

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
June 21, 2005
MINUTES**

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, County Attorney Tommy Craig, Attorney Scott Cole, and Clerk Jackie Smith

Chairman Varner extended a welcome to all present and read the thought for the day. Newton County House of Representative Doug Holt gave the invocation and the chairman led the Pledge of Allegiance.

Chairman Varner announced the Public Hearing regarding Financing for the Administration Building. He asked for any comments or questions from the audience. There were no questions or comments. The chairman also noted that the final hearing for the FY2206 Budget was held prior to this meeting at 6:30 p.m.

APPROVAL OF BOC MINUTES DATED JUNE 7, 2005

Motion: To approve the Minutes dated June 7, 2005 as written.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried Unanimously

APPROVAL OF BOC A.M. PH MINUTES DATED JUNE 14, 2005

Motion: To approve the A.M. Public Hearing Minutes dated June 14, 2005 as written.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried Unanimously

APPROVAL OF BOC MTG./P.M. PH MINUTES DATED JUNE 14, 2005

Motion: To approve the P.M. Public Hearing and BOC Minutes dated June 14, 2005 as written.
Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner Monty Laster, District Five
Motion Carried Unanimously

FY2006 MILLAGE RATE APPROVAL

Administrative Assistant John Middleton read the proposed millage rate as follows:

County M&O	9.730	
Hospital Indigent Fund	1.200	
Emergency Medical Services	0.478	
State of Georgia	0.250	
Total Millage:		11.658
Newton County Fire Services	0.831	

Chairman opened up the meeting for questions and comments, however there were none.

Motion: To adopt the 2006 Millage Rate of 9.730 for Newton County Maintenance and Operations as read by Mr. Middleton.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

R062105a FY2006 BUDGET ADOPTION

Administrative Assistant John Middleton read the Press Release, Notice of Property Tax Increase, Public Notice re Hospital Indigent Care. He noted the FY2006 Budget is \$42,149,612.00.

The chairman opened the floor for questions and comments, however there were none.

Motion: To approve Resolution R062105a FY2006 Budget for Newton County in the amount of \$42,149,612.00 as read by Mr. Middleton.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

RESOLUTION 062105 GENERAL OBLIGATION BOND

Jamie Wilson from Merchant Capital appeared before the board to discuss and request approval of the Newton County General Obligation Bonds. Mr. Wilson noted the following:

- GO Bonds are for 2005 SPLOST that voters approved on March 15, 2005
- Already sold 90% of bonds
- Rate will not exceed 5.5%
- Finalize sale of bonds tomorrow
- Will appear before board at July 5th meeting to approve rate.

Motion: To approve Resolution 062105 General Obligation Bonds for Newton County. as presented by Jamie Wilson/Merchant Capital.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

RFP #04-09 LAND USE PLAN PROPOSAL FEE ADJUSTMENT

Administrative Assistant John Middleton apprised the board of the following:

- JJ&G was approved on 12/21/04 with a not to exceed amount of \$124,500.00.
- Later decided to include transportation portion from Kimley Horn into the contract JJ&G.
- State changed standards
- P& D requested additional community meetings
- All of the above added up to an increase in the fee

Motion: To approve RFP#04-09 Land Use Plan Proposal Fee Adjustment amending the amount from \$124,500 to a new not to exceed amount of \$199,600.00.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

PURCHASE OF TRACTOR FOR PUBLIC WORKS DEPARTMENT

Chairman Varner apprised the board of the need of a new tractor for Public Works, noting that it will replace one that cuts the county right-of-way. Received three bids and recommended the McCormick C80 with a low bid of \$22,875.00 from Hays Tractor & Equipment in Mansfield, Georgia.

Motion: To approve the purchase of a McCormick C80 Tractor from Hays Tractor & Equipment in Mansfield, GA for an amount not to exceed \$22,875.00.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

ZONINGS:

Chairman Varner noted the following:

Public Hearing Procedure for Rezoning, Future Land Use Map Amendments & Conditional Use Permits

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes is allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by commission members. Additional discussion may be held should the chairman be called upon to break a tie vote.

Speaker Cards: Cards are available on the information table. Should you desire to address the board regarding a Rezoning, Future Land Use Map Amendment, or a Conditional Use Permit, please complete the card and give to the clerk at the beginning of the meeting. Thank you for your kind cooperation in this matter.

Zoning Director Marian Eisenberg presented the following zoning requests:

Ms. Eisenberg noted the first zoning is actually old business that was tabled from the May 17th meeting.

REZ05-002 - FLU05-008

DEHU Properties

Cook Road (East & West Side): 1800 Feet of Frontage

Sockwell Road (North Side): 250 Feet of Frontage

Sockwell Road (South Side): 270 Feet of Frontage

AR (Agricultural Residential) to CG (General Commercial)

FLUM: A (Agricultural), LDR (Low Density Residential) and DN (Development Node)

to C (Commercial)

Parcel Size: 12.47 Acres

Tax Parcel: 41-007, 41-007E, F, G, H

Applicant's Intent: To develop 100,000 square feet of commercial on 12.41 acres at a density of 8,058.02 square feet per acre.

Planning Commission Recommendation: Denial

District Three & Four

Petitioner's Representative: Attorney Jimmy Alexander

- Met with Homeowners Committee
- Same committee worked on this with them that worked on the development
- They received input from people in the community.
- Hired architect that met with Homeowners Committee.
- Provided an Exclusive List for board's consideration
- Support from Homeowners Committee

Commissioner Henderson

- Questioned the type of lighting to be installed at commercial buildings?
- Mr. Alexander noted the lighting will be downcast and will add that as a condition.
- Requested that Tattoo Parlors be added to Exclusion List.
- Thinks this is a beautiful artist drawing and will be an asset to community.

Commissioner Fleming

- Noted this was a good project
- Expressed appreciation to Homeowner's Committee for hard work.
- Expressed appreciation for developer working with group.
- Appreciates the extension of Sockwell Road
- Feels it is best zoning for area
- When making the motion Commissioner Fleming read aloud the conditions for the record.

No opposition

Motion: To approve amending the Future Land Use Map from A (Agricultural), LDR (Low Density Residential) and DN (Development Node) to C (Commercial) as requested.

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

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

Motion Carried with Commissioner Laster in favor of motion and Commissioners' Ewing and Dimsdale in opposition to motion.

Motion: To approve REZ05-002 from AR (Agricultural Residential) to CG (General Commercial) with the following conditions:

Note: 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 7,252.22 gross square feet per acre zoned or a total of 90,000 square feet, whichever is less.
 - b. The following uses shall not be allowed:
 1. Amphitheaters, Stadiums
 2. Animal Hospitals, Vet Clinics
 3. Auto Repair, Auto Sales
 4. Bar, Night Club
 5. Auto Service Station
 6. Campground, RV Park
 7. Private Club, Order, Lodge
 8. Electric, petroleum, or gas substation
 9. Flea Market
 10. Funeral Home
 11. Hospital
 12. Manufactured Home Sales, Rental, Repair
 13. Kennel
 14. Manufactured Home Display
 15. Personal Care Home
 16. Produce Stands
 17. Farm Equipment Sales
 18. Dry Cleaning, Institutional
 19. Light Manufacturing
 20. Commercial Outdoor Recreational Facilities
 21. Place of Worship
 22. Private Recreation Center or Club
 23. Temporary Religious Meeting

24. Sawmill, Planing Mill
25. Mini-Warehouses
26. Liquor Stores
27. Tattoo Parlors

2. To the owner's agreement to abide by the following:

a. To the site plan and renderings received by the Department of Planning and Development on June 21, 2005. Said site plan and renderings are 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. Buildings must be placed close to the road with parking located in the rear.
- b. Landscaping and hardscape structures along Cook and Sockwell Roads shall be aesthetically consistent with residential development in the area. Plantings and specifications are subject to the approval of the County Arborist.
- c. Provide left turn lanes at each project entrance, subject to the approval of the Engineer.
- d. No more than one convenience store or gasoline sales facility will be permitted. Convenience store canopy and fuel islands must be located in the rear of the building.
- e. A 55-foot planted buffer with privacy fence shall be maintained along all property lines where adjacent to residential uses. Plantings subject to the approval of the county Arborist.
- f. A cross-easement shall be provided for inter-connectivity between parcels.
- g. Development will be restricted (generally) to the site plan referenced in condition 2.a. above and will adhere in general to the submitted architectural renderings referenced in condition 2.a. above. Major variations from the submitted site plan (as defined by the Planning Director) must be approved in advance as a modification to the zoning conditions by the Board of Commissioners.
- h. All building exteriors will be masonry or masonry stucco.
- i. All buildings will utilize parking in the rear (away from Cook and Sockwell Roads) of the buildings.
- j. Parking lot trees will be provided at least to the extent shown in the renderings referenced in condition 2.a. above, subject to the approval of the County Arborist.
- k. Provide downcast/pedestrian lighting along facades and in parking areas.
- l. Facades facing Cook and Sockwell Roads shall maintain a "front entrance" appearance even though the actual entrance will be through the rear from the parking area.

- m. All elevations and renderings shall be approved by the Planning Director prior to the issuance of any building permits.

Proposed by: Commissioner Ester Fleming, Jr., District Three
Second by: Commissioner J.C. Henderson, District Four
Motion Carried with Commissioner Laster in favor of motion and Commissioners' Ewing and Dimsdale in opposition to motion.

MOD05-004

John Dearing & Sam B. Hay, Jr.
Covington Bypass (South Side): 1215.76 Feet of Frontage
PUD (Planned Unit Development) approved December 6, 1988 to Modification of the Approved Site Plan.
Parcel Size: 13.407 Acres
Tax Parcel: 82-49A
Applicant's Intent: To modify the site plan to change a pod designated for a multi-family to single-family.
Planning Commission Recommendation: Approval
District Five

Petitioner: Sam B. Hay & John Dearing

The gentlemen addressed the board requesting the change and noted the following:

- First zoned in 1988
- Requesting a down zoning for single family

No Opposition
No questions or comments

Motion: To uphold the recommendation of the Planning Commission and approve MOD05-004 zoning condition as modified.

Condition As Modified

The Master Plan described as Exhibit C, part of the Covington Plantation Planned Unit development. The subject parcel is located south of Covington Bypass and west of the railroad tracts and Dearing Street. Designation: Planned Single-Family.

Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

REZ05-010 – FLU05-018

Joe L. Marks Marital Trust/Bradford Marks, Trustee
Elks Club Road (Northeast Side): 905. Feet of Frontage
A (Agricultural) & RE (Rural Estate) to AR (Agricultural Residential)
FLUM: A (Agriculture) to RR (Rural Residential)
Watershed: Bear Creek

Tax Parcel: 145.38 Acres

Tax Parcel: 116-16G, 16H

Applicant's Intent: To develop an 80-lot* residential open space conservation subdivision on 145.38 acres for a density of 0.55 lots per acre.

Planning Commission Recommendation: Approval w/conditions
District One

Petitioner Representative: Attorney Jimmy Alexander

- Site plan includes 27 lot subdivision around it – Elks Club Road
- Trying to take two subdivisions and make one with 2 exits
- Will not exceed 80 lots
- Housing Cost: \$300,000 to \$350,000 range
- All conditions are acceptable

No Opposition, however Jerry Silvio did address the board with the following concerns:

- Representing Lochwald Homeowners Association
- Traffic Concerns
- Intersection at Hwy. 278 & Elks Club Road is already in need of a traffic light.
- Does not oppose subdivision, but would like something done about the traffic.

Motion: To approve the request to amend the Future Land Use Map from A (Agricultural) to RR (Rural Residential) as requested.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Motion: To uphold the Planning Commissions recommendation and approve REZ05-010 with the following conditions:

Note: 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 43,560 square feet.
 - c. No more than 80 total dwelling units, at a maximum density of 0.55 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 2,300 square feet.
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 April 1, 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 100-foot undisturbed buffers along Elks Club Road and 50-foot undisturbed buffers along the southern and eastern property lines. Said buffers shall be undisturbed and replanted where sparsely vegetated. Plantings and specifications subject to the approval of the Newton County Arborist.
 - b. Provide a 25-foot undisturbed buffer along the north property line, except where the property is contiguous with Mount Moriah Estates Subdivision.
 - c. Buffers shall be located outside of lots and be dedicated to Newton County, or its designee.
 - d. Provide a left-turn lane and a deceleration lane at the proposed entrance. Dedicate at no cost to Newton County enough right-of-way to contain road improvements and the necessary shoulder.
 - e. No less than 50% of the homes shall be four-sided brick. The remaining homes may be brick, stone, masonry stucco or hardiplank. No vinyl siding permitted.
 - f. Minimum two-car attached garages.
 - g. Provide a divided entrance to Elks Club Road

Proposed by: Commissioner Mort Ewing, District One
Second by: Commissioner J.C. Henderson, District Four
Motion Carried Unanimously

NOTE: The Board of Commissioners amended these minutes on June 21, 2005 to read as follows: See June 21, 2005 Minutes for approval.

1. To the owner's agreement to restrict the use of the subject property as follows:

- c. **No more than 72 total dwelling units, at a maximum density of 0.50 dwelling units per acre, whichever is less based on the total acreage zoned. (Jackie Smith, Clerk)**

COUNTY CHECKS:

Motion: To approve the county checks as read.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

EXECUTIVE SESSION

Time: 8:10 P.M.

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

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

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

REGULAR SESSION

Time: 8:30 P.M.

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

ADJOURN

Time: 8:30 P.M.

Motion: To adjourn.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

Respectfully Submitted,

Jackie B. Smith, County Clerk