

1. Agenda

Documents:

[MAY 15, 2018 AGENDA.PDF](#)

2. Agenda Summary

Documents:

[MAY 15, 2018 AGENDA SUMMARY.PDF](#)

3. Minutes

Documents:

[MAY 15, 2018 \(1\).PDF](#)  
[MAY 15, 2018 \(2\).PDF](#)

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Regular Meeting**  
**Agenda**  
**May 15, 2018**

Thought for the day...

“Do what you can, with what you have, where you are.” ~ Theodore Roosevelt

7:00 p.m.

1. Call to Order: Chairman Marcello Banes
2. Invocation: Potter’s House, Pastor Ricky Bradford
3. Pledge of Allegiance
4. Agenda Adoption
5. Citizen Comments
6. Chairman’s Report

1-30

7. County Manager’s Report
  - Miscellaneous Reports
  - Discussion/scheduling of work session to discuss property appraisal process
  - Discussion/approval for revised T-SPLOST schedule
  - Discussion/ Approval of half day retreat to discuss incentives and impact fees

**Old Business –**

**ZONGING PUBLIC HEARING**

SP	8.	Tabled from the April 17, 2018 Board of Commissioners Meeting
		Case Number: REZ18-000001
		Existing Zoning: R2 Single Family Residential
		Overlay District: Salem – Tier 3
		Existing Land Use Map: DN Development Node
		Proposed Zoning: CG General Commercial
		Watershed: South River
		Location: 4283 Salem Road
		355 Feet of Frontage
		Parcel Size: 2.85 Acres
		Tax Parcel: 013.123
		Commission District: Two (2)
		Owner: Janice Curtis
		Petitioner: Zeev Josman, J&H Holdings, LLC
		Representative: Robert Bullard

Applicant's Intent: To develop the property to accommodate a proposed Drive-Thru Carwash and Commercial Out Parcel

Old Business cont.  
PUBLIC HEARING

SP 9. Tabled from the May 1, 2018 Board of Commissioner's Meeting. **DISCUSSION/CONSIDERATION OF R-050118/O-050118 – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING REVISION AND REPLACEMENT OF CHAPTER 30, DIVISION ALL OF THE NEWTON COUNTY CODE ENTITLED ANIMAL CONTROL ORDINANCE**

**New Business –**

- 10. Consent Agenda
- 32-40 10a. County Clerk: BOC WS Minutes dated May 1, 2018
- 41-46 10b. County Clerk: BOC Minutes dated May 1, 2018
- 47-49 10c. Senior Services/Newton County DFACS: Seeking approval of **RESOLUTION R051518 - REQUESTING TO APPLY FOR THE FY2019 COMMUNITY SERVICE BLOCK GRANT IN THE AMOUNT OF \$115,584.00.** This grant provides meals to seniors through the Senior Services Meals on Wheels program and Rent/Utility/Mortgage assistance through Newton County DFACS.
- 50-86 10d. (Ratification of contract) Services Agreement with Organizations By Design for creation of a strategic plan for Newton County (approved on April 17, 2018)
- 87 10e. Sheriff's Office: Request approval to amend existing contract for Olivia Maupin, Personnel Consultant to include the following clause: Contractor will be required to work between 15-25 hours per week. However, this does not prohibit from working additional hours as needed.
- 88 10f. Sheriff's Office: request approval to amend existing contract for Yvonne McMullen to include 5 additional hours per week for ACA preparation in an amount not to exceed an additional \$5,000.00
- 89-119 10g. Newton County EMA: Request to purchase Public Safety Emergency Alert Warning System CodeRed at a cost of \$17,000.00 annually including the training fee. The funding source is \$15,000.00 grant and \$2,000.00 EMA. Deadline requirement of May 31, 2018.
- SP/120 11. Finance Department: Monthly Financial Report – April 2018

- 121-132 12. Purchasing & Facilities: Consideration of contract with Five Fields Lawn Care in an amount of \$71,160 for lawn care for Newton County facilities
- 133-147 13. Discussion/Consideration for approval of a lease with Georgia Department of Natural Resources creating the Gaither Wildlife Management Area.
- 148-174 14. Discussion/Consideration for approval of an attorney retainer agreement with Barnes Law Group, an audit and litigation services agreement with Expert Discovery, LLC, and a nondisclosure agreement with Expert Discovery, LLC, in connection with proposed 911 Fee Recovery Litigation
- 175-181 15. Public Works: Discussion/Consideration for approval of a change order from Gresham Smith Partners to complete the PE phase of the Iris Drive Bypass @ Crowell Rd and I-20 project.
- 182-187 16. Discussion/Consideration for approval of **R-051518A – A RESOLUTION TO AMEND THE DEVELOPMENT IMPACT FEE ORDINANCE OF NEWTON COUNTY BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA**
- 188 17. Discussion/Consideration for approval of **R051518B, A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO CHANGE THE NAME OF GAITHER PLANTATION TO GAITHER’S AT MYRTLE CREEK FARM**

7:30 p.m. ZONING PUBLIC HEARING

189/SP 18. Case Number: FLU18-000001  
Existing Land Use: None  
Proposed Future Land Use: IND (Industrial)  
Watershed: Yellow River  
Location: 695 Moore St  
Parcel Size: 10.0 Acres  
Tax Parcel: CO 42 35  
Commission District: Four (4)  
Owner: LW Ventures LLC  
Petitioner: Newton County Board of Commissioners  
Representative: Development Services  
Applicant’s Intent: To Designate a Future Land Use for property brought back into the unincorporated part of the Newton County on February 6, 2018.

7:30 p.m. ZONING PUBLIC HEARING cont.

SP 19. Case Number: REZ18-000002

Existing Zoning: A (Agriculture)  
Proposed Zoning: AR (Agriculture Residential)  
Watershed: Little River  
Location: 225 Carmel Church Rd  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 128-17  
Commission District: One (1)  
Owner: Ricky L & Carolyn Bruce  
Petitioner: William Bruce  
Applicant's Intent: To rezone Property to AR (Agriculture Residential) to allow a family member (son) to build a home on the new lot.

7:30 p.m. ZONING PUBLIC HEARING cont.

SP 20. Case Number: APP18-000001  
Original Case number: OSPEC18-000001  
Existing Zoning: PUD (Planned Unit Development)  
Overlay: Salem Overlay District – Tier 5  
Location: 60, 70, 130, 140, 150, 160 Harrison Circle; 20, 25, 30, 35, 40, 50, 55, and 60 Charity Chase – Legends of Ellington Subdivision  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 13B-230, 231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246  
Commission District: Two (2)  
Owner: Austin Daniel, Carla Daniel, John Daniel  
Petitioner: Daniel Lucious, Liberty Communities  
Applicant's Intent: Relief to the Salem Overlay for new residential structures including: Sec. 460-050 I.: #4(ii) – Recessed Garages; #8. Building materials- (a.) Brick skirting along the sides of the foundation, (d.) Architectural Shingles (Requesting to use 3 Tab shingles); #10.(a.) – HVAC screening

21. Citizen Comments
22. Commissioner Comments
23. Executive Session
24. Adjourn



**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Regular Meeting**  
**Agenda**  
**May 15, 2018**  
**AGENDA SUMMARY**

Thought for the day...

“Do what you can, with what you have, where you are.” ~ Theodore Roosevelt

**7:00 p.m.**

1. Call to Order: Chairman Marcello Banes
2. Invocation: Potter’s House, Pastor Ricky Bradford
3. Pledge of Allegiance: Sheriff Ezell Brown
4. Agenda Adoption  
**Motion by Commissioner Sims, second by Commissioner Schulz to approve the agenda as amended.**  
**Motion passed unanimously. (5-0)**
5. Citizen Comments
6. Chairman’s Report
7. County Manager’s Report
  - Miscellaneous Reports
  - Discussion/scheduling of work session to discuss property appraisal process
  - Discussion/approval for revised T-SPLOST schedule
  - Discussion/ Approval of half day retreat to discuss incentives and impact fees

**Old Business –**

**ZONING PUBLIC HEARING**

8. Tabled from the April 17, 2018 Board of Commissioners Meeting
  - Case Number: REZ18-000001
  - Existing Zoning: R2 Single Family Residential
  - Overlay District: Salem – Tier 3
  - Existing Land Use Map: DN Development Node
  - Proposed Zoning: CG General Commercial
  - Watershed: South River
  - Location: 4283 Salem Road  
355 Feet of Frontage
  - Parcel Size: 2.85 Acres
  - Tax Parcel: 013.123

Commission District: Two (2)  
Owner: Janice Curtis  
Petitioner: Zeev Josman, J&H Holdings, LLC  
Representative: Robert Bullard  
Applicant's Intent: To develop the property to accommodate a proposed Drive-Thru Carwash and Commercial Out Parcel

**Motion by Commissioner Sims, second by Commissioner Schulz to approve REZ18-000001 with Staff Recommended Conditions. Motion passed unanimously. (5-0)**

Old Business cont.  
PUBLIC HEARING

9. Tabled from the May 1, 2018 Board of Commissioner's Meeting. DISCUSSION/CONSIDERATION OF **R-050118/O-050118 – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING REVISION AND REPLACEMENT OF CHAPTER 30, DIVISION ALL OF THE NEWTON COUNTY CODE ENTITLED ANIMAL CONTROL ORDINANCE**

**Motion by Commissioner Schulz, second by Commissioner Sims to approve R-050118/O-050118, A Resolution of the Newton County Board of Commissioners regarding revision and replacement of Chapter 30, Division all of the Newton County Code entitled Animal Control Ordinance.**

**A substitute motion was made by Commissioner Edwards to remove tethering all together effective September 1, 2018 with enforcement by December 31, 2018. Motion died for lack of a second.**

**The original motion passed with Commissioner Edwards opposing and Commissioner Henderson abstaining. (3-1-1)**

**New Business –**

10. Consent Agenda  
10a. County Clerk: BOC WS Minutes dated May 1, 2018  
10b. County Clerk: BOC Minutes dated May 1, 2018  
10c. Senior Services/Newton County DFACS: Seeking approval of **RESOLUTION R051518 - REQUESTING TO APPLY FOR THE FY2019 COMMUNITY SERVICE BLOCK GRANT IN THE AMOUNT OF \$115,584.00.** This grant provides meals to seniors through the Senior Services Meals on Wheels program and Rent/Utility/Mortgage assistance through Newton County DFACS.



- 10d. (Ratification of contract) Services Agreement with Organizations By Design for creation of a strategic plan for Newton County (approved on April 17, 2018)
- 10e. Sheriff's Office: Request approval to amend existing contract for Olivia Maupin, Personnel Consultant to include the following clause: Contractor will be required to work between 15-25 hours per week. However, this does not prohibit from working additional hours as needed.
- 10f. Sheriff's Office: request approval to amend existing contract for Yvonne McMullen to include 5 additional hours per week for ACA preparation in an amount not to exceed an additional \$5,000.00
- 10g. Newton County EMA: Request to purchase Public Safety Emergency Alert Warning System CodeRed at a cost of \$17,000.00 annually including the training fee. The funding source is \$15,000.00 grant and \$2,000.00 EMA. Deadline requirement of May 31, 2018.

**Motion by Commissioner Schulz, second by Commissioner Sims to approve the Consent Agenda. Motion passed unanimously. (5-0)**

- 11. Finance Department: Monthly Financial Report – April 2018

- 12. Purchasing & Facilities: Consideration of contract with Five Fields Lawn Care in an amount of \$71,160 for lawn care for Newton County facilities

**Motion by Commissioner Sims to table until the Board of Commissioners has a list of properties under the contract, second by Commissioner Edwards.**

**Substitute motion made by Commissioner Cowan to add sending the contract to the Solid Waste Authority for their approval of lawn maintenance for the convenience centers, second by Commissioner Henderson.**

**Motion passed unanimously. (5-0)**

- 13. Discussion/Consideration for approval of a lease with Georgia Department of Natural Resources creating the Gaither Wildlife Management Area.

**Motion by Commissioner Edwards, second by Commissioner Schulz to the creation of the Gaither Wildlife Management Area.**

**Motion passed unanimously. (5-0)**

- 14. Discussion/Consideration for approval of an attorney retainer agreement with Barnes Law Group, an audit and litigation services agreement with Expert Discovery, LLC, and a nondisclosure agreement with Expert Discovery, LLC, in connection with proposed 911 Fee Recovery Litigation

**Motion by Commissioner Sims, second by  
Commissioner Schulz to approve.  
Motion passed unanimously. (5-0)**

15. Public Works: Discussion/Consideration for approval of a change order from Gresham Smith Partners to complete the PE phase of the Iris Drive Bypass @ Crowell Rd and I-20 project.  
**Motion by Commissioner Schulz, second by  
Commissioner Sims to approve the change order in an amount not to exceed \$40,700.00.  
Motion passed unanimously. (5-0)**
16. Discussion/Consideration for approval of **R-051518A – A RESOLUTION TO AMEND THE DEVELOPMENT IMPACT FEE ORDINANCE OF NEWTON COUNTY BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA**  
**Motion by Commissioner Sims, second by  
Commissioner Schulz to approve R-051518A, A Resolution to Amend the Development Impact Fee Ordinance of Newton County by the Board of Commissioners of Newton County, Georgia.  
Motion passed unanimously. (5-0)**
17. Discussion/Consideration for approval of **R051518B - A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO CHANGE THE NAME OF GAITHER PLANTATION TO GAITHER’S AT MYRTLE CREEK FARM**  
**Motion by Commissioner Edwards, second by  
Commissioner Sims to approve R051518B. A Resolution of the Newton County Board of Commissioners to Change the Name of Gaither Plantation to Gaither’s at Myrtle Creek Farm.  
Motion passed with Commissioner Henderson opposing. (4-1)**

7:30 p.m. ZONING PUBLIC HEARING

18. Case Number:	FLU18-000001
Existing Land Use:	None
Proposed Future Land Use:	IND (Industrial)
Watershed:	Yellow River
Location:	695 Moore St
Parcel Size:	10.0 Acres
Tax Parcel:	CO 42 35
Commission District:	Four (4)
Owner:	LW Ventures LLC
Petitioner:	Newton County Board of Commissioners
Representative:	Development Services

Applicant's Intent: To Designate a Future Land Use for property brought back into the unincorporated part of the Newton County on February 6, 2018.

**Motion by Commissioner Henderson, second by Commissioner Schulz to approve FLU18-000001. Motion passed unanimously. (5-0)**

7:30 p.m. ZONING PUBLIC HEARING cont.

19. Case Number: REZ18-000002  
Existing Zoning: A (Agriculture)  
Proposed Zoning: AR (Agriculture Residential)  
Watershed: Little River  
Location: 225 Carmel Church Rd  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 128-17  
Commission District: One (1)  
Owner: Ricky L & Carolyn Bruce  
Petitioner: William Bruce  
Applicant's Intent: To rezone Property to AR (Agriculture Residential) to allow a family member (son) to build a home on the new lot.

**Motion by Commissioner Edwards, second by Commissioner Sims to approve REZ18-000002 with Staff Recommended Conditions. Motion passed unanimously. (5-0)**

7:30 p.m. ZONING PUBLIC HEARING cont.

20. Case Number: APP18-000001  
Original Case number: OSPEC18-000001  
Existing Zoning: PUD (Planned Unit Development)  
Overlay: Salem Overlay District – Tier 5  
Location: 60, 70, 130, 140, 150, 160 Harrison Circle; 20, 25, 30, 35, 40, 50, 55, and 60 Charity Chase – Legends of Ellington Subdivision  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 13B-230, 231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246  
Commission District: Two (2)  
Owner: Austin Daniel, Carla Daniel, John Daniel  
Petitioner: Daniel Lucious, Liberty Communities  
Applicant's Intent: Relief to the Salem Overlay for new residential structures including: Sec.

460-050 I.: #4(ii) – Recessed  
Garages; #8. Building materials- (a.)  
Brick skirting along the sides of the  
foundation, (d.) Architectural  
Shingles (Requesting to use 3 Tab  
shingles); #10.(a.) – HVAC screening

**Motion by Commissioner Sims, second by  
Commissioner Edwards to approve REZ18-000001  
with Staff Recommended Conditions.  
Motion passed with Commissioner Schulz voting in  
opposition. (4-1)**

21. Citizen Comments

22. Commissioner Comments

23. Executive Session

**9:41 p.m.**

**Motion made by Commissioner Schulz and second by  
Commissioner Sims to Enter Executive Session for  
Litigation.  
Motion passed unanimously. (5-0)**

**9:57 p.m.**

**Motion made by Commissioner Edwards and second by  
Commissioner Sims to Enter Regular Session  
Motion passed unanimously. (5-0)**

24. Adjourn

22. Adjourn

**9:58 p.m.**

**Motion to Adjourn made by Commissioner Sims and  
second by Commissioner Henderson.  
Motion passed unanimously. (5-0)**

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Regular Meeting**  
**Minutes**  
**May 15, 2018**

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Lanier Sims, Nancy Schulz, J.C. Henderson, Ronnie Cowan, County Attorney Chris Hamilton, 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 Ricky Bradford, Potter's House; and the Pledge of Allegiance to our great flag was led by Sheriff Ezell Brown.

**AGENDA ADOPTION**

Motion by Commissioner Sims, second by Commissioner Schulz to approve the agenda. Motion passed unanimously. (5-0)

**CITIZEN COMMENTS**

- Andrea Hammonds addressed the Board stating she was speaking on behalf on Dr. Kristian Shriver concerning the Animal Control Ordinance in regards to the tethering allowance.

**CHAIRMAN'S REPORT**

- Jerry Silvio and Serra Phillips gave the Board an update on the activities on the JDA at Stanton Springs.
- Mr. Mike Smith with the 911 Center addressed the Board regarding the current facilities used to operate the 911 Center and the need for a new facility. After explaining many concerns in the current facility, Mr. Smith asked for a work session to prioritize this need.

**COUNTY MANAGER'S REPORT**

- Miscellaneous Reports
- Discussion/scheduling of work session to discuss property appraisal process. The work session was tentatively set for the 1st Board of Commissioners meeting in June.
- Discussion/approval for revised T-SPLOST schedule. Mr. Kerr suggested the Board delay the T-SPLOST until March of next year due to new information that needs to be explored. Chairman Banes polled the Board with all in support of delaying moving forward except District 1 Commissioner Stan Edwards who preferred to move ahead in the upcoming November election.
- Discussion/ Approval of half day retreat to discuss incentives and impact fees. A work session was tentatively set for May 24, 2018 at Fire Services.
- Mr. Kerr reminded the Board of the upcoming Budget Work Session scheduled for May 22, 2018.

- Ms. Amanda Shoemaker, Director of Human Resources, addressed the Board regarding the change of medical insurance for employees from BC/BS of GA to Cigna. Ms. Shoemaker introduced Mr. Gary Massey and a representative from Cigna to speak to the specifics.

**OLD BUSINESS**

**ZONING PUBLIC HEARING**

Tabled from the April 17, 2018 Board of Commissioners Meeting. Chairman Banes noted the Board had met the public hearing portion in the previous meeting.

Case Number:	REZ18-000001
Existing Zoning:	R2 Single Family Residential
Overlay District:	Salem – Tier 3
Existing Land Use Map:	DN Development Node
Proposed Zoning:	CG General Commercial
Watershed:	South River
Location:	4283 Salem Road 355 Feet of Frontage
Parcel Size:	2.85 Acres
Tax Parcel:	013.123
Commission District:	Two (2)
Owner:	Janice Curtis
Petitioner:	Zeev Josman, J&H Holdings, LLC
Representative:	Robert Bullard
Applicant’s Intent:	To develop the property to accommodate a proposed Drive-Thru Carwash and Commercial Out-Parcel

- Mr. Zach Montgomery went over the changes from the last meeting including an amended site plan and renderings with the Board.

Motion by Commissioner Sims, second by Commissioner Schulz to approve REZ18-000001 with Staff Recommended Conditions. Motion passed unanimously. (5-0)

**PUBLIC HEARING**

Tabled from the May 1, 2018 Board of Commissioner’s Meeting. Chairman Banes noted the Board had met the public hearing portion in the previous meeting.

**DISCUSSION/CONSIDERATION OF R-050118/O-050118 – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING REVISION AND REPLACEMENT OF CHAPTER 30, DIVISION ALL OF THE NEWTON COUNTY CODE ENTITLED ANIMAL CONTROL ORDINANCE**

- Mr. Kerr went over the changes from the last meeting.

Motion by Commissioner Schulz, second by Commissioner Sims to approve R-050118/O-050118, A Resolution of the Newton County Board of Commissioners regarding revision and replacement of Chapter 30, Division all of the Newton County Code entitled Animal Control Ordinance.

A substitute motion was made by Commissioner Edwards to remove tethering all together effective September 1, 2018 with enforcement by December 31, 2018. Motion died for lack of a second.

The original motion passed with Commissioner Edwards opposing and Commissioner Henderson abstaining. (3-1-1)

## **NEW BUSINESS**

### **CONSENT AGENDA**

- County Clerk: BOC WS Minutes dated May 1, 2018
- County Clerk: BOC Minutes dated May 1, 2018
- Senior Services/Newton County DFACS: Seeking approval of RESOLUTION R051518 - REQUESTING TO APPLY FOR THE FY2019 COMMUNITY SERVICE BLOCK GRANT IN THE AMOUNT OF \$115,584.00. This grant provides meals to seniors through the Senior Services Meals on Wheels program and Rent/Utility/Mortgage assistance through Newton County DFACS.
- (Ratification of contract) Services Agreement with Organizations By Design for creation of a strategic plan for Newton County (approved on April 17, 2018)
- Sheriff's Office: Request approval to amend existing contract for Olivia Maupin, Personnel Consultant to include the following clause:  
Contractor will be required to work between 15-25 hours per week.  
However, this does not prohibit from working additional hours as needed.
- Sheriff's Office: request approval to amend existing contract for Yvonne McMullen to include 5 additional hours per week for ACA preparation in an amount not to exceed an additional \$5,000.00
- Newton County EMA: Request to purchase Public Safety Emergency Alert Warning System CodeRed at a cost of \$17,000.00 annually including the training fee. The funding source is \$15,000.00 grant and \$2,000.00 EMA. Deadline requirement of May 31, 2018.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the Consent Agenda.

Motion passed unanimously. (5-0)

### **Finance Department: Monthly Financial Report – April 2018**

- Ms. Nicole Cross, Finance Director, went over the April reports with the Board.

### **Purchasing & Facilities: Consideration of contract with Five Fields Lawn Care in an amount of \$71,160 for lawn care for Newton County facilities**

- Mr. Kerr went over the proposal.
- Chairman Banes asked if the closed convenience centers were part of the contract which started discussion of the properties that were under the proposal and which were not.
- Commissioner Cowan reminded the Board that the convenience centers were under the authority of the SWA.

Motion by Commissioner Sims to table until the Board of Commissioners has a list of properties under the contract, second by Commissioner Edwards.

Substitute motion made by Commissioner Cowan to add sending the contract to the Solid Waste Authority for their approval of lawn maintenance for the convenience centers, second by Commissioner Henderson.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of a lease with Georgia Department of Natural Resources creating the Gaither Wildlife Management Area**

- Commissioner Edwards gave a brief overview.
- Commissioner Henderson inquired about how the Georgia DNR & Sheriff's office will work together to patrol.
- Commissioner Edwards introduced Mr. Tom McGowan with Georgia DNR
- Mr. McGowan stated that once the County passed the approval portion, the request moves on to their Board for a public comment portion that lasts 1 month. At the end of that month their Board will act on it and at that point make contact with the Sheriff to work out the specifics.

Motion by Commissioner Edwards, second by Commissioner Schulz to the creation of the Gaither Wildlife Management Area.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of an attorney retainer agreement with Barnes Law Group, an audit and litigation services agreement with Expert Discovery, LLC, and a nondisclosure agreement with Expert Discovery, LLC, in connection with proposed 911 Fee Recovery Litigation**

- Mr. Kerr presented the request.

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

Motion passed unanimously. (5-0)

**Public Works: Discussion/Consideration for approval of a change order from Gresham Smith Partners to complete the PE phase of the Iris Drive Bypass @ Crowell Rd and I-20 project.**

- Mr. Kerr presented the request.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the change order in an amount not to exceed \$40,700.00.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of R-051518A – A RESOLUTION TO AMEND THE DEVELOPMENT IMPACT FEE ORDINANCE OF NEWTON COUNTY BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA**



- Mr. Kerr presented the request.

Motion by Commissioner Sims, second by Commissioner Schulz to approve R-051518A, A Resolution to Amend the Development Impact Fee Ordinance of Newton County by the Board of Commissioners of Newton County, Georgia.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of R051518B - A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO CHANGE THE NAME OF GAITHER PLANTATION TO GAITHER’S AT MYRTLE CREEK FARM**

Motion by Commissioner Edwards, second by Commissioner Sims to approve R051518B. A Resolution of the Newton County Board of Commissioners to Change the Name of Gaither Plantation to Gaither’s at Myrtle Creek Farm.

Motion passed with Commissioner Henderson opposing. (4-1)

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** FLU18-000001  
**Existing Land Use:** None  
**Proposed Future Land Use:** IND (Industrial)  
**Watershed:** Yellow River  
**Location:** 695 Moore St  
**Parcel Size:** 10.0 Acres  
**Tax Parcel:** CO 42 35  
**Commission District:** Four (4)  
**Owner:** LW Ventures LL  
**Petitioner:** Newton County Board of Commissioners  
**Representative:** Development Services  
**Applicant’s Intent:** To Designate a Future Land Use for property brought back into the unincorporated part of the Newton County on February 6, 2018.

- Mr. Montgomery presented the case.
- There were no public comments in support or opposition to this petition during the public hearing.

**Motion by Commissioner Henderson, second by Commissioner Schulz to approve FLU18-000001.**

**Motion passed unanimously. (5-0)**

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** REZ18-000002  
**Existing Zoning:** A (Agriculture)  
**Proposed Zoning:** AR (Agriculture Residential)  
**Watershed:** Little River  
**Location:** 225 Carmel Church Rd  
**Parcel Size:** 2.0 Acres of a 17.0 Acre Tract  
**Tax Parcel:** 128-17  
**Commission District:** One (1)  
**Owner:** Ricky L & Carolyn Bruce

Petitioner: William Bruce  
Applicant's Intent: To rezone Property to AR (Agriculture Residential) to allow a family member (son) to build a home on the new lot.

- Mr. Montgomery presented the case.
- There were no public comments in support or opposition to this petition during the public hearing.

**Motion by Commissioner Edwards, second by Commissioner Sims to approve REZ18-000002 with Staff Recommended Conditions. Motion passed unanimously. (5-0)**

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** APP18-000001  
Original Case number: OSPEC18-000001  
Existing Zoning: PUD (Planned Unit Development)  
Overlay: Salem Overlay District – Tier 5  
Location: 60, 70, 130, 140, 150, 160 Harrison Circle; 20, 25, 30, 35, 40, 50, 55, and 60 Charity Chase – Legends of Ellington Subdivision  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 13B-230, 231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246  
Commission District: Two (2)  
Owner: Austin Daniel, Carla Daniel, John Daniel  
Petitioner: Daniel Lucious, Liberty Communities  
Applicant's Intent: Relief to the Salem Overlay for new residential structures including: Sec. 460-050 I.: #4(ii) – Recessed Garages; #8. Building materials- (a.) Brick skirting along the sides of the foundation, (d.) Architectural Shingles (Requesting to use 3 Tab shingles); #10.(a.) – HVAC screening.

- Mr. Montgomery presented the case.
- Mr. Daniel Lucious spoke in favor of the petition stating the reasons for requesting the relief to the required items.
- There was no opposition to the petition during the public hearing.

**Motion by Commissioner Sims, second by Commissioner Edwards to approve REZ18-000001 with Staff Recommended Conditions. Motion passed with Commissioner Schulz voting in opposition. (4-1)**

**Citizen Comments**

- Sarah Dauby addressed the Board to ask them to speak with State representatives to take all SPLOST taxes off groceries.
- Trevi Leon addressed the Board regarding the concerns brought up by Mr. Smith regarding the conditions at the 911 Center and implored the Board take action toward a better facility.

- Gladstone Nicholson addressed the Board over SPLOST funding and the State legislature. He also expressed concerns over the Budget process and how shortfalls were being covered.

### **Commissioner Comments**

- Commissioner Cowan thanked the Gaither Steering Committee and Commissioner Edwards for the hard work so far to make Gaither's a destination point and draw positive attention for the venue.
- Commissioner Sims stated at a meeting the previous Thursday he had been appointed as the Chairman on the Industrial Development Authority.
- Commissioner Schulz stated she had received an email from a constituent requesting to look at placing on a referendum consideration for a package store and what the timeline would be. She also mentioned the State Legislature had changed the hours for brunch on Sundays.
- Commissioner Henderson stated the citizens expect a level of services provided by the county especially when it comes to the 1st Responders and the way to attract qualified 1st Responders is related to the pay scale.
- Commissioner Edwards concurred with Commissioner Schulz and requested to start looking into placing the referendum on the ballot for package sales.

### **Executive Session**

9:41 p.m. Motion made by Commissioner Schulz and second by Commissioner Sims to Enter Executive Session for Litigation. Motion passed unanimously. (5-0)

9:57 p.m. Motion made by Commissioner Edwards and second by Commissioner Sims to Enter Regular Session Motion passed unanimously. (5-0)

### **Adjourn**

9:58 p.m. Motion to adjourn made by Commissioner Sims and second by Commissioner Henderson. Motion passed unanimously. (5-0)

Respectfully submitted,

---

Judy T. Johnson, Deputy County Clerk

---

Marcello Banes, Chairman

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Regular Meeting**  
**Minutes**  
**May 15, 2018**

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Lanier Sims, Nancy Schulz, J.C. Henderson, Ronnie Cowan, County Attorney Chris Hamilton, 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 Ricky Bradford, Potter's House; and the Pledge of Allegiance to our great flag was led by Sheriff Ezell Brown.

**AGENDA ADOPTION**

Motion by Commissioner Sims, second by Commissioner Schulz to approve the agenda. Motion passed unanimously. (5-0)

**CITIZEN COMMENTS**

- Andrea Hammonds addressed the Board stating she was speaking on behalf on Dr. Kristian Shriver concerning the Animal Control Ordinance in regards to the tethering allowance.

**CHAIRMAN'S REPORT**

- Jerry Silvio and Serra Phillips gave the Board an update on the activities on the JDA at Stanton Springs.
- Mr. Mike Smith with the 911 Center addressed the Board regarding the current facilities used to operate the 911 Center and the need for a new facility. After explaining many concerns in the current facility, Mr. Smith asked for a work session to prioritize this need.

**COUNTY MANAGER'S REPORT**

- Miscellaneous Reports
- Discussion/scheduling of work session to discuss property appraisal process. The work session was tentatively set for the 1st Board of Commissioners meeting in June.
- Discussion/approval for revised T-SPLOST schedule. Mr. Kerr suggested the Board delay the T-SPLOST until March of next year due to new information that needs to be explored. Chairman Banes polled the Board with all in support of delaying moving forward except District 1 Commissioner Stan Edwards who preferred to move ahead in the upcoming November election.
- Discussion/ Approval of half day retreat to discuss incentives and impact fees. A work session was tentatively set for May 24, 2018 at Fire Services.
- Mr. Kerr reminded the Board of the upcoming Budget Work Session scheduled for May 22, 2018.

- Ms. Amanda Shoemaker, Director of Human Resources, addressed the Board regarding the change of medical insurance for employees from BC/BS of GA to Cigna. Ms. Shoemaker introduced Mr. Gary Massey and a representative from Cigna to speak to the specifics.

**OLD BUSINESS**

**ZONING PUBLIC HEARING**

Tabled from the April 17, 2018 Board of Commissioners Meeting. Chairman Banes noted the Board had met the public hearing portion in the previous meeting.

Case Number:	REZ18-000001
Existing Zoning:	R2 Single Family Residential
Overlay District:	Salem – Tier 3
Existing Land Use Map:	DN Development Node
Proposed Zoning:	CG General Commercial
Watershed:	South River
Location:	4283 Salem Road 355 Feet of Frontage
Parcel Size:	2.85 Acres
Tax Parcel:	013.123
Commission District:	Two (2)
Owner:	Janice Curtis
Petitioner:	Zeev Josman, J&H Holdings, LLC
Representative:	Robert Bullard
Applicant’s Intent:	To develop the property to accommodate a proposed Drive-Thru Carwash and Commercial Out-Parcel

- Mr. Zach Montgomery went over the changes from the last meeting including an amended site plan and renderings with the Board.

Motion by Commissioner Sims, second by Commissioner Schulz to approve REZ18-000001 with Staff Recommended Conditions. Motion passed unanimously. (5-0)

**PUBLIC HEARING**

Tabled from the May 1, 2018 Board of Commissioner’s Meeting. Chairman Banes noted the Board had met the public hearing portion in the previous meeting.

**DISCUSSION/CONSIDERATION OF R-050118/O-050118 – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING REVISION AND REPLACEMENT OF CHAPTER 30, DIVISION ALL OF THE NEWTON COUNTY CODE ENTITLED ANIMAL CONTROL ORDINANCE**

- Mr. Kerr went over the changes from the last meeting.

Motion by Commissioner Schulz, second by Commissioner Sims to approve R-050118/O-050118, A Resolution of the Newton County Board of Commissioners regarding revision and replacement of Chapter 30, Division all of the Newton County Code entitled Animal Control Ordinance.

A substitute motion was made by Commissioner Edwards to remove tethering all together effective September 1, 2018 with enforcement by December 31, 2018. Motion died for lack of a second.

The original motion passed with Commissioner Edwards opposing and Commissioner Henderson abstaining. (3-1-1)

## **NEW BUSINESS**

### **CONSENT AGENDA**

- County Clerk: BOC WS Minutes dated May 1, 2018
- County Clerk: BOC Minutes dated May 1, 2018
- Senior Services/Newton County DFACS: Seeking approval of RESOLUTION R051518 - REQUESTING TO APPLY FOR THE FY2019 COMMUNITY SERVICE BLOCK GRANT IN THE AMOUNT OF \$115,584.00. This grant provides meals to seniors through the Senior Services Meals on Wheels program and Rent/Utility/Mortgage assistance through Newton County DFACS.
- (Ratification of contract) Services Agreement with Organizations By Design for creation of a strategic plan for Newton County (approved on April 17, 2018)
- Sheriff's Office: Request approval to amend existing contract for Olivia Maupin, Personnel Consultant to include the following clause:  
Contractor will be required to work between 15-25 hours per week.  
However, this does not prohibit from working additional hours as needed.
- Sheriff's Office: request approval to amend existing contract for Yvonne McMullen to include 5 additional hours per week for ACA preparation in an amount not to exceed an additional \$5,000.00
- Newton County EMA: Request to purchase Public Safety Emergency Alert Warning System CodeRed at a cost of \$17,000.00 annually including the training fee. The funding source is \$15,000.00 grant and \$2,000.00 EMA. Deadline requirement of May 31, 2018.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the Consent Agenda.

Motion passed unanimously. (5-0)

### **Finance Department: Monthly Financial Report – April 2018**

- Ms. Nicole Cross, Finance Director, went over the April reports with the Board.

### **Purchasing & Facilities: Consideration of contract with Five Fields Lawn Care in an amount of \$71,160 for lawn care for Newton County facilities**

- Mr. Kerr went over the proposal.
- Chairman Banes asked if the closed convenience centers were part of the contract which started discussion of the properties that were under the proposal and which were not.
- Commissioner Cowan reminded the Board that the convenience centers were under the authority of the SWA.

Motion by Commissioner Sims to table until the Board of Commissioners has a list of properties under the contract, second by Commissioner Edwards.

Substitute motion made by Commissioner Cowan to add sending the contract to the Solid Waste Authority for their approval of lawn maintenance for the convenience centers, second by Commissioner Henderson.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of a lease with Georgia Department of Natural Resources creating the Gaither Wildlife Management Area**

- Commissioner Edwards gave a brief overview.
- Commissioner Henderson inquired about how the Georgia DNR & Sheriff's office will work together to patrol.
- Commissioner Edwards introduced Mr. Tom McGowan with Georgia DNR
- Mr. McGowan stated that once the County passed the approval portion, the request moves on to their Board for a public comment portion that lasts 1 month. At the end of that month their Board will act on it and at that point make contact with the Sheriff to work out the specifics.

Motion by Commissioner Edwards, second by Commissioner Schulz to the creation of the Gaither Wildlife Management Area.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of an attorney retainer agreement with Barnes Law Group, an audit and litigation services agreement with Expert Discovery, LLC, and a nondisclosure agreement with Expert Discovery, LLC, in connection with proposed 911 Fee Recovery Litigation**

- Mr. Kerr presented the request.

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

Motion passed unanimously. (5-0)

**Public Works: Discussion/Consideration for approval of a change order from Gresham Smith Partners to complete the PE phase of the Iris Drive Bypass @ Crowell Rd and I-20 project.**

- Mr. Kerr presented the request.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the change order in an amount not to exceed \$40,700.00.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of R-051518A – A RESOLUTION TO AMEND THE DEVELOPMENT IMPACT FEE ORDINANCE OF NEWTON COUNTY BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA**

- Mr. Kerr presented the request.

Motion by Commissioner Sims, second by Commissioner Schulz to approve R-051518A, A Resolution to Amend the Development Impact Fee Ordinance of Newton County by the Board of Commissioners of Newton County, Georgia.

Motion passed unanimously. (5-0)

**Discussion/Consideration for approval of R051518B - A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO CHANGE THE NAME OF GAITHER PLANTATION TO GAITHER’S AT MYRTLE CREEK FARM**

Motion by Commissioner Edwards, second by Commissioner Sims to approve R051518B. A Resolution of the Newton County Board of Commissioners to Change the Name of Gaither Plantation to Gaither’s at Myrtle Creek Farm.

Motion passed with Commissioner Henderson opposing. (4-1)

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** FLU18-000001  
**Existing Land Use:** None  
**Proposed Future Land Use:** IND (Industrial)  
**Watershed:** Yellow River  
**Location:** 695 Moore St  
**Parcel Size:** 10.0 Acres  
**Tax Parcel:** CO 42 35  
**Commission District:** Four (4)  
**Owner:** LW Ventures LL  
**Petitioner:** Newton County Board of Commissioners  
**Representative:** Development Services  
**Applicant’s Intent:** To Designate a Future Land Use for property brought back into the unincorporated part of the Newton County on February 6, 2018.

- Mr. Montgomery presented the case.
- There were no public comments in support or opposition to this petition during the public hearing.

**Motion by Commissioner Henderson, second by Commissioner Schulz to approve FLU18-000001.**

**Motion passed unanimously. (5-0)**

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** REZ18-000002  
**Existing Zoning:** A (Agriculture)  
**Proposed Zoning:** AR (Agriculture Residential)  
**Watershed:** Little River  
**Location:** 225 Carmel Church Rd  
**Parcel Size:** 2.0 Acres of a 17.0 Acre Tract  
**Tax Parcel:** 128-17  
**Commission District:** One (1)  
**Owner:** Ricky L & Carolyn Bruce



Petitioner: William Bruce  
Applicant's Intent: To rezone Property to AR (Agriculture Residential) to allow a family member (son) to build a home on the new lot.

- Mr. Montgomery presented the case.
- There were no public comments in support or opposition to this petition during the public hearing.

**Motion by Commissioner Edwards, second by Commissioner Sims to approve REZ18-000002 with Staff Recommended Conditions. Motion passed unanimously. (5-0)**

**7:30 p.m. ZONING PUBLIC HEARING**

**Case Number:** APP18-000001  
Original Case number: OSPEC18-000001  
Existing Zoning: PUD (Planned Unit Development)  
Overlay: Salem Overlay District – Tier 5  
Location: 60, 70, 130, 140, 150, 160 Harrison Circle; 20, 25, 30, 35, 40, 50, 55, and 60 Charity Chase – Legends of Ellington Subdivision  
Parcel Size: 2.0 Acres of a 17.0 Acre Tract  
Tax Parcel: 13B-230, 231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246  
Commission District: Two (2)  
Owner: Austin Daniel, Carla Daniel, John Daniel  
Petitioner: Daniel Lucious, Liberty Communities  
Applicant's Intent: Relief to the Salem Overlay for new residential structures including: Sec. 460-050 I.: #4(ii) – Recessed Garages; #8. Building materials- (a.) Brick skirting along the sides of the foundation, (d.) Architectural Shingles (Requesting to use 3 Tab shingles); #10.(a.) – HVAC screening.

- Mr. Montgomery presented the case.
- Mr. Daniel Lucious spoke in favor of the petition stating the reasons for requesting the relief to the required items.
- There was no opposition to the petition during the public hearing.

**Motion by Commissioner Sims, second by Commissioner Edwards to approve REZ18-000001 with Staff Recommended Conditions. Motion passed with Commissioner Schulz voting in opposition. (4-1)**

**Citizen Comments**

- Sarah Dauby addressed the Board to ask them to speak with State representatives to take all SPLOST taxes off groceries.
- Trevi Leon addressed the Board regarding the concerns brought up by Mr. Smith regarding the conditions at the 911 Center and implored the Board take action toward a better facility.

- Gladstone Nicholson addressed the Board over SPLOST funding and the State legislature. He also expressed concerns over the Budget process and how shortfalls were being covered.

### **Commissioner Comments**

- Commissioner Cowan thanked the Gaither Steering Committee and Commissioner Edwards for the hard work so far to make Gaither's a destination point and draw positive attention for the venue.
- Commissioner Sims stated at a meeting the previous Thursday he had been appointed as the Chairman on the Industrial Development Authority.
- Commissioner Schulz stated she had received an email from a constituent requesting to look at placing on a referendum consideration for a package store and what the timeline would be. She also mentioned the State Legislature had changed the hours for brunch on Sundays.
- Commissioner Henderson stated the citizens expect a level of services provided by the county especially when it comes to the 1st Responders and the way to attract qualified 1st Responders is related to the pay scale.
- Commissioner Edwards concurred with Commissioner Schulz and requested to start looking into placing the referendum on the ballot for package sales.

### **Executive Session**

9:41 p.m.                      Motion made by Commissioner Schulz and second by Commissioner Sims to Enter Executive Session for Litigation. Motion passed unanimously. (5-0)

9:57 p.m.                      Motion made by Commissioner Edwards and second by Commissioner Sims to Enter Regular Session Motion passed unanimously. (5-0)

### **Adjourn**

9:58 p.m.                      Motion to adjourn made by Commissioner Sims and second by Commissioner Henderson. Motion passed unanimously. (5-0)

Respectfully submitted,

---

Judy T. Johnson, Deputy County Clerk

---

Marcello Banes, Chairman