

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
February 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, and County Clerk Jackie Smith

Also Present: Brittany Edwards, The Covington News
Crystal Tatum, The Newton Citizen
Large group of citizens

Chairman Varner called the meeting together, extended a welcome and read the thought for the day. Apostle Regina B. Scott, Pastor Youth On The Move For Christ Ministries, Inc. gave the invocation and the chairman led the Pledge of Allegiance to our great flag.

APPROVAL OF BOC MINUTES DATED FEBRUARY 7, 2006

Motion: To approve the minutes as printed.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

O-022106 N.C. FIRE ARMS ORDINANCE

Attorney Scott Cole appeared before the board and noted the following:

- Committee formed to study and make recommendations last year.
- Committee members were Commissioner Dimsdale, Sheriff Nichols, David Waller, Terry West, Larry McSwain, Lynn, John
- Primary Change is deleting the within 350 yards for discharging a weapon of any street, alley, or building, etc.
- Weapons should not be discharged within 100 yards of any occupied building or upon the land of another or across the property line of another without first obtaining written permission from property owner.
- Ordinance is attached and made part of minutes

Motion: To approve O-022106 Newton County Fire Arms Ordinance.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Note: The original ordinance is contained in file number O-022106, incorporated herein by reference and expressly made a part of these minutes.

RESOLUTION R022106A MASTER EQUIPMENT LEASE AGREEMENT/FINANCING AGREEMENT – WACHOVIA BANK MA/COM E911 PROJECT

Motion: To table Resolution R022106A Master Equipment Lease Agreement until March 7th board meeting as requested by Administrative Officer John Middleton.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

TOWING SERVICE EXTENSION REQUEST

Administrative Officer John Middleton told the board the request is for a 30-day extension to allow further work with the county attorney's office regarding the bidding of this service.

Motion: To approve the Towing Service Extension Request until March 31, 2006 for B& H Towing as requested and recommended.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

FUNDING SUPPORT FROM THE CHILDREN & YOUTH COORDINATING COUNCIL FOR N.C. JUVENILE DEPARTMENT

Administrative Officer John Middleton addressed the board regarding this request. He noted that Judge Waters and Angie Moore were on hand to answer any questions the board might have. He said that the state requires matching funds to be eligible to receive the grant.

Commissioner Dimsdale praised the Juvenile Court for having such programs that have such a positive impact upon our youth.

Motion: To approve \$14,500 grant commitment for the N.C. Juvenile Department should grant be awarded from the Children & Youth Coordinating Council.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

ANDERSON ROAD OPERATION CHANGE TO ONE-WAY STREET

Chairman Varner noted the following:

- Anderson Road is located just outside of Porterdale
- Narrow Road
- Engineering Department has inspected the road and recommends it to be changed to a one way street.
- # of families on street are less than 12
- Church located on street

Motion: To approve the Anderson Road operation change to a One-Way Street as requested and presented.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

ADD-ON PAVING WORK TO CONTRACT W/PITTMAN CONSTRUCTION COMPANY

Chairman Varner told the board this project needs to be bid out and requested a motion for bidding..

Motion: To approve the request to bid out project work as recommended by the chairman.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

CODE OF ETHICS FOR NEWTON COUNTY SENIOR SERVICES, INC.

Attorney James Griffin addressed the board and noted the following:

- Last meeting board began steps to create entity
- Approved bylaws and other documents
- In order to solicit funds from State of Georgia, the corporation must have a Code of Ethics.
- County Attorney's office drafted Code of Ethics for board approval

Motion: To approve and adopt the Code of Ethics for Newton County Senior Services, Inc. as presented. A copy is made part of these minutes.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

ZONINGS:

Director Marian Eisenberg presented the following:

Ms. Eisenberg noted that APP05-004, VAR05-029 from McDonald's USA was withdrawn by the petitioner.

Opposition:

Mr. Donald Leach

Lynn Stubbs

- Concerned about speaker noise from a McDonald's
- Promised privacy and doesn't feel a McDonald's will allow for privacy
- Doesn't believe buffer is realistic and have already been compromised
- Was told there would be an undisturbed buffer when CVS was approved

- Concerned that land value will go down
- Drive-thru window –pollution from cars in line
- Noise – Boom box from cars in line
- Noise from motorcycles
- Open 24 hours per day, 7 days per week
- Garbage pick-up noise from large trucks
- Only property in county where residents live and thinking of putting a fast food restaurant.

APP05-004

VAR05-029

McDonald's USA

Bypass Road (Eagle Drive)

Tax Parcel: 83-4

District Five

Commissioner Dimsdale made a motion to accept the withdrawal request and Commissioner Laster made the second with a unanimous vote to approve.

Amendments to the Development Regulations and Zoning Ordinance

Chairman Varner opened the Public Hearing.

The board held discussions within the board and staff at the work sessions regarding these amendments. They expressed appreciation for the hours and work the committee put towards these amendments. During the work sessions they requested staff to incorporate the changes they requested and the completion of changes and amendments are reflected in these documents. (Documents made part of minutes)

Director Marian Eisenberg addressed the board with the amendments and the board requested that each item be voted on separately. She noted the following:

- Held three work sessions (two in December and one in February)
- Several meetings with committee before Planning Commission met on January 24th.
- Committee Members were asked to stand and received an ovation for all their hard work.
- The amendments that are controversial would be addressed first.
- Staff make recommendations
- Set of addendum items discussed with committee, but there was no real agreement on.
- The remaining items, 1.) Development Regulations and 2.) Zoning Ordinance.

Sec.415-035 REVISIONS TO PRELIMINARY PLAT,

Director Eisenberg presented the revisions as per staff recommendations.

Opposition:

Dennis Dudley (Committee Member)

- # of discussions about issue
- revisions removes flexibility from project
- Code section indicates that preliminary plat is a first draft document and first draft documents should be allowed to be revised
- Prefers to leave as is, but would accept alternative recommendation
- Feels like proposed language is vague

Ms. Carter said at present the regulations do not allow revisions to go back to planning commission. By making these changes it would allow the director the flexibility to send revisions back to commission for action.

Motion: That section 415-035 Revisions to Preliminary Plats be adopted as presented by staff.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

Sec. 425-010 SITE DEVELOPMENT LAND DISTURBANCE PERMITS, Clearing Limits

Director Eisenberg presented changes for board approval.

Opposition:

Mark Walton, Patrick & Associates

- Would like to see 30% instead of 10%

Commissioner Fleming noted:

- He & Commissioner Ewing were advocates against mass grading
- Talked with several people and feels that 30/30 would work
- Main issue is we have to do a better job on enforcement.
- Made a motion for 30/30 but motion died due to a lack of a second.

Support Staff Recommendation:

Greyland Development

David Waller (Committee Member)

Motion: Section 425-010 Amendments to section regarding Site Development Land Disturbance Permits be adopted as presented by staff.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Sec.605-090 PAVEMENT STANDARDS, Type and depth of Asphalt

Director Eisenberg presented amendments:

Opposition:

Mark Walton, Patrick & Associates

- Suggested that dead end streets be considered for 6/2 paving
- Consider 50 lot subdivisions and less 6/2 paving
- This is additional expense that could be avoided and not necessary

Larry Maynard, Newton County Homebuilders Association

- Has put in 60-75 hours regarding these amendments
- Requested that paving standards be put in
- Problem is compaction standards are not being followed
- This will increase cost of housing \$750 to \$2000

Geoff Griffin

- When changing word from may to shall, this takes flexibility out of the ordinance
- Redundant
- Expensive

Motion: That Sec. 605-090 amendments to section regarding Pavement Standards be adopted as presented by staff, with the exception that the requirement for coring and compaction tests referenced in subsections H, I, and J be permissive (may) not mandatory (shall).

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioners' Ewing and Fleming opposing motion.

Sec. 655-060 FENCING REQUIREMENTS, Detention Facilities

Director Eisenberg presented amendments:

Opposition:

Micheal Penland, Committee Member

- Cannot support landscaping
- Unnecessary expense

At the request of Commissioner Henderson Director Eisenberg read the amendments to the fencing requirements.

Motion: That Sec. 655-060 Amendments to section regarding Detention Facilities be approved as presented by staff.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Henderson opposing the motion.

Sec. 520-010 RIPARIAN BUFFERS, around lakes served by intermittent streams

Director Eisenberg presented the amendments.

Opposition:

Dennis Dudley

- Would like to see what is established a consistency.

- Would like to see buffer requirements for lakes and streams the same

David Waller, Committee Member

- Supports staff recommendation

Motion: That Sec. 520-010 Approval of the staff recommendation that the section regarding riparian buffers remain unchanged.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Fleming opposing the motion and Commissioner Henderson abstaining from the vote.

Minimum Lot Size & Minimum House Size

Lot Size (Sections 225-050 and 230-050, Zoning Ordinance)

House Size (Sections 210-050, 215-050, 220-050, 225-050 and 230-050, Zoning Ordinance)

Director Eisenberg presented the proposed change.

Opposition:

Associate Pastor Avis Williams from Bethlehem Baptist Church, representing Ministers Union

- Concerned for the people with less money
- Average household income is \$40,000
- Raising house size to 1800 sq ft could result in a house note of \$1500-\$2300 per month.
- Concerned people will not be able to afford housing
- Concerned what we are saying to others
- Concerned about the young people with less income as well as the elderly who need a smaller place to call home, not a larger place

Larry Maynard

- Concerned about starter homes
- “homeownership will be out of reach
- Understands if a house burns and more than 75% is destroyed, the house would have to be re-built at today’s regulations.
- Concerned about the elderly wanting to downsize
- Affordable housing
- Will lead to more apartments
- Will lead to annexation
- Mr. Maynard read a statement regarding impact

Paul Oeland, Smart Growth

- Applauds board for efforts to address density and quality
- Other ways to address
- Suggest allowing developers to cluster homes with more green space
- Not house size, but quality

Greyland Development

- Larger the lots, greater the sprawl
- Traffic congestion
- Disservice to N.C. Economic Development
- You can legislate house size, but that doesn't mean you are going to get better quality.

Sam B. Hay, Committee Member

- Only item there was a consensus on – against it.
- Hurt elderly
- Hurt growth

Betsy Morehouse, Smart Growth

- Home sales up 16%
- Newton County has lowest taxes in 16 county area

Don Wilborn, Urban Planner

- County needs nicer restaurants, not larger houses
- Suggest attracting more businesses for people to shop at, work at and live here.

Charles King, life long resident

- Understands that raising the size of the house would produce more revenue
- Government is not a for profit organization
- Average size of home with GI Bill was 1,000 to 1300 sq ft
- Welcome people who cannot afford the larger homes
- Quality always better than size

Motion: That amendments to above sections regarding lot size be approved as presented by staff with the understanding that said amendments regarding lot size shall not apply to any development with an approved preliminary plat or for which a qualifying preliminary plat is filed on or before April 28, 2006. A qualifying preliminary plat shall be defined as a plat which substantially complies with the 2003 Development Regulations, as amended.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson opposing the motion.

Motion: That Amendments to above sections regarding House Size be approved as presented by staff.

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

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson opposing the motion.

REMAINING AMENDMENTS TO DEVELOPMENT REGULATIONS.

Effective Date of Amendments to Development Regulations.

The Amendments to the Development Regulations shall be in force and take effect on February 22, 2006. Notwithstanding the effective date, the following shall apply:

The Amendments to Sections 425-010, 505-050, 605-090, 605-110 F, and 655-060, shall not apply to any development with approved construction plans or for which qualifying construction plans are filed on or before March 6, 2006. Qualifying construction plans shall be defined as plans which substantially comply with the 2003 Development Regulations, as amended through February 21, 2006.

The Amendments to Section 425-020 shall not apply to any development with an approved Land Disturbance Permit or for which a qualifying Land Disturbance Permit application is filed on or before March 6, 2006. A qualifying Land Disturbance Permit application shall be defined as an application which substantially complies with the 2003 Development Regulations, as amended through February 21, 2006.

The Amendments to Section 425-030 and 605-110A shall not apply to any development with an approved Building Permit or for which a qualifying Building Permit application is filed on or before March 6, 2006. A qualifying Building Permit application shall be defined as an application which substantially complies with the 2003 Development Regulations, as amended through February 21, 2006.

Motion: To approve amendments to Development Regulations as presented.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

Amendments to Zoning Ordinance (Section 105-020 Definition Lot, Flag, Section 510-480 Place of Worship, and Section 605-030 Powers of Board of Zoning Appeals)

Motion: That the amendments to the Zoning Ordinance be adopted as presented by staff.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Henderson opposing motion.

Procedures (Section 620-040, Zoning Ordinance)

Motion: That Alternative 3, presented by staff, be adopted.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Fleming and Henderson opposing motion.

Effective Date of Amendments to Zoning Ordinance.

Motion: The amendments to the Zoning Ordinance shall be in force and take effect on February 22, 2006. Notwithstanding the effective date of this Ordinance, the Amendments to Article 2 shall not apply to any development with an approved preliminary plat or for which a qualifying preliminary plat is filed on or before April 28, 2006. A qualifying preliminary plat shall be defined as a plat which substantially complies with the 2003 Development Regulations, as amended.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

FLU05-033

REZ05-032

Rueben Morgan

Existing FLUM: LDR (Low Density Residential, C (Commercial)

Proposed FLUM: MHDR (Medium/High Density Residential)

Existing Zoning: R-2 (Single Family Residential), R-e (Single Family Residential, MHP (Manufactured Home Park)

Proposed Zoning: R3 (Single Family Residential)

Watershed: South River

Location: Highway 162 (Southwest Side)

365.56 Feet of Frontage

Highway 81 (South Side)

861.04 Feet of Frontage

Roseberry Road (West Side)

122.0 Feet of Frontage

Parcel Size: 64.642 Acres

Tax Parcel: 28-114, 115, 116, 116A, 117, 119, 120, 121, 122, 28A-113, 114

District Two

Petitioner Representative: Jimmy Alexander, Attorney

- Property owned by Ruby T Development
- Appeared before board in 2003 and was turned down
- This is entirely different project
- Will be an improvement over current zoning
- 151 lots will be zoned R3
- Currently allows 90 mobile homes and 70 single family houses
- Spoke with commissioner and other people in area
- Planning Commission approved
- After P/C met Commissioner Dimsdale lobbied for stricter conditions
- Conditions raised the square footage of houses
- Propose to install a line of Leland Cyprus trees to define property lines along (grandmother's) lot

Opposition:

Jesse Boyer, Area Resident

- Submitted signatures of nearly 1000 people in opposition to this zoning request

- Against any plan that allows high density
- Does not accept the claim property is about urban renewal
- Zoned residential for years
- Planning staff as stated it can be used as it is currently zoned
- Audience held up signs “Stop Cluster Homes”
- Concerned about quality of life
- Concerned about the South River Watershed
- Flooding
- Massive water run-off
- Dam is in need of repair
- There is no “safe dam inspection” included in proposal
- Sewerage system
- Several more hundred cars on Hwy. 162 each day
- Infrastructure not ready for this
- EMS
- Road expansion

Commissioner Discussion:

Commissioner Fleming: Conditions are to be incorporated with staff recommendations?
Yes

Commissioner Henderson: Number of houses that could be built under current zoning?
90 Mobile Homes and 70 Single family with no conditions. It would mean 160 dwelling units under current zoning as opposed to \$200,000 homes with lots costing \$70,000.

Motion: To deny the request to change the Future Land Use Map.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

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

Motion: To deny the Zoning Request REZ05-032.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

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

REZ05-033

Rueben Morgan

Existing Zoning: R3 (Single-Family Residential)

Proposed Zoning: CG (General Commercial)

Watershed: South River

Location: Highway 81 (South Side)

325.19 Feet of Frontage

Parcel Size: 1.481 Acres

Tax Parcel: 28-117, 118, 119

District Two

Petitioner Representative: Attorney Jimmy Alexander

- Petitioner agrees with recommended conditions
- Already designated commercial

Opposition:

Jesse Boyer, Area Resident

- Request no development in area until roads have been improved
- Added traffic concerns

Motion: To approve REZ05-033 zoning request change from R3 (Single-Family Residential) to CG (General Commercial) with the following conditions.

Note: Commissioner Dimsdale read aloud the conditions to be included in the motion.

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 6,752.19 gross square feet per acre zoned or a total of 10,000 square feet, whichever is less.
 - b. The following uses shall not be allowed:
 1. Radio/Satellite T.V. Antenna
 2. Auto Auction
 3. Auto Repair
 4. Auto Service Station
 5. Auto Wash
 6. Bar/Night Club
 7. Electricity, Petroleum or Gas Substation
 8. Furniture/Woodworking Shop
 9. Kennel, Commercial
 10. Light Manufacturing
 11. Manufactured Home Sales/Rental/Repair
 12. Manufactured, Modular Homes Sales, Display
 13. Nursing Home
 14. Parking Lot/Garage
 15. Pawn Shop
 16. Personal Care Home
 17. Telecommunications Support Structure
 18. Solid Waste Transfer Station
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 December 9, 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 a left-turn lane and a deceleration lane at the proposed entrance(s), subject to approval of the County Engineer.
 - b. Stormwater plan to be reviewed and approved by County Engineer.

FLU05-034

REZ05-034

J. Brad Bettis

Existing FLUM: A (Agriculture)

Proposed FLUM: RR (Rural Residential)

Existing Zoning: A (Agricultural)

Proposed Zoning: AR (Agricultural Residential)

Watershed: Bear Creek

Location: Spears Lane (North Side)

5807.44 Feet of Frontage

Highway 11 (West Side)

658.8 Feet of Frontage

Parcel Size: 137.25 Acres

Tax Parcel: 119-1F

District One

Petitioner Representative: Attorney Frank Turner, Jr.

- Planning Commission approved FLUM
- 20 lots with 20 curb cuts
- Average lot on Spears Lane will be 2 acres
- Lengthy discussions with Commissioner Ewing
- Heard concerns from neighbors
- Curb cuts are concerns expressed
- Revised plans after talking with Commissioner Ewing
- 48 lots, 2.7 acre lot size, 3.95 acre lot size on Spears Lane
- restrictive covenants
- Minimum house size 2300 sq ft; 2700 sq ft on two-story house
- House price will start at \$350,000

Opposition:

Lloyd Kerr

- Not opposed to developing land
- FLUM indicates that the best use of the property should remain agricultural.
- Property in area is mostly 5 to 10 acres
- Would like to see minimum lot size to be 5 acres

- According to tax office there is 3300 acres in area. Once character is changed, it cannot be reversed
- Several 1000 acres run North/South between Bear Creek & Charlie Elliott Wildlife.
- Zoning request is not conducive to what is already there
- There is nothing like this in area now and this will set a precedent and will be hard to undo in the future.

Rebuttal: Frank Turner, Jr.

- It is high density
- There will be 2 acre lots, but many lots larger than 4 acres with quality houses.

Commissioner Discussion:

Commissioner Ewing:

Spear family has owned land for as many years as I am old.

If you take houses within a mile of site...they are over seven acres and that's where the problem comes from

Noted he had not received one call or had anyone contact him concerning the density of proposed development.

Motion: To approve the FLUM 05-034 Future Land Use Map amendment from A (Agriculture) to RR (Rural Residential).

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Henderson abstaining from the vote.

Motion: To approve Zoning REZ05-034 change from A (Agriculture) to AR (Agricultural Residential) with the following conditions.

Note: Commissioner Ewing read aloud the following conditions to be included in the motion. The conditions agreed upon are revised conditions as presented by the applicant.

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 and the average lot size shall be 2.7 acres.
- c. No more than 48 total dwelling units, at a maximum density of 0.35 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 for single-story dwellings and 2,700 square feet for two-story dwellings.

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 February 20, 2006 and to the legal description received by the Department of Planning and Development on December 2, 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.

4. To the owner's agreement to abide by the following development standards:
 - a. Dedicate, at no cost to Newton County, 10 feet of right-of-way along the frontage of Spears Lane.
 - b. No detention facilities to be located within any buffer.
 - c. Stormwater plan to be reviewed and approved by County Engineer.
 - d. Provide deceleration lane and left-turn lane, as required by County Engineer.
 - e. Homes to be four-sided brick, rock, stone or a combination of these materials.
 - f. Provide a copy of executed Protective Covenants before approval of Final Plat. Protective Covenants shall be as submitted to the Department of Planning and Development on January 26, 2006 (see attached). Changes to Covenants (prior to recording) subject to approval of Director.
 - g. Provide landscaped entrances, including brick monuments, on all roads intersecting Spears Lane.
 - h. Owner to convey, at no cost to Newton County, fee simple title to 2.29 acres at the intersection of Spears Lane and Highway 11 as noted on the site plan.
 - i. No brick mailboxes for properties fronting on Spears Lane.
 - j. The exterior siding of any house or structure shall be only of stone, brick, or stucco. Exterior accents may be hardy plank shake siding or otherwise as approved by architectural control committee established by recorded restrictive covenants. Vinyl siding shall not be allowed. Vinyl materials shall only be allowed for use as an accent on gables, eaves, soffits, fascia, and other trim upon written approval of the architectural control committee established by recorded restrictive covenants.

- k. Within each lot, no structure, other than fencing, gates mailboxes and entry features, shall be erected within twenty (25') of the property line of any property outside the subject and subdivision or within fifty (50') of the road frontage of Spears Lane.

- l. Provide a copy of executed, recorded Protective Covenants before approval of Final Plat. Such Protective Covenant shall include, without limitation, the following provisions:
 - 1. No lot or structure shall be used for any type of business or commercial enterprise.
 - 2. There shall be no relocated house moved to said property.
 - 3. No lot shall be subdivided.
 - 4. No mobile, modular or temporary housing shall be permitted on any lot.
 - 5. No permanent structure shall be nearer a frontage than forty (40') feet, nor nearer than forty (40') feet from the rear of any lot line, nor nearer than fifteen (15') feet from any side line, or any one lot. The foregoing to the contrary notwithstanding, no permanent structure on any lot accessed from Spears Lane shall be nearer Spears Lane than one hundred (100') feet.
 - 6. Exposed concrete blocks are prohibited on any structure.
 - 7. All homes shall have a minimum two-car garage with finished interiors, and these garages must have overhead doors. No carports shall be allowed. No garage shall be enclosed and used for living area. Except for corner lots, no garage shall face any street.
 - 8. All fences shall be subject to approval of an architectural control committee.
 - 9. No garbage receptacles shall be stored in front of the dwelling on any lot otherwise be visible form any street.
 - 10. No satellite reception devise or other large antenna or electronic reception device shall be located in the front or on the other side of any dwelling.
 - 11. All tennis courts and swimming pools shall be located to the rear of the dwelling.
 - 12. Each dwelling's roof must e at least 8/12 pitch.
 - 13. There shall be a minimum separation of 225 feet (225') between the driveways on Spears Lane.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried with Commissioner Dimsdale opposing motion and Commissioner Henderson abstaining form the vote.

REZ05-035

Sharon Loyless

Existing FLUM: RR (Rural Residential)

Existing Zoning: MHS (Manufactured Home Subdivision)

Proposed Zoning: AR (Agricultural Residential)

Watershed: South River

Location: Highway 212 (Southeast Side)

350.39 Feet of Frontage

Parcel Size: 11.88 Acres

Tax Parcel: 33-63B

District One

Commissioner Ewing expressed thanks to the family for all they have done to enhance this property.

No opposition

Motion: To approve REZ05-035 zoning request change from MHS (Manufactured Home Subdivision) to AR (Agricultural Residential) with the following conditions:

Note: Commissioner Ewing read aloud the following conditions to be included in the motion as presented by staff and applicant.

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 3 total dwelling units, at a maximum density of 0.253 dwelling units per acre, whichever is less based on the total acreage zoned.
 - d. The minimum heated floor area per dwelling unit shall be 2,900___ 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 December 2, 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.
5. To the owner's agreement to abide by the following development standards:

m. Stormwater plan to be reviewed and approved by County Engineer.

n. Access to all lots to be via shared driveway along east property line.

Proposed by: Commissioner Mort Ewing, District One

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

Motion Carried Unanimously

REZ05-036 – Petitioner withdrew application to rezone

Motion: To accept the petitioners request to withdraw request.

Proposed by: Commissioner Ronnie Dimsdale, District Two

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

MOD06-001

M&D Development Group, LLC

Proposal: Modification of Conditions 1.c. and 2.a

Existing Zoning: R2 (Single Family Residential) approved July 19, 2005 (REX05-013)

Location: McGiboney Lane (East Side)

270.36 Feet of Frontage

Parcel Size: 26.646 Acres

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

District Two

Motion: To defer modification request until March 21, 2006 board meeting.

Proposed by: Commissioner Ronnie Dimsdale, District Two

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

Motion Carried Unanimously

APP05-005

VAR05-038

Barbara S. Reed

230 River Cove Road

Tax Parcel: 111.37

District Five

Bob Reed – owner of property

- Try to put horse barn behind house to be closer to animals
- Horses are old

Richard Rawlins – adjacent property owner

- Requesting board to set aside variance
- Doesn't feel this is a hardship case
- Feels it would be a detriment to his property
- Not opposed to barn, but wants it somewhere else on Mr. Reed's property

Motion: To uphold the Board of Zoning Appeals decision on December 1, 2005 reducing the required setback for a horse barn from 100 feet to 57 feet.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioner Dimsdale in opposition to the motion and Commissioner Henderson abstaining from the vote.

STREETLIGHTS

Tuscany Estates

District One

Motion: To approve Streetlights for Tuscany Estates.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Waters Edge Subdivision

District Five

Motion: To approve streetlights for Waters Edge Subdivision.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried Unanimously

COUNTY CHECKS

Motion: To approve county checks as read by the chairman.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried Unanimously

EXECUTIVE SESSION

Time: 10:40 pm

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

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

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

REGULAR SESSION

Time: 11:00 pm

Motion: To enter into Regular Session.

posed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

ADJOURN

Time: 11:01 pm

Motion: To adjourn.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

Respectfully Submitted,

Jackie Smith, County Clerk

Aaron Varner, Chairman