

**NEWTON COUNTY BOARD OF COMMISSIONERS**

**MINUTES**

**June 20, 2000**

**Newton County Executive Office Building  
Chairman Davis C. Morgan, Presiding**

**Present:** Chairman Davis Morgan, Commissioners Tommy Ballard, Ronnie Dimsdale, Danny Stone, J.C. Henderson, Hubert White; Attorney Tommy Craig, Attorney Scott Cole; Clerk Jackie Smith

**Also present:** Cindy Tumlin-Covington News; Karen Addie-Newton Citizen; Small group of citizens

**Call To Order:** Chairman Morgan extended welcome and read thought for the day.

**Invocation:** Rev. Royeese Stowe, First Methodist Church of Covington

**Pledge of Allegiance:** Led by Chairman Morgan

**APPROVAL OF MINUTES OF DATED June 6, 2000**

**Motion:** To approve minutes as submitted.  
**Proposed by:** Commissioner Danny Stone, District Three  
**Second:** Commissioner J.C. Henderson, District Four  
**Motion Carried**

**BRICK STORE OVER-LAY**

Chairman Morgan introduced Steering Committee member Betty Bledsoe to give follow up presentation. Mrs. Bledsoe expressed appreciation to everyone that participated and worked on this project. She spoke on behalf of the Brick Store Committee and thanked the board for the opportunity to have input in how the Brick Store Community grows. She remarked this was an excellent example of what a community is about, local government and citizens working together for the good of the county. She stated the committee had worked very well with Jordon, Jones and Goulding. Several design plans for development came from the workshops and it is the hope of the committee that these plans will serve as guidelines for the county planning process and developers. She stated the Brick Store Committee strongly supports additional funding allowing Jordon, Jones & Goulding to do a historic preservation planning program and a corridor overlay protection. The approval by the board will create two separate ordinances. The cost of the project will be \$12,000 for the historic preservation planning program and \$5,000 for the overlay strategy. It will be funded through the county's contingency fund. Commissioner Ballard expressed appreciation to the community for all the work they accomplished and felt that a giant leap had been made in quality growth. The board expressed appreciation to the Brick Store Committee for all their time and work they put toward this project and applauded their success in working together to bring this to fruition.

**Motion:** To approve ordinances funding the Brick Store Project and contract Jordon, Jones and Goulding for said project.  
**Proposed by:** Commissioner Tommy Ballard, District One  
**Second:** Commissioner Hubert White, District Five  
**Motion Carried**

## **MAIN STREET UPDATE**

Chairman Morgan introduced director Cynthia Marvel who gave Main Street Update. She said that in the fall Main Street submitted an application nominating Davis Morgan and the Board of Commissioners for the State Main Street Award for new construction in a historic district. She remarked this is a very coveted award and for the first time in the award's history a project received a unanimous vote. The project was Newton County's Judicial Center. She said that when she and Chairman Morgan went to accept the award, the President of GMA (Georgia Municipal Association) made the statement that when you see a successful county, you see a successful city (downtown) and vice versa. Cynthia stated the Main Street Program was designated in 1988 and expressed appreciation to the Board of Commissioners, City Council, and Chamber of Commerce for sponsoring this program. It works in a four-point approach...design, promotion, organization and economic restructuring. She said she felt the downtown area was the heart and soul of the community. She also commented on the Heritage Education Program and expressed appreciation of having a week of education at Gaither Plantation. The Main Street Program in Georgia and the nation is one of the most successful economic programs ever and is copied worldwide.

## **RESOLUTION NO. R-06-20-00 NEWTON COUNTY BOARD OF HEALTH**

Chairman Morgan introduced Larry Martin who recapped the information and resolution presented in the agenda packets (information made part of these minutes). He stated that he was representing the Newton County Board of Health who passed the resolutions in April and requested the BOC's approval as well. This is an update in the rules and regulations of the Board of Health, entitled Food Service, Public Health, Sewerage Disposal and Tourist Accommodations and Public Swimming Pools. All these regulations have been previously adopted by the Board of Health and the Board of Commissioners; however it has been a long time since an update in the wording and some changes that needed to be made. There have been a few changes in word definitions and food service establishments will get an annual permit. Commissioner Stone asked if the Board of Health had seen this information and Mr. Martin stated they had and had approved and adopted resolutions. Commissioner White asked for clarification on septic system. Mr. Martin said basically nothing had been changed, but that this would allow them to go to the Environment Court and enforce the rules and regulations. This will allow the Environmental Health Department to issue a summons instead of going through the County Attorney's Office, which will expedite the process. Commissioner White asked if the lot size would stay at 25,500 and Mr. Martin said yes. (W/good soil) Mr. Martin said the only thing this really effects is it will allow them to go to Environmental Court and again expedite the process...issuing them a summons.

**Motion:** To approve Resolution Number R-06-20-00.

**Proposed by:** Commissioner Hubert White, District Five

**Second:** Commissioner Danny Stone, District Three

**Motion Carried**

(The original resolution is contained in file number R062000, incorporated herein by reference and expressly made a part of these minutes.)

**Note:** Commissioner White asked to give him time to study this and the changes in the state law and to put this on the agenda at the next meeting. Motion is made and passed, but he would like to reserve the right to look at it at the next meeting.

## **NEWTON COUNTY PUBLIC DEFENDER CONTRACT**

Commissioner Stone asked if the county attorney had written this contract and Attorney Cole said they had. Commissioner Stone stated he had some concerns to be addressed.

His concerns were:

- Annual appointment – this is two year contract. Attorney Cole explained it was because of a statutory authority passed by the General Assembly requiring a two-year contract; making the two years mandatory.
- Contract Employee: i.e. the Chief Appraiser in the Tax Assessors Office.
- Contract employee is someone who is paid a flat amount of money and receives absolutely no county benefits and should provide own insurance. He stated that was the argument with the Chief Appraiser and Commissioner Ballard stated that was right.
- Why contract necessary if he receives all the benefits i.e. vacation, sick leave, retirement, insurance everything: Commissioner Dimsdale stated this was a different contract, that they used the guidelines of the Georgia Indigent Defense Council recommends; this is what helps to determine running a good office and helps to determine if we get grants through that office. Commissioner Stone questioned if it would require more money in the long run, he wondered if the grants were worth it and Commissioner Dimsdale concurred
- Salary was more than first discussed. . Commissioner Dimsdale stated that he remembered the numbers to be \$65,000, but if he could defend a capital case it would be \$75,000. He stated the reason for the contract is because if we did not have a contract, then within six months he/she would be a normal, regular employee of the county, not being totally unreachable but he could not be fired without due cause. There are causes specified in the contract and if any of those came up he would be terminated without any compensation; however if the Tripartite Committee decided that there needed to be a change and the reasons were not the reasons listed in the contract then the termination would affect the \$25,000, but if the termination was because of one of the reasons outlined in the contract, he would not receive the \$25,000.
- BOC has no real part except for paying salary and benefits. Commissioner White gave the example of he and Commissioner Stone serving on the Water Authority Board and coming back and reporting to the BOC, the representative on the Tripartite Committee serves the same person.
- Attorney Craig reminded the board of past situations in terminating some employees and thought this could help in that area.
- Commissioner Stone stated he felt they were not getting what was talked about in previous meetings.
- Commissioner Dimsdale stated there could have been some miscommunications and accepts responsibility if that has happened, but feels he and committee had been totally open, giving board information, budget documents and contracts. They requested some flexibility in the budget to give the Public Defender some room to work, if needed. He stated the Tripartite Committee and John Struass personally has one of the top priority is to come in under budget.
- Commissioner Dimsdale stated he feels having a Public Defender will expedite the process for the Indigent prisoners and they will be better served, instead of them having to wait 72 hours for council, the Public Defender's office will be there the next morning. This will also allow the beds in the jail to be used somewhat less.
- Commissioner Stone said in studying the figures presented he does not see where there will be substantial savings. Commissioner Dimsdale stated he thinks there will be, but regrettably we want know for sure until next year.
- Commissioner Stone had one more item to be addressed. The date when the Public Defender would submit his budget to the chairman. He would like for it to read May 1. Attorney Cole said he would make that change.
- Commissioner Ballard stated the initial reason we were doing this was to save money. The first year it may cost money, but after that he feels it will save money. He stated other surrounding counties had saved money by going with a Public Defender's Office.
- Commissioner White stated he had served on the Tripartite Committee and wanted to compliment all the attorney's who have participated, but has seen this position coming for quite some time.
- Commissioner Henderson asked about the Public Defender receiving benefits?
- Commissioner Stone said it was spelled out in the contract that he would receive the benefits making the salary not \$75,000, but more towards \$\$100,000 or over.

- Commissioner Henderson said he would like to look at another contract.
- Commissioner Dimsdale stated he felt offering benefits would encourage a good person to stay. By offering benefits it does not isolate the Public Defender from the board as other county employees. The Public Defender will be accountable to the Tripartite Committee and through that to the board. He is not isolated from the board the same way the people under the merit system are isolated from the board; and they should be because their job need not be in jeopardy because of politics. There needs to be closer accountability with this job and that's another reason for the contract so that we can have that accountability. We are also offering benefits for staying with the county and personally feels it would benefit county if the Public Defender (doing a good job) remained employed by the county until he/she retires.
- Mr. Charlie King, a long time attorney, asked if he could address the board. He stated he did not feel you could pick a more qualified Public Defender as Mr. Strauss. Regarding money, the greatest expense to the county would be not having a competent Public Defender; you will have this in John Strauss. He could try a death penalty case and would run a top public defender's office.
- Commissioner White stated in serving on this committee he had seen the expense grow each year and he could see both sides, but felt this would be a better system.
- Commissioner Stone stated he felt that Commissioner Dimsdale had done an excellent job in representing the board on the Tripartite Committee, but had did not feel this contract represented his understanding of the position.

**Motion:** To approve contract for Newton County's Public Defender.  
**Proposed by:** Commissioner Ronnie Dimsdale, District Two  
**Second:** Commissioner Tommy Ballard, District one  
**Against:** Commissioner Danny Stone, District Three  
**Abstained:** Commissioner J.C. Henderson, District Four  
**Motion Carried**

#### **ADOPTION OF REVISED ALCOHOL ORDINANCE**

Chairman Morgan stated this was discussed at previous work sessions. Attorney Cole stated the only change made since the last work session was to insert the provision for mandatory training for retailers by the Newton County Sheriff Department (page 4); Page 6, top of page (b) delete from (a)(1) to end of paragraph. Page 16 regarding time...how long? Page 14 Section 35 (a) second paragraph add assignee; Page 17 (e) add or suspension. After much discussion the board decided to act on ordinance with county attorney's office making corrections.

**Motion:** To approve revised ordinance to regulate alcoholic beverages in Newton County with County Attorney's office making corrections.  
**Proposed by:** Commissioner Tommy Ballard, District One  
**Second:** Commissioner Danny Stone, District Three  
**Motion Carried**

#### **AMENDMENT TO NEWTON COUNTY WATER ORDINANCE**

Chairman Morgan requested the board to approve amending the Water Conservation Plan to align with the State's plan. If you have an odd number address you water on odd number days; if you have an even number address you water on even number days.

**Motion:** To approve amending Water Conservation Plan to read odd/odd; even/even.  
**Proposed by:** Commissioner Danny Stone, District Three  
**Second:** Commissioner Tommy Ballard, District One  
**Motion Carried**

**ZONING:** None

**STREET LIGHT PETITIONS:** None

**ALCOHOLIC BEVERAGE LICENSE:**

**FIRST READING – (Sheriff Department investigation indicated no record)**

**B.P. Food Mart  
10260 Hwy. 36  
Covington, Georgia 30014  
New Owner: Sufi Haider**

**APPROVAL OF COUNTY CHECKS:**

**Motion:** To approve checks as submitted.  
**Proposed by:** Commissioner Tommy Ballard, District One  
**Second:** Commissioner Danny Stone, District Three  
**Motion Carried**

**CITIZENS COMMENTS:**

Note: Mr. Claude Sitton addressed the board regarding the airport in Oxford. He submitted a letter to the board and asked that it be a part of these minutes...so noted and attached.

**EXECUTIVE SESSION: 8:50 PM**

**Motion:** To enter into Executive Session to discuss land acquisition and litigation.  
**Proposed by:** Commissioner Danny Stone, District Three  
**Second:** Commissioner Hubert White, District Five  
**Motion Carried**

**Time:** 9:25 PM  
**Motion:** To enter into Regular Session.  
**Proposed by:** Commissioner Danny Stone, District Three  
**Second:** Commissioner Tommy Ballard, District One  
**Motion Carried**

**ADJOURN: 9:25 PM**

**Motion:** To adjourn  
**Proposed by:** Commissioner Danny Stone, District Three  
**Second:** Commissioner Tommy Ballard, District One  
**Motion Carried**

**Respectfully Submitted,**

---

Jackie B. Smith, Clerk

---

Davis C. Morgan, Chairman