

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Special Called Meeting**  
**MINUTES**  
**August 30, 2023**  
**6:00 p.m.**

Present: Chairman Marcello Banes, Commissioner's Stan Edwards, Demond Mason, Alana Sanders, JC Henderson, Ronnie Cowan, Manager Harold Cooper, County Clerk Jackie Smith, and Attorney Patrick Jaugstetter.

Chairman Banes called the meeting to order and extended a welcome to all in attendance. Commissioner Mason gave the invocation and Commissioner Edwards led the Pledge of Allegiance to our flag.

Chairman Banes recognized Commissioner J.C. Henderson who requested the clerk read the attached correspondence into the record. He also provided a copy to the chairman, each member, the county manager, the county attorney and the clerk.

**Request to Cancel Nelson Heights Community Center Lease**

To: The Newton County Board of Commissioners

As I think everyone is aware, the Newton County Board of Commissioners recently spent \$15,000 to audit the \$45,000 budget of the Nelson Heights Community Center. The audit was intended to target me and my family and our involvement with the Center. The Board members who authorized the audit hoped to find evidence of wrongdoing by me and my family. The audit did not find evidence of us mishandling money, but to no one's surprise showed that we are not accountants or bookkeepers.

Frankly, the burden of supervising and maintaining the operations of the center, and the burden of dealing with frequent attempts over the years to harm our reputation, have led us to conclude it would be best for us to cancel the outstanding lease between Newton County and the Nelson Heights Community Center and turn over responsibility for funding, maintenance, and operations of the Center to the County.

Please accept this letter as a request from me as District Commissioner, and the Board of Directors of Nelson Heights to cancel the lease when the County is ready to assume operations of the Center.

Thank you in advance for your help.  
JC Henderson

After the letter was read into the record, Commissioner Henderson excused himself from the meeting.

Commissioner Sanders commented that Citizen Comments was left off the agenda and does not want to silence the citizens who are for, or against this issue. Chairman Banes called for a motion to amend the agenda to add citizen comments.

Motion by Commissioner Sanders to amend the agenda to add Citizen Comments so citizens can speak in regards to this matter.  
Motion failed for lack of a second.

**DISCUSSION/CONSIDERATION OF ACTION RELATED TO LEASE AGREEMENT WITH AND FUNDING FOR NELSON HEIGHTS COMMUNITY SERVICES, INC.**

Motion by Commissioner Edwards, second by Commissioner Cowan, to approve the request as read into the record by the county clerk and at the request of Commissioner Henderson.

Commissioner Edwards addressed the board and commented that he, obviously, made the motion to use the verbiage from the letter signed by J.C. Henderson. He then commented that if he (JCH) has zero to do with NHCC I'm not sure he has the authority to do this on behalf of Nelson Heights Community Services, Inc.

Chairman Banes recognized County Manager Cooper and asked that he move forward in providing the information so that everyone is clear on the issue.

County Manager Cooper stated this presentation is twofold and he would yield to County Attorney Jaugstetter as needed.

Manager Cooper reiterated his "3P" approach...People, Purpose, & Process. He noted this presentation will focus on processes.

Mr. Cooper highlighted the following:

- Important dates from May 21, 2023 to present.
- Lease agreement
  - Use of Property – (a) Lessee shall use the Property exclusively for the purpose of maintaining and operating a non-profit community center.
- Focus will be on provisions: 4A (use of property) and 11 (agreement and subleasing activity)
- Review of Provisions
- Sublease Activity
- Timeline of Events – August 2023

Attorney Jaugstetter.

- He stated the center had been subleased to Dominion Leadership Academy which reports to be either a school or a daycare. He stated it's a little unclear which one, but in either event that's not a community center that the lease contemplates.
- He stated that the lease can be terminated immediately in the event any of the use restrictions set forth in section 4 are violated.
- He noted that it is clear the center was subleased to be a school or daycare center.
- He noted that his opinion was the lease had been violated by doing this.
- Section 11 – Assignment and Subleasing: This agreement may not be assigned or transferred at any time by the Lessee to anyone without the prior written consent of the Lessor.
- This was done without notice to the county violating the agreement.
- Section 11b - Authorizes the county to terminate the lease agreement for any reason with a 60-day notice.
- He stated it was his opinion that the lease has been breached by the authorization from NHCS, Inc. to utilize the property for a school/daycare center. This action authorizes immediate termination of the lease.
- Also, the facts that the county manager related to you would justify the board to terminate the lease for convenience which is the 60-day notice provision.
- He commented that with the letter the board received tonight, it seems like the tenant entity has no objection to terminate the lease.
- He stated that his recommendation to terminate the lease is based exclusively upon the language of the lease. He said the relationship between NHCS, Inc. and Dominion Leadership Academy is precisely the relationship that triggers the termination of the lease.

Note: A copy of all information provided is attached and made part of these minutes.

Amended Motion:

Motion by Commissioner Edwards, second by Commissioner Cowan, to terminate the Lease Agreement immediately between Nelson Heights Community Services, Inc. and the Newton County Board of Commissioners for Breach of Contract.

Discussion:

- Commissioner Sanders played a taped conversation between the owner of Dominion Leadership Academy, Commissioner Henderson and Denise Williams for the board.

Motion approved (3/1) with Commissioner Sanders voting in opposition to the motion.

With there being no further business, motion by Commissioner Edwards, second by Commissioner Cowan, the special called meeting adjourned at 6:35 P.M.  
Motion carried unanimously (4/0)

Respectfully submitted,

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Jackie Smith, County Clerk

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Marcello Banes, Chairman