

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 20, 2006  
MINUTES**

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

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, Attorney Jenny Carter, Attorney James Griffin, Planning and Development Director Marian Eisenberg, Zoning Administrator Scott Sirotkin and Acting County Clerk Kellie Lundy.

**Newspapers:** Crystal Tatum, Newton Citizen  
Moderate group of citizens

Chairman Aaron Varner called the meeting together, extended a welcome and read the thought for the day. Pastor David Payne from the Church at Covington gave the invocation, and the Chairman lead the Pledge of Allegiance to our great flag.

**APPROVAL OF BOC MINUTES DATED JUNE 6, 2006**

Motion: To approve the minutes as written.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

**APPROVAL OF BOC SPECIAL CALLED MEETING MINUTES DATED JUNE 13, 2006**

Motion: To approve the minutes as written.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

**ADOPT MILLAGE RATE 2006: COUNTY M&O, HOSPITAL INDIGENT, EMS, STATE & FIRE DISTRICT**

- Presented to the Board by Administrative Officer John Middleton
  - County M&O – 9.730
  - Hospital Indigent – 1.200
  - EMS – 0.466
  - State – 0.250
  - Fire – 0.815

Motion: To approve the millage rate for 2006: County M&O 9.730, Hospital 1.200, EMS 0.466, State 0.250, and Fire 0.815.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

### **BUDGET RESOLUTION**

- Presented to the Board by Administrative Officer John Middleton.
- Commissioner Fleming commented that he did not support approval of the budget due to concerns about the compensation study.
- Commissioner Henderson commented that would not support the budget due to the exclusion of his district in funded projects.

Motion: To approve the Budget Resolution R-06-20-06.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion passed 3 to 2 with Commissioners Fleming and Henderson voting in opposition to the motion and Commissioners Ewing, Dimsdale, and Laster in favor.

- Commissioner Ewing commented that the Board and staff have been working on this budget for more than three (3) months. There is a limited amount of money to meet to the needs of the County and because of that all of the needs can not be met.

### **ILLICIT DISCHARGE AND ILLEGAL CONNECTION ORDINANCE**

- Presented to the Board by Jenny Carter from the County Attorney's office.

Motion: To approve the illicit discharge and illegal connection ordinance.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

### **IMPACT FEE RESOLUTION**

- Presented to the Board by Jenny Carter from the County Attorney's office.
- Due to the litigation with the Homebuilders Association of Georgia the County must specifically add churches to the impact fees.
- Commissioner Fleming commented that he thought it was a sad day when Churches had to be charged impact fees.
- Commissioner Henderson commented about adding Senior Services to impact fees.

Motion: To approve the Impact Fee Resolution R062006B.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried 4 to 1 with Commissioner Henderson voting in opposition to the motion.

## **STORMWATER TASK ORDER #7A – INTEGRATED SCIENCE & ENGINEERING**

- Presented to the Board by County Engineer Kevin Walter.
- Original estimate was to map 857 structures for \$30,000.
  - ISE has mapped 1001 structures and 65 detention ponds and expended the \$30,000 previously awarded.
- The density of the County was underestimated and there are almost three (3) times as many.
  - A remaining 1350 more structures need to be mapped at a cost of \$40,500.
- The deadline to have this mapping completed is December 9, 2006.
- Commissioner Fleming asked how the estimates were so far off.
  - The density of the western part of the county was underestimated.
- Commissioner Dimsdale asked about the detention pond costs \$11,700 and expressed concerns about the amount of additional money being asked for and would prefer to defer the approval until further discussion with consultant, etc in a possible work session.
  - The detention pond work will be done by Newton County staff and the Board is not being asked to approve the \$11,700.
- Commissioner Ewing asked about how much of the county is left to map.
  - @ 1/3 of the County, mostly on the western side.

Motion: To table the Stormwater Task Order #7A – Integrated Science & Engineering until a Work Session is held.

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried unanimously.

## **FOOD SERVICE CONTRACT – SENIOR SERVICES**

- Presented to the Board by Administrative Officer John Middleton.
  - A 2 % price adjustment.

Motion: To approve catered meals contract between Newton County Senior Services and GA Food Services, Inc. for fiscal year 2006-2007.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion carried unanimously.

## **FOOD SERVICE CONTRACT – DETENTION CENTER**

- Presented to the Board by Administrative Officer John Middleton.
  - Change to contract: paragraph 7, page 4 - amend contract price to \$1.70 per meal provided to Newton County jail, increase of \$0.05 per meal.

Motion: To approve modification #2 to the Newton County Jail Food Service contract between Newton County and Frank's Restaurant, Inc.

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried unanimously.

## **SIGNATURE COMMUNITY GRANT MOU**

- Presented to the Board by Administrative Officer John Middleton.
- Commissioner Dimsdale commented how this is an example of the State working together with the City and County governments to improve the community.

Motion: To approve the Signature Community Grant Memorandum of Understanding between the Newton County Board of Commissioners, in cooperation with the City of Covington, and the Georgia Department of Community Affairs.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

## **GEORGIA SOIL AND WATER CONSERVATION COMMISSION AGREEMENT**

- Presented to the Board by Administrative Officer John Middleton.
  - Only difference from prior years is this position is solely for the County and will not be a shared position with the City of Covington, who has contracted theirs out.

Motion: To approve agreement # NC-480-07-1000 between the Newton County Board of Commissioners and the Georgia Soil and Water Conservation Commission

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried unanimously.

## **ZONINGS**

Chairman Varner noted that each side would have ten (10) minutes to present their issues, and it would not include board discussion.

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

### **REZ06-009**

JNS Properties, LLC

Existing FLUM: C (Commercial)

Existing Zoning: R3 (Single-Family Residential)

Proposed Zoning: CN (Neighborhood Commercial)

Location: Salem Road (West Side)

354.86 Feet of Frontage

Location: Old Concord Drive (North Side)

346.5 Feet of Frontage

Ivy Drive (East Side)

238.0 Feet of Frontage

Parcel Size: 2.4 Acres

Tax Parcel: 12A-80, 81, 82, 83, 84

District Three

Motion: To approve the withdrawal request of REZ06-009 by petitioner.

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

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

### **RESOLUTION FOR MAP CORRECTION**

M&P 112-9, 15

This is a public hearing on this issue.

Opposition: None

Motion: To approve resolution for map correction on M&P 112-9 and 112-15.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

### **RESOLUTION FOR MAP CORRECTION**

M&P 7A-17

Opposition: None

Motion: To approve resolution for map correction on M&P 7A-17.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

### **ADOPTION OF STANDARDS FOR CONSTRUCTION AND DESIGN**

- Newton County Water and Sewage Authority Mike Hopkins spoke in favor and thanked Ms. Eisenberg for including them in the process.

Opposition: None

Motion: To approve the adoption of standards for construction and design.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

### **PROPOSED AMENDMENTS TO ZONING ORDINANCE**

Opposition: None

Motion: To approve the proposed amendments to zoning ordinance.

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

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

Motion carried unanimously.

- Commissioner Dimsdale thanked staff for addressing these issues quickly.

**FLU06-003**

**REZ06-010**

F&S Development, Inc.

Existing FLUM: LDR (Low-Density Residential)

Proposed FLUM: PI (Public/Institutional)

Existing Zoning: R1 (Single Family Residential)

Proposed Zoning: OI (Office-Institutional)

Location: Heritage Pointe Drive (East Side)

281.72 Feet of Frontage

Location: Smith Store Road (Northwest Side)

594.35 Feet of Frontage

Parcel Size: 9.8 Acres

Tax Parcel: 15D-47

District Two

- Petitioner Representative Frank Turner, Jr. presented this to the Board
  - Daycare center
  - 200-250 children capacity under state law
  - @ one (1) acre of play area
- Chairman asked about the pond that was near to the property and any safety issues with the children.
  - The pond has been drained and poses no safety threat.

Opposition: None

Motion: To approve FLU06-003 land use change from LDR (Low-Density Residential) to PI (Public/Institutional).

Proposed by: Commissioner Ronnie Dimsdale., District Two

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

Motion: To approve REZ06-010 rezoning change from R1 (Single Family Residential) to OI (Office-Institutional) with the following conditions as read by Ms. Eisenberg.

Proposed by: Commissioner Ronnie Dimsdale., District Two

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

If this petition is approved by the Board of Commissioners, it should be approved OI (Office Institutional) 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. Office/institutional and accessory uses at a maximum density of 1,769.9 square feet of gross floor area per acre zoned or a total gross floor area of 10,000 square feet, whichever is less.
  - b. Use shall be limited to a day care facility.
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 27, 2006. 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. Stormwater plan to be reviewed and approved by County Engineer.
  - b. Provide downcast lighting.
  - c. Convert the cul-de-sac on Heritage Pointe Drive to a three-way stop with a divided entry/exit for the day care.
  - d. Ground signs shall be limited to one sign of 16 square feet at a height of 6 feet with a setback of 10 feet.

**REZ06-011**

**CUP06-003**

Resource Piedmont, Inc.

Existing FLUM: DN (Development Node)

Existing Zoning: R3 (Single Family Residential)

Proposed Zoning: R1 (Single Family Residential)

Location: Almon Road (South Side)

147.96 Feet of Frontage

Parcel Size: 0.382 Acres

Tax Parcel: 24A-48

District Three

- Petitioner Representative: Attorney Jimmy Alexander

Opposition: None

Motion: To approve CUP06-003.

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

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

Motion carried unanimously

Motion: To approve REZ06-001 rezoning change from R3 (Single Family Residential) to R1 (Single Family Residential) with the following conditions as read by Commissioner Fleming.

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

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

Motion carried unanimously.

If this petition is approved by the Board of Commissioners, it should be approved R1 (Single-Family Residential) with a Conditional Use Permit for a Professional Office 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. Professional office in existing structure or single family detached dwelling and accessory uses and structures.
  - b. No expansion of the existing structure to be allowed. No renovations to the outside of the structure other than normal maintenance.
  - c. No more than 3 employees for professional office.
  - d. Hours of operation to be between 8:00am and 5:00pm.
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 April 6, 2006. 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. Stormwater plan to be reviewed and approved by County Engineer, as applicable.
- b. Provide a 15-foot undisturbed buffer or 15-foot planted buffer to provide screening along the south property line, subject to the approval of the County Arborist.
- c. Ground signs shall be limited to one sign of 12 square feet at a height of 4 feet with a setback of 10 feet.
- d. No outdoor storage of materials and no parking of construction or oversized vehicles (including tractors) to be allowed, subject to the approval of the Director.

**FLU06-004**

**REZ06-012**

I-20 East, Inc.

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

Proposed FLUM: LDR (Low-Density Residential)

Existing Zoning: AR (Agricultural Residential)

Proposed Zoning: R1 (Single Family Residential)

Location: On the Newton/Rockdale County Line in the vicinity of Griffin Mountain Trail  
0.0 Feet of Frontage in Newton County (Access through a subdivision in Rockdale County)

Parcel Size: 27.25 Acres

Tax Parcel: 23-1

District Three

- Petitioner Representative: Den Webb
  - 37 homes at 1.4 units per acre.
  - Sewer through Rockdale County
- Spoke in favor:
  - M.A Turner
    - Not completely happy but feels this is the best deal
- Opposition:
  - Rick Henderson
    - Has an issue with the Developer abiding by rules and living up to promises.
  - Bryan Echols
    - Concerns with the water run-off and possible flooding of existing homes in adjacent properties
- Commissioner Fleming feels this development would complement the area.

Motion: To approve FLU06-004 land use change from A (Agricultural), PRC (Parks/Recreation/Conservation), LDR (Low-Density Residential) to LDR (Low-Density Residential).

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

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

Motion failed 3 to 2 with Commissioners Ewing, Dimsdale, and Laster voting in opposition to the motion and Commissioners Fleming and Henderson in favor.

Motion: To approve REZ06-012 rezoning change from AR (Agriculture Residential) to R1 (Single Family Residential) with the conditions as read by Ms. Eisenberg.

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

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

Motion failed 3 to 2 with Commissioners Ewing, Dimsdale, and Laster voting in opposition to the motion and Commissioners Fleming and Henderson in favor.

- Commissioner Fleming commented that he is dismayed that it failed. He feels that it is a good development.
- Commissioner Henderson asked if the conditions stated are the usual conditions developers are asked to comply with.
  - Ms. Eisenberg replied yes.

Motion: To deny the petition for FLU06-004 and REZ06-012.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion passed 3 to 2 with Commissioners Fleming and Henderson voting in opposition to the motion and Commissioners Ewing, Dimsdale, and Laster in favor.

### **REZ06-013**

Judson L. Greer

Existing FLUM: RR (Rural Residential)

Existing Zoning: A (Agricultural)

Proposed Zoning: RE (Rural Estate)

Location: Deep Step Road (East Side)

1,286.78 Feet of Frontage

Parcel Size: 10.088 Acres

Tax Parcel: 99-6

District One

- Petitioner – Judson Greer
  - Split up into 2 or greater acres and selling it.
- Opposition:
  - Curtis Coats (120 Deep Step Rd)
    - Not speaking against but has concerns over creek and wants it addressed.
    - Mr. Greer responded that he was unaware of any such conditions
    - Commissioner Ewing asked Staff to look into the creek problem and consult with Mr. Coats.

Motion: To approve REZ06-013 rezoning change from A (Agricultural) to RE (Rural Estate) with the following conditions as read by Commissioner Ewing.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Residential) 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. Single family detached dwellings and accessory uses and structures.
  - b. The minimum lot size shall be 2.0 acres.
  - c. No more than 5 total dwelling units, at a maximum density of 0.496 dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be 2,200\_\_ square feet.
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 April 7, 2006. 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. Stormwater plan to be reviewed and approved by County Engineer.
  - b. Homes shall be four-sided brick.

**REZ06-014**

Kenneth D. Brown

Existing FLUM: DN (Development Node)

Existing Zoning: R3 (Single-Family Residential)

Proposed Zoning: CH (Highway Commercial)

Location: Salem Road (East Side)

100.0 Feet of Frontage

Location: Brown Bridge Road (East Side)  
200.0 Feet of Frontage  
Parcel Size: 1.292 Acres  
Tax Parcel: 13-119A, 121  
District Two

- Commissioner Dimsdale excuses himself from the Boardroom and abstains from this petition.
- Petitioner is asking for a 1 month delay.
- Property owner Emanuel Smith asked for a 2 month delay. He has been out of town and wants time to review.

Motion: To table REZ06-014 until August 15, 2006 BOC meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion 4 to 0 with Commissioner Dimsdale abstaining.

### **APP06-002**

Karen T. Jenkins

Location: 255 Trelawney Circle

Parcel Size: 0.43 Acres

Tax Parcel: 27D-180

District Three

- Applicant Karen Jenkins presented her case to the Board:
  - Presented petition signed by neighbors stating no objection to the truck.
  - Owned own business for @ 5 years
  - Lived in Trelawney for @ 1.5 years
  - Covenant does not define “commercial vehicle”
  - Stated problems with trying to store truck in past.
  - Only parked on weekends, holidays, and vacation at home.
- In Favor:
  - Vernon Hughes, neighbor
  - Elsie Estevez, neighbor
    - Truck is only there on weekends
    - Uses it to make a living
    - Maybe a compromise can be made to allow some of the vehicles to be kept at home.
    - Not an eyesore
    - Not obstructing traffic in neighborhood
    - No safety hazard
- Opposition:
  - Fran Collier, President of Homeowners’ Association
  - Ernestine Silverman, neighbor
  - Linda Whitfield, neighbor

- Louis Alston, neighbor
- Rich Deleva, neighbor
  - Against county ordinance
  - Eyesore
  - Wear and tear on roads
  - Safety concerns

Motion: To deny APP06-002.

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

Second by: Commissioner Monty Laster, District Five

Motion carried 4 to 0 with Commissioner Henderson abstaining.

### **STREETLIGHTS**

Neely Manor Subdivision

District Three

Motion: To approve the streetlights for Neely Manor Subdivision located in District Three.

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

Second by: Commissioner Mort Ewing, District One

Motion carried unanimously.

### **ALCOHOL LICENSE**

NONE

### **COUNTY CHECKS**

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

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion carried unanimously.

### **CITIZEN COMMENTS/COMMISSIONER'S COMMENTS**

None.

### **EXECUTIVE SESSION**

None.

### **AJOURN**

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

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

Motion carried unanimously.

Respectfully submitted,

Kellie L. Lundy  
Acting County Clerk