

The Newton County Board of Commissioners regular board meeting was held on Tuesday, September 5, 2023 at 7:00 p.m. in the Commissioners meeting room on the 3<sup>rd</sup> floor in the Historic Courthouse. This meeting was open to the public and live streamed on the Newton County YouTube Channel. [https://www.youtube.com/NewtonCounty Government](https://www.youtube.com/NewtonCountyGovernment)

Present were, Chairman Banes, Commissioners Stan Edwards, Demond Mason, Alana Sanders and J.C. Henderson, County Manager Harold Cooper, Attorney Patrick Jaugstetter, Deputy Clerk Susan Nolley. Also attending were other administrative personnel and the media staff. Commissioner Ronnie Cowan was not in attendance.

Chairman Marcello Banes called the meeting to order and read the thought for the day. Commissioner Edwards gave the invocation and led the Pledge of Allegiance.

### **Adoption of the Agenda**

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

### **Citizen Comments**

Archie Shepherd - Expressed opinion regarding agenda Item #10

**Reports from Chairman Banes** None to report

**Reports from County Manager Harold Cooper** - A PowerPoint presentation of departmental updates and monthly accomplishments was displayed. Special thanks to Angela White-Davis and Kale Curtis for attending the Youth Commission meeting.

### **Consent Agenda**

- a) Resource Court (Superior Court) approval for grant- funded contractor agreement to provide treatment services to Resource (Mental Health) Court participants - FY2324
- b) Juvenile Services approval of Professional Service Contract with Tyler Carey (Dependency Court-appointed attorney) and Tamil Wells Thomas (Family Treatment Court Guardian ad Litem)  
Cost: \$42,500.00 Funding: Juvenile Court Annual Budget
- c) Fire Services approval to apply for Facebook Community Action grant. Grant Amount: \$7,500
- d) Fire Services approval to apply for CSX Pride in Service grant. Grant Amount: \$20,000
- e) Fire Services approval to apply for FY2023 Local First Responders State Micro Grant Program  
grant. Grant Amount: \$8,500

f) Fire Services approval of AGREEMENT BETWEEN NEWTON COUNTY AND ESO SOLUTIONS, INC. No cost for one (1) year

g) County Clerk: BOC Work Session Summary Minutes dated March 28, 2023/Work Session

Summary Minutes dated March 30, 2023/Regular Meeting Minutes dated August 15, 2023 Public Hearing Minutes dated August 21, 2023/Public Hearing Minutes dated August 28, 2023 Special Called Meeting dated August 28, 2023.

**Motion:** Commissioner Edwards motioned to approve the consent agenda, seconded by Commissioner Mason and was passed unanimously.

### **ITEMS FOR DISCUSSION AND CONSIDERATION**

10. District Three Commissioner Alana Sanders - Appealing the denial of funding for the travel request submitted to attend the National Association of Black County Officials (NABCO). Commissioner Sanders expressed concerns regarding the decision made to decline her travel request to attend the National Association of Black County Officials (NABCO) Conference in October and referenced the FY24 Newton County Travel Budget.

**(Commissioner Sanders to continue after Zoning/Public Hearing)**

### **7:30 PM ZONING/PUBLIC HEARING**

Shena Applewhaite, Director of Development Services presented the zoning cases.

#### **CUP23-000003 - DISTRICT 2**

Petitioner: Andrea P. Gray, LLC

Location: 350/360 Butler Bridge Road

Map & Parcel Number: 003-1 & 002-40)

FLUM: AF (Agricultural Forestry)

Zoning: A (Agricultural)

Acreage: 315.29 & 2.90

Applicants intent: To develop a Recreational Youth Campground.

Planning Commission recommended approval (5/0) for this petition with staffs recommended conditions on 08/22/2023. **7:37 p.m. Public Hearing**

In support of the petition

Andrea Gray

David Ship

**7:44 p.m. Public Hearing closed (there was no opposition)**

**Motion:** Commissioner Mason motioned to approve CUP23-000003 with staffs recommended conditions, seconded by Commissioner Sanders and was passed unanimously.

#### **REZ23-000008 - DISTRICT 1**

Applicant: Estefani Lopez

Location: Hwy 81/Hwy 212

Map & Parcel Number: 0019-013A

FLUM: COM & PRC

Zoning: CN (Neighborhood Commercial) A-R (Agricultural Residential)  
Neighborhood Commercial) A-R (Agricultural Residential) to CG(General Commercial)  
Acreage:

16.44

Applicants intent: To rezone the property CG in order to locate a landscaping business. Planning Commission recommended approval (5/0) on 08/22/2023 with staffs recommended conditions.

**7:53 p.m. Public Hearing**

In support of the petition

Estefani Lopez

**7:56 p.m. Public Hearing closed (there was no opposition)**

**Motion:** Commissioner Edwards motioned to approve REZ23-000008 with staffs recommended conditions, seconded by Commissioner Mason and was passed unanimously.

**Amendment to the motion:** Commissioner Edwards motioned to amend his original motion to include an additional condition to state the property must be used as a landscaping business as proposed by the applicant, seconded by Commissioner Mason and was passed unanimously.

**FLU23-000006 - DISTRICT 1**

Petitioner: Mark Patrick

Location: 43 Dry Pond Road

Map & Parcel Number: 51-18D

FLUM: RR (Rural Residential)

Proposed FLUM: COM

(Commercial) Zoning: Agricultural  
Residential

Acreage: 17.57 approx.

Applicants intent: Designate the Future Land Use of 17.57 acres to COM (Commercial) in order to seek rezoning of the property for mini warehouses.

Planning Commission motion to approve failed (4/1) on 08/22/2023.

**8:03 p.m. Public Hearing**

In support of the petition

Kenneth & Angela Batchelor (Applicants)

In opposition of the petition

Kathy Ledford

John Davis

Brenda Evans

Kristie Morgan

### **8:14 p.m. Public Hearing closed**

**Motion:** Commissioner Edwards motioned to table for 60 days, seconded by Commissioner Mason, Commissioner Sanders and Commissioner Henderson opposed. Vote 2-2. Chairman Banes breaking tie vote in favor to table for 60 days.

### **REZ23-000013 - DISTRICT 3**

Petitioner: John Nix

Location: 2601 Access Road

Map & Parcel Number: 0025-028

FLUM: DN, PRC

Zoning: R-3 (Single-Family Residential)

Acreage: 24

Applicants intent: To rezone the parcel from R-2 (Single- Family Residential) to M-1 (Light Industrial) to locate an industrial warehouse.

Planning Commission recommended denial (5/0) on 08/22/2023.

### **8:24 p.m. Public Hearing**

In support of the petition

John Nix

### **8:33 p.m. Public Hearing closed (there was no opposition)**

**Motion:** Commissioner Sanders motioned to table for 60 days (\*applicant to speak with residents before moving forward), seconded by Commissioner Edwards and was passed unanimously.

### **CUP23-000006 - DISTRICT 2**

Applicant: Oladele Salimonu

Location: 3988 Salem Road

Map & Parcel Number: 0013-057

FLUM: DN (Development Node)

Zoning: R2 (Single Family Residential)

Acreage: 1.57 acres of 8.92 an acre tract

Applicants intent: To locate a driving school.

Planning Commission recommended approval (5/0) on 08/22/2023 with staffs recommended conditions.

### **8:41 p.m. Public Hearing**

In support of the petition

Oladele Salimonu

### **8:44 p.m. Public Hearing closed (there was no opposition)**

**Motion:** Commissioner Mason motioned to approve CUP23-000006 with staffs recommended conditions, seconded by Commissioner Edwards and was passed unanimously.

### **CUP23-000008 - DISTRICT 2**

Petitioner: Maria Alves

Location: 2094 Hwy 81

Map & Parcel Number: 0045 060 & 0045 049A

FLUM: PUB (Public Institution)

Zoning: R3 (Single Family Residential)

Proposed FLUM: COM (Commercial)

Acreage: 2.5 acres & 1 acre

Applicants intent: To locate a Special Events Facility

Planning Commission recommended approval for the CUP (5/0) on 08/23/2023.

**Motion:** Commissioner Mason motioned to approve CUP23-000008 with staffs recommended conditions, seconded by Commissioner Sanders and was passed unanimously.

#### **8:52 p.m. Public Hearing**

In support of the petition

Maria Alves

**8:53 Public Hearing closed (there was no opposition)**

### **APP23-000004 - DISTRICT 4**

Appeal Applicant: Charles Flanigan

Location: 57 Taunton Road

Map & Parcel Number: 64B-010

Zoning: R-3 (Single-Family Residential)/Size of Property: 0.4 acres

**Appeal request:** To appeal the BZA' decision (VAR23-000005) to deny a primary structure less than 1800 heated square feet.

**Original request:** To allow an existing home on the property that is less than the required 1800 square feet. BZA denied (2/2) with the Chairman breaking the tie in favor of a denial. (Original Case# VAR23-000005)

#### **8:59 p.m. Public Hearing**

Charles Flanigan & Lisa Flanigan spoke in support of the petition.

**9:02 p.m. Public Hearing closed (there was no opposition)**

**Motion:** Commissioner Henderson motioned to approve APP23-000004 with staffs recommended conditions, seconded by Commissioner Edwards and was passed unanimously.

### **(Continued) ITEMS FOR DISCUSSION AND CONSIDERATION**

10. District Three Commissioner Alana Sanders - Appealing the denial of funding for the travel request submitted to attend the National Association of Black County Officials (NABCO) Conference.

Commissioner Sanders gave details of local, state and national organizations she is active and currently affiliated, acknowledging various boards she serves and the panels she has been appointed to.

Commissioner Sanders stated her appeal is to the travel and training budget that we have here in Newton County and in result to her findings, the county has nothing that states the county only supports ACCG and NACo.

Commissioner Sanders stated County Attorney Patrick Jaugstetter asked her, "did I tell you that you need to recuse yourself"? He said, did I send you an email? And I said, no sir you didn't. You're just telling me this at eight fifteen. And he said, well it's an opinion, my opinion. I am suggesting.

Commissioner Sanders stated she has an email from Patrick dated March 22<sup>nd</sup> when she asked a similar question and he stated as long as you're not receiving finances directly to you personally and benefiting you personally. I have the email from March 22<sup>nd</sup>, you do not have to recuse herself.

**Motion:** Commissioner Henderson motioned to approve the funding for Commissioner Sanders to go to the conference, the motion was seconded by Commissioner Sanders. Vote 2-2. Commissioner Edwards and Commissioner Mason opposed. Chairman Banes breaking tie vote in favor to deny. Motion denied.

11. Approval of Public Works to execute an agreement with Georgia 811 for the county to provide utility location services for all county owned traffic signals. An annual fee of \$200.00 is required. Services to be paid for with Public Works general funds. The new Georgia law that goes into effect January 1, 2024 classifies all counties and cities with signalized intersections as utility owners/operators. Public Works will be required to be part of the GA811 utility locate system.

The County facilities consist of four (4) traffic signals with underground cables. Public Works will be required to respond to locate requests through GA811 by locating all underground signal cables in proposed construction areas. A locate contractor will be utilized for this service.

**Motion:** Commissioner Edwards motioned to approve Public Works to execute an agreement with Georgia 811 for the county to provide utility services for all county owned traffic signals with a required annual fee of \$200.00, seconded by Commissioner Mason and was passed. Vote 3-0. Commissioner Henderson was not seated when the vote was taken. 9:28 p.m.

12. Approval of Public Works to contract with NOVA Engineering & Environmental, LLC to provide materials testing and inspection services for Access Road @ I-20 from West of Crowell Road and East of Harold Dobbs Road project. (PI#0015095). Cost: \$19,655.00/Funding Source: SPLOST.

**Motion:** Commissioner Edwards motioned to approve the NOVA Engineering & Environmental, LLC contract to provide materials testing and inspection services. Cost: \$19,655.00, seconded by Commissioner Mason and was passed unanimously. Commissioner Henderson seated @ 9:31 p.m.

13. Public Works approval to execute GDOT Construction Agreement #1 for CR511/Brown Bridge Road @ Yellow River Bridge Replacement Project. (PI#0015096)

The proposed Supplemental Construction Agreement #1 with GDOT brings the federal funding level for the project to 80%. Additional federal funding provided is \$1,258,657.91.

The county is required to match at 20%. The Supplemental Agreement with a detailed breakdown of the funding is attached.

**Motion:** Commissioner Edwards motioned to approve GDOT Construction Agreement #1 for CR511/Bridge Road @ Yellow River Bridge Replacement Project (PI#0015096), seconded by Commissioner Mason and was passed unanimously.

**Citizen Comments**

Archie Shepherd expressed opinions to the board.

Curtis Goss expressed concerns regarding the current status and the future of the Nelson Heights Community Center and asked the board to get the center back up and running. The community still wants the kids to enjoy the center.

**Board Comments**

Commissioner Sanders commented on a meeting that was held last week and stated she is thankful for the constituents that saw it. Commissioner Sanders also commented on the board, board meetings, made mention of debates, records and receipts, correction, corruption and confusion.

Commissioner Edwards thanked Mr. Goss for his comments and asked the County Manager to start the process to find a tenant for the Nelson Heights Community Center and work on it at his earliest convenience so the kids can receive the programming they deserve and need in that community.

There being no further business to discuss, Chairman Banes called for the meeting to adjourn. Commissioner Edwards motioned for the meeting to adjourn, seconded by Commissioner Mason and was agreed by all to adjourn.

9:40 p.m.

---

Respectfully submitted by:

Marcello Banes

Chairman

---

Susan G. Nolley

Deputy Clerk