

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Minutes
April 3, 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 Russell Graves, Clear View Ministries Church; and the Pledge of Allegiance to our great flag was led by Commissioner Cowan.

AGENDA ADOPTION

Motion by Commissioner Schulz, second by Commissioner Edwards to move the appointments to the Recreation Commission as a separate agenda item.

Motion carried (4-1) with Commissioner Cowan voting in opposition

- Removed Item 13 until Board of Commissioners meeting on 04/17/18
- Pulled item 9d. from the Consent Agenda and placed as an Action Item # 10a.

Motion by Commissioner Henderson, second by Commissioner Sims to adopt the April 3, 2018 agenda.

Motion carried unanimously (5-0)

CITIZEN COMMENTS

- Archie Shepherd addressed the Board with concerns regarding a conflict of interest reported to NAN stating someone saw a County vehicle believed to be the Chairman's distributing election signs.

CHAIRMAN'S REPORT

Chairman Banes extended a welcome to everyone and invited the public to Newton County's 1st Family Fun Day on April 14, 2018 from 11 a.m.-2 p.m. at Legion Field in Covington.

COUNTY MANAGER'S REPORT

County Manger Kerr briefed the Commissioners on his report of notable current activities including:

- An offer was extended to a candidate for the position as the Human Resource Director
- The Great American Clean-up went well

- Youth baseball season opened

OLD BUSINESS

DISCUSSION/CONSIDERATION FOR APPROVAL OF R040318B– A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS AUTHORIZING E. PAT CAMPBELL, JR. TO TRAP COYOTES ON CERTAIN COUNTY-OWNED PROPERTY LOCATED ON LOWER RIVER ROAD

- County Attorney Martin briefed the Board about the Resolution.

Motion by Commissioner Edwards, second by Commissioner Sims, to approve R040318B, A Resolution of the Newton County Board of Commissioners authorizing E. Pat Campbell, Jr. to trap coyotes on certain county-owned property located on Lower River Road.

Motion carried unanimously (5-0)

CONSENT AGENDA

- Juvenile Court: Seeking approval of Agreement for Services with Court Reporter, Cindy McCranie. (Budgeted)
- County Clerk: BOC WS dated March 20, 2018
- County Clerk: BOC Minutes dated March 20, 2018
- Sheriff's Office: Requesting approval to accept the '17 Residential Substance Abuse Treatment (RSAT) program for inmates substance abuse treatment in the amount of \$62,670, in-kind match 25%, federal award \$47,000. Budgeted.

Motion by Commissioner Sims, second by Commissioner Edwards, to approve the consent agenda with changes previously noted previously.

Motion carried unanimously (5/0)

Purchasing: Approval of Contract w/Unified AV Systems, Inc. for Audio & Visual at the Judicial Center.

- County Manager Kerr explained the request.

Motion by Commissioner Sims, second by Commissioner Schulz, to approve the request to use SPLOST funds not to exceed \$133,800.

Motion carried unanimously (5/0)

Discussion/Consideration of Chairman: Appointments to Recreation Commission

Chairman Banes went over the appointments to the Recreation Commission as follows:

- Coach Chris Edgar - Term Expires December 31, 2019
(Filling unexpired term of Steve Rhodes)
- Tiffani Johnson – Term Expires December 31, 2022
(Full term)
- Flemmie Pitts - Term Expires December 31, 2020
- Lanier Sims – County Liaison
- Johnny Presley (Member Emeritus – Perpetual)

Motion by Commissioner Cowan to approve the appointments, second by Commissioners Sims. (Motion was not voted on due to a substitute motion)

Discussion opened:

- Commissioner Cowan stated he did not think it was right to discuss people who were willing to volunteer in public meeting.
- Commissioner Schulz stated her concerns were not about the quality of the appointees and felt they were all excellent appointees; however, there was only 1 (one) female out of the 9 (nine) members including the new appointees and because she values parity, she felt more consideration should be given.
- Chairman Banes explained he had sought to place more females on the Board. Chairman Banes stated he encouraged the City of Covington to seek a female as well.
- Commissioner Edwards stated he was under the impression that both the County and the City of Covington would have total autonomy, but that was not the case with how the document was written.

Commissioner Edwards made a substitute motion, second by Commissioner Schulz to table the appointments for a minimum of 2 (two) weeks.

Motion failed (2-3) with Edwards and Schulz in favor with Sims, Henderson and Cowan opposing.

- Commissioner Edwards, Sims and Schulz stated they were under the impression the City of Covington would appoint a member not recommend a member to the Recreation Board.
- County Attorney Martin stated after she and the City of Covington Attorney, Frank Turner, Jr., discussed the difference between appointing vs. recommending, they came to the conclusion that whomever appointed the person had the right to remove that person from the Board and both agreed on the final version of the document.
- Commissioner Cowan stated when the documents for the Recreation Board were reviewed it was apparent the City of Covington wanted out of the recreation business and would do so over a period of 5 (five) years beginning in 1994. He stated the document provided as it always had for the Chairman to appoint the members and encouraged the Board to follow what the City of Covington attorney and the County's attorney recommends; however, he was open if the City of Covington wanted to renegotiate as all the funding responsibility currently was on the County.
- Commissioner Sims stated he was disappointed on how everything had transpired, but at the end of the day it was about the children.
- Commissioner Edwards agreed with Commissioner Sims and stated any of his involvement has been about the children.

Commissioner Henderson made a motion to approve the appointees, second by Commissioner Sims.

Motion passed (3-2) with Commissioners Sims, Henderson and Cowan voting in favor and Commissioners Edwards and Schulz voting in opposition.

Chairman Banes stated Mr. John Anglin would be the Chairman with Mr. Tim Price serving as Vice Chairman for the Recreation Board.

Development Services: Approval of Contract for Design & Permitting of the Brown Bridge/Yellow River Canoe Launch with Carter & Sloope, Inc. (Budgeted)

- County Manager Kerr presented the item and explained that 80% of the cost of the canoe launch was covered by a grant and the remainder would be covered by a non-profit, The Yellow River Water Trail

Motion by Commissioner Henderson, second by Commissioner Sims, to approve.
Motion carried unanimously (5/0)

Development Services: Approval of Amendment to Phase One of Professional Services Agreement w/architects, Lord, Aeck & Sargent (LAS), for additional Structural Investigation & Conceptual Design. (Budgeted)

- County Manager Kerr presented the item and explained the request was for an amendment for \$11,000 to cover expenses and this would be paid for out of the 2011 SPLOST.

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

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF R040318 – A RESOLUTION OF NEWTON COUNTY, GEORGIA AUTHORIZING THE TRANSMITTAL OF THE DRAFT 2018 COMPREHENSIVE PLAN UPDATE TO THE NORTHEAST GEORGIA REGIONAL COMMISSION (NEGRC), AND TO FORMALLY AUTHORIZE THE NEGRC TO PROVIDE GUIDANCE TO STAFF ON THE DEVELOPMENT OF THE PLAN TO MEET THE DCA MINIMUM PLANNING STANDARDS.

- Zach Montgomery, Director of Development Services, presented a PowerPoint (attached a made a part of these minutes) that outlined the requirements to submit the document to NEGRC for review.
- Mr. Montgomery stated there were 24 Character areas and the commission would notice there was not much change in the plan from the 2008 because not much had changed that drastically over the last 10 years.
- Mr. Montgomery stated that he explained to the North East Georgia Regional Commission and Department of Community Affairs that the county had just completed a transportation plan and asked if that plan could be used as the transportation element and they said yes.
- Commissioner Schulz requested future evening meetings be held later than 5:30 p.m. to allow people time to get to the meetings. She had heard from several in her

district that could not make it due to working in the Atlanta area and could not make it back to attend.

- Chairman Banes opened the public hearing at 8:15 p.m. for those in favor:
 - Denise Williams asked the Board when her road would be paved.
 - Thomas Buckner stated he thought all public hearings were at 7:30 p.m.
 - Gladstone Nicholson stated he was in favor of the comprehensive plans and knows several of his neighbors that went to the meetings and charrettes and spoke with Mr. Montgomery & staff for information on zoning. He stated that they were able to get some understanding of it and believes it should move forward to the next step and be submitted so Northeast Georgia could give their input because obviously we need the help or rather a stronger proposal.
- Chairman Banes closed the public hearing for those in favor and opened the public hearing for those against:
 - None
- Chairman Banes closed the public hearing and asked for a motion.

Motion made by Commissioner Schulz and second by Commissioner Cowan to Approve R040318, a Resolution of Newton County, Georgia authorizing the transmittal of the Draft 2018 Comprehensive Plan Update to the Northeast Georgia Regional Commission (NEGRC), and to formally authorize the NEGRC to provide guidance to staff on the development of the plan to meet the DCA minimum planning standards. Motion carried unanimously (5-0)

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF R040318a – A RESOLUTION OF NEWTON COUNTY, GEORGIA AUTHORIZING THE TRANSMITTAL OF THE DRAFT 2018 CAPITAL IMPROVEMENTS ELEMENT (CIE) AND SHORT TERM WORK PROGRAM (STWP) UPDATE TO THE NORTHEAST GEORGIA REGIONAL COMMISSION (NEGRC)

- Zach Montgomery, Director of Development Services, presented the document.
- Mr. Montgomery stated he had met with Department Heads to adjust dates and costs of projects and had added page numbers and project numbers to the document
- Chairman Banes opened the public hearing at 8:20 p.m. for those in favor:
 - None
- Chairman Banes closed the public hearing for those in favor and opened the public hearing for those against:
 - None
- Chairman Banes closed the public hearing and asked for a motion.

Motion made by Commissioner Schulz and second by Commissioner Sims to Approve R040318a, a Resolution of Newton County, Georgia authorizing the transmittal of the Draft 2018 Capital Improvements Element (CIE) and the Short Term Work Program (STWP) update to the Northeast Georgia Regional Commission (NEGRC). Motion carried unanimously (5-0)

Factory Shoals: Approval of On-Site Employee Agreement

- James Brown, Director of Cornish Creek, explained the agreement with Mr. Howard Carlile.
- Mr. Brown stated the campground that had been closed since November would be reopened but needed an on-site manager.

Motion by Commissioner Edwards, second by Commissioner Sims to approve the agreement.

Motion carried unanimously (5-0)

R040318C - "CONSIDERATION OF A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS TO ACCEPT THE BID SUBMITTED BY TIMBERVEST PARTNERS III GEORGIA, LLC ON MARCH 16, 2018 IN THE AMOUNT OF \$550,000.00 FOR THE PURCHASE OF PROPERTY LOCATED IN JONES COUNTY, GEORGIA (JONES COUNTY PARCEL NUMBER J23 00 021A)"

- County Manager Kerr explained the item.

Motion by Commissioner Schulz, second by Commissioner Sims to approve R0403318C, a Resolution of the Newton County Board of Commissioners to accept the bid submitted by Timbervest Partners III Georgia, LLC on March 16, 2018 in the amount of \$550,000 for the purchase of property located in Jones County, Georgia (Jones County Parcel Number J23 00 021A).

Motion passed (4-1) with Commissioner Henderson voting in opposition.

"Consideration of the Memorandum of Contingent Settlement Agreement between Newton County, Georgia and Timbervest Partners III Georgia, LLC regarding the lawsuit filed by Newton County, Georgia against Timbervest Partners III Georgia, LLC (Jones County Superior Court Case No. SUCV2017000092) and the sale of property located in Jones County, Georgia (Jones County parcel number J23 00 021A) by Newton County, Georgia to Timbervest Partners III Georgia, LLC in the amount of \$550,000.00"

- County Attorney Martin explained the item.
- Commissioner Sims asked what fund would the money be allocated.
- County Manager Kerr explained the funds would be returned to the Water Resource Fund, and enterprise fund, as that is where the money for the purchase of the property came from.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the Memorandum of Contingent Settlement Agreement between Newton County, Georgia and Timbervest Partners III Georgia, LLC regarding the lawsuit filed by Newton County, Georgia against Timbervest Partners III Georgia, LLC (Jones County Superior Court Case No. SUCV2017000092) and the sale of property located in Jones County, Georgia (Jones County parcel number J23 00 021A) by Newton County, Georgia to Timbervest Partners III Georgia, LLC in the amount of \$550,000.00.

Motion carried unanimously (5-0)

Citizen Comments

- Sarah Dauby stated the County needed to consider gender issues when it came to appointing Boards and hiring employees.
- Gladstone Nicholson stated that although he was concerned the agenda was broken up, he now had a much better understanding of what the Recreation Board does.

Commissioner Comments

- Commissioner Cowan stated he was glad to put to bed the Recreation issue and it was time to move on. He expressed gratitude to everyone who has worked on the Recreation Board in the past.
- Commissioner Henderson stated he had served with one of the best Recreation Boards who made it possible for participants to make it to the next level.
- Commissioner Schulz expressed gratitude for everyone who had served on the Recreation Board and challenged Commissioner Sims in his new appointment to serve to look into: how many activities are team related activities because some children do better at individual sports; types of passive recreation; and encouraged looking into more parks on the west side of the county and watersports.
- Commissioner Sims stated he wanted to echo both Commissioners Cowan & Schulz and thank everyone who served on the Recreation Board and all volunteer Boards. He also thanks Commissioners Henderson for his 21 years+ of service to the Recreation Board.
- Commissioner Edwards expressed thanks to the previous Recreation Board and to the new upcoming members. He also asked Commissioner Sims to listen to the employees as often they have very good ideas.
- Chairman Banes thanked Commissioner Henderson for his years of service and promised him a steak dinner. Chairman Banes stated he wanted to address Mr. Archie Shepherd comment at the beginning of the meeting. Chairman Banes continued by stating he did not know where the information Mr. Shepherd heard had come from, but it was just not true and if the concerned people wanted to speak directly with him to please extend the offer.

Executive Session 8:55 p.m.

Motion made by Commissioner Sims second by Commissioner Schulz to enter Executive Session for Land Acquisition.

Motion carried unanimously (5-0)

Motion made by Commissioner Edwards second by Commissioner Sims to enter back into Regular Session at 9:11 p.m.

Motion carried unanimously (5-0)

R040318D, A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING RIGHT OF FIRST REFUSAL FOR PROPERTY KNOWN AS TAX PARCEL C08000000067A00 IN THE COVINGTON/NEWTON COUNTY INDUSTRIAL PARK

- County Attorney Martin explained the Resolution.

Motion to Approve R040318D A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING RIGHT OF FIRST REFUSAL FOR PROPERTY KNOWN AS TAX PARCEL C080000000067A00 IN THE COVINGTON/NEWTON COUNTY INDUSTRIAL PARK

Motion carried unanimously (5-0)

Adjourn 9:16 p.m.

Motion made by Commissioner Henderson, second by Commissioner Sims to adjourn.

Motion carried unanimously (5-0)

Respectfully submitted,

Judy T. Johnson, Deputy County Clerk

Marcello Banes, Chairman