



Newton County Board of Commissioners
Regular Meeting
Minutes
Tuesday, April 19, 2022 at 7:00 P.M.
Historic Courthouse-1124 Clark Street
Covington, Georgia 30014

In attendance were, 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. In addition, other administrative staff and the media staff were present. Chairman Banes was absent.

1. Call to Order: Presiding, Vice-Chair Commissioner Henderson

2. Invocation: Commissioner Sanders

3. Pledge of Allegiance: led by Commissioner Cowan

4. Adoption of the Agenda: The agenda was amended to add item(s)

9c) Newton County Sheriff's Office seeks to accept additional grant funds from (CJCC)

10a) Finance Department-ARPA Revenue Replacement

Commissioner Edwards motioned to approved adoption of the agenda as amended, seconded by Commissioner Mason and was passed. Vote 3-2.

5. Citizens Comments:

6. Reports from Chairman Banes: *Commissioner Henderson

Special recognition - Ms. DeAnna Fort-A Child's Voice Advocacy Center

A proclamation was read by Patrick Jaugstetter on behalf of the Board of Commissioners to acknowledge April as "Child Abuse Prevention Month" and it was presented to Ms. Fort.

In recognition of National County Government Month April 2022 the Proclamation for THRIVE was read by Attorney Patrick Jaugstetter.

7. Reports from ICM Jarvis Sims: None

8. Unfinished Business: None to consider

9. Consent Agenda

Commissioner Sanders motioned to approve Consent Agenda items 9a, 9b and 9c, seconded by Commissioner Mason and was passed unanimously. Vote 5-0.

9a) Approval of Minutes: April 5, 2022 Regular Meeting 7:00 pm/ Executive Session
Special Called Meeting April 11, 2022 6:00 pm

9b) Fire Services/Chief Mike Conner- request to accept a deed transfer for the building donation from Georgia Forestry. The property location is 2707 Access Rd. Covington, GA 30016.

9c) Newton County Sheriff's Office seeks to accept additional grant funds from (CJCC) to support the operation of the RSAT program.

Agenda Items for Board Discussion and Consideration

10. March 2022 Financials- Brittany White, Finance Director displayed a PowerPoint presentation of the March 2022 Financial Report. The March 2022 Financial Reports are made a part of the official minutes. This is a none action item and no vote required.

7:30 Zonings and Public Hearings

***10 Minutes allowed for citizens to speak in favor/opposition of Zoning petitions.**

Shena Applewhaite, Interim Director of Development Services

1. **REZ22-000004**_Applicant: Ruben Allen

Applicants intent to rezone parcel from (A)Agricultural to (AR) Agricultural Residential for the purpose of subdividing out a parcel for a family member.

Location: 200 Bates Road Map & Parcel Numbers: 106-055 District: 1 (One)

FLUM: RR (Rural Residential Zoning: A (Agricultural) 9.51 Acres

The Planning Commission voted to recommend approval with staff conditions by a vote of (5-0) March 22, 2022.

In support of REZ22-000004

Applicant-Mr. Ruben Allen stated that he and his wife are getting up in age and would like to divide the property for family to reside closer.

No one spoke in opposition of the petition.

Commissioner Edwards motioned to approve Rezoning Case Number #REZ22-000004 as recommended by the Planning Commission with staff conditions, seconded by Commissioner Mason and was passed unanimously. Vote 5-0.

2. **REZ22-000005** (Companion Cases: CUP22-000001 and FLU21-000005 were approved by BOC 2/15/22 from RES to AF) Applicant: Kenneth Batchelor Jr.

Applicants intent to rezone the property from (AR) Agricultural Residential to (A) Agricultural in order to establish a tree service/sawmill business and keeping the current (CH) Highway Commercial piece as currently zoned.

Location: 55 Potts Lane Map & Parcel Numbers: 72-011A District: 1 (One)

Future Land Use: AF (Agriculture/Forestry) Zoning: AR (Agricultural Residential) 33.68 Acres.

The Planning Commission voted to recommend approval with staff conditions by a vote of 5-0 March 22, 2022.

In support of REZ-000005

Applicant-Mr. Kenneth Batchelor stated that he would like to get his property rezoned from Agricultural Residential to Agricultural to be able to park his commercial vehicle on his land and for the purpose to operate a sawmill and he would like to leave the currently zoned Commercial property as is.

No one spoke in opposition of the petition.

Commissioner Edwards motioned to approve Rezoning Case #REZ22-000005 as recommended by the Planning Commission with staff conditions, seconded by Commissioner Cowan and was passed unanimously. Vote 5-0.

3. **CUP22-000001**- (Companion Cases: CUP22-000001 and FLU21-000005 were approved by BOC 2/15/22 from RES to AF) Applicant: Kenneth Batchelor Jr.

Applicants intent to operate a tree service/sawmill business from the property.

Location: 55 Potts Lane Map & Parcel Numbers: 72-011A District: 1 (One)

Future Land Use: AF (Agriculture/Forestry) Zoning: AR (Agriculture Residential) 33.68 Acres

The Planning Commission voted to recommend approval with staff conditions by a vote of (5-0) March 22, 2022.

In support of CUP22-000001

Applicant- Mr. Kenneth Batchelor stated that he is fine with all setback requirements as recommended, and he would be happy to answer any questions.

No one spoke in opposition of the petition.

Commissioner Edwards motioned to approve Conditional Use Permit #CUP22-000001 as recommended by the Planning Commission with staff conditions, seconded by Commissioner Cowan and was passed unanimously. Vote 5-0.

***Agenda Items for Board Discussion and Consideration**

10a ARPA Revenue Replacement-The Department of Treasury has mandated that a methodology of calculating revenue replacement for the ARPA funds is selected from the two methods listed and be filed with the quarterly report for the period ending March 31st which is due April 30th.

#1. A standard allowance of up to \$10 Million in revenue loss.

#2. Calculate the revenue loss with the Treasury Formula.

Brittany White, Finance Director said that she wanted to clarify we are only asking the board to make a decision on the calculation method we will choose if we were to use any funds for loss revenue and for simplicity reasons, her suggestion would be to go for the standard allowance of up to \$10 million in revenue loss.

Brittany said that she would like to recommend the board make a selection tonight for her to file along with her treasury report which is due on April 30, 2022 to prevent the possibility of jeopardizing our opportunity to utilize the loss revenue project in the future.

ICM Jarvis Sims said he concurs with Brittany, and stated the purpose to select the standard allowance is proposing to have clarity and direction if the board decides to utilize loss revenue, and there is an option, and the calculation method might not work to the county's advantage.

Commissioner Henderson asked if a motion is required.

ICM Jarvis Sims replied yes it does.

Attorney Patrick Jaugstetter said no motion had been written prior to late notice and suggested the motion state: The staff is authorized to inform the Department of Treasury if the county utilizes any ARPA funds for "Revenue Replacement." The county will utilize the standard allowance methodology rather than the loss revenue methodology.

And added for clarity, this does not authorize the staff to allocate any money into the loss revenue category, but simply telling the Department of Treasury, consistent with their demand, if we ever do that, which methodology we will use. The board is never required to put all ten million in the bucket, you could put zero into the bucket or you could put ten million into that bucket, but unless you tell the Department of Treasury which way you are going to do it you will be forever barred from putting any money into that bucket, and we think that you should leave your options open.

Commissioner Henderson called for a motion.

Commissioner Cowan stated that he would like to make a motion to approve the recommendation for handling the ARPA funds based on a standard payment method of \$10 million as described by the County Attorney, the motion was seconded by Commissioner Edwards.

Commissioner Henderson asked if there was any discussion from the board.

Commissioner Sanders stated, when Mr. Kerr was here, we did the loss revenue worksheet that was issued on behalf of the Department of Treasury and it showed there were no losses in regards to the county. She said that she has an issue with the ten million coming in, in May and it being placed in the General Fund. The Commissioners voted unanimously last year that they will determine where the funds will go. The money was sent down to assist the citizens, that's why it's called a relief fund and we're placing that in the General Fund and you know what can happen when it goes into the General Fund.

Attorney Patrick Jaugstetter said, again this resolution will not allocate any money in the General fund, this resolution will merely elect which methodology you will follow if you ever put any money into that fund.

Commissioner Sanders said when we spoke of it at our ARPA fund committee meeting yesterday, Commissioner Edwards asked if that money was going into the General Fund, and you stated yes, and asked Commissioner Edwards to correct her if she was wrong. I'm basing it on your statement from yesterday, so that's why I'm completely against it, because those funds need to be separate and allocated just like the other counties did, based on our citizens and what's the needs of our citizens are and infrastructure. We had some citizens who came before us who needed certain things in the county.

Commissioner Mason said he wants to get clarity because he's hearing two different things. I'm hearing we're taking ARPA funds and moving it in the General fund and then I'm hearing we're not moving funds and we're still going with the allocation that our subcommittee has. We need to know that what we're voting on tonight, is a calculation method, not to transfer funds from what our subcommittee has done to the General fund, but in the future, if we decide later that we need to utilize the funds for something other than what's allocated it has to come back before the board to make a decision.

Brittany White stated, what we're doing tonight is just to determine the methodology.

Commissioner Sanders said that she wanted to make clarity that the amount that's coming in for May, we as the ARPA funds committee or the board has not voted to where to place the funds when they come in.

ICM Jarvis Sims added, we are simply asking for methodology and also what the County Attorney stated, we want the opportunity, if that happens and we need it.

Commissioner Edwards asked if it would be appropriate to amend the motion or make a substitute motion, that states no matter the methodology we choose, when those funds go into the General Fund that they are subject to ARPA designated uses by this board. Would that be acceptable?

Attorney Patrick Jaugstetter replied, they are anyway, you're still limited in the use of the funds through authorized projects. The reporting requirements are relaxed, so you can't. If there's a prohibited use of funds, that prohibited use of funds would remain prohibited, that's my understanding of the ARPA rules.

But if you'd like to do that, you can. I think that motion would be appropriately made so if you ever put money into the General Fund, that's the appropriate time to make that motion, but if it makes it easier for the board. I think that could be added to the current pending motion and don't feel that it's problematic.

Commissioner Edwards said that he thinks it makes it more pliable if we make that statement now so there's no mistake about where those funds go or how to decide how they are intended to be used and asked, so should it be an amended motion or a substitute motion?

Attorney Patrick Jaugstetter said that the current motion could be amended being there has been a motion on the floor and it's been seconded.

Commissioner Edwards made a substitute motion that the board go with the recommendation of our Finance Director, with the condition that all money, whether put into the General Fund or held elsewhere, all ARPA money is subject to a vote by this board for its use, the motion was seconded by Commissioner Sanders.

Commissioner Henderson asked if there was any further discussion from the board.

Commissioner Henderson commented on the handling of Impact fees and SPLOST funds of past years and stated that he feels the money should be in a separate fund, and said the motion that Commissioner Edwards made is better than just placing it in the General Fund.

He then called for the vote. The motion passed unanimously. Vote 5-0.

11. Approval of services agreement contract with Piedmont Medical Care Corporation to provide physicals and other related services for Newton County employees.
Cost: Physical: \$100 Drug Screen: \$25 Urinalysis: \$8 Spirometry: \$45 EKG: \$45
Funding Source: Human Resources Budget (General Fund) Budgeted: Yes/ Match N/A

Commissioner Edwards motioned to approve the services agreement with Piedmont Medical Care Corporation, seconded by Commissioner Mason and was passed unanimously. Vote 5-0.

12. Approval of Fire Services request to purchase an aerial platform fire truck.
Time Sensitive/Deadline requirement: Yes/ Date: 4/23/2022 Pricing Deadline
Cost: \$1,620,907.65/ Funding Source: Fire Fund/ Budgeted: Yes/ Match: No
Due to the cost of this purchase, it is required that this request be placed on the May 3, 2022 meeting agenda.

Commissioner Edwards motioned to approve Fire Services as stated by Chief Mike Conner request to purchase an aerial platform fire truck, seconded by Commissioner Cowan and was passed unanimously. Vote 5-0.

13. Approval of an Intergovernmental Agreement with the City of Covington to support the July 4th fireworks display. Funds have been appropriated in the FY 2023 Budget.
Time Sensitive/Deadline requirement: Yes/Date: 4/19/2022
Cost: \$10,000.00/ Funding Source: Event Supplies/ Budgeted: Yes/ Match: N/A

Commissioner Cowan motioned to approve the Intergovernmental Agreement with the City of Covington to support the July 4th fireworks display, seconded by Commissioner Edwards.

Commissioner Henderson asked if there was any discussion from the board.

Commissioner Sanders stated that her same concern is the same as she had last year and she is not against the fireworks, but she is against the process. She said we denied another activity that also promotes freedom. We did that last year, we voted for them unanimously, and then we came back and rescinded the

vote. There's nothing different from the 4th of July than Juneteenth, and I have an issue with that because last year I did find out that we were giving these funds to a non-profit and I don't fault the individual because they called and asked me for a donation. And that's how I found out how we were paying for this a what fund it was out of and it was brought before the board. Even though we have an Intergovernmental Agreement, there's money going to a non-profit and which the Historical Committee for Juneteenth is also a non-profit. And the issue why we denied it was based on gratuities. So what is the difference? there is no difference.

Commissioner Mason said just to bring some additional clarity to this particular subject matter, I think what's on the agenda tonight, isn't that the board is actually giving funding directly to a 501(c)3 this is going directly to the City of Covington. From what I've seen in my research historically, what the board has done whenever there was a 501(c)3 that we would support, they would become an appropriation. And all of the current 501(c)3's that the board has offered financial assistance to, they are an appropriation. The funds for tonight aren't going directly to a 501(c)3 it is in partnership with the City of Covington.

Commissioner Mason added, and if there is a 501(c)3 that the board wants to support, he suggests that the 501(c) become an appropriation to where we could actually benefit on an annual basis and not just a onetime gift.

ICM Jarvis Sims added, this is a partnership with the City of Covington, not with the 501(c)3. Our request before the board is the partnership with the City of Covington which is an annual event which a benefit by our county and all that is within our county.

Commissioner Sanders stated that whether doing it as an Intergovernmental Agreement with the City of Covington, it's still a nonprofit receiving the funding. There is no difference in regards to gratuities, because two government entities are giving funding to a nonprofit organization.

Commissioner Cowan said that he has to agree with Commissioner Mason, this is an Intergovernmental Agreement and there is a difference between an Intergovernmental Agreement and an appropriation to a 501(c)3. They are two separate types of agreements, but as far as governments go, we have been partnering with Covington for years on a multitude of Intergovernmental Agreements. That's just the typical way you do business in government.

The appropriations are set up in here and the amount we give is up to us. He feels that it's appropriate to enter into the agreement a certain dollar amount to the city, and whoever they contract with to do whatever service, they're basically assuming the risk to do all of that, all we're doing is making a donation or funding an intergovernmental agreement. I think that's the best way and the standard way of doing business with government.

Commissioner Henderson commented, thought that we had talked about a plan to give the committee some funding and questioned what happened to that plan, where are we on that, and said can we work together and put Juneteenth on the appropriation. along with Reverend Lett and the shelter. I mean I think that's what we need to do.

Commissioner Cowan said “I thought we had already done that”. I thought that was already done, but apparently it’s not. Here’s the thing as far as how I feel about appropriations. Whatever we do is like you said, whatever you do for one we ought to do the other.

Commissioner Cowan said, now I will distinguish the difference between Intergovernmental Agreements, because sometimes with the Intergovernmental Agreements with the city, may be millions of dollars, no disrespect, but I’m not sure that you would handle a million dollars for a parade or a one-day event like that. There has to be boundaries set for appropriations and everyone receiving appropriations they should be treated as the same and whatever that number might be, I don’t know. I don’t have an idea. I’m not sure to what the amount should be. There may be some that have more expenses than others, but I think that it’s worthwhile to take a look at it and to make sure that everyone is treated equally.

Commissioner Mason said he feels that we should figure out a way if we can to help for Juneteenth and possibly look at the previous events costs line by line in perspective of the expenses and total cost from the past two years to help determine what the appropriation would be, based on the previous expenses.

Commissioner Mason stated that he wasn’t sure if there was a deadline for this particular budget or not or if the Historical Committee still has the opportunity to submit a request for the current budget, and if not asked if they could possibly submit the request for a future budget.

ICM Jarvis Sims suggested it might be more appropriate for that to be done for a future budget because we are at the point now where we are presenting the proposed budget and we would have to entertain others who might have an appropriation request.

The deadline for the requests was given and was posted to give everyone an opportunity to present and make their request. So now, if we open it back up, we would not be able to get ready for our budget. So I think it would be great for us to entertain this for our future budget, that might be more appropriate.

Commissioner Mason asked ICM Jarvis Sims if he would be willing to set up a meeting with the Historical Committee and start working with them now for an appropriation for the next budget to ensure that this we don’t get to this point to where there is no appropriation for the next budget.

ICM Jarvis Sims replied, we’ll be happy to do that.

Commissioner Sanders stated there was not a public announcement for new nonprofits to submit this year for appropriation. She said that she asked during the budget hearing, and stated she asked where the notification was sent. And none were sent out, they were not on our social media page. They did not have the opportunity to submit for the 2023 budget.

Commissioner Henderson commented that he recalls there have been budgets in the past that were processed and presented a little late to make sure everything that the board wanted in the budget was included, and suggested to re-advertise to give them the opportunity to where they could get in.

Commissioner Henderson added, he would rather the budget be a little late to make sure everybody is given the same opportunity and to get it right. I think it wouldn't be fair to ask them to wait another year, when we shouldn't have to. We can be a little late on the budget. I would prefer that in order to get this resolved and to give everybody their say, unless the Commissioners as a whole say that we don't want to do it. The Commissioners are the deciding factors up here concerning the budget, so I think it's kind of in our hands. So, I would like if we could, "what do you think about it Commissioner Sanders", come back at the next meeting? if our County Manager would place it on the agenda for the next meeting to discuss that particular item and see if we might want to make it a little bit.

Commissioner Cowan stated we probably need a small work session or at some time talk about appropriations and set some guidelines in place.

Commissioner Cowan commented that Commissioner Sanders mentioned having other 501(c)(3)'s and that's fine and good, but eventually you can get overwhelmed with that and there may be some that get approved that are not consistent with the county's philosophies.

So we want to make sure that what we're doing works with the best interest of Newton County and what people are doing as a 501(c)(3) helps promotes the county, or provides a certain service or something like that.

We need to put some guidelines in place. I don't think we got any. We need to do that, but that's for another day.

Commissioner Henderson called for the vote.

Vote 3-1(Passed) 1 abstention. - Commissioner Sanders stated she abstained from the vote because she is against the process in being fair in regards to providing the funding for all that are involved especially the two entities that are celebrating freedom.

14. Alcohol License

1st Reading-Publix Super Markets Inc. #0744 13015 Brown Bridge Rd. Covington, GA 30016

Applicant: Jasmin Ovcina (District 2)

15. Citizen Comments: None

16. Board Comments:

Commissioner Edwards

- Acknowledged giving special recognition to James Brown, Director of Newton County Water Services on his previous accomplishments. *He will come at a later date once he receives his award.
- Commented on the rise in property value/taxes, seniors on fixed income, economic factors and the price of homes and the valuation system, and suggested that we look and explore at other ways and a methodology of valuing our property, freezing property values until the home is sold.

Patrick Jaugstetter- commented in relation to Commissioners Edwards concerns.

- There is a floating homestead exemption that is equal to the full difference in the value of your property and here is also an aged based exemption. Either of these would require the General Assembly to authorize Legislative approval of these exemptions in our jurisdiction.
- If the board desires to seek Legislative approval, they will need to present something before legislation before it goes into session. He will research further and distribute additional information to board.

Commissioner Sanders

- April 20th @ 7:00 p.m she and Commissioner Henderson will host a public discussion of the FY 2023 Budget with the citizens at the T.K. Adams Building and welcomed all to come out.
- May 7th-Girl Power United 11:00 a.m.-1:00 p.m. Hosting a Women's Home Buyers Workshop and speaking on financial literacy. Location: The Founders Hall 3615 Salem Road.
- Presented the designed plaque that she purchased for placement for the Commissioner who serves as Vice-Chair.

Commissioner Cowan

- Expressed the desire for the county as whole to operate more efficiently.
- Mr. Sims has a lot of work to do, making sure things get up to speed on some things.
- I do appreciate everybody working together and moving forward over the next year.

Commissioner Henderson

- Commented on the tax increase
- ARPA funds
- Fund balance
- The need to help people and nonprofits

17. Executive Session (If Needed)

18. Adjournment: There being no further business, Vice-Chair Commissioner Henderson called for a motion to adjourn. **8:45 p.m.** Commissioner Mason motioned to adjourn, seconded by Commissioner Sanders.

Marcello Banes, Chairman

ATTEST:

Susan G. Nolley, Deputy Clerk