

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
March 21, 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, County Attorney Tommy Craig, Attorney Scott Cole, Attorney Jenny Carter, Attorney James Griffin, and County Clerk Jackie Smith

**Newspapers:** Brittany Edwards, Covington News; Crystal Tatum, Newton Citizen  
Small group of citizens

Chairman Varner called the meeting together, extended a welcome and read the thought for the day. Commissioner Mort Ewing gave the invocation and the chairman led the Pledge of Allegiance to our great flag.

**APPROVAL OF BOC MINUTES DATED MARCH 7, 2006**

Motion: To approve the minutes as printed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**R032106 CDBG RESOLUTION – COUSINS GYM**

- Administrative Officer John Middleton presented this request to the board.
- \$500,000 CDBG Grant applied for last year and did not receive
- To improve the Cousins Gym
- County match of 5%
- NEGRDC will prepare the grant application

Motion: To approve resolution R032106, CDBG \$500,000 Grant to improve the Cousins Gym.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

## **R032106A GDOT LOCAL STATE ROUTE ACCEPTANCE RESOLUTION**

- Chairman Varner told the board this is another LCA resolution that is required by GDOT.
- The project is Alcovy Road @ R.R. tracks (Fiber Vision) going to Hwy. 142.
- Federal Funds will be expended on this project.
- It will first receive a SR # and after the project is completed it will be turned back over to the county for a county road number and maintenance.

Motion: To approve resolution R032106a, GDOT Local State Route Acceptance Resolution.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

## **R032106B LCI GRANT**

- Administrative Officer John Middleton presented this request to the board.
- City of Covington approved same resolution in February.
- The City of Covington & county jointly sponsored a study from the studies and projects program known as the Livable Centers Initiative to conduct a study of the Highway 278 Corridor, from Interchange 90, east to the Alcovy River.
- Commissioner Ewing noted that the first paragraph indicated this was to encourage an increase in residential development, and Mr. Middleton said this is within the LCI Study.

Motion: To approve resolution R032106b regarding the Livable Centers Initiative (LCI) Grant.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ronnie Dimsdale, District Two

Motion Carried Unanimously

## **TASK ORDER #3 FOR TRANSPORTATION CONSULTANT STREETSMARTS**

- Engineer Kevin Walter presented this request to the board.
- Necessary to improve intersection of Tabor Forest & Mt. Zion Road
- Improve site vision
- Safety
- Street Smarts will provide detailed survey of area
- Locate property lines
- Locate utilities and poles
- County will self-construct project w/assistance from Street Smarts for field staking, construction observation assistance, and resolution of survey questions
- Funding: SPLOST Roads CIP
- Cost: \$15,468.62

Motion: To approve task order #3 for transportation consultant Street Smarts for a not to exceed amount of \$15,468.62.

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

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

Motion Carried Unanimously

### **NPDES - LEVEL 1 OUTFALL MAPPING PROPOSAL**

- Administrative Officer John Middleton addressed the board with the following:
- Ron Felder, Consultant
- Level 1 Outfall mapping
- Cost: Approximately \$30,000 (not to exceed)
- Budgeted in 2006 Professional Services category
- Recommended board approval
- Commissioner Ewing requested in the future that company spell out the word instead of using acronyms. Mr. Middleton will pass this along.
- Commissioner Dimsdale noted frustration with the state that once again requires unfunded mandates, but since the law is what it is he will approve request.

Motion: To approve NPDES Level I Outfall Mapping proposal to Integrated Science & Engineering for a not to exceed amount of \$30,000.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

### **AMENDMENT TO DEVELOPMENT REGULATIONS**

- Commissioner Fleming addressed the board regarding the Development Regulations.
- Wanted clarifications that if a person had a preliminary plat or an approved plat they would fall under the 2003 Regulations.
- Commissioner Ewing requested the number of plats and subdivisions that would be affected?
- Ms. Eisenberg stated the county has approved 91 preliminary plats that will be affected and a total of 5600 lots.
- She stated preliminary plats linger on for a long time. We still have some that are under the 1999 Development Regulations.
- Commissioner Dimsdale commented that it was his understanding that all preliminary plats that were in would fall under the old ordinance and the new one. Wants to be fair to all concerned. More concerned about fairness than numbers.
- Commissioner Fleming stated he wanted to do what was right...not enforcement.
- Commissioner Henderson said he thought it was like the last time we amended the ordinance...already turned in would fall under the old ordinance.

- Commissioner Henderson also noted that if the P&D Department needs more employees, board needs to look at this now during the budget time.
- Attorney Jenny Carter noted that an amendment to an ordinance has to be advertised. She would be happy to place the ad for the county.
- Commissioner Fleming requested that the county attorney's office prepare the advertisement for the paper for board to hear at their first meeting in May. (May 2, 2006)

## **ZONINGS**

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

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

### **MOD06-001**

Bryan K. McGiboney

McGiboney Lane (East Side)

270.36 Feet of Frontage

Parcel Size: 26.646 Acres

Tax Parcel: 13-65, 67, 67A, 68, 69, 146A

Applicant's Intent: To (1) increase the maximum number of lots from 53 to 55 and increase maximum density from 1.99 lots per acre to 2.06 lots per acre and (2) revise conceptual plan.

District Two

Petitioner Representative: Attorney Jimmy Alexander

- Petition was deferred from February 21<sup>st</sup> meeting because of an error in the advertising date.
- Zoning was done eight or nine months ago
- Tract north of subdivision cannot be sold because of a stipulation in the will.
- Removed tract and redesigned subdivision.
- Increased lots by 2
- Asking board to approve new site plan.

Opposition: None

Motion: To approve applicant's intent to increase lot size from 53 to 55 lots with new site plan and following conditions:

1.c. No more than 55 total dwelling units, at a maximum density of 2.06 dwelling units per acre, whichever is less based on the total acreage zoned.

2.a. To the site plan received by the Department of Planning and Development on January 6, 2006.

Proposed by: Commissioner Ronnie Dimsdale, District Two  
Second by: Commissioner Ester Fleming, Jr., District Three  
Motion Carried Unanimously

**REZ06-001**

Stacey Rivers

Existing FLUM: DN (Development Node)

Existing Zoning: R-2 (Single Family Residential)

Proposed Zoning: CH (Highway Commercial)

Watershed: Yellow River

Location: Access Road (South Side)

443.45 Feet of Frontage

Wallace Street (West Side)

105.0 Feet of Frontage

Parcel Size: 2.98 Acres

Tax Parcel: 25-19, 20A, 23, 24

Applicant's Intent: To develop 8,819 square feet of restaurant, professional office and retail space at a density of 2,959.4 gross square feet per acre.

Planning Commission Recommendation: Approval w/staff conditions (02.28.06)

District Three

- Commissioner Fleming noted there were two owners and one petitioner.
- One parcel is on the Access Road, one single family resident
- Ms. Eisenberg said that Billy Bailey owns parcel 23, 24 & 20A
- Ms. Eisenberg noted that the Planning Commission approved the 30 restrictions on this request.
- Billy Bailey addressed the board and asks that the request be approved with the 30 restrictions.
- Commissioner Fleming asked that one parcel be removed from the request. He requested a revised legal description-omitting parcel #25-19.
- Commissioner Fleming asked the staff to revise the square footage and make the adjustment.
- Commissioner Laster noted that on 3c it should read 300 feet and this was duly noted and will be corrected.

Opposition: None

Motion: To approve REZ06-001 as it relates to parcel 20-A, 23 & 24 with conditions as read by Commissioner Fleming. Also, removing parcel 25-19 from legal description and have staff revise square footage.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Retail, restaurant, service commercial and/or office and accessory uses, at a maximum density of 2,862.6 gross square feet per acre zoned or a total of 7,500 square feet, whichever is less.

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 January 6, 2006 and to the revised legal description as required by Condition 3.h. 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 left-turn lane and a deceleration lane at the entrance on the Access Road, subject to approval of the County Engineer.
  - b. There shall be only one ingress/egress on the Access Road.
  - c. Ingress/egress on the Access Road shall include two entrance lanes and two exit lanes (one left-turn and one right-turn) divided by an island and shall be located at least 300 feet from the intersection of the Access Road and Wallace Street.
  - e. Stormwater plan to be reviewed and approved by County Engineer.
  - f. Provide downcast lighting.
  - g. Building to be three-sided brick.
  - h. Prior to issuance of a Land Disturbance Permit, provide to the Planning and Development Department a revised legal description including parcels 25-20A, 25-23 and 25-24. Parcel 25-19 shall be removed from the legal description.

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

Second by: Commissioner Monty Laster, District Five

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

### **REZ06-002**

Letter to withdraw petition

Planning Commission recommended allowing petitioner to withdraw.

Motion: To accept withdrawal letter for REZ06-002 as presented.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

## **REZ06-003**

LeAnne Long

Existing FLUM: DN (Development Node)

Existing Zoning: R2 (Single Family Residential)

Proposed Zoning: OI (Office-Institutional)

Watershed: South River

Location: Brown Bridge Road (Southeast Side)

323.74 Feet of Frontage

Parcel Size: 11.74 Acres

Tax Parcel: 13-130

Applicant's Intent: To develop 70,000 square feet of medical and professional office space on 10.74 acres for a density of 6517.7 gross square feet per acre.

Planning Commission Recommendation: Approval w/staff conditions (02.28.06)

District Two

Petitioner Representative: LeAnne Long

- Revised conditions were provided to district commissioner
- Spoke with all the homeowners
- Will service western end of county with a medical facility
- Spoke with Commissioner Dimsdale

Opposition: None

Motion: To approve REZ06-003 zoning change from R2 (Single-Family Residential) to OI (Office-Intuitional) with the following conditions as read by Commissioner Dimsdale.

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 6,517.7 square feet of gross floor area per acre zoned or a total gross floor area of 70,000 square feet, whichever is less.
  - b. Uses shall be limited to the following:
    - (1) Professional Office
    - (2) Medical/Dental Clinic
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 January 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.
4. To the owner's agreement to abide by the following development standards:

- d. Provide a left-turn lane and a deceleration lane at the proposed entrance, subject to approval of the County Engineer.
- e. Ingress/egress shall include two entrance lanes and two exit lanes (one left-turn and one right-turn) divided by an island and shall be located in alignment with the entrance to the Villages of Ellington Subdivision entrance across Brown Bridge Road.
- f. Stormwater plan to be reviewed and approved by County Engineer.
- g. Exteriors shall be brick and/or stucco. Bricks and stucco shall match the color of those used for the Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director. Metal roofs must match type and color of Publix's roof.
- h. Provide sidewalks along Brown Bridge Road. Sidewalks shall be located within 10-foot landscaping strip. Landscaping strip and sidewalk location subject to approval of the Director.
- i. Provide inter-parcel access with development on the remaining 1.0 acre of parcel 13-130 (shown as "Future State Farm Insurance" on submitted site plan). Provide inter-parcel access with parcel 13-131 at time of future development on 13-131.
- j. Dedicate, at no cost to Newton County, additional right-of-way necessary to bring the total right-of-way from the centerline of Brown Bridge Road to 65 feet. Additional right-of-way may be required from back-of-curb of the deceleration lane to provide for placement of utilities.
- k. Provide downcast lighting. Lighting to be similar in architectural style and color to the Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director.

Proposed by: Commissioner Ronnie Dimsdale, District Two  
Second by: Commissioner J.C. Henderson, District Four  
Motion Carried Unanimously



**APP06-001**

**VAR05-041**

Milford Hefton

300 Veal Road

Parcel Size: 3.97 Acres

Tax Parcel: 7F-1

Present Zoning: AR (Agricultural-Residential)

Present Use: Existing Single-Family Residence

Request: Appeal to Board of Zoning Appeals decision (Denied) at January 26, 2006 meeting.

Original Request: Variance Request to allow parking of a commercial vehicle on less than 10 acres in residential district.

Potential Effects on County: No negative effect if applicant plants trees or places a fence along east property line as proposed in letter of intent.

Applicable Standard: Section 515-010 B.5. (Zoning Ordinance)

Purpose of Request: To park a dump truck

District Two

Petitioner: Milford Hefton

- Drives a dump truck
- Parking at home saves time to be with family
- Saves wear and tear on vehicle.
- Comes in at 3:00-4:00 a.m.
- Has 3.97 acres
- Cleared off just enough trees to park truck
- Willing to plant trees or a privacy fence

Opposition:

Greer Sims

Mike Adcock

- Huge dump truck
- Neighborhood has covenants
- 50 homes
- Dirt & gravel road
- Value of homes

Motion: To uphold the Board of Zoning & Appeals decision to deny APP06-001, VAR05-041.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

## **STREETLIGHTS**

Forest Glen Subdivision  
District Two

Motion: To approve the streetlights for Forest Glen Subdivision located in the second district.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

## **ALCOHOL LICENSE**

### **FIRST READING**

Almon, Inc.  
2080B Crowell Road  
Covington, Georgia 30016  
Murad M. Jiwani (100% Owner)

B.P. Magnet  
5343 Hwy. 20  
Covington, Georgia 30016  
Ali Hamid (100% Owner)

## **COUNTY CHECKS**

Motion: To approve the 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**

- Commissioner Dimsdale commented that he would like to see department heads become more responsive to a commissioner's phone call. Sometimes it takes days to hear back. Mr. Middleton said he would address this issue with staff.

## **EXECUTIVE SESSION**

### **TIME: 8:20 p.m.**

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

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**REGULAR SESSION**

**TIME: 9:39 p.m.**

Motion: To enter into Regular Session.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**MOTIONS AFTER EXECUTIVE SESSION**

Motion: To authorize the County Attorney's office to begin condemnation proceedings on the following properties:

1. Lot 32 of Highlands Meadow Subdivision as per plat recorded in Plat Book 30, page 293, Newton County Public Records.
2. Lot 62, of Highlands Meadow Subdivision as per plat recorded in Plat Book 30, page 296, as revised in Plat Book 34, Page 5 and 6.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

**ADJOURN**

**TIME: 9:40 p.m.**

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Respectfully Submitted,

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Jackie B. Smith, County Clerk

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Aaron Varner, Chairman