bridge Road as presented.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

APPROVAL OF TASK ORDER #1 FOR PBS&J 10-YEAR ROAD PROJECTS PRIORITIZATION

County Engineer Kevin Walter appeared before the board to present Task Order #1 for PBS&J 10-Year Road Projects prioritization. He drew the board's attention to the attached memorandum. After questions and discussion among the members of the board a motion was made to approve.

Motion: To approve Task Order Number One in the three phases as presented for a cost not to exceed \$152,695 as recommended by County Engineer.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

APPROVAL OF TASK ORDER #6 FOR INTEGRATED SCIENCE & ENGINEERING FOR STORMWATER ORDINANCE DEVELOPMENT

County Engineer Kevin Walter appeared before the board to present Task Order #6 for Stormwater ordinance development.

- Commissioner Dimsdale questioned if the Georgia Site Design Standards is what the consultants would be pulling from to customize Newton County's Ordinance.
- Mr. Walter stated we would have to incorporate the state design standards.
- We will use their manual as a guideline.

- Commissioner Ewing commented this was a state law that we have to comply with and requested compliance date. Compliance is the end of 2006 per engineer.
- State has a model ordinance we can look at.
- Mr. Middleton said this is one of the most significant pieces of the Stormwater Plan.
- Two public educational meetings - part of the task of Integrated Science.

Motion: To approve Task Order #6 for Integrated Science & Engineering for Stormwater Ordinance Development for a cost not to exceed \$20,800.00

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried

7:30 P.M. ZONINGS

Chairman Varner noted that ten minutes would be allocated for those who would like to speak in favor as well as against the petition.

Zoning Director Marian Eisenberg presented the following zonings:

CUP05-005

The Mansfield Group

District Three

Location: Kirkland Road (Northeast Side)

1,996 Feet of Frontage

Proposed Use: Mini-Warehouse

Existing Zoning: CG (General Commercial)

Watershed: Yellow River

Parcel Size: 24.5 Acres

Tax Parcel: 26-28G

Applicant's Intent: To allow a mini-warehouse on 11.03 acres of land.

Planning Commission Recommendation: Approval Date: June 28, 2005

Staff Comments:

1. Applicant requested deferral on 7.19.05.
2. Associated variance request approved by BZA on 7.28.05
3. USGS map identifies an additional stream in southern portion of property.

Opposition:

Robert Phillips

- Watershed
- Impervious surface

Motion: To approve CUP05-005 located at Kirkland Road, Tax Parcel #26-28G to operate a Mini-Warehouse with the following conditions:

Approved for a conditional Use Permit for a mini-warehouse CONDITIONAL subject to the owner's agreement to the following enumerated conditions. 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 mini-warehouse.
 - b. Comply with standards of Sec. 510-420 of the Zoning Ordinance.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Planning and Development on June 3, 2005. 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. Provide a planted screen along Proposed Road "B" as indicated on site plan.
 - b. Exterior lighting shall be downcast.
 - c. Reduction of 150-foot buffer along the northeast property line. (VAR05-015)
 - d. Detention pond allowed to encroach in 150-foot buffer. (VAR05-015)
 - e. Mini-warehouse use allowed on local street. (VAR05-015)
 - f. Storm Water plan to be reviewed and approved by County Engineer.

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

MOD05-006**Terri Knight****District One**

Location: Georgia Highway 162 (East Side)

352 Feet of Frontage

Proposal: Modification of Conditions 1. & 6. For Petition REZO4-057

Existing Zoning: OI (Office Institutional) approved November 16, 2004

Parcel Size: 15 Acres

Tax Parcel: 50-11D

Applicant's Intent:

1. To allow encroachment of driveway and building in transitional buffer.
2. To reduce 50-foot undisturbed buffer to 0 feet along the south property line.
3. To reduce 50-foot undisturbed buffer to 0 feet along the north property line.
4. To reduce 50-foot undisturbed buffer to 0 feet along the west property line.

Staff Comments:

1. Deferred on 7.19.05
2. Letter of intent revised by applicant on 7.19.05 to add request for reduction of buffer along west property line and revised on 7.29.05 to change request for reduction of buffer along north property line.
3. Associated variance request approved BZA on 7.28.05

Motion: To deny MOD05-006 located on Georgia Highway 162.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Dimsdale voting in opposition to the motion and Commissioner Henderson abstaining from the vote.

MOD05-007**Michael Penland****District Five**

Location: Covington Bypass Road (East Side)

0 Feet of Frontage

Access via proposed Eagles Parkway from Eagle Drive

Proposal: Modification of Conditions 2. and satisfaction of Section 300-050 B. of the Newton County Zoning Ordinance.

Existing Zoning: CORD/PRD-R3 (Community Oriented Residential

Development/Planned Residential Development-Single Family Residential) Approved November 19, 2002

Parcel Size: 38.08 Acres

Tax Parcel: 82-6A, 6B, 8A

Applicant's Intent: To remove the requirement of rear-entry garages.

Approve a modified site plan.

Staff Comments:

1. Deferred 7.19.05
2. Revised plan due to new ownership.
3. New owner intends to incorporate this property into adjacent development.

Motion: To approve MOD05-007 and accept modified site plan as requested.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

REZ05014

Joint Development Authority of Jasper, Morgan, Newton, Walton Counties District One

Location: Highway 278 (North Side)

2430.23 Feet of Frontage

Interstate 20 & Exit 101 Ramp (South Side)

2556.28 Feet of Frontage

Proposed Zoning: MCMUBP (Multi-County Mixed-Use Business Park)

Existing Zoning: A (Agricultural) & CH (Highway Commercial)

FLUM: I (Industrial) & PRC (Park/Recreation/Conservation)

Watershed: Little River

Parcel Size: 46.48 Acres

Tax Parcel: 133-6

Applicant's Intent: To develop approximately 350,000 square feet of commercial buildings on 46.48 acres at a density of 7,530.12 square feet per acre as a component of a larger multi-county mixed-use development.

Staff Comments:

1. Property to be incorporated into Stanton Springs Development.
2. 350,000 square-foot commercial building.

Motion: To approve REZ05014 located at Highway 278 and Interstate 20 (Exit Ramp 101) with the following conditions:

Petition should be MCMUBP (Multi-County Mixed-Use Business Park)

CONDITIONAL subject to the owner's agreement to the following enumerated conditions. 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. Uses in compliance with Section 285-020, 285-030 and 285-040 of the Newton County Zoning Ordinance.
2. To the owner's agreement to abide by the following:

- a. To the master plan received by the Department of Planning and Development on June 3, 2005. 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. Buffers shall be located outside of lots and be dedicated to **Newton** County, or its designee.
 - b. Transportation improvements to be approved by County Engineer.
 - c. Plantings for buffers to be approved by County Arborist.
 - d. Major changes from master plan referenced in condition 2.a. above to be approved in advance by Planning Director.
 - e. Storm Water plan to be reviewed and approved by County Engineer.

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

CUP05-006

Isaac Major

District Two

Location: 100 Eleanor Drive (East Side)

212.23 Feet of Frontage

Proposed Use: Homeless Shelter

Existing Zoning: R3 (Single Family Residential)

Watershed: Yellow River

Parcel Size: 1.34 Acres

Tax Parcel: 28A-28

Applicant's Intent: To allow a homeless shelter as an accessory use to an existing place of worship. (St. Matthew Missionary Baptist Church)

Planning Commission Recommendation: Denial Date: July 26, 2005

Staff Comments:

1. Petition to bring existing shelter into compliance.
2. Limit to three residents at any time.

Petitioner: Pastor Isaac Major

- Mission is to help people in the community.
- Never had any kind of trouble with anyone living at the shelter.
- Residents help out in neighborhood
- Have helped to better the area.

Opposition:

Joe Nichols

Alecia Charping

- Presented signature petition in opposition to shelter. (86 signatures)
- Presented copies of incident reports (2)

The board expressed appreciation to the minister for his desire to help the homeless.

Motion: To deny the Conditional Use Permit #05-006 for a homeless shelter.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson voting in opposition to the motion.

COUNTY CHECKS:

Motion: To approve the county checks as read and to verify the check numbers for E911.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Note: Clerk verified E911 check numbers and they should have read: 767-770.

STREETLIGHTS:

Sampson Creek Crossing

District One

Motion: To approve Streetlights for Sampson Creek Crossing located in District One.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Crabapple Ridge at North Woods
District Three

Motion: To approve Streetlights for Crabapple Ridge at Northwood's located in District Three.

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

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

Motion Carried

EXECUTIVE SESSION

Time: 9:10 p.m.

Motion: To enter Executive Session for the purpose of threatened litigation, personnel and land acquisition.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

REGULAR SESSION

Time: 9:25 p.m.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Administrative Assistant spoke briefly to the board regarding our COPS program and will continue to keep them updated.

ADJOURN

Time: 9:35 p.m.

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith
County Clerk