

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
Minutes
May 1, 2018

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Lanier Sims, Nancy Schulz, Ronnie Cowan, County Attorney Megan Martin, County Manager Lloyd Kerr and Deputy Clerk Judy T. Johnson. Commissioner Henderson was not in attendance due to a family illness.

Large group of citizens, Attorney Sam VanVolkenburgh, and the local newspaper.

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

AGENDA ADOPTION

- Chairman Banes requested to remove item # 20 from the agenda, "Discussion/Consideration of Impact Fees regarding Convenience Store"

Motion by Commissioner Edwards, second by Commissioner Schulz to adopt the May 1, 2018 agenda as amended.

Motion carried unanimously (4-0)

CITIZEN COMMENTS

- Sarah Dauby addressed the Board regarding her concerns about the Ordinance proposals to be heard. Ms. Dauby stated the Massage ordinance did not address who the real victims were; and the E-Cigarette ordinance could be enforced, but it was a waste of time.
- Dr. Kristian Shriver, local Veterinarian, addressed the Board over his concerns regarding the Animal Control Ordinance. Dr. Shriver implored the Board to consider a no tethering policy in the ordinance.

CHAIRMAN'S REPORT

- Chairman Banes shared his experience attending of the ACCG Conference and taking continuing education classes expressing he learned a lot while there.
- Chairman Banes recognized Commissioner Schulz and County Attorney Martin for being inducted into the Board of Directors for the ACCG.
- Chairman Banes reminded the Board that Mr. Foxworth would be addressing the Board soon about the July 4th Celebration Use of Judicial Center Parking Lot & Judicial Center Roof.

COUNTY MANAGER'S REPORT

- County Manager Kerr recognized Judge Ozburn, Andre Cooper, and all the individuals who received awards from the Covington News.
- County Manager Kerr introduced the new Human Resources Director, Ms. Amanda Shoemaker, to the Board.
- County Manager Kerr shared an active program at the Animal Shelter in which the agency is working with rescue groups to cut down on the number of euthanized animals.

NEW BUSINESS

CONSENT AGENDA

- Snapping Shoals EMC: Traffic Signal Service Contract Hwy. 36 @ Flat Shoals Road.
- County Clerk: BOC WS dated April 17, 2018
- County Clerk: BOC Minutes dated April 17, 2018
- Chairman: Appointment to Recreation Commission Sonya Carter - City of Covington Liaison
- Superior Court - Courthouse: Requesting approval to sell a Brother fax machine as county has changed to e-fax.
- Superior Court – Courthouse: Requesting approval to sell a Ikon copier that needs repairs beyond scope of the maintenance agreement.

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

Motion carried unanimously (4-0)

Finance: Presentation by Miller Edwards of FY17 Audit

- Mr. Edwards presented the FY17 Audit Report.
- Mr. Edwards stated their Audit Opinion was an Unmodified Opinion.
- Mr. Edwards stated there was one weakness found regarding the Pension Plan funding at 48% when it needed to be about 80 to 85%.
- Mr. Edwards stated the expenditures had been tightened up and were under budget while the projected revenues came in as budgeted.
- Mr. Edwards stated there was no T.A.N proposed for the current year, to continue working on building up the Fund Balance, and the County was in a good shape going forward.

911: Radio Upgrade Project Recommendation and Sole Source Implications

- Mr. Mike Smith, EMA Director, presented the 911 Radio Upgrade project.
- Mr. Smith explained the current system in place and how the proposed upgrade with a single source provider would be compatible.
- Mr. Smith noted that although they had budgeted for \$5 million only \$3.7 million was received from SPLOST for the project which would cover the bulk of the project but would not be enough to replace all the radios needed.
- Mr. Kerr suggested the Board consider doing a RFP to make sure the County was getting the most for its money and had exercised all of its due diligence.

- Chairman Banes polled the Board as follows: District 1 – No RFP; District 2 – Yes RFP; District 3 – Yes RFP; District 5 – No RFP. Chairman broke the tie and asked County Manager Kerr to work with the County Attorney’s office to complete the RFP.

Purchasing: Discussion/Consideration of Contract for Security Component for Judicial Center.

- County Manager Kerr explained this request was to award the security contract for the expansion of the Judicial Center.
- Mr. Kerr explained the cost in an amount not to exceed \$238,851.00 would be funded by SPLOST.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the contract for the Judicial Center in an amount not to exceed \$238,851.00.

Motion carried unanimously (4-0)

Purchasing: Discussion/Consideration of Construction Services Agreement for Dinah Pace Pavilion

- County Manager Kerr explained they were seeking approval for construction of the Dinah Pace Park Pavilion which had been bid out with the winning bid awarded in an amount not to exceed \$62,278.00.

Motion by Commissioner Schulz, second by Commissioner Sims to approve the award with the funding not to exceed \$62,278.00.

Motion carried unanimously (4-0)

PUBLIC HEARING

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

- County Attorney Martin explained Judge Melanie Bell had requested the sentencing provisions among other items to be cleaned up. Mrs. Martin introduced Attorney Sam VanVolkenburgh with Jarrard & Davis to present the changes.
- Mr. VanVolkenburgh went over the changes to the Animal Control Ordinance and noted it was modeled after the City of Madison’s ordinance.
- Chairman Banes opened the Public Hearing for those in favor:
 - Animal Control Director, Cindy Wiemann, spoke in favor of the changes and noted the following major changes:
 1. The ordinance now recognizes the 3-year rabies vaccination.
 2. Requires all dogs adopted to be microchipped.
 3. Increases the number of animals allowed on a property.
 4. Tethering would be allowed on a cable running system.
 - Former Animal Control Director, Teri Key-Hooson, spoke in favor of changing the ordinance as she had had concerns over the legislative part because the Judges had no way to enforce.
- Chairman Banes called for those opposed to the Ordinance.
 - Dr. Christian Shriver, local Veterinarian, spoke opposing the allowance of tethering and the 3-year rabies was too much medicine for a dog in this region.

- Mr. Alan Weilbaker addressed the Board opposed to the tethering portion as well.
- Mrs. Susan Shriver spoke in opposition of the allowance of tethering.

Motion by Commissioner Schulz, second by Commissioner Cowan to approve R-050118/O-050118. (Motion did not move forward as it was amended after discussion.)

- After further discussion regarding the tethering regulations, Commissioner Schulz amended her motion for further consideration of the ordinance.

On an amended motion made by Commissioner Schulz, second by Commissioner Cowan to table R-050118/O-050118 until the next Board meeting on May 15, 2018.

Motion carried unanimously (4-0)

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF O-050118A – AN ORDINANCE TO AMEND THE NEWTON COUNTY ORDINANCE CONCERNING PENALTIES FOR VIOLATING NEWTON COUNTY ORDINANCES; TO REPEAL; CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- Mr. VanVolkenburgh explained the changes in the ordinance including the addition of a 6-month probation allowance if found in violation.
- Chairman Banes opened the Public Hearing.
- There were no citizen comments in favor or opposition to the Ordinance.

Motion by Commissioner Sims, second by Commissioner Edwards to approve O-050118A.

Motion carried unanimously (4-0)

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF O-050118B – AN ORDINANCE ADOPTING A NEW SECTION 32-104 OF THE NEWTON COUNTY CODE CONCERNING MASSAGE AND SPA ESTABLISHMENTS

- Mr. VanVolkenburgh explained the proposed ordinance.
- Chairman Banes opened the Public Hearing.
- There were no comments for those speaking in favor.
- Sarah Dauby spoke in opposition to the ordinance citing she feels the state ordinance is sufficient.
- Commissioner Cowan requested the fees be included in a schedule of fees rather than within the Ordinance body itself.

Motion by Commissioner Cowan, second by Commissioner Schulz to approve O-050118B with the changes to renumber sections 32-104-4(b)(4) and (5) as 32-104-4(c) and (d).

Motion carried unanimously (4-0)

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF O-050118C – AN ORDINANCE ADOPTING A NEW SECTION 32-105 OF THE NEWTON COUNTY CODE REGULATING THE SALE OF NON-TRADITIONAL TOBACCO PARAPHERNALIA AND USE OF E-CIGARETTES

- Mr. VanVolkenburgh explained the proposed ordinance
- Chairman Banes opened the Public Hearing.
- There were no comments for those speaking in favor or opposed.
- Commissioner Sims inquired if this Ordinance would cover County Parks.
- Attorney VanVolkenburgh stated it would cover the buildings only.
- Commissioner Edwards agreed County Parks should be included.
- Commissioner Cowan expressed his concern over requiring a license but not allowing the retailer to display their merchandise. Commissioner Cowan stated he was not advocating the product, but felt if it was allowed to be sold, required a special permit, then the retailer should have some relief to let customers know the product was available.
- Commissioner Cowan also requested the fees be included in a schedule of fees rather than within the Ordinance body itself as in the previous ordinance just considered.
- Attorney VanVolkenburgh suggested changing Sections Section 32-105-1(c) and Section 32-105-1(d) to accommodate the concerns Commissioner Cowan raised.

Motion by Commissioner Cowan, second by Commissioner Schulz to approve O-050118C with the following revisions: (1) in Section 32-105-1(c), replace "of \$1,000.00" with "in an amount to be set by resolution of the Board of Commissioners, which fee amount shall remain in effect until modified or amended by subsequent resolution adopted by the Board of Commissioners"; and (2) in Section 32-105-1(d), strike the second sentence and in the first sentence replace "completely screened from view by the public" with "with tobacco products for sale, or if no tobacco products are for sale, behind a counter and at least 10 feet from a window."

Motion carried unanimously (4-0)

PUBLIC HEARING

DISCUSSION/CONSIDERATION OF O-050118D – AN ORDINANCE ADOPTING A NEW SECTION 32-106 OF THE NEWTON COUNTY CODE PROHIBITING THE SALE, MANUFACTURE, USE, DELIVERY PURCHASE, POSSESSION OR DISTRIBUTION OF UNREGULATED MARIJUANA SUBSTITUTES

- Mr. VanVolkenburgh explained the proposed ordinance.
- Chairman Banes opened the Public Hearing.
- There were no comments for those speaking in favor or opposed.

Motion by Commissioner Sims, second by Commissioner Cowan to approve O-050118D.
Motion carried unanimously (4-0)

Citizen Comments

- Clifford Townsend addressed the Board over the increase in his county taxes.
- Thomas Buckner stated that his taxes were raised last year and when he appealed it he was told it would be left the same because the county needed the money.

- Alan Weilbaker asked the Board when would they pave the road he lived on (Davis Ford Rd) and he also needed county water to be provided.

Commissioner Comments

- Commissioner Cowan – none
- Commissioner Edwards requested the County Manager have a summit on the tax valuations
- Commissioner Schulz requested Bryan Fazio, PIO, help to educate the public by making available on the County website information on how homes are valued along with other tax information as well as providing the different taxing agencies/districts such as the Board of Education so those citizens who are concerned over the School Tax or any tax not regulated by the Board of Commissioners could address their concerns with the correct agency.
- Commissioner Sims – none

Adjourn 10:10 p.m.

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

Motion carried unanimously (4-0)

Respectfully submitted,

Judy T. Johnson, Deputy County Clerk

Marcello Banes, Chairman