

1. Agenda

Documents:

[FEBRUARY 20, 2018 AGENDA.PDF](#)

2. Minutes

Documents:

[FEBRUARY 20, 2018 \(1\).PDF](#)

[FEBRUARY 20, 2018 \(2\).PDF](#)

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Agenda
March 6, 2018

Thought for the day...

“Never be limited by other people’s limited imaginations.” ~ Dr. Mae Jemison

7:00 p.m.

1. Call to Order: Chairman Marcello Banes
2. Invocation: Pastor Doug Gilreath, Covington First United Methodist
3. Pledge of Allegiance
4. Executive Session
5. Agenda Adoption
6. Citizen Comments
7. Chairman’s Report:
RECOGNITION OF THE MLK AWARDS RECIPIENTS
 - (1) I HAVE A DREAM – Claudia Minge
 - (2) TRAILBLAZER AWARD – Oliver Dean II
 - (3) YOUNG DREAMER – (K-5) Isaiah Lockhardt
 - (4) YOUNG DREAMER – (6-12) Jaison Taylor
 - (5) MLK Scholar, Eric Wendell Lee
8. County Manager’s Report:
 - Current activities update
 - Permits Update
 - Roads Update
9. Consent Agenda
 - 9a. County Clerk: BOC Special Called Meeting Minutes dated February 6, 2018
 - 9b. County Clerk: BOC Special Called Meeting Executive Session Minutes dated February 6, 2018
 - 9c. County Clerk: BOC Meeting Minutes dated February 6, 2018
 - 9d. County Clerk: BOC Executive Session Minutes dated February 6, 2018 (regular meeting)
 - 9e. EMA – Request approval to accept a pre-established Federal grant offered through GMA annually to support operations of the Newton County Emergency Management Agency.
10. PRESENTATION BY THE BARNES LAW GROUP REGARDING 911 FEES RECOVERY

11. Senior Services: Request Approval of a Memorandum of Understanding Purchase Services between N.C. Senior Services & View Point Health
- SP 12. Finance Department: Monthly Financial Report – January 2017
- SP 13. Finance Department: Request approval of budget amendments.
14. DISCUSSION/CONSIDERATION FOR APPROVAL OF AGREEMENT WITH PIEDMONT HEALTHCARE REGARDING THE EXPENDITURE OF 2011 SPLOST FUNDS FOR CONSTRUCTION OF EMERGENCY ROOM AT PIEDMONT NEWTON HOSPITAL
15. R022018 - Approval of Modification of Promissory Note & Loan Agreement between Newton County and Georgia Environmental Finance Agreement (GEFA)
16. Nelson Heights Community Center Appropriations Report.
17. DISCUSSION/CONSIDERATION OF RESOLUTION R022018a – A RESOLUTION REGARDING AMENDMENTS TO THE NEWTON COUNTY EMPLOYEE PERSONNEL POLICY APPLICABLE TO ALL EMPLOYEES HIRED PRIOR TO MAY 1, 2006 IN RESLATION TO CONDUCT OF THE APPEAL HEARING
18. DISCUSSION/CONSIDERATION OF RESOLUTION R022018c – A RESOLUTION TO REPEAL THE CIVIL SERVICE SYSTEM AND TO ADOPT A NEW CONSOLIDATED HANDBOOK.
19. DISCUSSION/ CONSIDERATION OF PAYMENTS IN CONNECTION WITH THE FLAT SHOALS/COVINGTON BYPASS PROJECT: PARCEL 14 (FORMER TENANT INTEREST) – RELOCATION EXPENSES PAYABLE JOINTLY TO WESLEY HUGHES AND JACK LASETER, HIS LANDLOARD, TOTALING \$9,540.00, IN ACCORDANCE WITH THE FEDERAL “UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT.”
20. DISCUSSION/CONSIDERATION OF RESOLUTION R022018b - A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING SALE OF PROPERTY LOCATED IN JONES COUNTY, GEORGIA (JONES COUNTY PARCEL NUMBER J23 00 021A)

7:30 PM

ZONING/PUBLIC HEARING

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes are allotted for those in opposition to the petition.

21. OLD BUSINESS:
Case Number: CUP17-000007
Proposed Use: Special Events Facility
Existing Zoning: AR (Agricultural Residential)
Watershed: Yellow River
Location: 1048 W. Macedonia Church Road, Oxford, GA
301 feet of frontage on W. Macedonia Church Road
Parcel Size: 5.91 acres
Tax Parcel: 58-3
Owner: David & Carolin Mafe
Petitioner: David & Carolin Mafe
Representative: David & Carolin Mafe
Applicant's Intent: To operate a Special Event Facility for weddings, reunions, and other special event gatherings.
Planning Commission: Recommended approval with conditions on October 24, 2017
District Three (3)

22. NEW BUSINESS:
Case Number: REZ17-000005
Future Land Use Map: Res (Residential)
Existing Zoning: None
Proposed Zoning Designation: AR (Agricultural Residential)
Watershed: Yellow River
Location: Washington Street (South Side)
Parcel Size: 3.233 Acres Total
Tax Parcel: 0043000060001c00 & 0043000060001d00
Owner: HCH 1000 LLC
Petitioner: Newton County Board of Commissioners
Representative: Development Services
Applicant's Intent: Designate a Zoning classification to properties formerly owned by Central of GA Railroad.
Planning Commission: Recommended approval
District Five (5)

23. Alcohol License
Final Reading
Kayden Enterprises LLC
DBA Magnet Shell
5343 Hwy 20 S
Covington, Georgia 30016
District Two

24. Citizen Comments

25. Commissioner Comments

26. Executive Session

27. Adjourn

NEWTON COUNTY BOARD OF COMMISSIONERS
WORK SESSION
Newton County Historic Courthouse
Tuesday, February 20, 2018
MINUTES

Present: Chairman Marcello Banes, Commissioner's Stan Edwards, Lanier Sims, Nancy Schulz, Ronnie Cowan, Attorney Megan Martin, County Manager Lloyd Kerr, and Clerk Jackie Smith

Absent: Commissioner J.C. Henderson

Covington News, Newton Citizen

Small group of citizens

Chairman Banes call the meeting to order at 6:00 p.m. and extended a welcome to all in attendance. Pastor Gil Gaynor gave the invocation and Commissioner Stan Edwards led the Pledge of Allegiance to our flag.

Purpose: Hwy. 278-CID – FY2019 Budget Presentation

Guests: Kathy Morgan and Doyle Kelley

County Manager Lloyd Kerr recognized Kathy Morgan who requested to appear before the board to have an opportunity to share their budget request and how it will be utilized.

Ms. Morgan addressed the board noting they have been good stewards of county dollars and will continue to do so. She then recognized members of the committee in attendance.

- Noted that Mr. Kelly is the transportation engineer w/Thomas & Hutton who is working on the Master Plan.
- Bid out Master Plan and received two excellent bids.
- Sent plan to GDOT. After reviewing plan they will make recommendations and we will come back to this board with report.
- PowerPoint presentation is attached and made part of these minutes.

Chairman Banes expressed appreciation for the presentation and the support and attendance of their committee.

With no further business, a motion by Commissioner Sims, second by Commissioner Edwards, the work session adjourned at 6:47 p.m.

Respectfully submitted,

Jackie B. Smith, County Clerk

Marcello Banes, Chairman

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Minutes
February 20, 2018

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Lanier Sims, Nancy Schulz, J.C. Henderson, Ronnie Cowan, County Attorney Megan Martin, County Manager Lloyd Kerr and Deputy Clerk Judy T. Johnson.

Large group of citizens, the Covington News, and the Newton Citizen

Chairman Banes called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Doug Gilreath, Covington First United Methodist and the Pledge of Allegiance to our great flag was led by Commissioner Schulz.

EXECUTIVE SESSION

On a motion made by Commissioner Sims with a second by Commissioner Henderson to enter Executive Session for purposes of Litigation @ 7:18 p.m.

Motion carried unanimously (5/0)

Motion by Commissioner Sims, second by Commissioner Edwards to enter back into Regular Session @ 7:27 p.m.

Motion carried unanimously (5/0)

AGENDA ADOPTION

Chairman Banes requested to remove item 18 from the Agenda, extract Item # 9b. "County Clerk: BOC Special Called Meeting Executive Session Minutes dated February 6, 2018" from the Consent Agenda and place the item on the Regular Agenda as Item # 11a.; and add Item #14a. "DISCUSSION/CONSIDERATION OF RESOLUTION R022018d – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING THE OPERATION AND MANAGEMENT OF GAITHERS PLANTATION/ with discussion of County Property & DNR.

Motion by Commissioner Sims, second by Commissioner Henderson to adopt the February 20, 2018 agenda as stated.

Motion carried unanimously (5/0)

CITIZEN COMMENTS

- Karen Brooks addressed the Commissioners about Agenda Item #16, Nelson Heights appropriations, and her concerns over an audit report regarding Nelson Heights. She believes it is a conflict of interest to have a sitting Commissioner on that Board.
- Jessica Pierson informed the Commissioners she was keeping an eye on them.
- Ricky Mock addressed the Commissioners about Item # 17, CUP17-000007, and stated he had told everyone the signage was not placed correctly.

CHAIRMAN'S REPORT

Chairman Banes recognized and thanked the following MLK Awards Recipients:

- Ms. Claudia Minge who received the "I Have A Dream Award" said she was honored to give back to a county that had raised her.

- Mr. Oliver Dean II who received the “Trailblazer Award” stated he was honored to receive the award and explained that his passion is to not only mentor children, but also the parents.
- Isaiah Lockhardt was recognized for the “Young Dreamer Award – K-5” and expressed he was honored to receive the award.
- Jaison Taylor was recognized for the “Young Dreamer Award – 6-12” and expressed he was honored to receive the award.

COUNTY MANAGER’S REPORT

County Manger Kerr updated the Commissioners on the following activities:

- Current activities update including welcoming Cynthia Wyman as the new Animal Control Director
- Permits Update
- Roads Update included a PowerPoint presentation attached and made a part of these minutes.

CONSENT AGENDA

- County Clerk: BOC Special Called Meeting Minutes dated February 6, 2018
- County Clerk: BOC Meeting Minutes dated February 6, 2018
- County Clerk: BOC Executive Session Minutes dated February 6, 2018 (regular meeting)
- EMA – Request approval to accept a pre-established Federal grant offered through GMA annually to support operations of the Newton County Emergency Management Agency.

Motion by Commissioner Sims, second by Commissioner Schulz, to adopt the consent agenda with changes noted previously by Chairman Banes.

Motion carried unanimously (5/0)

PRESENTATION BY THE BARNES LAW GROUP REGARDING 911 FEES RECOVERY

- Chairman Banes welcomed former Governor Barnes, to give the presentation.
- Governor Barnes went over a PowerPoint presentation that explained the legal concerns for local governments regarding collection of required 911 fees
- Governor Barnes stated he estimated Newton County government was owed approximately \$1,581,975.
- PowerPoint is attached and made a part of these minutes.
- Commissioner Schulz inquired about the timeline anticipated for resolution
- Governor Barnes said the case was in its 3rd year and expected it to last another couple of years
- County Attorney Martin stated she would bring back 2 auditing contracts for the Board of Commissioners to review.

Senior Services: Request Approval of a Memorandum of Understanding Purchase Services between N.C. Senior Services & View Point Health Approved (5-0)

- County Manager Kerr stated the contract would not exceed \$30,000

Motion made by Commissioner Schulz to approve the Memorandum of Understanding between N.C. Senior Services & View Point Health at a cost not to exceed \$30,000, second by Commissioner Sims.
Motion carried unanimously (5/0)

County Clerk: BOC Special Called Meeting Executive Session Minutes dated February 6, 2018

- Robert Stansfield, Attorney for Josh McKelvey a member of the Recreation Commission, presented a Respondent McKelvey's Objection to Post-Hearing Conduct regarding the how the Executive Session on February 6, 2018 was conducted.
- Commissioner Henderson asked that the following statement be added and made a part of these minutes: I know too much about the firing and Anthony Avery.

Motion by Commissioner Cowan, second by Commissioner Sims, to approve the Executive Session Minutes with the inclusion of the Objection to Post-Hearing Conduct Approved (4-1-0) Commissioner Henderson abstained due to be a member of the Recreation Board

Finance Department: Monthly Financial Report – January 2018

- Nicole Cross, Finance Director, went over the January 2018 Financial report.

Finance Department: Request approval of budget amendments.

- Nicole Cross, Finance Director, explained the budget amendment requests.
- County Manager Kerr explained the roof on the existing Judicial Building was over 18 years old and was experiencing many leaks.
- Mr. Kerr further explained that 3 bids had been sought to replace the roof with the best priced bid coming from the company that is doing the roof on the judicial expansion, and therefore is the company awarded the bid.
- Commissioner Henderson inquired if the entire building would then have a new roof.
- Mr. Kerr stated that was correct.

Motion by Commissioner Henderson, second by Commissioner Edwards, to approve the budget amendment.
Motion carried unanimously (5-0)

DISCUSSION/CONSIDERATION FOR APPROVAL OF AGREEMENT WITH PIEDMONT HEALTHCARE REGARDING THE EXPENDITURE OF 2011 SPLOST FUNDS FOR CONSTRUCTION OF EMERGENCY ROOM AT PIEDMONT NEWTON HOSPITAL

Motion by Commissioner Sims, second by Commissioner Cowan, to approve the agreement with Piedmont Healthcare regarding the expenditure of 2011 SPLOST funds for construction of emergency room at Piedmont Newton Hospital.
Motion carried unanimously (5-0)

DISCUSSION/CONSIDERATION OF RESOLUTION R022018d – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING THE OPERATION AND MANAGEMENT OF GAITHERS PLANTATION/ with discussion of County Property & DNR

- Commissioner Edwards explained the 2-part agenda item request.
- Commissioner Edwards stated he and Chairman Banes had collaborated on the resolution for Gaithers noting their goal is to promote and utilize the property. He also stated there would be a Steering Committee to help guide and promote the property. Decisions by the Steering Committee would come back to the Board of Commissioners for vote when practical. Commissioner Edwards also stated the Resolution would be reviewed annually and would expire on January 1, 2021.
- Commissioner Edwards clarified the date in the Resolution listed under number “2” should reflect December 31, 2020 not December 31, 2021.
- Commissioner Edwards explained the second part of the agenda item dealt with conversations with DNR on a lease agreement for the former Bear Creek Reservoir property. Commissioner Edwards noted the benefits of having a State Wildlife Management Area will both preserve the property and make it viable. He said it would be a long term open-ended lease with 30, 60, 90 days as an out.
- Commissioner Schulz commended Chairman Banes and Commissioner Edwards in the effort to promote Gaithers; however, she stated she could not support the resolution due to the time and effort the Board took in creating the new County Manager form of Government as well as she believes it is the Chairman’s responsibility to look over the entire county without the distractions that may come up in managing the property.
- Commissioner Henderson expressed concern over different events held there including the Civil War reenactment. He also noted concern over where the exact boundary of the slave cemetery was.
- Commissioner Cowan noted Factory Shoals was a property where the DNR had also expressed interest. Commissioner Cowan went on to say that when the discussion began to have the Chairman involved, his thought was it work better with the State and local to have the Board of Commissioners oversee for a time. Commissioner Cowan concluded by adding that another benefit of having the State help would be they would also provide Rangers and access to Federal Grants for the property that the County is not eligible to apply for.
- Commissioner Sims thanked Chairman Banes & Commissioner Edwards on putting this plan together. Commissioner Sims also noted that several times throughout the years on the BOC discussion had occurred about potentially leasing the land that does not have taxes to get income back into the County.

Motion by Commissioner Edwards, second by Commissioner Sims, to approve R022018d. Resolution was Approved (3-2) with Commissioners Schulz & Henderson voting in opposition.

At the close of the vote, Chairman Banes polled the Board on whether to move forward in conversations with DNR and let the County Attorney to draft contract. Commissioners Edwards, Sims, Schulz, and Cowan acknowledged in favor and Commissioner Henderson was not in favor.

R022018 - Approval of Modification of Promissory Note & Loan Agreement between Newton County and Georgia Environmental Finance Agreement (GEFA)

- County Manager Kerr went over the resolution

Motion by Commissioner Henderson, second by Commissioner Schulz, to approve the R022018.

Motion carried unanimously (5-0)

Nelson Heights Community Center Appropriations Report.

- Anthony Henderson and Mrs. Camp gave an update on Nelson Heights Community Center and passed out a brochure to the Board highlighting many of the programs offered at the facility.
- Mr. Henderson stated the community center would be requesting the same amount of funding as they had received last year.

DISCUSSION/CONSIDERATION OF RESOLUTION R022018a – A RESOLUTION REGARDING AMENDMENTS TO THE NEWTON COUNTY EMPLOYEE PERSONNEL POLICY APPLICABLE TO ALL EMPLOYEES HIRED PRIOR TO MAY 1, 2006 IN RESLATION TO CONDUCT OF THE APPEAL HEARING

- County Attorney Megan Martin explained the resolution and noted the effective date would be March 23, 2018.

Motion by Commissioner Schulz, second by Commissioner Sims, to approve R020618a.

Motion carried unanimously (5-0)

DISCUSSION/ CONSIDERATION OF PAYMENTS IN CONNECTION WITH THE FLAT SHOALS/COVINGTON BYPASS PROJECT: PARCEL 14 (FORMER TENANT INTEREST) – RELOCATION EXPENSES PAYABLE JOINTLY TO WESLEY HUGHES AND JACK LASETER, HIS LANDLOARD, TOTALING \$9,540.00, IN ACCORDANCE WITH THE FEDERAL “UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT.”

- County Manager Kerr went over the relocation expenses and explained the state statute requires payment of 1-year rent and the expense would be reimbursed by GDOT.

Motion by Commissioner Henderson, second by Commissioner Sims, to approve the payment for the relocation expenses.

Motion carried unanimously (5-0)

DISCUSSION/CONSIDERATION OF RESOLUTION R022018b - A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING SALE OF PROPERTY LOCATED IN JONES COUNTY, GEORGIA (JONES COUNTY PARCEL NUMBER J23 00 021A)

- County Manager Kerr read the resolution.

Motion by Commissioner Sims, second by Commissioner Edwards, to approve R022018b.
Motion carried unanimously (5-0)

7:30 PM

ZONING/PUBLIC HEARING

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes are allotted for those in opposition to the petition.

OLD BUSINESS:

Case Number: CUP17-000007

Proposed Use: Special Events Facility

Existing Zoning: AR (Agricultural Residential)

Watershed: Yellow River

Location: 1048 W. Macedonia Church Road, Oxford, GA

301 feet of frontage on W. Macedonia Church Road

Parcel Size: 5.91 acres

Tax Parcel: 58-3

Owner: David & Carolin Mafe

Petitioner: David & Carolin Mafe

Representative: David & Carolin Mafe

Applicant's Intent: To operate a Special Event Facility for weddings, reunions, and other special event gatherings.

Planning Commission: Recommended approval with conditions on October 24, 2017
District Three

- Planning Director, Zachary Montgomery, addressed the Board of Commissioners regarding a notification received from the applicant about the placement of the signage notification.
- Mr. Montgomery explained the site plan survey was not received until February 14, 2018 and once the driveway was clearly marked the notification sign was not on the subject property, but rather placed on the adjoining property. Therefore, the case is considered null/void and could not be heard by the Board of Commissioners. He further stated the applicant would have to start over and go back through the Planning Commission and the Board of Commissioners should the applicant desire to do so.

NEW BUSINESS:

Case Number: REZ17-000005

Future Land Use Map: Res (Residential)

Existing Zoning: None

Proposed Zoning Designation: AR (Agricultural Residential)

Watershed: Yellow River

Location: Washington Street (South Side)

Parcel Size: 3.233 Acres Totaled

Tax Parcel: 0043000060001c00 & 0043000060001d00

Owner: HCH 1000 LLC

Petitioner: Newton County Board of Commissioners

Representative: Development Services

Applicant's Intent: Designate a Zoning classification to properties formerly owned by Central of GA Railroad.

Planning Commission: Recommended approval
District Five (5)

- Planning Director Zachary Montgomery explained the petition to the Board of Commissioners noting this was property previously used as a railroad/public utility and did not require zoning. However, it had now been purchased by an individual to develop and required a zoning to do so.
- Mr. Montgomery explained the County zoning on surrounding properties was AR (Agricultural Residential) and that was the designation that was being proposed in the petition.

Motion by Commissioner Cowan, second by Commissioner Schulz, to approve REZ17-000005 to AR (Agricultural Residential)
Motion carried unanimously (5-0)

Alcohol License

Final Reading

Kayden Enterprises LLC
DBA Magnet Shell
5343 Hwy 20 S
Covington, Georgia 30016
District Two

Motion by Commissioner Sims, second by Commissioner Schulz, to approve the alcohol license request for Kayden Enterprises LLC, DBA Magnet Shell, 5343 Hwy 20 S, Covington, Georgia 30016 as requested.
Motion carried unanimously (5/0)

CITIZEN COMMENTS

- Sarah Dauby spoke in reference to Gaithers and noted the County needed an Organizational Chart.
- Gene Willis informed the Board of Commissioners he had sent an email regarding the statue on the Square and encouraged the BOC to consider moving the statue to a cemetery.

COMMISSIONER COMMENTS

Commissioner Edwards: None

Commissioner Sims: None

Commissioner Schulz: None

Commissioner Henderson: Noted that as a community you wake up and find the whole environment has changed so you need to help as many people as you can.

Commissioner Cowan: None

EXECUTIVE SESSION

9:42 p.m.

- Chairman Banes turned the meeting over to Vice Chairman Cowan. Commissioner Edwards and Henderson recused themselves from the Executive Session citing conflict of interest due to personal involvement.

Motion by Commissioner Sims and 2nd by Commissioner Schulz to enter Executive Session for purposes of Personnel & Litigation.

(3-0) (Sims, Schulz and Cowan voting in favor)

10:43 p.m.

Motion by Commissioner Sims and 2nd by Commissioner Schulz to enter back into Regular Session. (3-0) (Sims, Schulz and Cowan voting in favor)

Adjourn

Motion by Commissioner Sims and 2nd by Commissioner Schulz to adjourn at 10:44 p.m. (3-0) (Sims, Schulz and Cowan voting in favor)

Respectfully submitted,

Judy T. Johnson, Deputy County Clerk

Marcello Banes, Chairman