

**+NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**  
**Regular Meeting**  
**MINUTES**  
**February 2, 2021**

7:00 p.m.

:00 p.m.

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, County Manager Lloyd Kerr, Attorney Sam VanVolkenburg, and County Clerk Jackie Smith

Chairman Banes called the meeting to order, extended a welcome to all present, and read the thought for the day. The invocation was given by Commissioner JC Henderson, followed by the Pledge of Allegiance to our great flag led by Commissioner Ronnie Cowan.

**AGENDA ADOPTION**

Motion by Commissioner Sanders, second by Commissioner Henderson, to adopt the Agenda dated February 2, 2021 as printed.

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

**CITIZEN COMMENTS**

Dave McMichael

Fincher Road

- Addressed the board in opposition to the outdoor gun shooting range.
- Lived in area since 1999
- Moved office here in 2007 (construction company)
- Quiet area
- Very upsetting to anyone who enjoys their quietness.
- Owns 90-acre tract & 123-acre tract
- An outdoor gun range will affect their quality of life.

Randy Dickerson

Fincher Road

- Strongly opposes outdoor gun range.
- Quality of life issue.
- Safety issue with stray bullets
- Concerned about other families who live on the road. This is a family oriented neighborhood and this has caused fear in a lot of families.

Frank Aaron

Fincher Road

- 30-year resident
- Main concern is public safety.
- Another gun range is very near Hwy. 212

- This is a residential area and there are too many houses to open another gun range.
- Strongly opposes amending the ordinance.

Tim Akin  
Covington

- Family has been here since the 1800's.
- Farm that raises black angus cattle
- We do not need this.
- Implore you not to amend the ordinance and to vote against it.

Mr. Walter  
Fincher Lane

- Strongly opposes amending the ordinance.
- Against approving the gun range.
- Owns property across the street.

Stephanie Lindsay  
Oxford

- Encouraged everyone to stay and listen to the gun range presentation.
- No issue with the one that is already operating in the county.
- Judicial Circuit – Splitting the Judicial Circuit has been discussed for years.
- Supporters of splitting the Circuit are the NAACP, Minister's Union and concerned citizens.
- No reason we should be coupled with county with a different ideology than we have.
- Asking for resolution to be passed.
- It will still have to go to the General Assembly.
- Encourage everyone to keep an open mind regarding the resolution and the gun club.

**CHAIRMAN'S REPORT:**

- Chairman Banes noted that February is Black History Month and recognized and honored Commissioner Tyrone Oliver, Georgia Department of Juvenile Justice. Commissioner Oliver gave a brief history of when he started working in Newton County until present. He was appointed by Governor Brian Kemp to serve as Commissioner of the Department of Juvenile Justice.
- Commissioner Oliver was presented a certificate of appreciation and a group picture was taken with the board.
- Chairman Banes announced that Newton County School System is celebrating their 150<sup>th</sup> Birthday. Invited everyone to join the congratulations.

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

Mr. Kerr addressed the board and presented his PowerPoint presentation.

- PowerPoint is attached and made part of these minutes.
- Invited James Brown to provide the board an update on the Cornish Creek expansion.
- Completion date is 2022.

## **OLD BUSINESS:**

None

## **CONSENT AGENDA**

Ratify Appointment of – District 3 – Planning Commission – Ronnie Glover

Appointment – District 3 – Animal Service -Kaishaun Ross

Public Works: Requesting approval to provide landscape maintenance, lighting maintenance, and lighting power for proposed roundabout on S.R. 142 at Eastside High School entrance.

Appointment – JDA – Marcello Banes, Chairman Newton County BOC

Appointment – JDA – Jerry Silvio

Appointment – Solid Waste Authority – Chairman Banes

Fire Services: Requesting approval to apply for Gary Sinise Foundation Grant to purchase vehicle extrication tool \$14,336. Needed equipment with no match required.

Fire Services: Requesting approval to apply for CSX Pride in Service Grant to purchase vehicle extrication tool \$14,336. Needed equipment with no match required.

Fire Services: Requesting approval to apply for FEMA Fire Prevention & Safety Grant. The FP&S grant is for purchase of Smoke/CO Alarms in the amount of \$11,500 with a 5% County match of \$575. Matching funds are available in the Fire Fund Grant Account.

Fire Services: Requesting approval to apply for Fireworks Tax Grant to purchase extrication equipment with a 10% County match of \$1,500 for needed equipment.

County Clerk: Approval of ES BOC Minutes – September 15, 2020

County Clerk: Approval of ES BOC Minutes – November 5, 2020

County Clerk: Approval of ES BOC Minutes – January 19, 2021

County Clerk: Approval of BOC Minutes – January 19, 2021

Commissioner Sanders addressed the chairman and requested that items 9c-9j be removed from the consent agenda and placed on the regular agenda for consideration.

Motion by Commissioner Sanders, second by Commissioner Henderson, to remove items 9c-9j from the consent agenda to the regular agenda.

Motion carried 3/2 with Commissioners Edwards and Cowan voting in opposition to the motion.

Motion by Commissioner Sanders, second by Commissioner Henderson, to approve the consent agenda with the duly noted changes.  
Motion carried (3/2) with Commissioners Edwards and Cowan voting in opposition to the motion.

**DISCUSSION/CONSIDERATION OF A PETITION TO THE BOARD OF COMMISSIONERS TO INITIATE A TEXT AMENDMENT TO THE NEWTON COUNTY ZONING ORDINANCE TO ADD LANGUAGE TO ALLOW FOR AN OUTDOOR GUN SHOOTING RANGE – REPRESENTATIVE: NEZIDA S. DAVIS, ATTORNEY AT LAW**

Presented by Attorney Nezida Davis and Colin Mapp, president of the Bass Reeves Gun Club.

- Brief introduction and history of Bass Reeves Gun Club.
- 501c3 - 900-member club.
- Requesting text amendment to current ordinance.
- 90.25-acre site – Fincher Road
- Zoned AR (Agricultural Residential)
- Presented letter that is attached and made part of these minutes.
- Plan is to host competitive matches at club site and attract people from outside the area which will help the county economically.
- Club will have a positive economic impact on the county. (i.e. hotels, restaurants, shops, etc.)
- Club has gone six years without a firearms incident.
- Build gun range so rounds will go into the berm.
- Briefly went over other properties in area and if occupied or not as well as their vicinity to proposed club property.
- Property has not been purchased at this time.
- Commissioner Cowan voiced concerned over noise problem with continuous shooting.
- He stated if not approved you would not suffer any economic loss.
- Feels that if approved it would have an adverse impact on the area.
- Director Johnson reminded the board that if the board chooses to do a text amendment to the ordinance it will not be about one property, but it will open the area. AR is the most common zoning district with large agricultural lots.
- The county already has an outside gun club – South River Gun Club.
- South River Gun Club is close to same area.
- Development Services director Judy Johnson told the board that the South River Gun Club was formed in the 1950's and is protected by a 2002 state law protecting gun ranges in existence at the time.
- However, it cannot expand under current zoning laws, but could be allowed to expand if the amendment to the current ordinance is approved.
- Commissioner Edwards voiced strong opposition to approval, stating safety concerns as well as the affect it would have on the quality of life of people who live in the area.

- Commissioner Edwards told the board his phone has been ringing off the hook with concerned citizens voicing their opposition.
- Commissioners reiterated they opposition was not to Bass Reeves Club, a good club, but to allowing Outdoor Shooting Gun Range throughout the county.
- Spoken with numerous home owners in the area and they have grave concerns.
- There are hundreds of homes within one mile of property.
- Concerned about the decrease in property values
- Commissioner Sanders requested clarification that tonight's approval would only be to allow staff to move forward to look into amending text.
- Chairman Banes commented that board is not approving a text amendment tonight. If approved, it would be to craft a text amendment, advertise, go before planning commission and then back to the BOC for consideration.

Motion by Commissioner Edwards, second by Commissioner Cowan, to deny the request to amend the current ordinance.

Motion failed 3/2 with Commissioners Mason, Sanders & Henderson voting in opposition to the motion.

Motion by Commissioner Henderson, second by Commissioner Mason to move forward with the process of initiating the amendment to the ordinance.

Commissioner Edwards and Cowan voted in opposition.

Commissioner Sanders abstained from voting leaving Chairman Banes to vote to break the tie. Chairman Banes obtained abstained from voting.

Motion failed for lack of support.

**PUBLIC WORKS: REQUESTING APPROVAL TO PROVIDE LANDSCAPE MAINTENANCE, LIGHTING MAINTENANCE, AND LIGHTING POWER FOR PROPOSED ROUNDABOUT ON S.R. 142 AT EASTSIDE HIGH SCHOOL ENTRANCE.**

Presented by County Manager Lloyd Kerr.

- GDOT requires the county to provide landscape maintenance and lighting maintenance and power as part of the project agreement.

Motion by Commissioner Sanders, second by Commissioner Cowan, to approve the agreement with GDOT as presented by the county manager.

Motion carried unanimously (5/0)

**APPOINTMENT – JDA – MARCELLO BANES, CHAIRMAN NEWTON COUNTY BOC**

- Commissioner Sanders stated the appointing process was not followed and read the process into the record.

- a. The Board of Commissioners as a whole selects two members to serve on the JDA Board. One member of the JDA Board must be a member of the Board of Commissioners. Members serve for four year terms unless the member sooner ceases to serve on the Board of Commissioners.

Motion by Commissioner Sanders, second by Commissioner Henderson, to table appointment for 30 days.

- Chairman noted that he intends to use his veto power (implied when it comes back before the board).

Motion carried 3/2 with Commissioners Edwards and Cowan voting in opposition to the motion.

#### **APPOINTMENT – JDA – JERRY SILVIO**

- Commissioner Sanders stated the same thing applies, the appointing process was not followed. She reiterated the importance of following the process.

Motion by Commissioner Sanders, second by Commissioner Henderson, to table appointment for 30 days.

- Once again Chairman Banes said that he intends to use his veto power (implied when it comes back before the board).

Motion carried 3/2 with Commissioners Edwards and Cowan voting in opposition to the motion.

#### **APPOINTMENT – SOLID WASTE AUTHORITY – CHAIRMAN BANES**

Motion by Commissioner Edwards, second by Commissioner Cowan, to appoint Marcello Banes to serve on the Solid Waste Authority.

Commissioner Sanders noted the same process needs to be followed for appointment.

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

#### **FIRE SERVICES: REQUESTING APPROVAL TO APPLY FOR GARY SINISE FOUNDATION GRANT TO PURCHASE VEHICLE EXTRICATION TOOL**

Presented by the county manager, Lloyd Kerr.

- Cost: \$14,336.
- Needed Equipment
- No Match Required

Motion by Commissioner Edwards, second by Commissioner Henderson, to approve the request to apply for the Gary Sinise Foundation grant to purchase vehicle extrication tool.

Motion carried unanimously (5//0)

**FIRE SERVICES: REQUESTING APPROVAL TO APPLY FOR CSX PRIDE IN SERVICE GRANT TO PURCHASE VEHICLE EXTRICATION TOOL**

Presented by the county manager, Lloyd Kerr.

- Cost: \$14,336.
- Needed Equipment
- No Match Required

Motion by Commissioner Henderson, second by Commissioner Sanders, to approve the request to apply for the CSX Pride in Service grant

Motion carried unanimously (5/0)

**FIRE SERVICES: REQUESTING APPROVAL TO APPLY FOR FEMA FIRE PREVENTION & SAFETY GRANT.**

Presented by the county manager, Lloyd Kerr.

- The FP&S Grant is for purchase of Smoke/Co Alarms
- Amount: \$11,500
- Match: 5% = \$575.00
- Funding Source of Match: Fire Fund Grant Account.

Motion by Commissioner Edwards, second by Commissioner Henderson, to approve the request to apply for the Gary Sinise Foundation grant to purchase vehicle extrication tool.

Motion carried unanimously (5//0)

**FIRE SERVICES: REQUESTING APPROVAL TO APPLY FOR FIREWORKS TAX GRANT TO PURCHASE EXTRICATION EQUIPMENT**

Presented by the county manager, Lloyd Kerr.

- Needed Equipment
- Match: 10% = \$1500

Motion by Commissioner Henderson, second by Commissioner Sanders, to approve the request to apply for the Fireworks Tax grant to purchase vehicle extrication tool.

Motion carried unanimously (5//0)

**WATER RESOURCES: CHANGE ORDER #1 TO SERVICE AGREEMENT – TO ALLOW BIO-NOMIC INC. TO CLEAN SLUDGE POND 3 & 4 WHILE THEY REMAIN ONLINE DUE TO CURRENT CONSTRUCTION OF THE NEW DEWATERING BUILDING.**

Director James Brown presented this request to the board for consideration.

- Change Order #1
- Bio-Nomic's will clean out sludge ponds 3 & 4.
- After pond is clean the sludge is taken to the landfill.
- Cost: \$217,972.00
- Funding: Part of the GEFA loan
- Budgeted: Yes

Motion by Commissioner Henderson, second by Commissioner Mason, to approve Change Order #1 to allow Bio-Nomic, Inc. to clean sludge pond 3 & 4 with a not to exceed amount of \$217,972.00.

Motion approved unanimously (5/0)

**ATTORNEY: CONSIDERATION/APPROVAL OF INTERGOVERNMENTAL CONTRACT WITH NEWTON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (NCIDA) RELATING TO ISSUANCE OF STANTON GROVE BONDS.**

Presented by County Attorney Sam VanVolkenburg.

- He noted this item goes hand in hand with the next one for consideration.
- Reviewed by the county attorney.
- Board will be approving backing the bonds.
- Previously board members voiced their concerns, but those concerns have been settled.
- Information is attached and made part of these minutes.
- IGA is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Mason, to approve the IGA with the Newton County Industrial Development Authority relating to issuance of the Stanton Grove Bonds.

Motion carried unanimously (5/0)

**ATTORNEY: CONSIDERATION/APPROVAL OF INTERGOVERNMENTAL CONTRACT WITH NEWTON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (NCIDA) AND NEWTON COUNTY WATER AND SEWERAGE AUTHORITY (NCWSA) RELATING TO ISSUANCE OF STANTON GROVE BONDS AND DEVELOPMENT OF STANTON GROVE PROJECT.**

Presented by Serra Hall and Attorney Sam VanVolkenburg

- 335 acres (Stanton Grove Business Park)
- Location: I-20 & Hwy. 278
- Bond Amount: \$16.1 million dollars
- IDA will make bond payments
- Serra Hall said they have enough assets to make payment for six years.
- Attorney VanVolkenburg said if the IDA fails to make the payments the NCBOC & NCW&SA will pay bond debt and the land will become property of Newton County.
- Information is attached and made part of these minutes.

Motion by Commissioner Mason, second by Commissioner Edwards, to approve the IGA between Newton County Industrial Development Authority, the Newton County Water & Sewer Authority and the Newton County Board of Commissioners relating to the issuance of Stanton Grove Bonds and the development of the Stanton Grove project.

Motion carried unanimously (5/0)



**RECREATION DEPARTMENT/FINANCE: REQUESTING APPROVAL OF GRIDLINE CONCRETE SKATEPARK DESIGN & CONSTRUCTION CONTRACT IN THE AMOUNT OF \$189,875 FOR LOCATION OF A SKATE PARK AT DENNY DOBBS PARK.**

Presented by director Dwayne Mask and project manager Jeff Prine.

- RFP issued and received two (2) submissions.
- Gridline Concrete Skatepark Design & Construction contract for Denny Dobbs Park.
- Cost: \$189,875.00  
Pre con & design cost: \$29,875  
Construction cost: \$160,000
- Funding Source: 2017 SPLOST – District Two Parks & Recreation
- Budgeted: Yes

Motion by Commissioner Mason, second by Commissioner Sanders, to approve the contract between Newton County and Gridline Skateparks, Inc. for a not to exceed amount of \$189,875.00 as presented.

Motion approved unanimously (5/0)

**RECREATION DEPARTMENT/PURCHASING: REQUESTING APPROVAL TO APPROVE BARNSELY CONSTRUCTION CONTRACT FOR RECREATION DEPARTMENT TASK ORDER SERVICES.**

Presented by director Dwayne Mask and project manager Jeff Prine.

- Received two submissions.
- Contract is for Barnsley to perform “Task Order” type services for Recreation Department.
- Cost: 2017 SPLOST to stay within budget that is allotted for these items under recreation facility renovations.
- Funding Source: 2017 SPLOST – District Two Parks & Recreation

Motion by Commissioner Henderson, second by Commissioner Mason, to approve the contract between Newton County and Barnsley Construction for Recreation Department Task Order Services.

Motion approved unanimously (5/0)

**COUNTY MANAGER: DISCUSSION/CONSIDERATION OF FFA TOWER LEASE WITH THE GEORGIA ASSOCIATION OF FUTURE FARMERS OF AMERICA**

Presented by County Manager Lloyd Kerr.

- Part of the 911 project.
- Building 3 towers and one will be located at the FFA site.
- County will be leasing ground space at no cost.

Motion by Commissioner Edwards, second by Commissioner Cowan, to approve the Tower Lease with the Georgia Association of Future Farmers of America as presented by the county manager.

Motion carried unanimously (5/0)

**ATTORNEY: ORDINANCE AMENDMENT, O-020221. NEWTON COUNTY BOC TO REVIEW, CONSIDER, AND APPROVE PROPOSED REVISIONS TO ARTICLE III OF CHAPTER 30 OF THE NEWTON COUNTY CODE REGARDING RULES AND REGULATIONS OF THE GEORGIA DEPARTMENT OF PUBLIC HEALTH AND THE NEWTON COUNTY BOARD OF HEALTH.**

Presented by County Attorney Sam VanVolkenburg.

- Ordinance O-020221 is attached and made part of these minutes.

Motion by Commissioner Cowan, second by Commissioner Edwards, to approve Ordinance Amendment No: O-020221, proposed revisions to Article III of Chapter 30 of the Newton County Code regarding Rules and Regulations of the Georgia Department of Public Health and the Newton County Board of Health. Motion carried unanimously (5/0)

**ATTORNEY: DISCUSSION/CONSIDERATION OF R020221, A RESOLUTION PROVIDING FOR NEGOTIATION AND SETTLEMENT POLICY FOR RIGHT-OF-WAY ACQUISITIONS.**

Presented by County Attorney Sam VanVolkenburg.

- Resolution is intended to streamline acquisition of acquiring right-of-way.
- Resolution R020221 is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Sanders. To approve Resolution R020221, a Resolution providing for negotiation and settlement Policy for Right-of-Way acquisitions. Motion carried unanimously (5/0)

**SWMA: DISCUSSION/CONSIDERATION OF A LOAN AGREEMENT WITH GEFA IN THE AMOUNT OF \$3,000,000 FOR NEW LANDFILL CELL CONSTRUCTION, ALONG WITH ASSOCIATED DOCUMENTS INCLUDING A RESOLUTION, R020221A, APPROVING THE LOAN AGREEMENT, A PROMISSORY NOTE, A LOAN DRAW SIGNATURE CARD, AN AUTHORIZATION AGREEMENT FOR ACH CREDITS AND DEBITS, A TAX CERTIFICATE, AND TAX FORM 8038-G.**

Presented by SWM director Kevin Walter.

- GEFA Loan: \$3 million dollars
- Reviewed by county attorney
- County technically takes out the loan and the Solid Waste Authority actually pays the loan.
- There is no drain on the county.
- Information is attached and made part of these minutes.

- R020221A is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Mason, to approve the Loan Agreement with GEFA in the amount of \$3,000,00, along with associated documents included Resolution R020221A.

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

**SWMA: DISCUSSION/CONSIDERATION OF AN IGA WITH THE NEWTON COUNTY SOLID WASTE MANAGEMENT AUTHORITY CONCERNING REPAYMENT OF GEFA LOAN GF2020010.**

Presented by SWM director Kevin Walter & Attorney Sam VanVolkenburg.

- Solid Waste Authority will repay existing loan from 2017.
- Information is attached and made part of these minutes.
- IGA is attached and made part of these minutes.

Motion by Commissioner Edwards, second by Commissioner Cowan, to approve the IGA with the NCSWMA concerning repayment of GEFA loan GF2020010 as presented.

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

**WATER RESOURCES: DISCUSSION/CONSIDERATION OF A RESOLUTION, R020221B, \$12 MILLION GEFA LOAN ACCEPTANCE FOR THE WILLIAMS ST. PROJECT.**

Presented by director James Brown and county manager Lloyd Kerr.

- Renovating facility
- William Street Plant
- Loan: \$12 million dollars
- Low cost loan.
- Information is attached and made part of these minutes.
- Resolution R020221B is attached and made part of these minutes.

Motion by Commissioner Mason, second by Commissioner Edwards, to approve Resolution R020221B regarding the \$12 million dollar GEFA loan for the Williams Street project.

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Motion carried unanimously (5/0)

**ATTORNEY: RESOLUTION R020221E - DISCUSSION/CONSIDERATION OF RESOLUTION SEEKING LOCAL DELEGATION'S SUPPORT TO CREATE A SINGLE COUNTY CIRCUIT- THE NEWTON CIRCUIT.**

Presented by Attorney Sam Van Volkenburg.

- Information is attached and made part of these minutes.
- Resolution R020221E is attached and made part of these minutes.

Commissioners debated the need for splitting the circuit

- If approved a letter and resolution will be sent to the local delegation requesting their support.
- Resolution R020221E is attached and made part of these minutes.

Motion by Commissioner Mason, second by Commissioner Sander, to approve Resolution R020221E seeking local delegation's support to create a single county circuit, The Newton Circuit.

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

## **STREET LIGHTS PETITIONS**

### **Streamwood Subdivision**

R020221C – A Resolution Provided for the Installation of Streetlights and the Assessment of the Annual Costs of Maintaining and Operating Said Lights Against Property Served by Those Lights.

District: Two

Motion by Commissioner Mason, second by Commissioner Edwards, to approve Resolution R020221c, streetlight petition for Streamwood Subdivision.

Motion carried unanimously (5/0)

### **Windbrooke Subdivision**

R020221D - A Resolution Provided for the Installation of Streetlights and the Assessment of the Annual Costs of Maintaining and Operating Said Lights Against Property Served by Those Lights.

District: One

Motion by Commissioner Edwards, second by Commissioner Mason, to approve Resolution R020221d, streetlight petition for Windbrooke Subdivision.

Motion carried unanimously (5/0)

## **ALCOHOL LICENSE:**

### **Final Reading**

Convenience Stores Inc. d/b/a JP Covington

387 Hwy. 11 N.

Social Circle, GA 30025

Owner: Jones Petroleum/Kenneth R. Johnson

District One

Motion by Commissioner Edwards, second by Commissioner Mason, to approve the alcohol license for JP Covington, located at 387 Hwy. 11 N., Social Circle, GA.

Motion carried unanimously (5/0)

**CITIZEN COMMENTS**

None

**COMMISSIONER COMMENTS**

Commissioner Mason

- Commissioner Mason read a statement into the record that is attached and made part of these minutes.

**EXECUTIVE SESSION**

- None

With there being no further business and a motion by Commissioner Henderson and second by Commissioner Mason, the meeting adjourned @ 11:00 p.m.  
Motion carried unanimously (5/0)

Respectfully submitted,

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Jackie Smith, County Clerk

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Marcello banes, Chairman