

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
March 15, 2005
MINUTES**

Newton County Courthouse
Covington, Georgia
Chairman Aaron Varner, Presiding

Present: Chairman Varner, Commissioners' Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; Administrative Assistant John Middleton, County Attorney Tommy Craig and Scott Cole; Clerk Jackie Smith
Note: Commissioner Mort Ewing was out of town for his son's wedding.

Also Present: Will Whitehorn (Covington News)
Crystal Tatum (Newton Citizen)

Chairman Varner called the meeting to order, welcomed everyone present and read the thought for the day. Rev. David Payne from the Church of Covington gave the invocation. Chairman Varner expressed thanks on behalf of himself and the board for Rev. Payne's prayer and the positive influence he and his congregation have on Newton County.

APPROVAL OF BOC MINUTES DATED MARCH 1, 2005

Motion: To approve the minutes dated March 1, 2005 as written.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner J.C. Henderson, District Four
Motion Carried

APPROVAL OF BOC SCM MINUTES DATED MARCH 3, 2005

Motion: To approve the minutes dated March 3, 2005 as written.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Monty Laster, District Five
Motion Carried

CHAMBER OF COMMERCE UPDATE

Scott Morris appeared before the board and provided a Chamber Update.

- Since December Chamber has received 25 inquiries from prospective businesses interested in Newton County.
- Chamber involved with a broad range of projects.
- Continues to work on economic developing keeping name and face before the state.
- Red Carpet Tour on April 8
- Tourism groups: (since December) 4400 visitors from 21 states and Canada
- Development Projects already here, i.e. movies – suggest long term exhibits, museum
- New legislative put in place that will allow more money for movies/films in Georgia.
- Good market for movies, i.e. old plantation homes, lakes, streams, trails, Gaither Plantation.

- Small Business Education Seminar
- Chamber provides help and support to small businesses.
- 80% of jobs come from businesses already located here.
- 20% comes from new business/industry.
- Over 17,000 people leave the county each day to go to work elsewhere.
- 12,000 of the 17,000 drive 30-45 minutes one way each day.
- Over 8000 people come into Newton County each day to work.
- Chamber feels positive about HB22
- Applauds board for work with Georgia Perimeter College
- Expressed concerns about congressional redistricting

The board expressed appreciation for the update and the efforts of the Newton County Chamber of Commerce.

RFP#05-17 FIRE STATION #1, BUILDING REPAIR

Purchasing Director Tina McDonald appeared before the board and noted the following:

- Request funding to make repairs at Station #1
- Due to water leakage
- Received RFP's
- Walk through with each company
- Provided photos of damages
- Sunbelt Builders gave a more comprehensive approach to addressing mold remediation.
- Has experience with mold remediation.
- Scope of work included demolition, new drywall, painting, floor covering, EIFS Exterior Finish, Mold Remediation, Exterior Office End Drainage, Roof Inspection/Repairs, Wall Trim, Dumpster, Temporary Toilet, Job Supervision, Insurance
- Sunbelt received the highest rating points (435 of possible 500)
- Grayco received 380 points
- Henry County Electric received 196 points

Motion: To award RFP#05-17 Fire Station #1, Building Repair to Sunbelt Builders, Inc. for an amount not to exceed \$57,758.00.

Proposed by: Commissioner Ester Fleming, Jr. District Three

Second by: Commissioner Monty Laster, District Five

Motion Carried

RESOLUTION 031505 CDBG GRANT – COUSIN'S GYM

Chairman Varner addressed the board regarding this resolution.

- Housekeeping item required by the state to make a grant application

Motion: To approve resolution R031505 CDBG Grant application for the Cousin's Gym.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

Note: The original resolution is contained in file number R031505, incorporated herein by reference and expressly made a part of these minutes.

IMPACT FEE INTERGOVERNMENTAL AGREEMENT WITH MUNICIPALITIES

Attorney Scott Cole addressed the board regarding the agreement and noted the following:

- Agreement provides for municipalities to collect impact fees.
- City of Covington approved the agreement authorizing the mayor to enter into the agreement; however they would like to be able to terminate agreement (if they so choose to do so) after 12 months.
- Met with City Attorney Ed Crudup regarding request and we have changed agreement to read agreement can be terminated after 12 months.
- Covington will vote on amendment at their meeting on Monday night.
- County Attorney Craig stated it should be amended in accordance with Covington's concern. Also authorize chairman to reach same agreement with other municipalities.

Motion: To ratify the agreement with the City of Covington and authorize the chairman to execute the same contract with the City of Mansfield, City of Newborn, City of Oxford, and the City of Porterdale.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

ZONINGS

Chairman Varner noted the following procedure:

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

The applicant and those in favor of the petition are allotted 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 a bailiff at the beginning of the meeting.

Planning Director Marian Eisenberg to presented the following zoning requests.

ZONINGS:

FLU04-051

REZ04-053

HUBERT WHITE

Georgia Highway 81 North (West Side): 670 Feet of Frontage

Georgia Highway 142 North (East Side): 667 Feet of Frontage

Current FLUM: Low Density Residential

Proposed FLUM: Commercial

Current Zoning: R1 (Single Family Residential)

Proposed Zoning: CH (Highway Commercial)

Parcel Size: 2.4 Acres

Tax Parcel: 59-11

Applicant's Intent: To construct a convenience store

District Five

Planning Commission Recommendation: Denial (09/28/04)

BOC Action: Deferral (11/16/04)

BOC Action: Deferral and remanded to the Planning Commission at the request of the applicant. (12/21/04)

Planning Commission Recommendation: Denial (02/22/05)

Petitioner: Geoff Griffin

Discussed the following points for the board's consideration.

1. This intersection of two state routes seems a most appropriate place for commercial zoning.
2. The staff recommendation has been for approval since this location is logical for commercial.
3. The high cost of the property dictates a "maximum use" approach to the design of the site.
4. There is currently commercial zoning across the street.
5. We agree with the commissions concern regarding site distance and traffic safety, we would however, respectfully request that the restrictions on signage be worded to allow for signage equivalent to the standards allowed for the zoning and similar to that which exists across the street at North Fork provided that the signage is placed at a location on the site, approved by the Planning Department which would create no visual barrier or related traffic hazard.
6. We would also respectfully request that we be allowed to put as much of our required septic system as will fit into that area of the buffer which makes up the difference between the originally requested 55' buffer and the required 75' buffer.

Discussion:

Commissioner Laster

- Asked for clarification on point #6...will it work and is it a reasonable request?
Yes (M. Eisenberg)
- Signage? Visibility problem? **Signage must be approved by the Planning & Development Department.**

Chairman Varner

- Approximate timetable to have fence installed.
- Mr. Griffin said prior to construction.

No opposition.

FLU04-051

Motion: To amend the Future Land Use Map from LDR to Commercial as requested.

Proposed by: Commissioner Monty Laster, District Five

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

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

REZ04-053

Motion: To approve rezoning request REZ04-053 with the following conditions:

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall superseded 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 2,500 gross square feet per acre zoned or a total of 6,000 square feet, whichever is less.
 - b. The following uses are prohibited:
 1. Campground, recreation vehicle park
 2. Flea Market
 3. Funeral Home
 4. Modular, manufactured unit
 5. Pawn Shop
 6. Temporary commercial use
 7. Produce Stand
 8. Auto Wash, other than an accessory single bay, automatic
 9. Bus Terminal
 10. Sawmill, Planing Mill
 11. Mini-Warehouses
 12. Drive-In Theater
 13. Indoor Skating Rink
 14. Parking Garage
 15. Building Supplies
 16. Electric, petroleum, gas substation
 17. Commercial outdoor recreational facility
 18. Tattoo-Personal Services
 19. Massage Parlors
 20. Any sexually explicit business to include bookstores and video/DVD rental.
 21. Billboards

- c. Limit the height of the building (s) to no more than 1 story.
 2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Department of Planning and Development. 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 comply with the following development standards:
 - a. Provide downward lighting, subject to the approval of the Director.
 - b. Provide a 75-foot buffer with an eight-foot fence along the south property line. No administrative reduction allowed.
 4. Landscape within buffer to be approved by the County Arborist.
 5. Signage approved by the Planning & Development Department
 6. 75-foot buffer (55-foot shall be undisturbed) with a minimum of 20 feet to be approved for septic request.
 7. The fence must be installed prior to receiving a certificate of occupancy (c.o.)
- Proposed by: Commissioner Monty Laster, District Five
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried with Commissioner Dimsdale voting in opposition to the motion.

REZ04-58

JIM YORK/CHEYENNE PROPERTIES

Georgia Highway 20 (East Side): 800 Feet of Frontage
AR (Agricultural Residential) to R-1 (Single Family Residential)
Parcel Size: 39.99 Acres
Tax Parcel: 1-24
Applicant's Intent: To develop a 28-lot subdivision
District Two

Note: Court Reporter Barbara Wilcox was on hand to transcribe the zoning at the request of Attorney Paul Rosenthal.

A copy of Ms. Wilcox's transcript is made part of these minutes.

Motion: To deny request REZ04-058.
Proposed by: Commissioner Ronnie Dimsdale, District Two
Second by: Commissioner Ester Fleming, Jr., District Three
Motion Carried

REZ04-054

FLU04-052 (formerly 04-029)

Patrick & Associates

McGiboney Lane (East Side): 50 Feet of Frontage

Current FLUM: Low Density Residential (46 acres) & Agricultural (32 Acres)

Proposed FLUM: Low Density Residential

Current Zoning: AR (Agricultural Residential) and R-2 (Single Family Residential)

Proposed Zoning: R-1 (Single Family Residential)

Parcel Size: 78.68 Acres

Tax Parcel: 13-66 and Part of 13-1

Applicant's Intent: To develop a 98-lot subdivision.

District Two

Planning Commission Recommendation: Denial (9/28/04)

BOC Action: Remanded by to the Planning Commission (10/19/04)

Planning Commission Recommendation: Deferred to allow time to look into issue of water pressure in the area. (11/23/04)

Planning Commission Recommendation: Deferred to allow time to look into issue of water pressure in the area. (01/25/05)

Note: Staff recommends the Planning Commission take action and should additional time be needed for the applicant the Board of Commissioners may defer.

Planning Commission Recommendation: Approval, conditioned to staff's recommendations and fire department approval. (02/22/05)

Petitioner Representative: Mark Walton of Patrick & Associates

- Also added traffic calming devices.
- No opposition

FLU04-052 (FORMERLY 04-029)

Motion: To approve FLU04-052 (formerly 04-029) as requested.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

REZ 04-054

Motion: To approve REZ 04-054 as requested with the following conditions.

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 superseded 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 25,500 square feet.
 - c. No more than 98 total dwelling units on the subject property and the property to the north, as depicted on the site plan referenced in Condition 2.a.

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 October 29, 2004. 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 the following development standards.
 - a. All residences shall have three sided brick, stone, masonry or stucco.
 - b. Residences shall have a minimum square footage of 2,000 square feet.
 - c. Streets shall have sidewalks on both sides.
 - d. Four (4) ease-a-bouts to calm traffic to be approved by the County Engineer and the Director.
 - e. Developer will install streetlights.
 - f. Development shall include an amenities area with a pavilion and parking area with a minimum of 10 spaces. The pavilion will have a minimum size of 30 feet by 30 feet. The Department on October 12, 2004 received revised site/conceptual plan for this area. It is a 1.44-acre tract between lots 3 and 4 on the site plan.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

REZ04-060

CUP05-022

FLU04-055

TIMBERSOUTH PROPERTIES

Salem Road (East Side): 1,271.82 Feet of Frontage

Kirkland Road (South Side): 2,086.43 Feet of Frontage

Current FLUM: Development Node, Agricultural, Medium to High Density Residential, and Commercial

Proposed FLUM: Development Node

Current Zoning: R-2 (Single Family Residential) & CH (Highway Commercial)

Proposed Zoning: CORD-PRC R3 (Planned Residential-Commercial Development)

Parcel Size: 134,19 Acres

Tax Parcel: 13-46, 48, 49, 133, 137, 173

Applicant's Intent: To develop a planned residential-commercial development.

District Three

Planning Commission Recommendation: Denial (02/22/05)

Petitioner Representative: Attorney Jimmy Alexander

- Provided handouts (made part of these minutes)
- One of the best designs seen, lots of effort and development went into this proposed project.

- Began working on this in September.
- Traffic Study by URS.
- Study shows very little impact on Salem Road
- 135 acre tract
- Conversation with developer today and he has agreed to limit the residential development to 292 lots.
- Bike paths
- Sidewalks
- 6 foot landscape berm will separate the Kroger Store from the residential area
- Traffic calming all the way through project.
- Will be located in an area with every type of zoning.
- Upscale Project
- Developer will be divided into 3-5 neighborhoods
- Tot Lots
- Nice Commercial Development
- Similar to what is at Lake Oconee
- People will be allowed to shop without having to enter Kirkland Road traffic.
- Great economic impact for county.
- 5 year build out
- Kroger: \$500,000-\$700,000 in sales
- Great SPLOST revenue

Discussion:

Commissar Dimsdale

- Commented that he wanted the people to know that we cannot say “yes” to commercial and “no” to residential in this project, they are tied together.

Opposition:

Jay Hardy

Angela Dawkins

Ms. Mukens

Ray F. Bridges

- Traffic Nightmare
- Will send wrong message to community
- Over crowded schools in area
- Water issue – already low pressure
- GDOT wants to Six-Lane Salem Road already
- Can’t get out of driveway now
- Don’t need another grocery store in area
- Safety
- Area is so congested with subdivisions now – can’t stand another large subdivision.
- Do not want any more commercial in area.
- Quality of life

Commissioner Henderson and Commission Laster stated they felt this was a good development to consider.

Commissioner Fleming expressed his concern over the area. He commented about the traffic congestion as well as the commercial and residential project...seems like two different zonings. Feels it would be an injustice to the citizens in the area to approve.

FLU04-055

Motion: To deny FLU04-055.

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

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried with Chairman breaking the tie in favor of the motion and with Commissioner Henderson and Laster voting in opposition to the motion.

REZ04-060

Motion: To uphold the Planning Commission's recommendation and deny zoning REZ04-060 Timbersouth Properties at Salem Road and Kirkland Road.

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

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried with Chairman breaking the tie in favor of the motion and with Commissioner Henderson and Laster voting in opposition to the motion.

STREETLIGHTS:

Cedar Point (Lightwood Drive)

District Two

Motion: To approve the streetlight request for Cedar Point Subdivision.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried

COUNTY CHECKS:

Motion: To approve the county checks as read.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

EXECUTIVE SESSION

TIME: 9:05 p.m.

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

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried

REGULAR SESSION

TIME: 9:20 p.m.

Motion: To enter into regular session.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

ADJOURN

TIME: 9:21 p.m.

Motion: To adjourn.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried

Respectfully Submitted,

Jackie B. Smith
County Clerk