

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
February 19, 2008  
MINUTES**

**Present:** Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, Attorney Jenny Carter, & County Clerk Jackie Smith

**Newspaper:** Covington News – Rachel Oswald  
Newton Citizen - Crystal Tatum  
Large group of citizens

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

**2008 UNITED WAY PRESENTATION**

Newton County representative for the United Way, Angie Shumate, appeared before the board to present a plaque of appreciation for the hard work and donations received from county employees for the United Way Fund. Ms. Shumate told the board that almost \$3,000 was raised last year and expects even more this year. Plans are being made for a chili cook-off and a county recipe book. She also noted that funds raised in Newton County are used for Newton County residents.

The board expressed appreciation to Ms. Shumate for a job well done.

**WATER RESOURCE UPDATE**

Water Resource Director Karl Kelly appeared before the board to give an update on the county water situation. He provided a handout with information regarding Adoption of State of Georgia Modifications to Watering Restrictions, Status Update on Water Supply, and Status Update on Cornish Creek Plant Expansion. (Copy attached and made part of these minutes.) After the presentation and discussion by the board Mr. Kelly requested the board consider approving the adoption of the State's Modifications to Watering Restrictions.

**Motion:** To approve the recommendation by the Water Resource Department presented by Director Karl Kelly with a copy being made part of these minutes.

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

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

**Motion Carried**

## **APPROVAL OF BOC MINUTES DATED FEBRUARY 5, 2008**

**Motion:** To approve the Commission Minutes dated February 5, 2008 as printed.

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

**Second by:** Commissioner Earnest Simmons, District Two

**Motion Carried**

## **COUSINS GYM ARCHITECT AGREEMENT**

Administrative Officer John Middleton addressed the board regarding this agreement and noted the following:

- Agreement outlined on pages 16-20 in agenda packet
- Richard Wittschiebe Hand, Architects
- Construction Management Services for Cousins Gym project
- Building uniquely designed...treasure with historical value
- Met with Tommy Hailey, Commissioner Ewing for further review at Commissioner Ewing's request.
- Asking for a favorable recommendation

Commissioner Ewing

- Expressed thanks to board for allowing extra two weeks to review project agreement.

Commissioner Henderson

- Project long awaited for
- Wanted to do something for this community building for a long time.
- Placed on SPLOST and approved.
- Shared stories of his past childhood in attending basketball games in gym
- Watching his cousins play ball and reminisced about the wonderful times held in this gym for the children.
- So glad to be a small part of this historical event.

**Motion:** To approve the Agreement with Richard Wittschiebe Hand for the Cousins Gym Project as outlined on pages 16-20 and presented by Administrative Officer John Middleton. A copy of agreement is made part of these minutes.

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

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

**Motion Carried**

## **R021908 - DRAFT 2008 SOLID WASTE PLAN SUBMITTAL TO THE NORTHEAST GEORGIA REGIONAL DEVELOPMENT CENTER**

Administrative Officer John Middleton addressed the board requesting approval of a resolution to present the draft 2008 Solid Waste Plan to the Northeast Georgia Regional Development Center for their approval. He noted:

- Work Session held prior to this meeting regarding plan
- Draft, by law (DCA), must be approved by RDC

Commissioner Ewing

- Expressed thanks to Mr. Middleton and staff who worked many hours in putting this together.
- It is very important to adopt this plan because it lays the groundwork not only for the next ten years, but also for the next 30 years.

Commissioner Henderson

- Thinking about the needs of the community.
- Still concerned about smells, gases and noises by trucks

**Motion:** To approve R021908 – Draft 2008 Solid Waste Plan Submittal to the Northeast Georgia Regional Development Center as required.

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

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

**Motion Carried**

**Note: The original resolution is contained in file number R021908 incorporated herein by reference and expressly made a part of these minutes.**

### **CYCC GRANT**

Administrative Officer John Middleton addressed the board requesting approval for submittal of a grant application for the Children and Youth Coordinating Council (CYCC Grant). He noted the following:

- County has received this grant for the past five years
- Youth Program – 2 days per week
- Extremely successful in Newton County.
- 12.8 % of participants are repeat offenders
- A couple of local success stories: One participant was recently crowned Ms. North Georgia; one received a recording contract
- Matching grant of in-kind service

Commissioner Simmons

- Questioned location of service? Juvenile Department – Cousins School
- Point Person? Angie Moore Sims, Manager

Commissioner Ewing

- Background Check and who does them? Yes, Sheriff Department.
- Who makes sure we are in compliance with Federal Regulations? Our Auditors.

**Motion:** To approve the submission of the CYCC Grant as outlined by Mr. Middleton and explained in attached documents.

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

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

**Motion Carried**

### **VISION CARE – SUPPLEMENTAL PROVIDER**

Administrative Officer John Middleton addressed the board at the request of Human Resource Director Becky Heisten regarding this program. He noted the following:

- Becky is not here because she is with her mother who is gravely ill in the hospital in LA.
- Thought about putting this off, but Becky asks that I present this to you for consideration.
- Vision Care is proposed as Supplemental Insurance.
- Voluntary participation
- No cost to the county
- Employee pays premium

**Motion:** To approve the Nuvision Supplemental Vision Care Insurance for employees as presented by Mr. Middleton with no cost to the county.

**Proposed by:** Commissioner Earnest Simmons, District Two

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

**Motion Carried**

### **DECLARATION OF SURPLUS PROPERTY**

Chairman Varner presented the surplus property declaration request on behalf of the sheriff.

- 2 Crown Vics
- GovDeals.com

**Motion:** To approve the declaration of Surplus Property as presented by the chairman to be sold on GovDeals.com.

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

**Second by:** Commissioner Earnest Simmons, District Two

**Motion Carried**

**7:30 P.M.**

**ZONINGS:**

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

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

### **CASE NUMBER: MOD07-013**

Proposal: Modification of Conditions 1.b., and 2.a.

Existing Zoning: A (Agricultural) approved April 19, 2005

Location: Byrd Road (East Side)

2,462 Feet of Frontage

Gum Creek Road (North Side)

123 Feet of Frontage

Parcel Size: 64.38 acres

Tax parcel: 59-35A, 35B, 35C

Owner: Crosspointe Baptist Church, LLC

Applicant's Intent: 1. To increase the number of children from 75 to 250 for the private school. 2. To modify the site plan to add one additional building (10,000 square feet)  
Deferred February 19, 2008  
District Five

Director Eisenberg told the board that the church is working on a traffic study and due to the fact it is not complete requested another deferral.

- Recommends deferral

**Motion:** To accept the recommendation to defer MOD07-013 to March 18, 2008 meeting.

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

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

**Motion Carried**

**RESOLUTION R021908**  
**ADOPTION OF 2008 COMPREHENSIVE PLAN AND UPDATED**  
**FUTURE LAND USE MAP**

Chairman Varner opened the Public Hearing regarding the Comp Plan

Jim Summerbill, JJ&G

- Gave a power point presentation
- Presented the resolution to adopt the plan.
- Necessary to maintain qualified
- Gave same PowerPoint presentation that was presented to board at previous work session.
- Great deal of public involvement

Commissioner Simmons

- Concerned about Oak Hill Road & Salem Road areas
- Creates a sense of identity
- People live, work and play
- West so populated
- Suggest move forward where population already is

Jim Summerbill

- Activity Centers already identified in Western end of county
- Trying to place emphasis where population is.

No public comments

**Motion:** To approve R021908 Adoption of 2008 Comprehensive Plan and Updated Future Land Use Map to include Errata Sheet.

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

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

**Motion Carried**

**Note: The original resolution is contained in file number R021908a incorporated herein by reference and expressly made a part of these minutes.**

**AMD08-001**

**PROPOSED AMENDMENTS TO THE NEWTON COUNTY ZONING ORDINANCE**

Senior Planner Scott Sirotkin addressed the board with the following:

- Announced Public Hearing
- 2 amendments for consideration
- Presented amendments for consideration
- Board received information early on for review and comments

No Public Comments

**Motion:** To approve AMD08-001 as discussed several times within commission meetings/work sessions and as presented by Scott Sirotkin.

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

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

**Motion Carried with Commissioner Henderson abstaining from the vote.**

**CASE NUMBER: CUP07-015**

Proposed Use: Kennel

Existing Zoning: AR (Agricultural Residential)

Watershed: Bear Creek

Location: 2511 Elks Club Road (East Side)

421.2 Feet of Frontage

Mount Moriah Road (North Side)

661.3 Feet of Frontage

Parcel Size: 6.4 Acres

Tax parcel: 102-51

Owner: Patricia McDaniel

Applicant's Intent: To operate a kennel for up to 8 dogs to provide a foster home and rehabilitation under Peach State Sheltie Rescue, Inc.

Planning Commission Recommendation: Approval with Staff Conditions plus a Revised Condition.

District One

Petitioner: Patricia McDaniel

- Foster home for sheep dogs
- Home approved by the Georgia Adoption Agency
- Presented letter of intent
- Never had any problems or complaints from neighborhood or community
- Dogs eat/sleep on the inside
- Outside dogs are always supervised
- Some dogs are therapy dogs

- Counselor in Conyers office (Ms. McDaniel)
- All volunteer program – receives no compensation
- Does not accept aggressive dogs in rescue

Commissioner Ewing

- Visited in home on Saturday
- Spoke about breed being limited and petitioner agreed to this.

Commissioner Simmons

- Questioned policy for commercial kennel
- Number of animals allowed?

Marian Eisenberg

- County just adopted setbacks and this meets the criteria
- Petitioner requested 8 and agrees to leave it at that.

Opposition

Robert Phillips

- Concerned about watershed
- Animal Waste

Ms. McDaniel

- Animal waste is bagged and removed.

Commissioner Ewing

- Would like to make sure everyone understands that public water is available if needed.
- Lives in community Ewing family have lived in for many years.
- Always been good caregivers to animals
- Board has consistently turned down commercial kennels in residential area. What is the difference here? Went to visit and noise is not a problem.
- Noise issue has been the main issue in residential areas.
- Noise is not a problem here.

**Motion:** To approve CUP07-015 with the following conditions as read by Commissioner Ewing:

Approved for a Conditional Use Permit for a Kennel 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 Residential with accessory structures and a Kennel with up to 8 dogs.
  - b. Kennel to be operated only as Non-profit Rescue Organization.
  
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 November 29, 2007. 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. Dogs will be kept indoors except under the supervision of caregiver.
  - b. Any indoor or outdoor waste shall be collected into bags for disposal.
  - c. Breed of dogs is limited to Shetland Sheep dogs (commonly known as "Shelties").

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

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

**Motion Carried**

**CASE NUMBER: CUP07-017**

Proposed Use: Karate School

Existing Zoning: AR (Agricultural Residential)

Watershed: Little River

Location: Social Circle Road (West Side)

592.8 Feet of Frontage

Parcel Size: 3 Acres

Tax Parcel: 123-11A

Owner: Ronald Downton

Applicant's Intent: To operate a Karate School on property.

Planning Commission Recommendation: Approval with Staff Conditions and an added condition that there will be a 30-minute interval between classes for incoming and outgoing traffic on property.

District Five

Petitioner: Ronald Downton

- Family has been involved with martial arts for many years.
- Father: 40 years, Mother: 35 years; Brother: 30 years
- Would like to gain enough interest to eventually open up a storefront facility.
- Helps people to stay in shape, physically fit, youth discipline.
- Martial Arts is a life time of study
- Presented a petition with signatures of everyone on street
- Have spoke with every home on street and received support and approval.
- Home on 3 acres and father's home next door is on 7 acres

Commissioner Simmons

- Questioned size of class? 10 students per class
- Classes? Tuesday, Thursday, Saturday

No opposition

Commissioner Laster

- Met with Mr. Downton
- Appreciates the extent he has gone to for support of neighborhood
- Addressed an issue I had of placing a condition of 30-minute intervals between classes and petitioner agreed to that.



**Motion:** To approve CUP07-017 with the following conditions as read by Director Marian Eisenberg:

Conditional Use Permit for a Home Occupation (Karate School) 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 single-family residence and accessory structures with a Home Occupation (Karate School).
  - b. Comply with the standards of Sec. 510-310 and 620-020 G. of the Newton County Zoning Ordinance, as applicable.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description and letter of intent received by the Department of Planning and Development on December 7, 2007. 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. Hours of Operation: Tuesday through Thursday from 7:00 pm to 9:30 pm and Saturday from 8:30 am to 2:00 pm.
  - b. Number of students shall not be more than 10 at any given time.
  - c. Use shall be conducted indoors only.
  - d. 30-minute interval between classes.
  - e. All conditions per approval of VAR08-007.

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

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

**Motion Carried**

**CASE NUMBER: FLU07-016**

**REZ07-032**

Existing Land Use Map: LDR (Low Density Residential)

Proposed Land Use Map: PI (Public/Institutional)

Existing Zoning: R2 (Single-Family Residential)

Proposed Zoning: OI (Office-Institutional)

Watershed: South River

Location: Huntington Street (West Side)

394.91 Feet of Frontage

Brown Road (North Side)

251.24 Feet of Frontage

Parcel Size: 2.17 Acres

Tax Parcel: 29-233

Owner: L & K Hinton Enterprises, Inc.

Petitioner: Newton County Board of Commissioners

Applicant's Intent: To bring property into compliance for existing daycare, Kids In Training.

Planning Commission Recommendation: FLU07-016 – Approval; REZ07-032 –

Approval with Staff Conditions

District Two

**Motion:** To approve FLU07-016 and change the Future Land Use Map from LDR (Low Density Residential) to PI (Public/Institutional).

**Proposed by:** Commissioner Earnest Simmons, District Two

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

**Motion Carried**

**Motion:** To approve REZ07-032 and change the zoning from R2 (Single Family Residential) to OI (Office-Institutional) with the following conditions as read by Commissioner Simmons

Approved OI (Office Institutional) 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 Daycare facility on parcel 29-233.

**Proposed by:** Commissioner Earnest Simmons, District Two

**Second by:** Commissioner

**Motion Carried**

### **CASE NUMBER: REZ07-035**

Existing Land Use Map: RR (Rural Residential)

Existing Zoning: A (Agriculture)

Proposed Zoning: RE (Rural Estate)

Watershed: Alcovy River

Location: 315 and 335 Bates Road (West Side)

331.09 Feet of Frontage

Parcel Size: 9.85 Acres (total)

Tax Parcel: 106-30E, 30F

Owner: John Pickens & Anthony Chapman

Applicant's Intent: To reconfigure two lots. One with an existing primary structure, and one with an existing primary structure and pond.

Planning Commission Recommendation: Approval with Staff Conditions

District One

Petitioner: John Pickens

- Purchased lot and then purchased 3 acres from neighbor.

Commissioner Ewing

- Reiterated that in letter of intent Mr. Pickens stated main purpose was to make it possible to have a permanent residential home. Correct.
- Goal is to have a relatively large lot for your permanent home? Yes

No Opposition

**Motion:** To approve REZ07-035 as recommended by the Planning Commission and change from A (Agriculture) to RE (Rural Estate) with the following conditions as read by Commissioner Ewing:

Approved RE (Residential 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(s) (existing) and accessory uses and structures.
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 8, 2007. 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 Minor Plat.
  - b. Applicant must submit proposed subdivision for approval as a Minor Plat to the Department of Planning & Development prior to recording with the Clerk of Superior Court, and prior to any transfer or sale of property.

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

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

**Motion Carried**

### **COUNTY CHECKS:**

**Motion:** To approve the county checks as printed and read aloud by the chairman.

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

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

**Motion Carried**

### **STREETLIGHTS:**

Mills Cove Subdivision

**Motion:** To approve the streetlight request for Mills Cove Subdivision.

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

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

**Motion Carried**

**EXECUTIVE SESSION**

Time: 8:30 p.m.

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

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

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

**Motion Carried**

**REGULAR SESSION**

Time: 9:05 p.m.

**Motion:** To enter into Regular Session.

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

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

**Motion Carried**

**ADJOURN**

Time: 9:06 p.m.

**Motion:** To adjourn the meeting.

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

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

**Motion Carried**

**Respectfully Submitted,**

---

**Jackie B. Smith, County Clerk**

---

**Aaron Varner, Chairman**