

Newton County Board of
Commissioners Regular Meeting
Minutes
May 2,
2023
Historic Courthouse-1124 Clark
Street Covington, GA 30014

The Newton County Board of Commissioners regular board meeting was held on Tuesday, May 2, 2023 at 7:00 p.m. in the Commissioners meeting room on the 3rd floor in the Historic Courthouse. This meeting was open to the public and live streamed on the Newton County
YouTube Channel Link: <https://www.youtube.com/channel/UCaelyAOMGdiPaiqUz7SdTfQ>

Present were, Chairman Marcello Banes, Commissioners: Stan Edwards, Demond Mason, J.C. Henderson, Ronnie Cowan, Attorney Priya Patel and Deputy Clerk Susan Nolley. Also present were the media staff, and other administrative staff.
*Commissioner Alana Sanders participated via Zoom

Chairman Banes called the meeting to order and read the thought for the day.

Pastor Brad Rutledge of HOPE Church of Newton gave the invocation and led the Pledge of Allegiance.

Chairman Banes gave special acknowledgement of appreciation and presented a plaque to Pastor Brad Rutledge for his service to the community and launching the HOPE Church of Newton.

Chairman Banes amended the agenda to add item 12a and called a motion to approve adoption of the agenda as amended.
Commissioner Edwards made a motion to approve adoption of the agenda as amended, seconded by Commissioner Mason and was passed unanimously.

Citizen Comments (3 minutes allowed- Agenda topics only)

Annette Alston -Spoke in opposition of item #12 Approval of County Manager contract for Harold

B. Cooper

Dana Renard - Spoke in support of the Historic Downtown Consumption District

Dr. Alfred Dial - Spoke in support of item #12 Approval of County Manager contract for Harold B. Cooper

Joe Reed

Calvin Hardin - Spoke in support of item #12 Approval of County Manager contract for Harold B. Cooper

Matthew Hough - Spoke in support of item #12 Approval of County Manger contract for Harold B. Cooper

Kayla Dobbs - Spoke in support of the Downtown Consumption District

Debbie Harper - Spoke in support of the Downtown Consumption District

7:30 P.M. Zoning/Public Hearings

Ten minutes is allowed for those to speak in favor of each petition, in addition, ten minutes is also allowed for those to speak in opposition.

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Presenter: Shena Applewhaite, Director of Development Services

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1. Appeal Case: APP23-000003 (Original Cases APP23-000002 + LDPR22-000003)
Location: Brown Bridge
Rd Applicant: Simon H.
Bloom
Map & Parcel Number: 0043 037
FLUM: RES
District: 4
Zoning: RMF (Multi Family Residential)
Acreage of Property: 8.43
Request: Appeal to the Board of Zoning Appeals decision to not approve the Land
Disturbance Permit for Benton Woods Ph2. Denied 5-0.

Shena presented Appeal Case: APP23-000003 (Original Cases APP23-000002 & LDPR22000003). The appeal is to deny an administrative decision made to deny the Land Disturbance Permit for Benton Woods Townhome Subdivision Phase 2.

History: On March 23, 2023 the Board of Zoning Appeals denied the appeal to an administrative decision to deny the Land Disturbance Permit for Benton Woods Ph2. Vote 5-0.

The Applicable Standards referenced in the Newton County Development Regulations were read into record and filed as part of the official records.

The staff recommends the board to deny the appeal request due to failure to satisfy and meet the requirements of Section 605-100 of the Newton County Development Regulations.

7:39 p.m.

The Public Hearing opened.

In support of the petition, Attorney Andrea Pearson of Bloom Parham, LLP presented the appeal on behalf of the applicant.

In addition to the PowerPoint displayed, four documents were received via email to be given to the board and requested to be made part of the official records.

Ms. Pearson had two minutes and twelve seconds remaining to speak and stated she would like to use them for rebuttal.

7:44 p.m.

There was no opposition and the Public Hearing is now closed.

Board Discussion

Has there been a traffic study?

Concerns expressed regarding problems the single entrance will cause. The total number of homes there will be in the subdivision.

Concerns safety hazards the development could possibly cause.

What would the expense be for another ingress/egress into the other subdivision? The development is not in compliant with the conditions.

Motion: to deny the Land Disturbance Permit for Benton Woods Ph2 and uphold the Board of Zoning Appeals decision to not approve the Land Disturbance Permit by Commissioner Henderson, seconded by Commissioner Mason and was passed unanimously.

Requests for consideration

Intergovernmental agreement to share responsibility for Implementation of certain NPDES Permit control measures with the City of Covington.

INTERGOVERNMENTAL AGREEMENT TO SHARE RESPONSIBILITY FOR IMPLEMENTATION OF CERTAIN NPDES PERMIT CONTROL MEASURES

This Agreement (the "Agreement") is made and entered into this ____day of _____, 2023, (the "Effective Date"), by and between NEWTON COUNTY, GEORGIA, a political subdivision of the State of Georgia, (the "County"), and the CITY OF COVINGTON, a Georgia municipal corporation (the "City").

WITNESSETH

WHEREAS, the Constitution of the State of Georgia provides, in Article IX, Section III, Paragraph I, subparagraph (a), that any county or municipality of the State of Georgia may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation or public authority for the provision of services, or for the joint or separate use of facilities or equipment when such contracts deal with services, activities, or facilities which the contracting parties are authorized by law to undertake or provide;

WHEREAS, County and City are both permittees operating small municipal separate storm water systems and are both authorized to discharge storm water to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in the State of Georgia Department of Natural Resources Environmental Protection Division's General NPDES Stormwater Permit No. GAG610000 (the "NPDES Permit");

WHEREAS, City is desirous of upgrading its municipal sanitary sewer system by installing new pipes and other infrastructure;

WHEREAS, the City's municipal sanitary sewer upgrade project is linear and traverses both the incorporated boundaries of City and unincorporated land within County;

WHEREAS, City and County are desirous of County sharing implementation of all control measures and BMP's with City, such that City is the entity assuming full responsibility for implementation of all control measures and BMPs for the construction of the City's municipal sanitary sewer upgrade project.

NOW, THEREFORE, and based upon the recitals above, which recitals are incorporated into the body hereof by reference, as well as the exchange of good and adequate consideration, the receipt and exchange of which are acknowledged by the signatures below, the parties hereby agree as follows:

1. For purposes of this Agreement, the City's municipal sanitary sewer upgrade project (the "Project") shall be defined as Eastside Sanitary Sewer Improvements Project
2. County shall share implementation of all minimum control measures and BMPs required by the NPDES Permit with City, and City hereby assumes full responsibility for those control measures and BMPs for the Project.
3. City shall implement the City's minimum control measures and BMPs for the Project as and when required by City's current Stormwater Management Plan; provided, however, that in the event any such City's control measure or component of that measure is less stringent than that of the County's Stormwater Management Plan, the County's requirement shall control as to any portion of the Project located within the unincorporated County.

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4. City shall, upon written request, promptly deliver to County all NOIs, Annual Report Certification Statements or any other NPES Permit compliance information requested of County by EPD for any portion of the Project located within the unincorporated County.

5. City shall defend, indemnify and hold harmless County and its elected and appointed officials, officers, boards, commissions, employees, representatives, contractors, servants, agents, attorneys and volunteers (individually an "Indemnified Party" and collectively "Indemnified Parties") from and against any and all claims, suits, actions, judgments, injuries, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to attorney's fees and costs of defense ("Liabilities"), which may arise from or be the result of an alleged willful, negligent, or tortious act or omission, arising out of City's implementation of NPDES control measures and BMPs for the Project; provided that this indemnity obligation shall only apply to the extent Liabilities are caused by or result from the negligence, recklessness, or intentionally wrongful conduct or omission of the City or other persons employed or utilized by the City in the performance of this Agreement. This indemnity obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this provision. This obligation to indemnify, defend, and hold harmless the County shall survive expiration or termination of this Agreement, provided that the claims are based upon or arise out of actions or omissions that occurred during the performance of this Agreement.

6. The term of this Agreement shall be for the duration of the project and until all temporary BMPs have been removed and final stabilization has been achieved, commencing on the Effective Date provided above.

7. This Agreement shall be deemed to have been made, construed, and enforced in accordance with the laws of the State of Georgia.

8. Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

9. The parties hereto shall comply with all applicable local, state, and federal statutes, ordinances, rules and regulations concerning the subject matter of this Agreement.

10. No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

11. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

12. The parties hereto agree to submit any controversy arising under this Agreement to mediation for a resolution. In the event the parties cannot agree on a mediator, the mediator will be selected by the Senior Judge of the Newton County Superior Court. The cost of mediation shall be borne equally by the parties.

13. No party hereto may assign any function or obligation undertaken by such party without the written approval of the other parties.

14. This Agreement shall be binding upon the parties and their successor and assigns for the full period of the term.

15. This Agreement constitutes the sole and final agreement between the parties relating to the subject of this agreement and all prior or contemporaneous agreements are superseded by it.

IN WITNESS WHEREOF, the parties hereto have caused their respective officers have caused this Agreement to be executed in their respective names and set their hands and to affix the respective seals of the parties the day and year first written above.

Board Discussion

Commissioner Cowan asked if the City of Covington is going to accept the responsibility for negligence due to fault of the inspections.

Shena replied yes.

Motion: Commissioner Cowan made the motion to approve the Intergovernmental Agreement to share responsibility for Implementation of certain NPDES Permit control measures with the City of Covington, seconded by Commissioner Henderson and was passed unanimously.

Adoption of Resolution R050223 - A Resolution of Newton County, Georgia Amending and Adopting the Newton County Development Services Fee Schedule

**A RESOLUTION OF NEWTON COUNTY, GEORGIA
AMENDING AND ADOPTING THE NEWTON COUNTY
DEVELOPMENT SERVICES FEE SCHEDULE**

WHEREAS, the constitution of the state of Georgia, approved but the voters of the State in November of 1982, and effective July 1 1983, provides in Article IX, Section II, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Board of Commissioners of Newton County, Georgia (“Board”) occasionally finds it necessary to evaluate whether the current fees appropriately reflect the purpose for which the fees are assessed, applied or collected; and

WHEREAS, the Development Services Department has advised the revisions to the Newton County Development Services Fee Schedule are necessary; and

WHEREAS, the County recently adopted Ordinance O-041823, which authorized the Board to include a fee related to the licensing of the operation of Mobile and Temporary Food Establishments as part of the Development Services Department Operations;

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF NEWTON COUNTY, GEORGIA that:

- 1.The County does hereby delete the current Newton County Development Services Fee Schedule, in it entirety, and replace it with the Newton County Development Services Fee Schedule attached hereto as Exhibit “A)
- 2.This Resolution shall be effective upon a majority vote by the Board of Commissioners of Newton County, Georgia.
SO RESOLVED, the public’s health, safety and welfare demanding it, this 2 nd day of May 2023

Motion: Commissioner Cowan motioned to approve Resolution R050223-A Resolution on Newton County, Georgia Amending and Adopting the Newton County Development Services Fee Schedule, seconded by Commissioner Edwards and was passed unanimously.

NEWTON COUNTY COMPREHENSIVE PLAN 2023 UPDATE DRAFT PRESENTATION.

Mr. Kalanos Johnson, GMC Consultant for the Comprehensive Plan gave a PowerPoint presentation of the 2023 Newton County Comprehensive Update Draft. The draft will also be presented to the Georgia Department of Community Affairs and the Northeast Georgia Regional Commission for review and make recommendations if needed. The plan will come back before the board for final approval and for adoption in June. **The DCA review requirement is 40 days and the plan has to be adopted by June 30th**

Board Discussion

Parks and recreation in the area of District 3 is not addressed. Development increase/high density/youth criminal activity Result of youth survey/data of survey and another timeline

Motion: Commissioner Cowan made a motion to approve. Motion failed due to lack of support.

Motion: Commissioner Sanders made a motion to go back to revisit the data of the plan to make sure the survey has reached all residents including the youth of the public school sector, seconded by Commissioner Henderson.

Shena said the local qualifying government status could be void if the deadline is not met and this will affect the county's ability to receive government funding and grants.

Board Discussion

No deadline or rush for the survey.
Length of survey/review of the youth survey

Chairman Banes called for the vote.

Motion failed. Vote 2-3

Substitute motion: Commissioner Edwards motioned to approve of the transmittal for the Comprehensive Plan 2023 to DCA & NEGRC, seconded by Commissioner Mason.
Passed. Vote 3-0-2 abstention.

Commissioner Sanders stated she abstained because she doesn't feel the plan is ready nor has all the residents been counted or have the youth been heard.

Commissioner Henderson stated he abstained because he doesn't want anyone to think that they have been left out and everyone has been given the opportunity to have a voice in this.

Reports from Chairman Banes

None to report

Unfinished Business

Discussion and consideration- Tabled from April 18, 2023-To allow discussion regarding security between Chief Stacy Cotton and Sheriff Ezell Brown.

Request to approve - **Resolution R041823**

A 90-day trial period for open container in a designated Downtown Consumption District that would cover the square lawn.

Ken Malcom presented on behalf of the City of Covington a request for board approval to authorize outside consumption of alcohol on the lawn of the town square in the Historic District of Downtown Covington. This request is for a 90-day trial.

The floor was opened to Sheriff Brown.

Sheriff Brown addressed the board stating he has received several calls from citizens in the community and faith based community members with concerns of the county portion of the square which is the park.

Sheriff Brown said that he feels it is time to pause and not allow alcohol consumption in the park and for the alcohol consumption to remain on the sidewalks for the 90-day trial period, concluding; there are a number of jurisdictional issues that need to be addressed that are not attainable right now.

Ken said the plan has been well thought out and they have done everything they can do to provide a thorough presentation, and he had been asked to present the request to the board by the merchants on the square.

He acknowledged that he respects the concerns of the Sheriff regarding possible damage to the park and also any decision that the board makes.

Board Discussion

Commissioner Henderson asked the possibility of citizens being arrested for public drunk after consuming alcohol on the square while walking home.

Ken said the proposed consumption district is a restricted area and all participants will be required to purchase alcoholic beverages from a licensed downtown restaurant and will be placed in a city designated cup.

Motion: Commissioner Henderson said he is in support of the Sheriff and agrees not to allow alcohol consumption in the park at this time and made the motion to deny the request of The City of Covington Community Development as presented by Ken Malcom, seconded by Commissioner Mason.

Board Discussion

Commissioner Edwards spoke in support of the resolution for the safety of the square during the special events.

Commissioner Mason thanked Ken for his presentation and for all the work put forth, and thanked Sheriff Brown for his input.

Commissioner Mason said he feels that allowing alcohol consumption on the sidewalks, allows an opportunity for there to be a balance and mentioned revisiting the request after the 90-day trial period.

Chairman Banes called for the vote.

Motion to deny passed. Vote 4-1.

8. **Consent Agenda**

a) Approval of the Minutes

May 18, 2023/BOC Work Session/Budget Work Session for Citizens/Regular Board Meeting

b) Superior Court to apply for ARPA Grant to reduce pandemic related case backlogs and upgrade courtroom A/V technology.

Cost: \$1,071,384.00/Funding Source: ARPA/Match: N/A

Motion: Commissioner Edwards motioned to approve the Consent Agenda as listed, seconded by Commissioner Mason and was passed unanimously.

Items for Discussion and Consideration

9. Approval of Purchasing Card (PCARD) for Probate Court Judge Melanie Bell to be used for annual subscription and fees.

Transaction allowance: \$1,000.00 mthly/\$600.00 single transaction.

Commissioner Sanders commented the current PCARD process needs to be revamped. Commissioner Mason motioned to approve, seconded by Commissioner Cowan and was passed unanimously.

10. Approval of Change Order #2 for Five Fields Lawn Care for three additional locations which shall include forty-two (42) visits per year and pine straw.

1. Fire Station #5 located @ 2707 Access Road.
2. Eastside Roundabout located @ 140 Hwy. 142
3. Mental Health Drive (Hill and Roadway)

Annual cost for all 3 sites: \$9,996.00/ Total Cost: **Do not exceed** \$128,497.56

Motion: Commissioner Henderson motioned to approve Change Order #2 for Five Field Lawn Care, seconded by Commissioner Cowan and was passed unanimously.

ARPA Update - Ms. Kennedy Shannon, iParametrics

Ms. Shannon gave an update on the Youth Program and the Food Pantry Program which are both non-profits and advised the board they currently have no structure in place to how the funds are to be used.

Ms. Shannon recommended the board put some parameters in place and that direct assistance be limited and restricted directly toward programming tailored for the youth, and the same is suggested for the food pantry program and suggested the board to make this a requirement.

Currently 39 applications have been submitted for the Youth Program and no funding has been awarded as of yet.

iParametrics is seeking clarity in authorization to limit the release for direct assistance to the youth and food pantry programs.

Commissioner Henderson asked how much money has been allocated for the programs. Ms. Shannon stated there are 3 categories for non-profits. General/Youth/Food Pantry-All are on one application and a total of \$3.2 million has been allocated.

Commissioner Sanders questioned if funding is expected to be leftover based on the number of applications received.

Ms. Shannon stated she feels there is possibility of remaining funds if the direct assistance parameters are put in place for the programs as she recommends.

Board Discussion

Commissioner Henderson asked what is the current status of the Senior Assistance Program.

Ms. Shannon said the low income Senior Home Repair and the Sewer Conversion Grant Programs are expected to launch June 1st.

The maximum for low income Senior Home Repair is \$15,000.00 per applicant and the maximum for the Sewer Conversion is \$15,000.00 - \$20,000.00 based on the conversion amount. Remaining funds from the Youth Program and the Food Pantry Program, if any, can be rolled over to the low income Senior Home Repair program.

Commissioner Henderson expressed concern of citizens wishing to apply that will need assistance.

Ms. Shannon said there are currently three positions posted to aid in assisting citizens with the application process.

Commissioner Mason asked if there is a recommendation of a time line to conclude the non- profit programs and a time line to start the Senior Home Repair program.

Ms. Shannon said it's anticipated iParametrics staff can complete the non-profit program in the next thirty days, and if completed, the low income Senior Home Repair Program will launch June 1st and the Small Business Assistance Program to possibly launch on June 15th.

Commissioner Sanders said she has been contacted by several senior residents with concern regarding the cost to provide the two estimates that are required in the application process of the Senior Home Repair Program.

Ms. Shannon expressed the cost will possibly be waived for the seniors once local contractors learn of the program in an effort to generate business and recommends a database is provided listing all licensed and registered contractor/construction companies in Newton County for those applying for assistance.

Ms. Shannon said she and the County Manager will work together on the database.

Motion: Commissioner Mason made a motion to approve the recommendations for the Youth Program, the Food Pantry Program and the database listing of all registered and licensed contractors and construction companies in Newton County as stated by Ms. Kennedy Shannon of iParametrics, the motion was seconded by Commissioner Edwards and was passed unanimously.

Ms. Shannon advised the board she will send emails out on Friday with application data for youth in their district to review and make their selections.

Ms. Shannon said there is need for the board to review the Task Order for iParametrics, stating the first RFP as they applied, there was no mention of them to run programs or write project management programs, it is only for consulting services.

After the issue occurred with the Salvation Army, iParametrics was asked to run the programs.

Ms. Shannon said iParametrics will disseminate \$8.4 million dollars to the programs and asked the the board to increase their Task Order to receive ten percent of that amount which is the standard rate for administrative cost for the federal government. The requested increase will be an additional

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\$420,000.00 to the original Task Order. If approved, the total cost paid to iParametrics will
be

\$840,000.00 at the end of the contract period.

Commissioner Henderson expressed he would like for legal to advise and confirm this will not be another contract.

Commissioner Edwards suggested Ms. Shannon and Brittany get together to define the financial records and report back to the board.

Commissioner Edwards said he feels ten percent is a bargain compared to the godsend Ms. Shannon has been and would like to make a motion to approve the ten percent increase for the iParametrics Task Order as requested. The motion was seconded by Commissioner Mason.

Commissioner Cowan expressed concerns of the request being a modification to the original contract and would like the county attorney to review a draft of the terms before the board makes a decision.

Ms. Shannon said it is not a modification and the original RFP did not include iParametrics to run any of the programs, stating they were asked to run the programs after the situation occurred with the Salvation Army, and agrees the contract will have to be redone

Substitute motion: Commissioner Cowan motioned to table the request for legal to review before the board makes a decision. Commissioner Henderson seconded motion and the motion passed unanimously.

12. Approval of the County Manager Contract for Harold B. Cooper. The 2-year contract term will begin May 8, 2023 through May 2025 and the annual salary is \$150,000.00. Amanda Shoemaker, Director of Human Resources read the contract terms for the record. The board was also provided a copy of the contract in their agenda packet.

Board Discussion

Commissioner Sanders expressed concerns regarding the 2-year term of the contract and the structure of accruals of vacation time, expenses for training/refunding of training if terminated, hybrid work and performance appraisals. Who is protecting the county?

Commissioners Sanders stated she feels there are a lot of issues with the contract and the board should table until it can be outlined with further details.

Motion: Commissioner Edwards motioned to approve the appointment of Harold B. Cooper as County Manager and the contract terms and conditions as presented by Human Resources Director, Amanda Shoemaker, seconded by Commissioner Mason.

Substitute motion: Commissioner Henderson motioned to table to allow more time to work out the contract, seconded by Commissioner Sanders. Vote 2-3. **Motion failed.**

Board Discussion

Commissioner Sanders expressed concerns regarding the terms of the contract. Commissioner Cowan asked Attorney Priya Patel of Jarrard & Davis if they had reviewed the contract and if it was legally sufficient.

Attorney Patel answered, yes.

Chairman Banes called for the vote. The original motion now stands.

The original motion: Commissioner Edwards motioned to approve the appointment and the contract terms and conditions of Harold B. Cooper as County Manager presented by Human Resources Director, Amanda Shoemaker, seconded by Commissioner Mason. **Passed. Vote 3-2.**

12a. Mr. Norman Bethea of Serenity House requested approval of the board to authorize documentation to the DCA for the purpose to receive grant funds in the amount of \$70,000.00 on behalf for Serenity House. Serenity House is a non-profit organization in operation for 14 years, housing the homeless, the displaced, those at risk, veterans, and currently serves over 3,000 clients. The Newton County location has been on Kinnett Road for approximately 6 years.

Attorney Patel advised the board there is no liability on Newton County to consider this request.

The board expressed concerns being unfamiliar with the organization and the timeline given for them to consider the request.

Motion: Commissioner Mason motioned to deny the request for Serenity House as presented by Mr. Norman Bethea, seconded by Commissioner Henderson and was passed unanimously.

13. Citizen Comments

Annette Alston stated she has petitions and emailed them asking the board to reconsider and rescind their vote for the County Manager position and voiced her opinion regarding the contract.

Sue Collins expressed concerns regarding the increase in her property taxes for tax year 2023.

14. Board Comments

Commissioner Mason-1st movie in the Park @ Denny Dobbs Park/Cinco de Mayo Celebration 6:00 p.m. Friday, May 5th. All are invited.

Commissioner Sanders - Currently in St. Louis Missouri with NACo and shared information about successful programs that is available to implement to the youth and topics that are being discussed regarding youth, crime and the prison system.

Commissioner Henderson- All are invited to come to Nelson Heights Community Center this summer. Breakfast and meals will be provided. A basketball camp and movies will be scheduled.

15. Executive Session (No executive session)

16. Adjourn 10:40 p.m.

Marcello Banes Chairman

Respectfully Submitted:

Susan G. Nolley Deputy Clerk