

Present were, Chairman Banes, Commissioners Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, Interim County Manager Jarvis Sims, Attorney Patrick Jaugstetter and Deputy Clerk Susan Nolley. Other administrative staff and the media staff were also present.

1. **Call to Order:** Chairman Banes
2. **Invocation:** Commissioner Cowan
3. **Pledge:** led by Commissioner Sanders
4. **Adoption of the Agenda**

Chairman Banes said he would like to add item #17a) LOST Update-Eaves Consulting, LLC to the agenda and called for a motion.

Commissioner Edwards motioned to approve adoption of the agenda, seconded by Commissioner Mason and was passed unanimously.

5. **Citizen Comments**

Brian Fritz – Spoke in opposition of proposed annexation @ Flat Rock Rd. and Gregory Rd.

Matt Crowe – Spoke in opposition of proposed annexation @ Flat Rock Rd. and Gregory Rd.

Carla Hooper – Spoke in opposition of Appeal Case Number APP22-000002

Scott Hendrickson – Spoke in opposition of Appeal Case Number APP22-000002

Gladstone Nicholson – Spoke in opposition of Appeal Case Number APP22-000002

Dr. James Sinabach – Spoke in opposition of Appeal Case Number APP22-000002

6. **Reports from Chairman Banes**

Chairman Banes gave special recognition to Ms. Felecia Hodges and the Liberty Middle School students of FCCLA (Family Career & Community Leaders of America). The students attended the National FCCLA Leadership conference in San Diego California in June and received several awards and achievements. The students presented Chairman Banes and each board member a plaque of appreciation for their financial contribution and support.

Stephon Castle of Newton County High School Rams basketball team received special recognition for his outstanding sport ability, dedication and athletic achievements. He is a member of the 2022 USA Men's National U18 team and contributed to the gold medal finish over the summer.

Chairman Banes read a proclamation on behalf of Covington and Newton County declaring August 15th 2022 as Stephon Castle Day.

7:30 Public Zoning Hearing(s)

Shena Applewhaite, Interim Director of Development Services presented the following zoning cases. Ten (10) minutes is allowed for citizens to speak in support or in opposition of each petition.

1. **Rezoning Case Number REZ22-000009**

Applicant: Robert H Stansfield

Location: Loyd Rd./Map & Parcel Number: 129-57

District: 1(One)

FLUM: RR (Rural Residential) Zoning: A (Agricultural)

Acreage: 18 acres

Request: Rezone 1.81 acres from parent parcel from A (Agricultural) to AR (Agricultural Residential) to subdivide parcel.

On June 28, 2022 the Planning Commission voted to table the petition to the following month in order to gain clarification on the amount of acreage requesting to be rezoned.

On July 26th 2022 The Planning Commission recommended approval of this rezoning request with staff conditions by a vote of 3-0

In support of the petition

Attorney Robert Stansfield
Henry Lloyd

Commissioner Edwards motioned to approve REZ22-000009, seconded by Commissioner Cowan and was passed unanimously.

Shena Applewhaite said she had received notification that the applicant would like to withdraw the appeal request for Appeal Case Number APP22-000002. A copy of the notification was provided to the board and hereby made a part of these minutes.

2. Appeal Case Number APP22-000002

Applicant: Terry Boomer

Location: 3207 Salem Rd

Map & Parcel Numbers: 12-042/District: 3 (Three)/FLUM: DN (Development Node)/Zoning: OI(Office/Institutional) Acreage: 1.52 acres

Purpose of Request: To develop a convenience store with gas pumps.

Request: Appeal to the Planning Commission's decision to allow relief to the orientation of the building towards the road Sec. 460-050 (H) (1) (a); and to allow more than 66-feet of pavement between the frontage landscape and primary structure in the Salem Overlay District. Sec. 460-050 (J) (2) (b) (i) Planning Commission denied the petition by a vote of (3-0) June 28th, 2022.

Chairman Banes called for a motion.

Commissioner Sanders motioned to approve the request to withdraw Case Number APP22-000002, seconded by Commissioner Henderson and was passed unanimously.

7. Reports from ICM Jarvis Sims

Jarvis reported on the monthly activities and departmental updates for July and a PowerPoint presentation was displayed.

Chairman Banes said he would like to take the opportunity and thank the employees for their participation in the Corn Hole tournament.

Chairman Banes thanked Attorney Stephanie Lindsey for contributing to increase the award amount for the winner(s) of the Corn Hole tournament.

Commissioner Henderson thanked Jarvis for the card he received acknowledging his birthday. Commissioner Sanders asked about the transparency link.

8. **Unfinished Business**

On August 2, 2022 the Board of Commissioners tabled the request of the proposed annexation of the City of Covington to annex approximately 55.811 acres @ Flat Rock and Gregory Roads.

Chairman Banes opened the floor to Attorney Patrick Jaugstetter for discussion.

Patrick said he was able to gain some additional information since the August 2, 2022 meeting and thinks they have been able to determine the location of the proposed annexation. A map was displayed outlining the location.

The proposed property was determined based on reviewing the surveys and speaking with the attorney for the proposed developer. It was also determined the proposed property did not go all the way to Gregory Road.

Patrick said he was able to conclude the determination based on the application that has been prepared and stated he is unclear if the application has yet been submitted. The annex portion of the property will be combined with remaining property and will become a relatively large industrial manufacturing facility.

Patrick said he does not know what the uses are, and there is a traffic report accompanying the proposal, the traffic report acknowledges there is a substantial amount of new traffic to be generated by this project at build out.

Patrick said the concerns expressed about the impact on Lake Varner is essentially resolved for now by confirmation of where the boundaries of the annexation will be. There will be a substantial amount of ground water on pervious surface that the developer will be required to manage.

Patrick said there is opportunity for the board to object to the annexation based on some very limited specific instances and stated:

You are subjective to an annexation when the proposed land use of the property is more an intensive use. The proposed property will go from the current Newton County (A) Agricultural zoning classification which is the least intensive use to the City of Covington (M-2) Heavy Industrial zoning classification, which is one of the most intensive uses.

The next bases will be if there will be an increase in expenses to the county associated with providing services and an enhanced infrastructure cost.

Patrick said you do have the right to object and the deadline for the objection is likely about a week to a week and a half.

If the county objects, the objection would be transmitted to the City of Covington and to the Department of Community Affairs.

The Department of Community Affairs will convene an arbitration panel and they will conduct a trial to determine if the objection is or is not valid and they will enter a decision on whether the annexation will exceed or not exceed.

Patrick said there is always opportunity to resolve any instances by negotiation.

Chairman Banes called for a motion.

Commissioner Cowan said he would like to make a motion for further discussion, seconded by Commissioner Sanders. Motion carried.

Board Discussion

Commissioner Cowan had questions regarding the parcels and location of the proposed property annexation.

Commissioner Cowan asked if anyone from the city was present to provide additional information.

Mark Beechuk, City of Covington Planning Director came forward.

Commissioner Cowan asked what did the city want to do at this point?

Mark said the city does not have a role in advocating for this project. Their responsibility is to bring forth the application that the applicant brought to them.

Mark said the city sees this as an opportunity. The DRI is complete and they had nothing to say in regards to the annexation, the DRI is for the larger industrial project.

Commissioner Cowan asked if the City of Covington will be able to handle the sewer capacity.

Mark said the city is working on sewer upgrades that does work into this, and it is the applicant's responsibility to make that a part of their development.

Commissioner Cowan asked Patrick if we deny or object to this, it goes to the arbitration panel.

Patrick said that's correct. We would put up evidence and the panel would make a decision to whether our objection is proper or not.

Patrick stated the bases that the county has to object to the annexation again.

Commissioner Henderson said the prior annexations the county objected to, they lost and the only people in his opinion who profited were the attorneys.

Commissioner Henderson said he feels it's best the county annexes the property into the city of Covington. He worked in that area for twenty plus years and it's mainly rock and he doesn't see how it will affect Lake Varner and the water source in that area.

Commissioner Henderson said we should give this one to the taxpayers and it is timeout spending our money and throwing it away.

Patrick said he agrees the board should consider the cost that could be incurred pursuing the challenge.

Patrick said he also agrees the majority of the annexations are probably resolved in favor of the annexing city.

Commissioner Edwards asked Patrick if he agrees that the larger percentage that's ruled in favor of the annexing cities are not facing the same as we are in terms of the use this of property?

Patrick said he suggests the change is drastic going from Agricultural to Heavy Industrial and could not honestly say what most would be and most aren't usually from one end of the spectrum to the other.

Chairman Banes called for a motion.

Commissioner Cowan made a motion to object to the annexation based on the infrastructure demands and the substantial change and the intensity of the allowable use, seconded by Commissioner Edwards.

Chairman Banes asked if there was further discussion.

Board Discussion

Commissioner Henderson said he feels we're taking money that could be used in other areas in the community.

Commissioner Sanders expressed concerns of cost and legal fees and asked Patrick how long would it take, and what amount of time would the attorney spend fighting this.

Patrick said he's not sure if he could give an accurate estimate on the fees.

The time point is based on the DCA and it could be a few months.

Commissioner Sanders expressed concerns of the taxpayers.

Commissioner Mason expressed to the board, it isn't the best idea to base a decision on what the fees will be and stated he feels the board should focus on what is best for the citizens of the community.

Chairman Banes called for the vote. Motion carried. 3-2.

9. **Consent Agenda**

9a) Approval of the Minutes:7/12/2022-Special Call Meeting 6:00 p.m.

9b) Approval of the Minutes:8/02/2022-Regular Meeting 7:00 p.m.

Commissioner Edwards motioned to approved the consent agenda as listed, seconded by Commissioner Mason and was passed unanimously.

Chairman Banes changed the order of the agenda to allow Item 17a) to proceed next.

Mr. Eaves of Eaves Consulting, LLC presented a report of the LOST (Local Option Sales Tax) Update.

A copy of the report was provided to each board member and a PowerPoint presentation was displayed.

10. Approval of the Control Instruments, Inc. (C2i)_contract for Cornish Creek WTF In-Plan SCAD Replacement Project.

Cost: Max contract price \$223,690.00 Funding: Capital Improvements/Budgeted: Yes

Commissioner Cowan motioned to approve the Control Instruments, Inc. (C2i) contract, max contract price of \$223,690.00, seconded by Commissioner Henderson and was passed unanimously.

11. FY22 Year-End 4 Budget Transfer & Amendments.

#1) To move funds budgeted in the contingency for new positions line over to the department budgets for hired positions. Moving to Magistrate for Part-Time Magistrate Judge, GIS for Intern, and Public Works for 4 Equipment Operator I. Commissioner Henderson motioned to approve, seconded by Commissioner Edwards and was passed unanimously.

#2) Moving funds to cover FY22 overage due to increases in parts and fire truck repairs. Commissioner Mason motioned to approve, seconded by Commissioner Edwards and was passed unanimously.

#3) The expense line for electricity was over budget. Increasing revenue to offset additional expense. Commissioner Mason motioned to approve, seconded by Commissioner Edwards and was passed unanimously.

#4) To move funding for 4 vacant positions to cover hiring consultants to perform the following: Zip Admin, Planning Reviews, Zoning, Storm water Reviews, Building Plan Review, Building Inspector services. 4 positions will be frozen to fund this: Zip II, Storm water Manager, Zoning Admin, and Building Inspector. Commissioner Edwards motioned to approve, seconded by Commissioner Mason and was passed unanimously.

12. Approval of supplemental agreement with GDOT to receive additional funding for engineering on the C.R. 511/Brown Bridge Road over Yellow River Bridge replacement (PI 0015096).
Cost: \$85,000.00/Funding Source: 80% FHWA 20% SPLOST/Budgeted: Yes/Match: Yes
Commissioner Henderson motioned to approve, seconded by Commissioner Sanders and was passed unanimously.
13. Approval of contract with ATLAS for the CR511/Brown Bridge Rd. at Yellow River Bridge replacement project post design services.
Cost: \$30,500.00/Funding Source: 2017 SPLOST/Budgeted: No/Match: Yes
Commissioner Cowan motioned to approve, seconded by Commissioner Edwards and was passed unanimously.
14. Approval of contract with Gresham Smith for the CR 511/Brown Bridge Rd at Snapping Shoals Creek Bridge replacement project post design services.
Cost: \$31,123.99/ Funding Source: 2017 SPLOST/ Budgeted: No/Match: Yes
Commissioner Edwards motioned to approve, seconded by Commissioner Mason and was passed unanimously.
15. Approval of contract with NOVA Engineering and Environmental, LLC to provide materials testing for C.R. 511/Brown Bridge Road over Yellow River Bridge replacement project and CR 511/Brown Bridge Rd. @ Snapping Shoals Creek Bridge replacement project.
Cost: \$95,010.00/ Funding Source: 2017 SPLOST/ Budgeted: No/Match: Yes
Commissioner Edwards motioned to approve, seconded by Commissioner Mason and was passed unanimously.
16. Approval of contract for Goodwyn Mills Cawood, LLC. for the Newton County Comprehensive Plan. Cost: \$172,500.00/ Funding Source: General Fund/ Budgeted: Yes
Commissioner Edwards motioned to approve, seconded by Commissioner Mason and was passed unanimously.
17. Approval for Newton County Sheriff's Office to transfer \$400,000.00 of unexpended funds from FY2022 budget to FY2023 Capital Improvement Funds.
Commissioner Mason motioned to approve, seconded by Commissioner Sanders and was passed unanimously.
18. **Citizen Comments**
Vicky Church a resident of the Hanley Mills subdivision thanked the board for helping to resolve issues in the subdivision.

Robert Parker a resident of Hanley Mills subdivision expressed concerns of the road conditions.

19. **Board Comments**

Commissioner Edwards said he has received concerns from the employees regarding wage Compression and asked ICM Sims to if he could research a remedy to resolve it.

Commissioner Mason - Groundbreaking @ Denny Dobbs Park Phase II, Movie in the Park August 26th @ 7:00 p.m./Mobile Veteran Career Fair & Job Placement @ St. Paul A.M.E. Church August 27th 10:00am-4:00pm

Commissioner Sanders - Mobile Veteran August 20th @St. Paul A.M.E. Church August 20th 9:00am-1:00pm/Read article on gun violence/gun control.Will be traveling to Ohio for NAco event.

Commissioner Henderson thanked the District 4 family for all of their support.

Adjourn 10:03 p.m.

There being no further business to discuss, Chairman Banes called for a motion to adjourn. Commissioner Edwards motioned to adjourn, seconded by Commissioner Mason.

Marcello Banes Chairman

ATTEST:

Susan G. Nolley Deputy Clerk