

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Minutes
March 16, 2021

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, County Attorney Megan Martin, County Manager Lloyd Kerr and sitting in for County Clerk Jackie Smith was Judy T. Johnson.

Chairman Banes called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Commissioner Mason; and the Pledge of Allegiance to our great flag was led by Commissioner Edwards.

AGENDA ADOPTION

Commissioner Edwards motioned to approve the Agenda. Commissioner Mason made the second. Approved 4-0 (Commissioner Henderson was not present during the vote)

CITIZEN COMMENTS

- Susan Jackson stated she was opposed to the rezoning for the townhomes because of traffic and road upkeep.
- Sandra Hines stated she was also in opposition to the rezoning and even if the petitioner withdrew any single family development would also cause an impact.
- Broderick L Johnson Sr. was also concerned about the rezoning request and questioned what value a new home would be adding to the community. Mr. Johnson also stated that we can vote and can vote outside our section to vote you out.
- Raymond Redding asked if anyone had driven down the Fairview Rd area because it takes about 40 minutes from the backup at the Freeway to Almon Rd and asked that the rezoning not be allowed until there was infrastructure to support more homes
- Lillian Wells was opposed to the rezoning because the entrance was very dangerous at the curve on Fairview Rd.
- Alicia Brown was opposed to the rezoning, builders building with cheap materials, had concerns about trash on the streets, the roads not being paved for 18 to 20 years, and how as SPLOST benefiting District 3.
- Brendan Cherry spoke regarding the Resolution for HB213
- Lorreta Njare was opposed to the rezoning due to traffic concerns and the area did not need any more townhomes or apartments
- Clemon Sanders was opposed to the rezoning due to concerns for increased crime, trash, and traffic.

- Desiree Williams spoke opposing the spread of development in District 3
- Johnnie Banks was opposed to the rezoning and did not want it in his backyard. Mr. Banks also expressed concerns for water run-off and impact to local schools.

ZONING/PUBLIC HEARING

Future Land Use Case Number FLU21-000001

Applicant: Michael Canady

Location: City Pond Rd & Hwy 142

Map & Parcel Numbers: 79B-5, 58, 6A, 6, 7 & 79-2A

District: 4 (Four)

FLUM: IND (Industrial)

Zoning: M2 (Heavy Industrial)

Acreage: 35 acres

Request: To change FLUM from IND (Industrial) to HDR (High Density Residential)

Planning Commission recommended approval with Staff's Conditions by a vote of (3-2) at the February 23, 2021 meeting.

- County Planner, Shena Applewhaite, presented the staff report.
- Chairman Banes opened the public hearing.
- Applicant, Jim Chapman, explained his request to the Board.
 - Mr. Chapman stated the price points would be from \$1,500 - \$2,000 a month depending on the unit.
 - There would an amenity package that included a pool and 4,000 SF amenity.
 - There would be 2 maintenance people onsite
 - And there would be a crosswalk for the Studio next door
- Shoshena Cook spoke in opposition because of the local school system and she had to send her child to a private school.
- Susan Jackson spoke in opposition stating people with 6 figure incomes don't come to Newton County.
- Mr. Johnson, Sr was opposed to the rezoning
- Tammie Broadnax was opposed to the rezoning because of the local school system, crime and curb appeal.
- Mr. Henry Johnson stated there were more dead deers and the buzzards get to them before people do.
- Mr. Chapman readdressed the Board in favor and stated that the communities he has built in the City of Hampton, City of Canton, and in Athens/Clarke County does attract those income levels

Commissioner Henderson thank everyone for coming out and all the calls he had received regarding this matter. Commissioner Henderson stated that he had visited the community where the proposed project would be and that the community was in support.

Commissioner Henderson motioned to approve FLU21-000001 with a second from Commissioner Cowan. Motion was Approved 4-1 with Commissioner Sanders in opposition.

Rezoning Case Number REZ21-000002

Applicant: Christopher K Harrell

Location: Fairview Rd

Map & Parcel Numbers: 25-43, 43A, 43B & 44

District: 3 (Three)

FLUM: DN (Development Node)

Zoning: R2 (Single Family Residential)

Acreage: 25+ acres

Request: To rezone parcels from R2 (Single Family Residential) to RMF (Multi-Family)

Planning Commission recommended denial by a vote of (5-0) at the February 23, 2021 meeting.

- County Planner Applewhaite informed the Board that the applicant had requested to withdraw the petition.

Motion made by Commissioner Sanders to accept the withdrawal of REZ21-000002. A second was made by Commissioner Cowan.

Approved (5-0)

- County Planner Applewhaite explained that the applicant would be eligible to bring the property back to the Planning Commission for a Preliminary Plat for Single-family development.

Modification Case Number MOD21-000001

Applicant: James S Cameron, The Orchard Group, LLC

Location: Ryan Ln & Orchard Dr

Map & Parcel Number: 79C-121

District: 4 (Four)

FLUM: RES (Residential)

Zoning: C.O.R.D 2 (Community Oriented Residential Development)

Acreage: 2.58 acres

Request: To modify the conditions of zoning to change an existing 1.8 acres of commercial designation to a residential designation within an existing C.O.R.D. (Community Oriented Residential Development) known as "Orchard Park"

- County Planner Applewhaite went over the staff report
- Applicant James Cameroon explained his request to the Board to construct 8 single family homes instead of commercial development at the front of the subdivision. Mr. Cameroon stated the Orchard Park HOA was in support of the request and asked to modify proposed condition 1.b. to 1,700 heated square feet as he had agreed with the HOA.

- Margaret Smith spoke in opposition asking what benefit was it to him to build apartment.

Motion made by Commissioner Henderson to approve MOD21-000001 with Staff Conditions and to modify condition 1.b to 1,700 heated square feet. A second was made by Commissioner Cowan. Approved (5-0)

RECOMMENDED CONDITIONS

MOD21-000001

1. To the owner's agreement to abide by the following standards:
 - a. A maximum of 8 single-family lots to be located off Ryan Lane (northern entrance to Orchard Park Subdivision.)
 - b. The minimum square footage of the houses shall be no less than 1,700 heated square feet.
 - c. No duplicate house plans can be built on adjacent lots
 - d. Street trees located on Ryan Lane at the north entrance shall be retained. If any trees must be removed due to disease, site grading or the placement of a home a replacement tree shall be planted.
 - e. 2-car garage required
 - f. Driveways shall be constructed in a manner to support 2 additional parking spaces off the Right-of-way
 - g. No parking allowed on the street, Ryan Lane.
 - h. Dedicate the remaining 0.78 acres of the 2.58 acre-tract as open space/green space to be maintained by the HOA
 - i. No more than 1.8 acres may be used for single-family residences.
 - j. All other conditions of the original rezoning dated, November 21, 2000, approved by the Board of Commissioners shall apply.
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 February 15, 2021. 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.

CHAIRMAN'S REPORT

- None

COUNTY MANAGER'S REPORT

- County Manager Kerr gave a PowerPoint Presentation update to the Board. (The presentation is attached and made a part of these minutes)

Old Business:

Appointments to the Joint Development Authority Nominations: Commissioner JC Henderson, nominated by Commissioner Alana Sanders Chairman Marcello Banes, nominated by Commissioner Stan Edwards

- The Board entered into discussion.
- Commissioner Henderson stated he accepted the request for nomination because he felt it was of the upmost importance to be told first hand about land transactions and that a district commissioner was only as good as the information they receive.
- Commissioner Sanders stated she was nominating Commissioner Henderson because of his length of service to the community as he has been in office since 1996 and he has been transparent to the community.

Motion made by Commissioner Sanders to appoint Commissioner JC Henderson to the JDA, with a second from Commissioner Henderson. Motion Failed 2-3 with Commissioners Edwards, Mason and Cowan voting against.

- The Board entered back into discussion
- Commissioner Edwards stated his nomination of Chairman Banes had nothing to do with Commissioner Henderson, but everything to do with Chairman Banes. Commissioner Edwards further stated that when Chairman Banes was appointed previously the Board requested to be provided quarterly reports in which the Chairman made sure they are being provided, that the Chairman had negotiated more money back to all the counties, and with the Chairman's business experience he had saved the County a lot of money. Commissioner Edwards stated the Chairman had represented the County well.

Commissioner Edwards made motion to appoint Chairman Marcello Banes to the JDA with a second from Commissioner Cowan. Motion Approved 3-2 with Commissioner Sander and Henderson in opposition.

CONSENT AGENDA

- County Clerk: Approval of Executive Session Minutes dated January 5, 2021
- County Clerk: Approval of Executive Session Minutes dated May 19, 2020
- County Clerk: Approval of BOC Minutes dated February 16, 2021
- Fire Services: Request approval to apply for Fire Marshal Global Grant to purchase smoke alarms and iPad. Deadline 3/31/2021. No match
- Fire Services: Request approval to apply for 555 Fitness Grant to purchase workout equipment. Deadline 4/01/2021. No match
- Fire Services: Request approval to accept the \$5,000 grant from CSX to purchase extrication equipment.

- Juvenile Court: Request approval to apply for Grant through CJCC for Behavioral Health Court.
 - Juvenile Court: Request approval to apply for Grant through CJCC for Family Treatment Court.
 - Ratify approval to Parks & Recreation request to apply for General Mills Hometown Grant to host the Back to School Bash. Deadline was 3/04/2021
 - Newton County Sheriff's Office: Request approval to apply for the Residential Substance Abuse Treatment (RSAT) Program Grant. Deadline 03/31/2021. 25% match required by either Cash or In-Kind
 - Sheriff's Office: Request for approval to apply for the GEMA Homeland Security Grant Program. No match required.
- Commissioner Henderson asked the consent agenda be read into the Minutes. Ms. Johnson read it into the record.
 - Commissioner Sanders requested to have the grant amounts placed on the agenda to know what money was coming into the County.

Motion to approve the Consent Agenda was made by Commissioner Edwards and a second from Commissioner Mason.

Approved (5-0)

EMA: Request approval to apply for FEMA grant reimbursement to cover costs of vaccination clinic in Newton County. Request also to partner with Gwinnett, Newton & Rockdale County Health Departments to provide vaccines to citizens in Newton County. Also includes a contract agreement for lease of unspecified location and operational equipment to include computers, scanner, tables, chairs, etc.; Deadline 03/17/2021. Initial set up cost \$36,000 with \$90,000 monthly expenses

- County Manager Kerr presented the request for a temporary center.

Motion made Commissioner Mason to approve the EMA request to apply for the FEMA grant reimbursement to cover the costs of vaccination clinic in Newton County, to partner with Gwinnett, Newton & Rockdale County Health Departments to provide vaccines to citizens in Newton County to include a contract agreement for lease of unspecified location and operational equipment to include computers, scanner, tables, chairs, etc. with an initial set up cost \$36,000 with \$90,000 monthly expenses. Commissioner Edwards second the motion. Approved 4-0, (Commissioner Henderson was not present during the vote)

FINANCE: MONTHLY FINANCIALS – February Report

- Finance Director Brittany White presented a PowerPoint report of the February 2021 Financials. (PowerPoint presentation is attached and made a part of these minutes.)

COUNTY ATTORNEY: Consideration/approval of a Water & Sewer Capacity and Service Agreement with the Newton County Water & Sewerage Authority and Baymare, LLC

- County Attorney Martin presented the request.
- Mrs. Martin went over the differences between the Newton County Water & Sewerage Authority, Newton County and Baymare, LLC.
- Mrs. Martin noted the JDA would be building a water tank to the area.

Motion made by Commissioner Edwards and a second by Commissioner Mason to approve the Water & Sewer Capacity and Service Agreement with the Newton County Water & Sewerage Authority and Baymare, LLC Approved (5-0)

Facilities/Purchasing: Requesting approval of contract with Prime Pest Solutions for pest control service for the County. Cost \$8,448.99 Annually.

- County Kerr presented the request and noted that the contract was \$700 less than last year.

Motion made by Commissioner Edwards and a second by Commissioner Mason to approve. Approved (5-0)

Finance/Purchasing: Request approval of Elected Official Pcard Agreement per Purchasing Policy.

- Finance Director White went over the request.
- Commissioner Henderson asked if there were certain items that could be purchased and how does one know what was spent and for what.
- Ms. White stated there is a purchasing policy and that information can be sought through open records.
- Commissioner Edwards stated that the Board needed to have these discussions.
- Commissioner Sanders inquired if it could be listed publically.
- Ms. White stated that it could, but would need to find a way to store/house the number of pages.
- Commissioner Cowan queried how would they know if it was a reasonable amount.

(Substitute Motion Approved to table 30 days 4-1)

Motion made by Commissioner Edwards to approve with the addition of the names of the Elected Officials with a second by Commissioner Mason.

- The Board continued in discussion

A substitute motion was made by Commissioner Henderson to table the request for 30 days to look at prior Chairman's of the Board and all PCard amounts.

Commissioner Sanders second the motion. Motion approved 4-1 with Commissioner Cowan voting in opposition.

Information Services: Request approval to renew ClosedPort Email Security Renewal Agreement.

- IT Director Gregg Mann addressed the Board regarding the request.

Motion made by Commissioner Henderson to approve with a second from Commissioner Edwards. Approved 4-0, (Commissioner Sanders was not present during the vote)

Sheriff's Office: Request for discussion regarding vehicle update.

- Sheriff Ezell Brown addressed the Board and passed out information regarding the inventory of the current fleet of vehicles.
- The Board entered into discussion regarding ways to fund the need for the replacement vehicles.
- Sheriff Brown requested the Board develop a plan to replace and to stick with the plan

R031621A – Discussion/Consideration of Resolution re: County's opposition to HB 218 (expansion of weapons carry license reciprocity).

- County Attorney Martin read the Resolution into the record.
- Mrs. Martin went on to explain how HB 218 would affect to our local Probate office.

Motion made by Commissioner Cowan to approve R031621A with a second by Commissioner Mason. Approved (5-0)

**Benton Woods Townhomes Subdivision (Phase 1) R031621
A Resolution Provided for the Installation of Streetlights and the Assessment of the Annual Costs and Maintaining and Operating Said Lights Against Property Served by Those Lights; District Four (4)**

Commissioner Henderson motion to approve R031621 with a second from Commissioner Edwards. Motion Approved 5-0

ALCOHOL LICENSE

First Reading

The Kroger Company d/b/a Kroger Store #621
3700 Salem Rd
Covington, GA 30016

Owner: Collier International Management (Jennifer Nicole Kuller)

District Three (3)

- Chairman Banes read the first reading into record.

2nd & Final Reading

Peachmart 2534 LLC dba Bailey's Inc.
2536 Hwy. 81 S.
Covington, GA 30016
Owner: Bailey's 76 (Sneha Gilani)
District Two (2)

- Chairman Mason read the second and final reading into the record.

Motion to approve was made by Commissioner Mason with a second from Commissioner Edwards. Approved 4-0, (Commissioner Cowan was not present during the vote)

2nd & Final Reading

Wadhvaniya USA LLC dba Salem Food Mart
3633 Salem Road
Covington, GA 30016
Owner: Sahil Wadhvaniya
District Two (2)

- Chairman Mason read the second and final reading into record.

Motion to approve was made by Commissioner Mason with a second from Commissioner Edwards. Approved 4-0, (Commissioner Cowan was not present during the vote)

Citizen Comments

- Dana LaBee stated the Board had missed the bigger picture and this was a soft step in taking away 2nd Amendment Rights.
- Brendan Cherry asked how many of the Board members had read HB213 and believed the opposition to the bill was disingenuous of the citizens of Newton County
- Thomas Buckner commented on the Sheriff's request for vehicles

Commissioner Comments

- Commissioner Edwards stated he was receiving positive comments about the roadways getting better from the littering and trash.
- Commissioner Mason announced the ground breaking of the Skate Park on March 29, 2021 at 2 p.m. and that he too had received positive comments on the trash

- Commissioner Sanders invited the community to a Fireside Chat on Women in Politics and History to be held on 03/24/2021
- Commissioner Henderson – no comment.
- Commission Cowan – no comment.

Executive Session

None

Adjourn

Motion made by Commissioner Edwards to adjourn with a second by Commissioner Mason. Approved (5-0)

Respectfully submitted,

Judy T. Johnson for
Jackie B. Smith, County Clerk

Marcello Banes, Chairman