

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia 30014**  
**Minutes**  
**June 18, 2019**

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Demond Mason, Nancy Schulz, J.C. Henderson, Ronnie Cowan, County Attorney Megan Martin, County Manager Lloyd Kerr and Clerk Jackie Smith

Others Present: Citizens, Covington News and the Newton Citizen

Chairman Banes called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Richard Culpepper, Harvest Baptist Church and the Pledge of Allegiance was led by Commissioner Stan Edwards.

Chairman Banes thanked Pastor Culpepper for his prayer and recognized him by presenting him a certificate of appreciation for his service to the community.

**AGENDA ADOPTION**

Motion by Commissioner Schulz, to adopt the agenda with the removal of the district three Library Board appointment, second by Commissioner Mason.

Motion carried unanimously (5/0)

**CITIZEN COMMENTS**

Archie Shepherd  
Covington

- Served on the last two SPLOST Committees
- District Commissioner knows his district and what the citizens in that district want regarding what they wanted to do in their respective districts.
- Can't understand the Rising Son Church issue in Commissioner Henderson's district. (why it is a problem with some commissioners)
- We spent \$300,000 on an audit (only two of the current members served on the board at that time) and it has never been closed out. Citizens want to know what happened and the people accused of wrong doing need to have their names cleared.

Barbara Morgan  
Covington

- Questioned why the county needed to purchase more property in Nelson Heights.
- What is the need?

Larry McSwain  
Covington

- He, too, questioned the purchase of property in the Nelson Heights Community since the county already owns 11 acres there.
- Voiced his concern that the \$30,000 price is significantly higher than the Fair Market Value but the Tax Assessors of \$22,500.

- Ask that a vote be postponed until this issue has been cleared up.

**CHAIRMAN’S REPORT**

- July 4<sup>th</sup> Fireworks: Received unanimous consensus for use of the Judicial Center (corner of the roof) to launch fireworks
- Oxford College Update
- Invited Dean Hicks from Oxford College to the platform to give an update on Oxford College/Emory University.
- Presented PowerPoint presentation (made part of these minutes)
- Founded in 1836 – 180 years old and has been a partner with the county and city the entire time.
- Chairman Banes thanked Dean Hicks for his presentation and expressed appreciation for the many ways the Oxford College students make a difference in the county. Deeply appreciate the many student volunteers and we tip our hats to them.

**7:30 PM**

**ZONING/PUBLIC HEARING**

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes are allotted for those in opposition to the petition. This ten-minute allotment does not include a response. (read by Chairman Banes)

County Planner Shena Applewhaite presented the following zoning requests:

- PowerPoint presentation (attached to these minutes)

CASE NUMBER	REZ19-000004
LOCATION	10620 Covington By-Pass Rd. Approx. 265' of Road Frontage
EXISTING ZONING	R-3 (Single Family Residential))
EXISTING LAND USE MAP	MXC (Mixed Commercial)
PROPOSED ZONING	CH (Highway Commercial)
WATERSHED	Yellow River
PARCEL SIZE:	2.19 Acres
TAX PARCEL:	64B 095A
COMMISSION DISTRICT:	(4) Four

OWNER Jack Stewart

PETITIONER Jack Stewart

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APPLICANT'S INTENT To establish a satisfactory zoning for an established commercial development site.

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**Planning Commission Decision:**

On May 28, 2019 the Planning Commission recommended approval with staff's recommended conditions by a vote of (4-0).

**RECOMMENDED CONDITIONS (Read into the record by Planner Shena Applewhaite .)**

If this petition is approved by the Board of Commissioners, it should be approved CH (Highway Commercial) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

To the owner's agreement to abide by the following development standards:

- a. If any improvements are made to the entrance, applicant will provide satisfactory ingress and egress for the site, to be approved by GDOT.
- b. A 75' transitional buffer must be maintained in perpetuity along the north and north west property lines as long as it adjoins residential zoning. The buffer width may be reduced by 20 feet by the addition of a solid opaque fence or wall at least eight feet in height.
- c. An employee parking area containing acceptable material, including one handicap space that will contain required pavement or concrete will be established and developed on the property.

Chairman Banes opened the public hearing @ 7:43 pm.

Favor: None

Opposition: None

Chairman Banes closed the public hearing @ 7:44 pm.

**Motion by Commissioner Henderson, second by Commissioner Edwards, to approve Zoning request REZ19-000004 and change the zoning from R-3 (Single-Family Residential) to**

**CH (Highway Commercial) with the recommended conditions as read into the record by Planner**

**Shena 00Applewhaite.**

**Motion carried unanimously (5/0)**

CASE NUMBER	OTC19-000001
LOCATION	513 Kirkland Rd. Approx. 1,320' of road frontage along Kirkland Rd. & Approx. 1,715' of road frontage along Jack Neely Rd.
EXISTING LAND USE MAP	PRC (Parks, Recreation & Conservation)
EXISTING ZONING	R-2 (Single Family Residential)
EXISTING OVERLAY	NONE
PROPOSED OVERLAY	Almon Overlay Tier 2
PARCEL SIZE:	43.40 acres
TAX PARCEL:	26 028
WATERSHED	Yellow River
COMMISSION DISTRICT:	4 (Four)
OWNER	Neely farms LTD, LLC
PETITIONER	Freddy Neely

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APPLICANT'S INTENT	To bring the property into the Almon Overlay Tier 2 to ensure the subject property has enhanced development standards and to have a consistent status with properties to the north of Kirkland Rd. and Jack Neely Rd.
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**Planning Commission Decision:**

On May 28, 2019 the Planning Commission recommended approval with staff's recommended conditions by a vote of (4-0).

**RECOMMENDED CONDITIONS (Read into the record by Planner Shena Applewhaite.)**

If this petition is approved by the Board of Commissioners, it should be approved R-2, Tier 2 Almon Overlay CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings

contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. Compliance with Division 460, Almon Overlay, of the 2009 Newton County Zoning Ordinance.

Chairman Banes opened the public hearing @ 7:46 pm.

Favor:

Attorney Phil Johnson (representing property owner)

- Family has property in the Almon Overlay and decided to request to have this property annexed into the overlay as well.

Opposition: None

Chairman Banes closed the public hearing @ 7:50 pm.

Motion by Commissioner Henderson, second by Commissioner Schulz, to approve the petitioner's request for property to be a part of the Almon Overlay Tier2) with the recommended conditions as read into the record by Planner Shena Applewhaite.

Motion carried unanimously (5/0)

### **COUNTY MANAGER'S REPORT**

- PowerPoint presentation (attached and made part of these minutes)

### **CONSENT AGENDA:**

- a. County Clerk: Approval of BOC Minutes dated May 21, 2019
- b. County Clerk: Approval of Public Hearing Minutes dated June 4, 2019
- c. County Clerk: Approval of Executive Session Minutes dated April 16, 2019
- d. Superior Court/Veterans Treatment Court: Requesting approval to accept CJCC State Grant Funding in the amount of \$114,076. Matching Funds: CJCC requires a 10% match in the amount of \$12,675. Grant period is July 01, 2019 to June 30, 2020
- e. Superior Court: Requesting approval of NC Adult Felony Drug Court Independent Contract Agreement for Treatment Services with View Point Health.
- f. Juvenile Court: Requesting approval of annual renewal of Legal Services Agreements with Davona Roseberry, Giget Johnson and Karen Greene for Indigent Defense Representation. The total for all contracts is \$151,000 plus hourly rates for court time and case preparation time. Funding: Juvenile Court Budget.
- g. Juvenile Court: Requesting ratification of appointment of Hillary Edgar to serve as Newton County Juvenile Court Pro Tem and approval of accompanying Legal Services Agreement. Cost is \$500 monthly retainer plus fees for days on call and in required training.

Funding: Juvenile Court Budget

- h. Juvenile Court: Requesting approval to accept Criminal Justice Coordinating Council (CJCC) grant funds for Juvenile Court's Behavioral Health Court Program in the amount of \$65,043. Matching Funds: \$7,227 to be satisfied with budgeted funds.
- i. Juvenile Court: Requesting approval to accept CJCC Grant funds for Juvenile Court's Family Treatment Court Program in the amount of \$79,796. Matching Funds: \$8,866 to be satisfied with budgeted funds.
- j. Appointment: District One - Library Board - Zach Ames
- k. Appointment: District Three – Library Board – Barbara Gunner (Removed from agenda)
- l. Senior Services: Requesting approval of Provider Agreement between PurFoods, LLC dba Mom's Meals and Newton County. (2 participants)
- m. Approval of Family Connection FY2020 Contract – No cost to county.
- n. Sheriff's Office: Requesting approve to have the insurance policy with U.S. Specialty Insurance Company renewed. The policy term will be from 7/1/2019 through 7/1/2020. The annual package premium is \$210,497.00.

Motion by Commissioner Schulz, second by Commissioner Mason, to approve the Consent Agenda with the removal of item (l).

Motion carried unanimously (5/0)

### **FINANCIAL REPORT: MAY 2019**

Presented by Finance Director Nicole Cross.

- PowerPoint attached and made part of these minutes.

### **FINANCE: CONSIDERATION/DISCUSSION OF RESOLUTION R061820 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA TO ADOPT AN ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2020 BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.**

Presented by County Manager Lloyd Kerr and Finance Director Nicole Cross.

- FY2020 Newton County Budget
- M&O - \$68.9 million
- Budget based on 9% increase in property values/assessments.
- Hope to keep millage rate at 13.441%
- Two Public Hearings – July 22<sup>nd</sup> & July 29<sup>th</sup>.

Motion by Commissioner Mason, second by Commissioner Schulz (for purpose of discussion), to approve Resolution R061820 – A Resolution of the Board of Commissioners of Newton County, Georgia to Adopt an Annual Operating Budget for Fiscal Year 2020 beginning July 1, 2019 and ending June 30, 2020.

Commissioner Edwards addressed the board and said he could not support the proposed budget. He could support it if it were 7% instead of 9% with no increase in funding of Capital Improvements and Contingencies.

He noted that if we keep it at 7% that would still allow the pay increases for the employees as well as funding for new employees.

Commissioner Schulz voiced here concern over the Service Delivery Strategy negotiations and the possibility of losing over \$2 million in grant funding.

Finance Director Nicole Cross stated there could be surplus funding from FY2019, but that would go into the Fund Balance account.

Mr. Kerr read the resolution into the record and asked for support of this budget.

Commissioner Edwards made a substitute motion that failed for a lack of a second

Original motion passed as follows:

Commissioner Mason and Commissioner Cowan voted in favor of the original motion. Commissioner Edwards and Commissioner Schulz voted in opposition to the original motion.

Commissioner Henderson abstained from voting for lack of information.

Chairman Banes broke the tie voting in favor of the original motion.

Motion carried 2/2/1 with tie vote in favor of motion.

Chairman and Commissioners shared them appreciation for Mr. Kerr and Mrs. Cross for their hard word, their preparation and presentation of the FY2020 budget.

**DISCUSSION/APPROVAL OF CONTRACT OF PROJECT MANAGER TO OVERSEE THE BUILDING OF THE NEW ANIMAL CONTROL FACILITY AND OVERSEE THE EXPANSION OF SENIOR SERVICES. CONTRACT AMOUNT IS \$64,800 WITH FUNDING FROM SPLOST.**

Presented by County Manager Lloyd Kerr.

- 7 firms responded to RFP.
- Recommendation: Ascension Program Management
- Cost: 64,800
- Funding Source: SPLOST 2017
- Information is attached and made part of these minutes.

Motion by Commissioner Schulz, second by Commissioner Mason, to approve Ascension Program Management as contract manager for the new facility with a not to exceed amount of \$64,800 from the 2017 SPLOST.

Motion carried unanimously (5/0)

**RECREATION: DISCUSSION/APPROVAL OF CONSTRUCTION SERVICES AGREEMENT RFP 19-11 DESIGN AND CONSTRUCTION OF PAVILION FOR THE MIRACLE FIELD COMPLEX BETWEEN NEWTON COUNTY BOC AND**

**PEAK STEEL CONTRACTORS, LLC IN THE AMOUNT OF \$75,000.  
FUNDING: SPLOST.**

Presented by County Manager Lloyd Kerr.

- Recommendation: Peak Steel Contractors, LLC
- Cost: \$75,000
- Funding Source: SPLOST 2017
- Information is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Schulz, to approve the contract with Peak Steel Contractors, LLC for the design and construction of the at the Miracle Field Complex with a not to exceed amount of \$75,000 from the 2017 SPLOST. Motion carried unanimously (5/0)

**DEVELOPMENT SERVICES: DISCUSSION/CONSIDERATION OF  
RESOLUTION R061819 ADOPTING THE APPROVED REPORT FOR FY18  
CIE/STWP.**

Presented by County Manager Lloyd Kerr.

- Capital Improvement Elements and the Short Term Work Program submitted to DCA in April.
- Newton County is in compliance.
- Mr. Kerr read the Resolution R061819 Adopting the approved report for FY18 CIE/STWP into the record.
- Resolution R061819 Adopting the Approved Report for FY18 CIE/STWP is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Schulz, to approve Resolution R061819 Adopting the Approved Report for FY18 CIE/STWP. Motion carried unanimously (5/0)

**PUBLIC WORKS: REQUESTING APPROVAL FOR THE BOARD TO AWARD  
CULVERT REPLACEMENT @ GUM TREE TRAIL TO PEACH STATE  
CONSTRUCTION CO. IN THE AMOUNT OF \$94,950 FUNDING FROM 2011  
2017 SPLOST.**

Presented by Transportation Director Chester Clegg.

- Culvert is 35 years old and has exceeded its expected lifespan and needs to be replaced.
- Received two quotes.
- Peach State Construction Company: \$94,950
- Universal Underground Utilities: \$125,629.20
- Recommendation: Award contract to Peach State Construction Company
- Contract has been reviewed by the County Attorney.
- Information is attached and made part of these minutes.



Motion by Commissioner Schulz, second by Commissioner Edwards, to award the contract to Peach State Construction Company for a not to exceed amount of \$94,950.00

Motion carried unanimously (5/0)

**SENIOR SERVICE: REQUESTING APPROVAL OF 2019-2020 CONTRACT BETWEEN NEWTON COUNTY BOARD OF COMMISSIONERS AND G.A. FOOD SERVICES OF PINELLAS COUNTY, INC.**

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Presented by County Manager Lloyd Kerr.

- Meals on Wheels
- Bulk food for seniors who come to Senior Services.
- Annual Contract with G.A. Food Services of Pinellas County, Inc.

Motion by Commissioner Mason, second by Commissioner Schulz, to approve the 2019-2020 contract for N.C. Senior Services with G.A. Food Services of Pinellas County, Inc.

Motion carried unanimously (5/0)

**BOC: APPROVAL OF AGREEMENT BETWEEN NEWTON COUNTY BOC AND THE RISING SON CHRISTIAN CHURCH, INC. FOR PROPERTY (TAX PARCEL C030000010001D00 FOR THE PURCHASE PRICE OF \$30,000.**

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Presented by County Attorney Megan Martin.

- Information is made part of these minutes.
- Subject property consists of 1.91 acres of unimproved land at the intersection of Laseter Street & Puckett Street and located directly across from County-owned property (NHCC).
- Beginning asking price: \$50,000
- BOC offered \$30,000

Motion by Commissioner Henderson, second by Commissioner Schulz (for discussion purposes) to approve the purchase.

Discussion:

- During a closed session the board unanimously agreed to offer the seller \$30,000 for the property.
- The board members came up with this amount and I didn't say anything, but I don't think you should go back on your word. You should be a person of your word. Seems like it is always district 4...children deserve a place for recreation and also deserve better quality of life.

Commissioner Schulz

- Asked the county attorney to give them the appraised value and the assessed value of the property.

1. \$19,500 and \$17,000 (two appraisals)
2. \$22,500 (assessed value)

Commissioner Henderson

- During a closed session the board unanimously agreed to offer the seller \$30,000 for the property.
- The board members came up with this amount and I didn't say anything, but I don't think you should go back on your word. You should be a person of your word. Seems like it is always district 4....children deserve a place for recreation and also deserve better quality of life.

Commissioner Mason

- Commented that since the executive session meeting more data has been presented to the board that has changed his opinion.
- Feels that the board needs to pause, take a step back and reevaluate the matter.

Commissioner Schulz

- Read the following statement into the record.  
“Nelson Heights Community Center provides a valuable resource for the children of the community. Those children need a safe outdoor space to play. However, the proposed purchase price for the property is 35% higher than the assessed value and 58% higher than the appraised value. Our fiduciary responsibility to the taxpayer requires us to be prudent with spending SPLOST dollars. Therefore, I cannot support the purchase price of this property because I believe it is too high.”

Commissioner Cowan

- After realizing that we don't have a plan in place of what it looks like, suggest we take a step back and re-evaluate the matter.
- Makes more sense to put property under an option contract until we have a plan in place.

Commissioner Mason

- Agrees with Commissioner Henderson that district four deserves recreation and that we all deserve a better quality of life.

Motion by Commissioner Mason, second by Commissioner Henderson, to table the purchase of the Rising Son Christian Church property until the August 6<sup>th</sup> board meeting.

Motion carried (4/1) Commissioner Edwards voting against the motion.0

**PUBLIC HEARING CONCERNING APPROVAL OF AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN NEWTON COUNTY AND MORNING HORNET, LLC TO AMEND THE SQUARE FOOTAGE OF THE PERMITTED BUILDING AREA.**

- County Attorney Megan Martin addressed the board and requested this issue be tabled until July 16<sup>th</sup> meeting.

Motion by Commissioner Schulz, second by Commissioner Mason, to approve the request by the county attorney to table this issue until the July 16<sup>th</sup> board meeting. Motion carried unanimously (5/0)

**PUBLIC HEARING ON NEWTON COUNTY APPROVAL OF PROPOSED MULTIFAMILY HOUSING REVENUE BONDS TO BE ISSUED BY THE HOUSING AUTHORITY OF THE CITY OF COVINGTON FOR THE BENEFIT OF COVINGTON LEASED HOUSING ASSOCIATIONS III, LLP.**

Attorney Megan Martin addressed the board and introduced Covington Housing Director, Shamica Redding, Attorney Hillary Edgar, and Dominum Development Associate, Jordan Richter.

They noted the following:

- Arbor Lakes Apartments on Kirkland Road
- Rehabilitation of 250 unites (Multi-Family Housing)
- Bonds approved by City of Covington
- Requesting BOC to do the same.
- Newton County or the City of Covington will be responsible for repaying bonds.
- \$22 million bonds will be issued on behalf of Covington Leased Housing Authority, III working with Dominium (development partner).
- Covington Leased Housing Authority, III will receive an issuer fee of 1/8 of 1%.
- Dominium will cap rental rates in exchange for tax credits from Department of Community Affairs (DCA).
- Information is attached and made part of these minutes

Chairman Banes opened the Public Hearing @ 8:58 p.m.

Favor:

Gladstone Nicholson, Covington

- In favor of more square footage.
- Happy for rehabilitation of apartments.

Mr. Richter stated there will not be an increase in the square footage. The only increase will be with the playgrounds.

Commissioner Schulz

- Stated that all changes will have to comply with the Almon Overlay Ordinance if property lies within the Overlay.

- Mr. Kerr said the property is outside the Overlay.

Motion by Commissioner Henderson, second by Commissioner Schulz, to approve the request as presented.

Motion carried 4/1 (Commissioner Edwards voted in opposition to the motion)

### **CITIZEN COMMENTS**

Scott Jay

Covington

- Questioned Commissioner Henderson's affiliation with the Rising Son Christian Church.

Gene Wills

Covington

- Voiced his concern over the Nelson Heights issue. Commented that it seems if a dime goes to NHCC we have a problem with it.

### **COMMISSIONERS COMMENTS**

Commissioner Edwards: None

Commissioner Mason: None

Commissioner Schulz: None

Commissioner Henderson:

Commented that he only wants the best for every child in Newton County.

Commissioner Cowan: None

### **EXECUTIVE SESSION: None**

With there being no further business, a motion by Commissioner Edwards, second by Commissioner Mason, the meeting adjourned @ 9:16 p.m.

Respectfully submitted,

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Jackie Smith, County Clerk

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Marcello Banes, Chairman