

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
MINUTES  
October 18, 2005**

Newton County Historic Courthouse  
1124 Clark Street  
Covington, Georgia 30014

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Attorney Scott Cole, Attorney James Griffin, Attorney Kim Degonia, and Acting Clerk Kay Blevins.

Newspaper: Brittany Edwards, Covington News  
Crystal Tatum, Newton Citizen

Chairman Varner called the meeting to order and read the thought for the day. Commissioner Monty Laster gave the invocation, the Chairman led the Pledge of Allegiance to our country, extended a welcome to all present, and then recognized all of those present with the Newton County Leadership class.

**APPROVAL OF BOC MINUTES DATED OCTOBER 4, 2005**

**Motion:** To approve the Minutes as written.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**GEORGIA TECH APPLIED RESEARCH CORPORATION, 911 RADIO SYSTEM**

Mike Smith, Director of Communications, addressed the Board, bringing a proposal to continue the 911 contract with Georgia Tech Research Institute that is overseeing the RP process and the technical aspects of a county-wide radio communications system for public safety for Newton County. The first phase of the contract was signed and approved earlier. There are three remaining phases.

**Motion:** To continue and to include all three phases as stated in the 911 contract for a total cost of \$67,350.44 through funded SPLOST.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

### **G.N. RICHARDSON & ASSOCIATES (METHANE MIGRATION REMEDIATION) FOR PROFESSIONAL SERVICES**

Administrative Officer John Middleton, referring the Board to pages 19-24, presenting the proposal of services related to Methane Migration Remediation at the Landfill not to exceed \$30,000.00 and of which was budgeted for in the Landfill's budget.

**Motion:** To approve the contract with G.N. Richardson & Associates for work at the Landfill as proposed on pages 19-24, not to exceed \$30,000.00.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

### **PURCHASE OF 2006 ROLL-OFF TRUCK FOR THE LANDFILL DEPARTMENT**

Administrative Officer John Middleton addressed the Board with the recommendation of the Purchasing Department and the Solid Waste department to proceed with the purchase of a 2006 Sterling Roll-off truck from Peach State Ford Trucks not to exceed \$98,628.00.

**Motion:** To approve the purchase of the 2006 Sterling Roll-off truck not to exceed \$98,628.00.

**Proposed by:** Commissioner Laster, District Five

**Second by:** Commissioner Henderson, District Four

**Motion Carried Unanimously**

### **SPLOST 2005 BMA MASTER RE-PURCHASE AGREEMENT**

Administrative Officer John Middleton reviewed with the Board the proposed Master Repurchase Agreement, Letter Agreement, and Custody Agreement from JPMorgan Chase Bank, N.A. The rate offered by JPMorgan Chase Bank, N.A., is 4.264% earnings on SPLOST proceeds. These agreements have been reviewed by Newton County Attorneys' Office and Richard Woodward, our bond counsel with King & Spalding. Scheduled closing date for these agreements will be October 26, 2005.

**Motion:** To enter into the agreement with JPMorgan Chase Bank, N.A., at the rate of 4.264% earnings on SPLOST proceeds.

**Proposed by:** Commissioner Dimsdale, District Two

**Second by:** Commissioner Ewing, District One

**Motion Carried Unanimously**

### **MONTHLY PERSONNEL REPORT**

Administrative Officer John Middleton addressed the Board, regarding a request of Commissioner Dimsdale to reinstitute a review of open and filled positions of the various departments.

**No official action was taken.**

**EMS**

Commissioner Dimsdale addressed the Board concerning a memo he had sent out to all of the commissioners, asking for any of their comments, inquiries, or suggestions, regarding ambulance service in Newton County.

**Motion:** To have the Chairman send a letter to the Hospital Administrator, indicating that the Newton County Board of Commissioners had voted to station one of the ambulances, now located at the hospital, at the fire station on Hwy 212 and also have the Hospital and the Board of Commissioners open a dialogue to resolve the other safety issues related to Emergency Medical Services.

**Proposed by: Commissioner Dimsdale**

Discussion: Commissioner Henderson asked about the response time from different areas of Newton County. Commissioner Dimsdale stated that GIS had plotted response times on maps for areas in Newton County.

**Second by: Commissioner Henderson**

Discussion: Commissioner Ewing stated that he felt to move one of the three ambulances that we have in Newton County to the fire station on Hwy 212 could be more detrimental for North Newton, East Newton, and South Newton due to having the ambulances scattered around the county. It would also be more difficult to manage the personnel that operate the ambulances.

Commissioner Ewing and Commissioner Fleming both stated that it seemed more appropriate to ask that the chairman appoint a committee from the Board to meet with the Hospital Board and Management in an effort to develop a plan to resolve the issues county-wide. They also felt that it would be unwise to make a decision without consulting with the Hospital Board in order to reach an agreement regarding the ambulance service.

Commissioner Henderson stated that the Board could not put a price on a life and that the Board was to provide services for the citizens of Newton County and provide protection with regard to safety issues.

**Commissioner Ewing made a substitute motion as follows:**

**Motion:** That the Chairman be authorized to form a committee of his choosing, hopefully made up of members of his Board to meet with the Board of Newton Medical Center to work to resolve the issues related to ambulance service in Newton County.

**Proposed by:** Commissioner Ewing, District One  
**Second by:** Commissioner Laster, District Five

Commissioner Varner said that the Board would consider the substitute motion first and that, if it passed, it would replace the main motion, and they would vote on it too. Attorney Tommy Craig agreed that the substitute motion was to be voted on first. Chairman Varner asked if there was any discussion on the substitute motion.

Discussion: None

**Motion Carried with Commissioner Henderson abstaining and Commissioner Dimsdale opposing.**

### **5-Minute Recess**

### **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:

#### **REZ05-018 – APPROVED**

**Eugene F. Wilson, Petitioned by Ann Wilson  
District One**

Location: Highway 162 S. (East Side)

369.66t of Frontage

Parcel Size: 0.56 Acres

Tax Parcel: 51-21

Proposed Land Use: N/A

Existing Land Use: DN (Development Node)

Proposed Zoning: CH (Highway Commercial)

Existing Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Applicant's Intent: To develop 1,500 square feet of retail space on 0.56 acre portion of property for an antique shop and related items.

Planning Commission Recommendation: Approval with Conditions on September 27, 2005

Opposition: None

**Motion:** To move for the approval as has been recommended by Planning and Zoning with the following conditions:

## RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved CH (Highway Commercial) 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. Retail sales of antiques, home décor, home furnishings and related items.
  - b. Hours of operation between 8:00 am and 5:00 pm.
  - c. No more than 1,500 square feet of retail space. No expansion of facilities to be allowed.
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 July 29, 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. Limit signage to one ground sign (36 square feet per face with a maximum height of 10 feet and a minimum setback of 10 feet) and one wall sign of up to 36 square feet).
  - b. Storm water plan to be reviewed and approved by County Engineer.
  - c. Metal building to have architectural accents on front and sides.
  - d. Transitional buffers shall be landscaped and planted. Plantings subject to approval of the County Arborist.

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Henderson, District Four

**Motion Carried Unanimously**

**REZ05-019 – APPROVED**

**Danna B. Seigle, Petitioned by Danna B. and Randy Seigle**

**District one**

Location: Fincher Road (Southwest Side)

40.0 Feet of Frontage

Parcel Size: 5.0 Acres

Tax Parcel: 71-17B

Existing Land Use Map: RR (Rural Residential)

Proposed Land Use Map: N/A

Proposed Zoning: RE:(Rural Estate))

Existing Zoning: A (Agricultural) & AR (Agricultural Residential)

Watershed: Yellow River

Applicant's Intent: To bring an existing lot into compliance and build a 2,100 square-foot (heated space) single-family residence.

Planning Commission Recommendation: Approval with Conditions on September 27, 2005

Opposition: None

**Motion:** To move for the approval as recommended by Planning and Zoning with the conditions as follows:

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Estate) 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 dwelling and accessory uses and structures.
  - b. The minimum lot size shall be 5.0 acres.
  - c. The minimum heated floor area per dwelling unit shall be 2,100 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 August 5, 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.

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Laster, District Five

**Motion Carried Unanimously**

**CUP05-008 - APPROVED**

**Ronald R. Doan, Petitioned by Attorney Frank Turner, Jr.**

**District One**

Location: Georgia Highway 212 N. (Northeast Side)

908.71 Feet of Frontage

Wehunt Road (Southeast Side)

1,186.08 Feet of Frontage

Parcel Size: 73.61 Acres

Tax Parcel: 18-2

Existing Zoning: AR (Agricultural Residential)

Proposed Use: Office, Professional

Watershed: Yellow River

Applicant's Intent: To allow a professional office use (to bring an existing office into compliance).

Planning Commission Recommendation: Approval with Conditions on September 27, 2005

Discussion: There was a question as to whether this should be rezoned if back taxes were owed. Attorney Frank Turner stated that whether one has paid taxes or not should not affect rezoning. Attorney Tommy Craig stated that he was inclined to agree with Attorney Frank Turner. Attorney Tommy Craig stated that these were two separate issues that this was land use and the other was a matter of taxation and not to co-mingle the two.

Opposition: None

**Motion:** To move for the approval as recommended by Planning and Zoning with the conditions as follows:

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved for 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. A professional office.
  - b. Restrict hours of operation to 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 August 5, 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. No expansion of existing facilities to be allowed, either by an addition to the existing building or by erecting new buildings.

**Proposed by:** Commissioner Ewing, District One  
**Second by:** Commissioner Fleming, District Three  
**Motion Carried with Commissioner Dimsdale opposing.**

**CUP05-009 – APPROVED TO BE WITHDRAWN**

**William Bray**  
**District Three**

Location: Ram Drive (South Side)

439.41 Feet of Frontage

Parcel Size: 29.63 Acres

Tax Parcel: 44-206

Existing Zoning: AR (Agricultural Residential)

Proposed Use: Resource Extraction

Watershed: Yellow River

Applicant's Intent: To allow a sand dredging operation within the Yellow River.

Planning Commission Recommendation: Approval with Conditions on September 27, 2005

Staff Comments: Read a letter, requesting that this petition be withdrawn.

**Motion:** To receive request by letter to withdraw.

**Proposed by:** Commissioner Laster, District Five

**Second by:** Commissioner Ewing, District One

**Motion Carried Unanimously**

**CUP05-010 - APPROVED**

**Herman L. Nelms, Petitioned by Ray Lambert**

### **District Three**

Location: Almon Church Road (East Side)

1,170 Feet of Frontage

J.T. Wallace Road (North Side)

Approximately 80 Feet of Frontage

Parcel Size: 98.0 Acres

Tax Parcel: 24-3

Existing Zoning: AR (Agricultural Residential)

Proposed Use: Resource Extraction

Watershed: Yellow River

Applicant's Intent: To allow a sand dredging operation within the Yellow River.

Planning Commission Recommendation: Approval with Conditions on September 27, 2005

#### Discussion:

Commissioner Laster stated that Mr. Phillips with Georgia Wildlife wrote a letter, addressing this issue which was in everyone's packet that would hopefully answer any questions the Board might have.

Chairman Varner stated that as Commissioner of roads, he had some very serious concerns about the road's capability to handle 40 trucks a day. He stated that he did not think the road was designed to carry this load and that they would probably have to redo the road once everything was completed.

Opposition: Rick Henderson, a resident on Horseshoe Springs, stated that he was concerned about the amount of traffic there would be, the number of dump trucks that would be going back and forth throughout the day, the widening and width of the road and the sharp turns on Almon Church Road. He also expressed concerns, regarding safety around the curves throughout the residences that had limited sight use.

Janis Tidwell, a resident at Horseshoe Creek, stated that there was a potential for pollutants from waste water. She stated that an 18 ton truck would be quite hazardous, on this country road, and that there was no room for meeting another vehicle. She expressed concerns about noise, smoke, order, vibration, and the potential for erosion. She stated she felt there was a potential not only for health, safety, environmental, physical and personal issues but chemical as well.

Ray Lambert stated that the Environmental Protection Division had answered all of the specific things. He stated that they had gotten comments from Georgia Game Fish, EPA, and that the Core of Engineers had reviewed their plans. Mr. Lambert added that most of the concerns environmentally were covered under their permit through EPD.

Barbara Como, a resident, stated that she had many concerns with regard to the safety of elderly people, children, wildlife, bikers, and hikers as well as concerns about the traffic that would incur, the noise level, erosion and flooding problems.

**Motion:** To approve for the resource sand extraction with the following conditions:

### **RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Resource Extraction 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 sand dredging operation.
  - b. Limit hours of operation to between 6:30am and 4:00pm.
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 August 16, 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. Limit to no more than one entrance/exit from Almon Church Road or J.T. Wallace Road.

**Proposed by:** Commissioner Fleming, District Three

**Second by:** Commissioner Ewing, District Four

Discussion: Regarding the possibility of noise, Mr. R. Phillips stated that Cowl mufflers had been installed on their equipment, leaving only noise from a backhoe of which they could put a strobe light on it.

**Motion Carried with Commissioner Dimsdale opposing.**

**MOD05-011 - DENIED**

**Neely Manor, LLC, Petitioned by Michael Pettitt**

**District Three**

Location: Jack Neely Road (West Side)

1,443.21 Feet of Frontage

Hoglen Drive (North Side)

1,976.72 Feet of Frontage

Parcel Size: 74.95 Acres

Tax Parcel: 26-15, 15G

Existing Zoning: R3 (Single Family Residential) approved November 18, 2003 (03-064)

Proposal: Modification of Condition Four (4)

Applicant's Intent: To allow a combination of brick, stone, vinyl siding, vinyl cedar shake and vinyl board & batten on the front elevation of primary structure.

Mr. Pettitt with Meridian Homes stated that they originally agreed to stipulations of all brick fronts but now they had hired an architect who had redesigned their floor plans to give a variety of the way their homes would look.

Opposition: Paul Quiqly stated that the original agreement was to have all brick fronts but now the builders wanted to change this agreement to a variety of fronts in which he opposed a change to anything other than the original agreement, all brick fronts.

**Motion:** To deny Modification 05-011 and that the condition that would be adhered to would be Brick, Stone, Cedar Shake Vinyl Siding on front elevation of the primary structure with a premium vinyl siding on the remaining three sides. If vinyl siding is used it should be of the quality vinyl of 0.044 gauge, 5 inch flat, not dutch slab on side elevation.

**Proposed by:** Commissioner Fleming, District Three

**Second by:** Commissioner Laster, District Five

**Motion Carried Unanimously to Deny**

**APP05-001 - DENIED**

**Original Case No: VAR05-027**

**Jim Graves, Petitioned by Jimmy Alexander**

**District One**

Location: Highway 36

Parcel Size: 1.65 Acres

Tax Parcel: 72.66H

Existing Zoning: CH (Highway Commercial)

Present Use: Vacant Property

Purpose of Request: To operate a 170 student day care.

Request: Appeal to Board of Zoning Appeals decision (Denied) at September 22, 2005 meeting.

Original Request: Variance Request to reduce transitional buffer from 55 feet (with fence) to 15 feet (with fence).

Mr. Alexander stated that it would be virtually impossible to develop the property with a 55 foot buffer and that he felt buffers were for the protection of the joining property owners. He stated that John J. Potts and Beverly Yancey were the only joining property owners affected by this buffer and that both property owners on the back side would prefer to have the buffer reduced rather than have the standard 55 foot undisturbed no man's land. Mr. Alexander stated that he felt this land was virtually unusable because of the triangular shape as a commercially zoned piece of land with a 55 foot buffer and asked that the Board of Commissioners disagree with the majority of the Board of Zoning Committee.

Commission Ewing stated that he felt the land could be developed and pointed out that the Cell Tower was already there on the back side and that the north side was relatively flat. Commissioner Ewing stated that he disagreed that the land could not be developed.

**Motion:** To follow the recommendation of the Planning and Zoning Appeals Board and to deny the proposal.

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Laster, District Five

**Motion Carried to Deny with Commissioner Henderson abstaining.**

**APP05-002 – DENIED**

**Original Case No: VAR05-024**

**Margaret L. Smith, Petitioned by J. B. Degonia**

**District Five**

Location: 150 Townley Road

Parcel Size: 1.39 Acres

Tax Parcel: 59A-19

Existing Zoning: R3 (Single Family Residential)

Present Use: Single Family Residence

Purpose of Request: To allow continue use of commercial vehicle parking for an existing trucking company.

Request: Appeal to Board of Zoning Appeals decision (Denied) at September 22, 2005 meeting.

Original Request: Variance Request to allow three tractor trailers plus one additional trailer on less than 10 acres.

Attorney J.B. Degonia, representing Mrs. Harville Smith, requested that the Board look at this case as a hardship since Mrs. Smith, 74 years old, and her husband, 63 years old, draw social security of \$1769.00 a month and have run this trucking business for 18 years in Newton County. He stated that with Mrs. Smith's company expenses, health care expenses, normal household expenses, a disabled husband, along with helping their granddaughter in college, this was a request of variance in genuine hardship.

Planning & Development Director Marian Eisenberg stated that Attorney Jeanne Carter had given each commissioner material about this being or not being grandfathered in. She expressed that she did not think the criteria had been met, that only one vehicle was allowed and yet, Mrs. Smith had 3 CATS (equipment) and a vehicle.

**Motion:** To make a motion in justice of the last page of the summarization of the ordinances of the years 1971, 1985, 1999, 2003, and some of the ordinances of 2005. In all cases, this particular location did not meet the requirements. Therefore, my motion is to approve the recommendation of the Board of Zoning Appeals and deny this appeal.

**Proposed by:** Commissioner Laster, District Five

**Second by:** Commissioner Ewing, District One

**Motioned Carried with Commissioner Henderson abstaining.**

### **COUNTY CHECKS:**

**Motion:** To approve the check as read by the chairman.

**Proposed by:** Commissioner Henderson, District Four

**Second by:** Commissioner Ewing, District One

**Motion Carried Unanimously**

### **STREETLIGHTS:**

Tuscany Place Subdivision – District One

**Motion:** To approve streetlight as read.

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Laster, District Five

**Motion Carried Unanimously**

Mission Pointe Subdivision – District Two

**Motion:** To approve streetlight as read.

**Proposed by:** Commissioner Dimsdale, District Two

**Second by:** Commissioner Ewing, District One

**Motion Carried Unanimously**

Stone Ridge Subdivision – District Five

**Motion:** To approve streetlight as read.

**Proposed by:** Commissioner Laster, District Five

**Second by:** Commissioner Ewing, District One

**Motion Carried Unanimously**

### **ALCOHOL LICENSE:**

#### **FIRST READING**

Covington CVS, Inc.

10267 Highway 36

Covington, Georgia 30014-  
Owner: CVS Corporation  
District Five

Chevron Food Mart  
11230C Highway 36  
Covington, Georgia 30014  
Owner: Nadiya Alibhai (100%)  
District Five

**No Action Necessary**

**EXECUTIVE SESSION**

**Motion:** To enter into Executive Session for the purpose of discussing personnel and land acquisition.

**Time:** 8:15 pm

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Laster, District Five

**Motion Carried Unanimously**

**REGULAR SESSION**

**Motion:** To enter into Regular Session

**Time:** 9:55 pm

**Proposed by:** Commissioner Ester Fleming, District Three

**Second by:** Commissioner Mort Ewing, District One

**Motion Carried**

**ADJOURN**

**Motion:** To Adjourn

**Time:** 10:00 pm

**Proposed by:** Commissioner Ewing, District One

**Second by:** Commissioner Laster, District Five

**Motion Carried Unanimously**

Respectfully submitted,

Kay Blevins  
Acting Clerk