

The Newton County Board of Commissioners regular board meeting was held on Tuesday, February 21, 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/UCaelYAOMGdiPaicUz7SdTfQ>

Present were, Chairman Banes, Commissioners: Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, Interim County Manager Jarvis Sims, Deputy Clerk Susan Nolley and County Attorney Patrick Jaugstetter. Also present, were the media staff and other administrative staff.

Chairman Banes called the meeting to order.

Pastor Kevin Wilhite, of Oxford Baptist Church gave the invocation and led the Pledge of Allegiance.

Chairman Banes amended the agenda to add Discussion items:

- 12a) Discussion: To clarify the language as it relates to churches and the ARPA funding. Occupational license for churches to be excluded.
- 12b) Discussion: Clarification of the language regarding the Youth Commission Appointees and ARPA funding.
- 12c) Discussion: The approval of operating budget and to extend the operation of the Warming Shelter until March 31, 2023.
- 12d) Discussion: Commissioner would like to apply for a Grant.

Commissioner Sanders motioned to add discussion of the Westside Youth Facility, seconded by Commissioner Henderson. Motion failed 2-3.

Commissioner Cowan made a motion for agenda item 8 to be removed from the agenda for further review (no timeline given), seconded by Commissioner Edwards.
Passed. Vote 4-0. 1 abstention. Commissioner Henderson not comfortable to vote without knowledge of details of the item.

Chairman Banes called for the vote to adopt the agenda as amended: add items 12a 12b 12c 12d and removal of item 8.

Motion to approve the agenda as amended: Commissioner Edwards, seconded by Commissioner Mason and was passed unanimously.

Citizen Comments

Archie Shepherd
Egeniece Lackey
Annette Alston
Carla Banes

7:30 p.m.

Planning and Zoning

*10 minutes is allowed for individuals to speak in favor and or in opposition of each petition when applicable. Presenter: Shena Applewhaite, Director of Development Services

Old Business

1. Rezoning Case Number: REZ22-000013

Applicant: Eric Johansen

Location: 375 Flat Rock Rd

Map & Parcel Number: 79-9

District: 5 (Five)

FLUM: IND (Industrial)

Zoning: A (Agricultural)

Acreage: 15.56 total Acres approx.

Request: Rezone 15.56 acres of the parent parcel from A (Agricultural) to M2 (Heavy Industrial).

Applicant submitted a request to table until June 2023.

Motion: To approve the request to table Case Number: REZ22-000013 until June 2023 by Commissioner Cowan, seconded by Commissioner Edwards and was passed unanimously.

2. Modification Case Number MOD22-000002

Applicant: John Nix

Location: 2486 Hwy 81

Map & Parcel Numbers: 28A-1

District: 4 (Four)

FLUM: DN (Development Node)

Zoning: CG (General Commercial)

Acreage: 2.63 acres

Modification to zoning conditions by substituting the site plan for condition #2(a) which references the preliminary site plan associated with the proposed operation of a landscape business; and to remove condition #3(d) which limits the hours of operation from 7:00am through 10:00pm; and condition #3(e) which requires the maintenance of a 75 ft. tree line along Shepherd road

Motion: To approve Case Number MOD 22-000002 by Commissioner Henderson.

Motion failed lack of support.

Motion: To deny by Commissioner Edwards and seconded by Commissioner Cowan.

Approved. Vote 4-1.

3. Rezoning Case Number: REZ22-000014
Applicant: Geza DeGall, Rep: Brad Horbal
Location: 7079 Hwy 212
Map & Parcel Number: 1-7, 1-7A
District: 2 (Two)
FLUM: MIX (Mixed Use)
Zoning: R2(Single Family Residential)

Acreage: 3.096 total Acres approx.
Request: Rezone parcel from R2 (Single Family Residential) to CG (General Commercial) for commercial/retail use.
Planning Commission recommended approval October 25, 2022.

Motion: To approve Case Number REZ22-000014 with staff recommendations by Commissioner Mason, seconded by Commissioner Edwards.

7:44 p.m. Chairman Banes called for a recess.
Commissioner Henderson exited the boardroom.

7:45 p.m. Chairman Banes called for the meeting to resume and called for the vote. *
Approved. Vote 4-0. Commissioner Henderson was not seated when vote was taken.
*7:46 p.m. Commissioner Henderson entered the boardroom.

Chairman Banes opened the floor to Shena Applewhaite to present the remaining zoning cases.

New Business

4. Future Land Use Amendment Case Number: FLU22-000006
Applicant: John Knight
Location: Hwy 229
Map & Parcel Number: 126-15
District: 1 (One)
FLUM: AF (Agricultural Forestry)
Zoning: A(Agricultural)
Acreage: 125.57 acres total Acres approx.
Request: To amend the future Land Use from AF to RR in order to subdivide out 2.69 ac.
7:47 p.m. Public Hearing open
7:48 p.m. Public Hearing closed

Motion: To approve Case Number FLU22-000005 by Commissioner Edwards, seconded by Commissioner Mason and was passed unanimously.

Discussion: Commissioner Edwards asked if approval of FLU22-000006 would only apply to 2.69 acres.

Shena confirmed the amendment would only apply to 2.69 acres of the 125.57 acre parent parcel.

5. Rezoning Case Number REZ22-000017

Applicant: Thomas Gibson

Location: 65 Salem Rd

Map & Parcel Number: 13-73

District: 2 (Two)

FLUM: DN (Development Node)

Zoning: R2(Single Family Residential)/ CG (General Commercial)

Acreage: R2 (2.7327 ac approx.) / CG (5.2432 acres approx.) Total 8 acres approx.

Request: To rezone the R2 portion of the lot in order to locate a landscaping business on the entire lot.

7:54 p.m. Public Hearing open

In support of the petition

Jerry Thompson

No opposition

7:56 p.m. Public Hearing closed

Motion: To approve Case Number REZ22-000017 with staff recommendations by Commissioner Mason, seconded by Commissioner Edwards and was passed unanimously.

6. Conditional Use Permit Case Number CUP22-000007

Applicant: Thomas Gibson

Location: 65 Salem Rd

Map & Parcel Number: 13-73

District: 2 (Two)

FLUM: DN (Development Node)

Zoning: R2(Single Family Residential)/ CG (General Commercial)

Acreage: R2 (2.7327 ac approx.) / CG (5.2432 acres approx.) Total 8 acres approx.

Request: To locate a landscaping business on the entire lot.

8:01 p.m. Public Hearing open

8:02 p.m. Public Hearing closed

Motion: To approve Case Number CUP22-000007 with staff recommendations by Commissioner Mason, seconded by Commissioner Edwards and was passed unanimously.

Reports from Chairman Banes

Chairman Banes gave recognition to the 2023 MLK Day Awards Recipients.

Mrs. Gail Reid Slaton and Mrs. Margaret Wimberly came forward and presented the following awards:

Young Dreamer Award: Alana Jackson/Kierra Cheek/Hailey Quinn

Trail Blazer Award: Ms. Jackie Smith

I Have a Dream Award: Reverend Crawford and Grace United Methodist Church

Chairman Banes also presented awards to the recipients on behalf of the board and Newton County.

Reports from ICM Jarvis Sims None to report

9. **Consent Agenda**

9a) Newton County Juvenile Court to apply for FY'24 State Accountability Court Grant through the Council of Accountability Court Judges (CACJ). This grant funds the services for clients who are entered into the Family Treatment Court program.

Reimbursement Grant (Funds to be released July 1, 2023) Budgeted: Yes/Match: Yes 12%

9b) Newton County Adult Felony Drug Court to apply for FY'24 State

Accountability Court Grant through the Council of Accountability Court Judges (CACJ).

Reimbursement Grant (Funds to be released July 1, 2023) Budgeted: No/Match: Yes 12%

9c) Alcovy Veterans Treatment Court to apply for FY'24 State

Accountability Court Grant through the Council of Accountability Court Judges (CACJ).

Reimbursement Grant (Funds to be released July 1, 2023) Budgeted: Yes/Match: 12%.

9d) Newton County Resource (Mental Health) Court to apply for FY'24

State Accountability Court Grant through the Council of Accountability Court Judges (CACJ). Reimbursement Grant (Funds to be released July 1, 2023) Match: Yes 12%.

9e) Newton County Sheriff's Office to accept the GEMA (Georgia

Emergency Management & Homeland Security grant to purchase Formulytics Software.

Grant amount: \$90,000.00. Funding Source: GEMA (100% grant funded).

9f) Newton County Sheriff's Office to purchase a K-9 to replace aging/retired K-9.

Cost: \$12,500.00. Funding Source: GEMA **No cost to Newton County.**

9g) Newton County Juvenile Mental Health Court to apply for the FY'24

Council of Accountability Court Judges (CACJ)-Criminal Justice Coordinating Council (CJCC) Grant for Newton County Juvenile Mental Health Court.

Reimbursement Grant (Funds to be released July 1, 2023). Match: Yes 12%.

9h) Fire Services to apply for Home Fire Sprinklers Stipend Coalition/Grant in the amount of \$500.00.

9i) Approval of the Minutes: February 7, 2023 Regular Meeting 7:00 p.m./Executive Session.

9j) Ratification of the Warming Center Agreement with Rainbow

Community Center. Cost: \$15,000.00. ARPA Funds **No Cost to Newton County.**

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

Items for Discussion and Consideration

10. Brittany White, Finance Director presented the January 2023 Financial Report. A copy of the report is enclosed and made a part of the official minutes.

Board Discussion

Are there plans for distributing the impact fees into the districts?

Concerns expressed that the funds aren't being distributed evenly.

Newton County's Impact Fee Ordinance is setup as a single service area and there is no requirement that the funds be spent in any specific district or area of the county.

Ross is currently in the beginning stages of revamping the Impact Fee Ordinance.

There was no action required of this item.

11. Approval of Motorola Solutions Change Order #8 for Covington-Newton County 911.

An addition of five (5) radios, accessories and device programming to provide reliable communication for Code Enforcement. Cost: \$26,792.20. Funding Source: 2017 SPLOST
Motion: To approve Motorola Solutions Change Order #8 by Commissioner Edwards, seconded by Commissioner Cowan and was passed unanimously.

12. Discussion/Consideration: To change the Newton County Board of Commissioners meeting calendar from bi-monthly meetings to a single (1) monthly meeting beginning March 2023.

Board Discussion

Commissioner Sanders would like to receive the information in ample amount of time and further in advance and would like something put place and in writing the information will be received a week in advance. There should be official deadlines for amending the agenda and it should be reiterated to the departments.

Commissioner Edwards: Feedback has not favorable, he was originally in support of the change.

Chairman Banes: If the change is approved we will have Special Called Meetings as needed.

Commissioner Henderson expressed concerns of lengthy meetings, why should it change.

Commissioner Mason questioned what are the dynamics of having one meeting versus two, and if the meetings would become longer or shorter. Is there a possibility of having more Special Called Meetings.

Patrick: The board might find it beneficial if the agenda is separated to cover routine business such as approval of contracts and discussion of business matters in one meeting and the second meeting to cover more public matters and discussions; like zonings that require public hearings and other interest of the public.

Motion: To table this item until the next board meeting and receive something structured and in writing made by Commissioner Sanders, seconded by Commissioner Henderson and was passed unanimously. Tabled until March 7th.

Board Discussion

Commissioner Henderson: the meetings are not setup for the convenience of the commissioners but for the convenience of the constituents.

Commissioner Edwards: asked for clarity of the motion.

12a Discussion/Consideration: To clarify the language as it relates to churches and the ARPA funding. Newton County currently exempts churches of Occupational Tax Certificate/Business License and non-profits are required to have them.

Patrick advises churches are not required to have a 501c3 certificate by the IRS, where non-profits are and there is no objection if the county wishes to require an Occupational Tax Certificate/Business License of churches.

Board Discussion

Commissioner Sanders expressed concerns of discriminatory feedback to the county.

Commissioner Henderson concerned if things are being made more difficult and complicated for the underserved.

Commissioner Edwards questioned if the previous motion included churches of occupational taxes. Patrick answered, the board actually expressly included them.

For clarification Patrick suggested to state a motion to exclude churches from the Occupational Tax Certificate requirement to qualify for ARPA grants for.

Motion: To exclude churches from the Occupational Tax Certificate requirement to qualify for ARPA grants made by Commissioner Edwards, seconded by Commissioner Mason.

Substitute motion: To exclude all non-profits in Newton County and those that are required to have a 501c3 must be registered with the IRS Secretary of State as well as have all of their documents in place made by Commissioner Sanders, seconded by Commissioner Henderson.

Motion Failed. Vote 2-3.

The Original motion now stands.

Motion: To exclude churches from the Occupational Tax Certificate requirement to qualify for ARPA grants made by Commissioner Edwards, seconded by Commissioner Mason.

Chairman Banes called for the vote.

Passed. Vote 4-1.

12b Discussion/Consideration: Clarification of the language regarding the Youth Commission Appointees and ARPA funding.

The number of participants of the Youth Commission has been a concern in addition to whether the Chair should have the ability to appoint.

Clarification is needed in order for the consultant to proceed with the program.

Board Discussion

- Additional 4 appointees
- Exhausting of funds
- Amount of stipend
- Peers to vote for their leader
- Budget amount
- 2-year program /Transportation/Chaperones

Chairman Banes opened the floor to ICM Sims.

ICM Sims reported there is \$3,000,000.00 (three million dollars) of ARPA funds remaining to be used if the board decides to continue funding the program.

Chairman Banes called for a motion.

Motion: To remain the same as previously voted last week, each Commissioner appoints four (4) students to the Youth Commission to total twenty (20) made by Commissioner Sanders, seconded by Commissioner Henderson.

Failed. Vote 2-3.

Chairman Banes called for a motion

Motion: Each district Commissioner to appoint four (4) students in addition to four appointees of the Chairman to the Youth Commission program made by Commissioner Mason, seconded by Commissioner Edwards.

Commissioner Cowan suggested to reduce the number of appointees to allow more funding per student.

Substitute motion: Each district Commissioner to appoint three (3) students to the Youth Commission program, and the Chairman to appoint three (3), made by Commissioner Cowan, seconded by Commissioner Mason. Passed.

Vote 3-1. 1 abstention. Commissioner Sanders abstained because she stated the same at the beginning of the discussion.

12c Discussion/Consideration: Funding needed for the operating budget and to extend the operation of the Warming Shelter until March 31, 2023. This is an Intergovernmental Agreement between Newton County and the City of Covington. Total cost is \$37,730.00 to be split evenly. Cost to Newton County: \$18,868.00.

Motion: To approve the funding needed for the operating budget and to extend the operation of the Warming Shelter/Intergovernmental Agreement with the City of Covington until March 31, 2023 made by Commissioner Cowan, seconded by Commissioner Mason and was passed unanimously.

Board Discussion

Commissioner Henderson asked for clarity of the amount the county will be responsible to pay.

12d Discussion/Consideration: Commissioner requests to apply for a Grant.

Patrick advised that Commissioner Sanders has shared an email with information from Senator Jon Ossoff's office which invited applications regarding various grant funding opportunities. The deadline to apply is March 7, 2023. To qualify for a grant, the application material suggests you have well defined projects with completed budgets.

ICM Jarvis Sims added, the grant should serve the entire county and it would be important to have input from all districts.

Commissioner Sanders made a motion to apply for the grant with the assistance of the County's grant consultant, seconded by Commissioner Henderson.

Chairman Banes suggested the board authorize Ms. Shannon and iParametrics, LLC who is the grant consultant, pursue and present the grants and work with the County Manager who is over operations.

Chairman Banes called for the vote.
Failed. Vote 2-3.

Chairman Banes called for the meeting to adjourn.
9:24 p.m.

Marcello Banes Chairman

Respectfully submitted:

Susan G. Nolley Deputy Clerk