

NEWTON COUNTY BOARD OF COMMISSIONERS

**1124 Clark Street
Covington, Georgia
Regular Meeting
September 20, 2016**

MINUTES

Present: Chairman Keith Ellis, Commissioners' John Douglas, Lanier Sims, Nancy Schulz, J.C. Henderson, Levie Maddox, County Manager Lloyd Kerr, Attorney Larry Ramsey, and Clerk Jackie Smith
Citizens
Covington News, Newton Citizen

Chairman Ellis apologized for the delay in the meeting due to the previous work session. He also announced the board would not be discussing anything pertaining to the proposed Mosque during this meeting. It reiterated that it was not on the agenda for tonight and there are no plans to amend the agenda to add it.

Chairman Ellis called the meeting to order @ 7:75 p.m., extended a welcome, and read the thought for the day. The invocation was given by Rev. Ronny Brannen, Prospect United Methodist Church and the Pledge of Allegiance to our great flag was led by EMA Director Jody Nolan

ADOPTION OF THE AGENDA

Motion by Commissioner Douglas, second by Commissioner Schulz, to adopt the agenda as presented.

Motion carried unanimously (5/0)

CHAIRMAN'S REPORT

- Recognized Jody Nolan with a beautiful crystal award for his many years of service regarding Risk Management. He noted that Pamela Maxwell has moved from Code Enforcement into the Risk Management position.
- Photo made with board
- Mental Health – Suicide Awareness month
- Outreach on Square Thursday @ 10:30 a.m.
- 42,000 deaths annual because of suicide
- Newton County is in the top 3 of Georgia for teen suicides.
- Road update (attached list)

COUNTY MANAGER'S REPORT

- Reports attached to these minutes
- PIO update
- Recently hired wellness coordinator (grant funded)
- Commissioner Douglas told the board/county manager that he would like to have McDonald Road taken off the Surplus Property list. (Remove 4 tracts)

OLD BUSINESS:

**BOC: CONSIDERATION OF BEAR CREEK RESERVOIR PROPOSED HARDWOOD
TIMBER SALES**

- Money goes into the Gaither's fund.

Commissioner Douglas

- Noted that cutting trees is not a good way to try and balance a budget.

Commissioner Schulz

- Feels we should follow purchasing policy and bid the project.
- No contract in place.

Motion by Commissioner Douglas, second by Commissioner Maddox, to deny the proposed hardwood timber sales as presented.

Motion carried (3-2) with Commissioners Sims and Henderson voting in opposition to the motion.

Commissioner Schulz

- Feels we should follow purchasing policy and bid the project.
- No contract in place.

Motion by Commissioner Schulz, second by Maddox, to amend the agenda regarding the forestry service.

Motion carried unanimously (5/0)

Motion by Commissioner Schulz, second by Commissioner Maddox, to instruct staff to seek proposals for the provision of forestry services from individuals qualified to perform such work pursuant to a written contract that will ensure the County's interests are best protected for future forestry projects.

Commissioner Douglas asked Commissioner Schulz to amend her motion to include appointment of a citizens committee.

Commissioner Schulz

- Reiterated that she has no complaints about Mr. Barber's services. She stated she would like for the county to be in line with our own Purchasing Policy and to have a contract in place.

Final motion:

Motion by Commissioner Schulz, second by Commissioner Maddox, to instruct staff to seek proposals for the provision of forestry services from individuals qualified to perform such work pursuant to a written contract that will ensure the County's interests are best protected for future forestry projects. Also, appoint a citizens committee with an appointment from each commissioner and chairman, and for the chair to work with said forester on a Master Forestry Plan.

Motion carried unanimously (5/0)

Motion to Amend the Agenda

Attorney Ramsey said board could authorize chair to sign an indemnification agreement with Fox Movies and could have agreement on future agenda for ratification purposes.

Motion by Commissioner Douglas, second by Commissioner Sims, to amend the agenda to consider Fox movie proposal.

Motion carried unanimously (5/0)

Motion by Commissioner Douglas, second by Commissioner Sims, to allow Fox Pictures to film @ Gaither Plantation with stipulations outlined by Attorney Ramsey.

Motion carried unanimously (5/0)

CONSENT AGENDA:

Superior Courts: Approval of Independent Contractor – Greg Chapman

Superior Courts: Approval to renew van lease with Ginn Motor Company

Sheriff's Office: Approval to accept the FY16 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$27,665.00

Sheriff's Office: Approval to accept the FY17 General Mills Foundation Grant for Choosing Healthy Activities Methods Promoting Safety & Explorers (Champs) in the amount of \$7,400.00

Purchasing: Declaration of Surplus Property to be placed on GovDeals

Purchasing: Renewal of contract with Pitney Bowes Mailing Systems for Tax Commissioners, Clerk of Court & Magistrate Court

Juvenile: Approval of Independent Contractor – Davis Law, LLC

Juvenile: Approval of Independent Contractor – Stephanie G. Johnson, Legal, LLC

County Clerk: Approval of BOC W/S Minutes dated September 6, 2016

County Clerk: Approval of BOC Minutes dated September 6, 2016

County Clerk: Approval of BOC E/S Minutes dated September 6, 2016

Motion by Commissioner Douglas, second by Commissioner Maddox, to add the following to the Consent Agenda and approve:

District Attorney: Approval of the Renewal of VOCA Grant to cover the existing Victim Advocate Position

District Attorney: Approval to apply for new VOCA Grant for a new Post-Conviction Advocate

EMA: Discussion/approval – Acceptance of a FY2016 Homeland Security Sub-Grant (\$74,461.00)

Motion carried unanimously (5/0)

DISCUSSION/APPROVAL OF LIABILITY INSURANCE RENEWAL – ONE BEACON

EMA Director Jody Nolan presented this request to the board. He welcomed Pamela Maxwell (transferred from Code Enforcement) who will now be responsible for Risk Management and Worker's Comp Insurance for the county.

- Covers all assets except for fire services: \$503,533.00
- VHIS: Covers Fire Services: \$69,509.00
- Information is attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Sims, to approve the Liability Insurance Renewal with One Beacon as presented.

Motion carried unanimously (5/0)

ADMINISTRATIVE SERVICES: MONTHLY FINANCIAL REPORT

Presented by Finance Director Michelle Kelly.

- Information is made part of these minutes.
- County expenditures in FY2016 exceeded revenues over \$331, 398.
- Reserve funds in negative
- County applied for a TAX (Tax Anticipation Note)
- Revenues pick up in November & December and Ms. Kelly said she thought we would only need \$1.5 million of the TAN. It will be repaid by December 31, 2016.

Commissioner Schulz

- Financial situation is distressing.
- We have to be more self-disciplined
- We must begin to stick with our budget. It is the taxpayer's money and we owe it to them to be diligent and financially responsible.
- FY2017 a contingency fund of \$221,000 and it is spent and more. (\$35,000 for janitorial services at the Judicial Center and \$250,000 for 5 new deputies to open the Jail Pod at the Detention Center.
- She questioned Mr. Kerr about the Contingency Fund and he said that we do not have a money in contingency/
- What about an emergency? We would have to borrow the money.
- She noted her strong concern that we have an \$18,000,000 (including interest) on the agenda tonight for approval.
- Requested that a resolution be presented at the October 4th board meeting that will help us stop spending money that we do not have.
- My resolution will be that we will not spend any more money unless we have it in the bank.
- Further comments are made part of these minutes

Commissioner Henderson

- Agrees with Commissioner Schulz
- Voiced his concern on the amount of money we are spending on hang tags for the recycling centers.

Motion by Commissioner Henderson, second by Commissioner Sims, to approve the monthly financial report.

Motion carried (4/1) with Commissioner Schulz voting in opposition to the motion.

ADMINISTRATIVE SERVICES: APPROVAL OF CHECK REGISTER

- Attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Sims, to approve the check register.

Motion carried (3/2) with Commissioners Douglas and Maddox voting in opposition to the motion.

COUNTY MANAGER POSITION

Motion by Commissioner Douglas, second by Commissioner Schulz, to table until the October 4, 2016 board meeting.

Motion carried unanimously (5/0)

R092016 - REQUEST APPROVAL OF A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS APPROVING GUARANTEED ENERGY SAVINGS PERFORMANCE CONTRACT DOCUMENTS WITH ABM BUILDING SOLUTIONS, LLC

Presented by Attorney Larry Ramsey

- Information is attached and made part of these minutes

Commissioner Schulz

- Expressed appreciation to Mr. Ramsey for all his work.
- Received information this afternoon.
- County spending \$18,000,000 over a 15 year period
- Would like to receive a recommendation from our finance department.

Michelle Kelly

- Documents quite lengthy
- Documents have been revised and edited over the last several days
- Would prefer if we had more time to review.
- Concerned about our cash flow
- Ms. Schulz questioned if Ms. Kelly had read the entire 400 pages and she said she has not.

Curtis Brown, ABM

- Regarding interest rate it was locked in and on September 6th we got it extended to the end of the month.
- Financial institution said the interest rate could increase.
- County payment in March will be paid through the savings of the program.

Commissioner Schulz

- Commented that we still have a \$325,000 payment each year.
- Would like to give our staff time to digest information that was provided today.
- Comments are attached and made part of these minutes

Sheriff Brown

- Board voted on this July 19th

Chairman Ellis

- Explained that the board voted to authorize the chairman to execute the documents.

Chairman Ellis called a brief recess @ 9:57 pm.

Called meeting back to order.

Commissioner Maddox

- Understands Commissioner Schulz concerns.
- For a number of years county assets have been ignored and neglected.

Commissioner Sims

- Expressed appreciation our staff, Sheriff & his and ABM to staff for the last 12/18 months for what they have put into this project.
- One of my biggest projects that I have tried to pull along.

- Once ABM got their audit done, it was very concerning to me that we have so many buildings with old air conditioning systems.
- A lot of buildings that need attention now.
- Resolution R092016 is attached and made part of these minutes

Motion by Commissioner Douglas, second by Commissioner Sims, to approve Resolution R092016 – A Resolution of the Newton County board of Commissioners approving the Guaranteed Energy Savings Performance Contract Documents with ABM Building Solutions, LLC.

Motion carried (4/1) with Commissioner Schulz voting in opposition to the motion.

R092016 - REQUEST APPROVAL OF A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS AUTHORIZING AN EQUIPMENT LEASE/PURCHASE AGREEMENT WITH FIRST SECURITY FINANCE, INC. AND RELATED DOCUMENTS FOR THE FINANCING OF A GUARANTEED ENERGY SAVINGS PERFORMANCE CONTRACT WITH ABM BUILDING SOLUTIONS, LLC

Presented by Attorney Larry Ramsey

- Information is attached and made part of these minutes
- Resolution R092016 is attached and made part of these minutes

Motion by Commissioner Henderson, second by Commissioner Douglas, to approve Resolution R092016 – A Resolution of the Newton County Board of Commissioners authorizing an Equipment Lease/Purchase Agreement with First Security Finance, Inc. and related documents for the financing of a Guaranteed Energy Savings Performance Contract with ABM Building Solutions, LLC.

Motion carried (4/1) with Commissioner Schulz voting in opposition to the motion.

R092016 – A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REGARDING APPROVAL OF AN AMENDMENT TO CHAPTER 17 OF THE CODE OF NEWTON COUNTY, GEORGIA – REGULATIONS FOR PUBLIC HEALTH – TO INSERT A NEW SECTION PERTAINING TO THE PUBLIC PROPERTY USE AND PERMIT REQUIREMENTS FOR PUBLIC GATHERING AND PUBLIC DISTRIBUTION; TO REPEAL; CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Presented by County Manager Lloyd Kerr.

Motion by Commissioner Douglas, second by Commissioner Sims, to table indefinitely.

Motion carried (4/1) with Commissioner Maddox voting in opposition to the motion.

R092016 – A RESOLUTION TO PURSUE ABANDONMENT PROCEEDINGS FOR KINNETT DRIVE

- Resolution R092016 is attached and made part of these minutes

Motion by Commissioner Sims, second by Commissioner Douglas, to approve Resolution R092016 – A Resolution to Pursue Abandonment Proceedings for Kinnett Drive.

Motion carried unanimously (5/0)

R092016 – A RESOLUTION REGARDING SAFETY PREVENTION PROGRAM FUNDING

Presented by Human Resource Director Keyra Fray.

- Received one time dividend check from ACCG
- Amount: \$21,697
- ACCG strongly recommends that county utilize funds for safety prevention program
- Resolution R092016 is attached and made part of these minutes

Motion by Commissioner Schulz, second by Commissioner Henderson, to approve resolution R092016 – A Resolution Regarding Safety Prevention Program Funding allocating one time dividend check from ACCG in the amount of \$21,697 to Human Resources Safety Prevention Program

Motion carried unanimously (5/0)

SHERIFF’S OFFICE: REQUESTING FUNDING AND APPROVAL TO INSTALL HIGH STEEL RAILS IN ALL PODS

Sheriff Brown presented this request to the board for their consideration.

- Early sent board a letter regarding need.
- Letter is attached and made part of these minutes

Commissioner Schulz

- Questioned as to where the funds would come from if it is not covered under insurance and Mr. Kerr said he did not know. There are no funds for contingency.

Attorney Ramsey

- Said the funds would have to come from some other county funding.

Motion by Commissioner Sims, second by Commissioner Douglas, to table till the October 4th meeting to allow staff time to review funding availability.

Sheriff Brown

- Needs to move on this immediately. Would ask the board to act on it tonight.

Chairman Ellis

- Suggested that finance explore the possibility of using excess SPLOST funds and approve the project.

Commissioner Henderson

- Ask that it be voted on tonight and the find the money necessary. This is a safety issue.

Motion by Commissioner Henderson, second by Commissioner Maddox, to approve the requested funding by Sheriff Brown and to install high steel rails in all pods.

Motion carried unanimously (5/0)

7:30 PM

ZONING/PUBLIC HEARING

Requests sounded by County Manager Lloyd Kerr

Chairman Ellis read the following into the record.

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.

County Manger Lloyd Kerr presented PowerPoint presentation that is attached and made part of these minutes.

CASE NUMBER NTL16-000074

PROPOSED USE New Telecommunications Tower

EXISTING ZONING MCMUB (Multi-County Mixed Use Business Park)

WATERSHED Little River

LOCATION Stanton Springs

PARCEL SIZE 22 Acres

TAX PARCEL 134-5F

OWNER JC Flex LLC

PETITIONER Highwood Towers, LLC

REPRESENTATIVE David Hacker

APPLICANT'S INTENT To locate a 250-foot monopole telecommunications tower.

PLANNING COMMISSION

RECOMMENDATION: On August 23, 2016 the Planning Commission recommended approval with recommended conditions.

Commission District 1 (One)

Chairman Ellis opened the public hearing @ 7:36 pm.

Petitioner Representative

David Hacker

- Monopole height exceeds 150 ft.
- Homeowners have granted easement.

No opposition

Chairman Ellis closed the public hearing @ 7:38 pm

Motion by Commissioner Douglas, second by Commissioner Maddox, to approve NTL16-000074, new telecommunications tower as requested with the following conditions as recommended by the planning commission.

1. To the owner's agreement to restrict the use of the leased area of the subject property as follows:
 - a. A telecommunications tower.
 - b. Comply with the standards of Section 510-630 of the Newton County Zoning Ordinance, as applicable.
2. To the owner's agreement to abide by the following:
 - a. To the site plan and legal description received by the Department of Planning and Development on July 26, 2016. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the

approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to abide by the following development standards:
 - a. Telecommunications tower shall be a monopole design.
 - b. Maximum height of tower to be 250 feet plus an 8' lightning rod.
 - c. Provide for at least three antennas.
 - d. Monopole shall accommodate equipment for potential use by Newton County for E-911 and other emergency services below third antenna.
 - e. All security fencing of the leased site shall meet the requirements of Sec. 510-630 D.3. of the Newton County Zoning Ordinance.

Motion carried unanimously (5/0)

CASE NUMBER FLU16-000078

REZ16-000079

CUP16-000002

EXISTING LAND USE MAP RES (Residential)

PROPOSED LAND USE MAP PI (Public/Institutional)

EXISTING ZONING R2 (Single Family Residential)

PROPOSED ZONING OI (Office Institutional)

WATERSHED Yellow River

LOCATION 660 Kirkland Rd (North Side)

135 Feet of Frontage

Jack Neely Rd (East Side)

250 Feet of Frontage

PARCEL SIZE: .077 Acres

MAP & PARCEL: 26-43

OWNER Fay Laing

PETITIONER Fay Laing

REPRESENTATIVE Fay Laing

APPLICANT'S INTENT To increase the number of clients in an existing Adult Day Care, EJB Adult Day Care

PLANNING COMMISSION RECOMMENDATION: On August 23, 2016 the Planning Commission recommended approval of all 3 petitions with an amended condition to 1.b. to reduce the number of clients from the proposed maximum of 30 to 25.

Commission District: (3) Three

Chairman Ellis opened the public hearing @ 7:48 p.m.

Owner: Faye Laing

- Addressed the board and read from the attached information

- Always served people and requested board's permission to allow her to continue to serve the adult generation.
- Much needed service
- PowerPoint presentation is attached and made part of these minutes

Archie Shepherd

- Great need to care for the elderly in Newton County.
- Services a great purpose.

Opposition

None

Chairman Ellis closed the public hearing @ 7:57 p.m.

Commissioner Schulz

- Ruby Burchette has come before this board on numerous occasions requesting a traffic light at that intersection.

Chairman Ellis

- Suggested looking at a "roundabout" in this area.

Commissioner Douglas

- Previously lived 10 years in area and very difficult intersection.
- Commercial area

Motion by Commissioner Schulz, second by Commissioner Henderson, to approve FLU16-000078 as presented.

Motion carried unanimously (5/0)

Motion by Commissioner Schulz, second by Commissioner Maddox, to approve REZ16-000079 as presented.

Motion carried unanimously (5/0)

Motion by Commissioner Schulz, second by Commissioner Maddox, to approve CUP16-000002, with the following conditions as read by Commissioner Schulz:

1. To the owner's agreement to abide by the following development standards:
 - a. The use shall comply with all Local, State & Federal Regulations.
 - b. The maximum number of clients shall not exceed 25 and shall be determined by the Newton County Fire Marshall for capacity limit.
 - c. Any further expansion of the structure will require a building permit from the office of Development Services.
 - d. Hours of operation to be from 6 a.m. to 7 p.m.

Motion carried unanimously (5/0)

ALCOHOL LICENSE

Chairman Ellis read into the record the following:

Final Reading

Walmart Stores East, LP

Walmart #4558
4200 Salem Road
Covington, GA 30016
Zane Gilbert

Motion by Commissioner Sims, second by Commissioner Henderson, to approve the alcohol license for Walmart Stores East, LP, Walmart #4558, 200 Salem Road, Covington, GA 30016. Motion carried (4/1) with Commissioner Douglas voting in opposition to the motion.

CITIZEN COMMENTS

Barbara Morgan
East Street
Covington

- Voiced concern over use of county property.
- Tent popped up and gave appearance of county approval.

Dennis Taylor
North Newton

- Compliment BOC for the way they have handled the Mosque situation.

Elizabeth Allen
East Newton

- At war with radical Islam and not at war with any religion
- Read: Luke 10:25 (Good Samaritan)

Chris Hill
McDonough, Ga

- Opposes Mosque coming into Newton County
- Would like to have seen moratorium extended.

Steve Bray
Covington

- Voiced strong concern over county already exceeding budget funding.

COMMISSIONER COMMENTS

Commissioner Henderson

- Can't plan for disasters.

Commissioner Schulz

- Attended Salem Road Corridor project meeting today and as very encouraged.
- Majority of people in attendance – Rockdale side of Salem Road.
- More meetings to come
- Requested email addressed if you would like to attend the meetings.
- Found out that we may not have to match the funding with GDOT.

EXECUTIVE SESSION

Time: 10:15 p.m.

Motion by Commissioner Douglas, second by Commissioner Sims, to enter into executive session for the purpose of discussing personnel.

Motion carried unanimously (5/0)

With no further business, a motion by Commissioner Maddox, second by Commissioner Henderson, the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Jackie B. Smith, County Clerk

William K. Ellis, Chairman