



Coweta County Board of Commissioners

Public Hearing/Regular Session

22 E Broad Street
Newnan, GA 30263
www.coweta.ga.us

Shannon Zerangue
770.254.2601

Thursday, January 6, 2022

6:00 PM

Commission Chambers

~ Minutes ~

COWETA COUNTY BOARD OF COMMISSIONERS

Call to Order

Attendee Name	Title	Status	Arrived
Bob Blackburn	District 3 - Chairman	Remote	
Tim Lassetter	District 2 - Vice Chairman	Present	
Paul Poole	District 1	Present	
John Reidelbach	District 4	Present	
Al Smith	District 5	Present	
Michael Fouts	County Administrator	Present	
Eddie Whitlock	Associate Administrator	Absent	
Kelly Mickle	Assistant Administrator	Present	
Nathan Lee	Assistant County Attorney	Present	
Shannon Zerangue	County Clerk	Present	

The Honorable Board of Commissioners of Coweta County, Georgia met in Public Hearing/Regular Meeting Session on Thursday, January 6, 2022.

Meeting Called to Order

Vice-Chairman Lassetter called the meeting to order at 6:00 p.m. He explained that in accordance with O.C.G.A. § 50-14-1(g)(3), Chairman Blackburn would be attending the meeting remotely because he is currently outside Coweta County.

Pledge of Allegiance

Vice-Chairman Lassetter led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner Smith.

Notification of Location of Rules

Vice-Chairman Lassetter explained that the rules governing the meeting could be found on the County's website as well as on the table located in the lobby just outside the meeting room.

REGULAR SESSION

Motion To: Amend the Agenda

The Board voted to amend the agenda to approve withdrawal of item # 8 *Public Hearing Regarding Petition # REZ 21-010007 Filed by Fischer Automotive Requesting to Rezone "Parcel A" Located at 195 Fischer Road, Sharpsburg* and item # 9 *Public Hearing Regarding Petition # REZ 21-010008 Filed by ForCAST Real Estate Development Requesting to Rezone "Parcel B" Located at 195 Fischer Road, Sharpsburg* as formally requested by the applicants prior to the meeting (see *Appendix A. Zoning and Development, Article 29. Amendments, Section 290. Application for Zoning Amendment of the Coweta County Code of Ordinances*).

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Al Smith, District 5
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

FIRST OF THE YEAR BUSINESS

1. 12771 Beginning of the Year Appointments - Vice-Chairman, Counsel, Clerk and Deputy Clerk

RESULT: **ACCOMPLISHED**

Motion To: **Appoint Vice-Chairman**

The Board voted to appoint Commissioner Reidelbach to serve as Vice-Chairman for calendar year 2022 and he assumed direction of the meeting.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

Motion To: **Appoint Counsel**

The Board voted to appoint the firm of Glover and Davis, PA to serve as legal counsel to the Coweta County Board of Commissioners for year 2022.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Tim Lassetter, District 2 - Vice Chairman
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

Motion To: **Appoint County Clerk**

The Board voted to appoint Ms. Shannon Zerangue to serve as Clerk to the Coweta County Board of Commissioners for calendar year 2022.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Al Smith, District 5
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

Motion To: **Appoint Deputy Clerk**

The Board voted to appoint Ms. Fran Collins to serve as Deputy Clerk to the Coweta County Board of Commissioners for calendar year 2022.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Al Smith, District 5
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

Guest Introduction

Ms. Courtney Floyd from the Georgia Department of Insurance and Safety Fire Commissioner's office introduced herself to the Board and meeting attendees. She explained that department staff is available for

citizens in the community that may have questions regarding arson investigations, fraud, or any insurance connections that may be needed.

2. 12772 Adoption of Rules Governing Coweta County Board of Commissioners' Meetings

The Board voted to adopt the current rules governing Regular Meetings and Public Hearings of the Coweta County Board of Commissioners (initially adopted July 16, 2019 and effective August 1, 2019).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

3. 12773 Request to Set the 2022 Holiday Schedule

The Board voted to set the following holiday schedule for calendar year 2022:

- Martin Luther King, Jr. Day - Monday, January 17, 2022
- Memorial Day - Monday, May 30, 2022
- Independence Day - Monday, July 4, 2022
- Labor Day - Monday, September 5, 2022
- Thanksgiving - Thursday, November 24, 2022 and Friday, November 25, 2022
- Christmas - Friday, December 23, 2022 and Monday, December 26, 2022
- New Year's - Monday, January 2, 2023

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

4. 8016 Appointments by Chairman for 2022

The Board voted to defer appointments by the Chairman for calendar year 2022 until January 20, 2022.

RESULT:	DEFERRED [UNANIMOUS]	Next: 1/20/2022 6:00 PM
MOVER:	Paul Poole, District 1	
SECONDER:	Al Smith, District 5	
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith	

APPROVAL OF MINUTES

5. Minutes of Tuesday, December 14, 2021

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on December 14, 2021.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Al Smith, District 5
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

SUPPLEMENTAL AND NON-AGENDA ITEMS

Motion To: **Approve Supplemental and/or Non-Agenda Items**

The Board voted to approve the addition of four (4) Non-Agenda items for discussion as presented by staff.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

PUBLIC HEARING (The Chairman will Call for Any Comments Regarding the Following Items After Each Item is Presented)

6. Motion To: **Public Hearing Regarding a New Package Distilled Spirits, Beer, and Wine License Filed by Milan Patel and Clif Sandlin in Operation of Bottoms Up (MC-99 Investments, LLC) Located off S Hwy 29 at Exit 41**

Business License Coordinator Joy Thompson explained that on June 15, 2021, the Board voted unanimously to execute a Resolution Calling for a Special Referendum Election and ordinance amendments regarding the issuance of licenses for package sale of distilled spirits. The proposed ordinance amendments were to become effective immediately upon certification of the referendum authorizing the sale of distilled spirits by the package within unincorporated Coweta County by the electors of the county on November 2, 2021. On November 8, 2021, the election was certified and completed package store applications were accepted on Tuesday, November 9, 2021. The Business and Alcohol License Division received four (4) completed applications, all four (4) were dated and time-stamped by Ms. Thompson and Assistant Community Development Director Angela White, and Public Hearings are being scheduled based upon the order in which the applications were received. In accordance with the Code of Ordinances, upon approval of three (3) licenses by the Board, any pending applications will be deemed null and void.

Ms. Thompson further explained that Mr. Milan Patel and Mr. Clif Sandlin, owners of Bottoms Up located off S. Hwy. 29 at Exit 41 [Parcel # 088-2071-002A (partial), Land Lot 71, 2nd Land District], submitted the first application on Tuesday, November 9, 2021 at 8:06 a.m. Mr. Patel has requested to be the license representative, his file is in order, and he meets the requirements of the *Alcohol Ordinance* to be the license representative.

Ms. Thompson also informed the Board that the site survey submitted shows that the proposed building and distance requirements comply with the regulations set forth in the *Alcohol Ordinance*. In addition to the building and distance requirements, the site is located in the Quality Development Corridor District (QDCD) and will have to meet those requirements as well. Mr. Patel has indicated that a pre-development site plan will be submitted to Development Review in the next few weeks to begin the process.

In conclusion, Ms. Thompson explained that should the Board choose to grant the alcohol license for the sale of packaged distilled spirits, the applicant will have twelve (12) months from the date the application is approved to open the package

store. In accordance with the *Code of Ordinances*, the Business License Director is authorized to grant a 6-month administrative extension if necessary, but any further extension requires approval from the Board of Commissioners.

In response to a question from Commissioner Smith, Ms. Thompson explained that this is the first application for a distilled spirits package store to be presented to the Board for consideration since passage of the referendum by the voters of Coweta County.

Mr. Clif Sandlin, co-applicant, expressed appreciation to the Board for their consideration, explained that he and Mr. Patel are from Coweta County, and stated that he would be happy to field any questions from the Board.

Vice-Chairman Reidelbach called for any comments in support of or in opposition to the proposed new distilled spirits, beer, and wine package store license.

Ms. Diane Williamson, Bethlehem Church Road, Grantville expressed her opposition to the proposed package store. She explained that the area surrounding the proposed site is blighted by homeless camps, prostitution, drugs, loitering, and unsavory characters. She believes that a package store will be harmful to the area, send the wrong message about Coweta County, and cause an increase in crime.

Vice-Chairman Reidelbach called for any further comments. There were none.

In rebuttal, Mr. Patel explained that he grew up in Coweta County and that their long-term goal is to revitalize the area and bring future services such as a grocery store, restaurants, and other shopping opportunities. In closing, he explained that alcohol is not solely used as a vice and that the proposed business will provide tax revenue to the community.

The Board voted to close the Public Hearing regarding a new distilled spirits, beer, and wine package store license filed by Milan Patel and Clif Sandlin in operation of Bottoms Up (MC-99 Investments, LLC) located off S. Hwy. 29 at Exit 41 [Parcel # 088-2071-002A (partial)].

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Tim Lassetter, District 2 - Vice Chairman
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

12707 Public Hearing Regarding a New Distilled Spirits, Beer, and Wine Package Store License Filed by Milan Patel and Clif Sandlin in Operation of Bottoms Up (MC-99 Investments, LLC) Located off S Hwy 29 at Exit 41 - 2nd District

The Board voted to grant a new distilled spirits, beer, and wine package store license as filed by Milan Patel and Clif Sandlin in operation of Bottoms Up (MC-99 Investments, LLC) located off S. Hwy. 29 at Exit 41 [Parcel # 088-2071-002A (partial)].

RESULT:	GRANTED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Tim Lassetter, District 2 - Vice Chairman
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

7. Motion To: **Public Hearing Regarding Petition # REZ 21-010004 Filed by ForCAST Real Estate Development Requesting to Rezone Tract 15 Located at Fischer Road/Fischer Crossings, Sharpsburg**
- Zoning Coordinator Lisa Eschman presented Petition # REZ 21-010004 filed by ForCAST Real Estate Development requesting to rezone Tract 15 in the Fischer

Crossing Development located at the northeast corner of Fischer Road and SR 34 (Parcel # 145-6153-026) from *RC-CUP (Rural Conservation - Conditional Use Permit)* to *C-8 (Heavy Commercial)*. She explained that the subject property consists of 1.85± acres and the applicant wishes to construct a three-story self-storage facility consisting of approximately 35,043 square feet per floor for a total of 105,129 square feet with the sole access/entrance located on Fischer Crossings Boulevard. In closing, she reviewed the current zoning of properties in the surrounding area, highlighted the factors reviewed by staff during the rezoning process, and presented six (6) conditions for consideration by the Board should the choose to approve the request.

In response to a question from Commissioner Reidelbach, Ms. Eschman explained that the properties surrounding the proposed site are zoned for commercial uses with the exception of the *Residential Retirement Community and Care District (RRCC)* located to the north.

Mr. Matt Boone, applicant representative, explained that the proposed facility is a perfect use for the subject property, is complementary to the area, will be a low impact on traffic in the area, and will meet the building requirements of the Quality Development Corridor District (QDCD).

Vice-Chairman Reidelbach called for any comments in support of or in opposition to the proposed rezoning.

Mr. Jacob Shepherd, Lake Ridge Drive, Newnan expressed his opposition to the overall general development of the county citing concerns with traffic congestion, sidewalks to nowhere, and excessive areas of concrete/asphalt.

Mr. Boone declined the opportunity for rebuttal.

The Board voted to close the Public Hearing regarding Petition # REZ 21-010004 filed by ForCAST Real Estate Development requesting to rezone tract 15 in the Fischer Crossing Development located at the northeast corner of Fischer Road and SR 34 (Parcel # 145-6153-026) from *RC (Rural Conservation)* to *C-8 (Heavy Commercial)*.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

12684 Public Hearing Regarding Petition # REZ 21-010004 Filed by ForCAST Real Estate Development Requesting to Rezone Tract 15 Located at Fischer Road/Fischer Crossings, Sharpsburg

The Board voted to rezone Tract 15 totaling 1.85± acres in the Fischer Crossing Development located on the northeast corner of Fischer Road and SR 34 (Parcel # 145-6153-026) from *RC (Rural Conservation)* to *C-8 (Heavy Commercial)* as requested in Petition # REZ 21-010004 filed by Forecast Real Estate Development, subject to the following conditions:

1. The applicant shall comply with all requirements of Coweta County's *Stormwater Management, Soil Erosion and Sedimentation Control, Wetlands Protection Ordinance, and Shoal Creek Watershed Protection District*.
2. All applicable requirements of the Fire, Environmental Management, and Building Department shall be met.
3. The site shall meet all requirements associated with the Quality Development Corridor District (QDCD) unless a variance is granted through the normal variance procedure.

4. Development of the property shall be in accordance with the general conditions applicable to the property set forth in the Revised Notice of Decision issued by the Georgia Regional Transportation Authority (GRTA) on February 11, 2013 for amended D.R.I. # 2116, Attachment A and Attachment B.
5. Sidewalks with a minimum width of 6-feet shall be provided along all internal roadways and along property frontage of Fischer Road and State Route 34/54. Safe pedestrian access from the parking areas to the front entrances of all proposed commercial buildings shall be provided through sidewalks or crosswalks next to or within parking areas.
6. Lighting shall be established so adjacent residential properties, including the adjacent *Residential Retirement Community and Care District (RRCC)*, are not adversely affected and to preclude glare onto or direct illumination of adjacent properties and streets.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: John Reidelbach, District 4
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

8. 12665 Public Hearing Regarding Petition # REZ 21-010007 Filed by Fischer Automotive Requesting to Rezone "Parcel A" Located at 195 Fischer Road, Sharpsburg - WITHDRAWN

The Board previously voted to remove Petition # REZ 21-010007 filed by Fischer Automotive requesting to rezone "Parcel A" located at 195 Fischer Road, Sharpsburg [Parcel # 145-6154-003 (partial)] from *RC (Rural Conservation)* to *C-8 (Heavy Commercial)* from the agenda following receipt of a formal request from the applicant to withdraw the application in accordance with the *Coweta County Code of Ordinances (see Appendix A. Zoning and Development, Article 29. Amendments, Section 290. Application for Zoning Amendment)*.

RESULT: **WITHDRAWN**

9. 12666 Public Hearing Regarding Petition # REZ 21-010008 Filed by ForCAST Real Estate Development Requesting to Rezone "Parcel B" Located at 195 Fischer Road, Sharpsburg - WITHDRAWN

The Board previously voted to remove Petition # REZ 21-010008 filed by ForCAST Real Estate Development requesting to rezone "Parcel B" located at 195 Fischer Road, Sharpsburg [Parcel # 145-6154-003 (partial)] from *RC (Rural Conservation)* to *O-I (Office Institutional)* from the agenda following receipt of a formal request from the applicant to withdraw the application in accordance with the *Coweta County Code of Ordinances (see Appendix A. Zoning and Development, Article 29. Amendments, Section 290. Application for Zoning Amendment)*.

RESULT: **WITHDRAWN**

REGULAR SESSION

PUBLIC COMMENT (Items on the Agenda)

Public Comments Regarding Items On the Agenda

Vice-Chairman Reidelbach called for comments regarding any items on the agenda. There were none.

Recommendations from Community Development and/or the Board of Zoning Appeals

10. 12745 Recommend Approval of Petition # VAR 21-010006 and # VAR 21-010007 Filed by ForCAST Real Estate Development Requesting Side Yard, Rear Yard, and Buffer Variances for Tract # 15 Located at Fischer Road/Fischer Crossings, Sharpsburg

Zoning Coordinator Eschman presented Petitions # VAR 21-010006 and # VAR 21-010007 filed by ForCAST Real Estate Development requesting side yard, rear yard, and buffer variances for Tract 15 in the Fischer Crossing Development located at the northeast corner of Fischer Road and SR 34 (Parcel # 145-6153-026) along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject property consists of 1.85± acres and the applicant plans to construct a three-story self-storage facility consisting of approximately 35,043 square feet per floor for a total of 105,129 square feet. With the *RRCC (Residential Retirement Community Care)* development to the north of the subject property a 75-foot buffer is required. However, the applicant for the *RRCC* zoning was recently granted a reduction of its 50-foot buffer against the subject property to be replaced with a 10-foot landscape strip (Petition # VAR 21-010003 approved by the Board on November 2, 2021). Subsequently, with this application the developer is requesting a 65-foot buffer reduction and replacement with a 10-foot landscape strip adjoining the *RRCC* parcel. In addition to the buffer reduction, the applicant is requesting side yard and rear yard setback reductions from 20-feet to 10-feet. The applicant notes that with access to the building on the southern and western sides, a reduction on the northern side and rear of the building will provide ease of access to the site for storage trucks. In closing, she reviewed the factors considered by staff during the application process and presented two (2) conditions for consideration by the Board should they choose to grant the variance requests.

In response to a question from Commissioner Reidelbach, Ms. Eschman confirmed that the Board previously voted to grant a 10-foot landscape strip variance for the parcel located north of the subject property.

The Board voted to grant a 65-foot buffer reduction (from 75-feet to 10-feet) and replacement with a 10-foot landscape strip along the northern property line and to grant 10-foot side yard (northern side) and rear yard setback reductions (from 20-feet to 10-feet) as requested in Petitions # VAR 21-010006 and # VAR 21-010007 filed by ForCAST Real Estate Development for Tract 15 in the Fischer Crossing Development located at the northeast corner of Fischer Road and SR 34 (Parcel # 145-6153-026), subject to the following conditions:

1. The north side and rear setback reductions shall not be greater than 10-feet.
2. The buffer reduction shall be replaced with a 10-foot landscape strip approved by the Community Development Department prior to planting.

RESULT:	GRANTED [UNANIMOUS]
MOVER:	John Reidelbach, District 4
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

11. 12700 Recommend Approval of Petition # VAR 21-010008 Filed by Fischer Automotive Requesting a Street Planting Variance for "Parcel A" Located at 195 Fischer Road, Sharpsburg

Administrator Fouts explained that Petition # VAR 21-010008 filed by Fischer Automotive requesting a street planting variance for "Parcel A" located at 195 Fischer Road, Sharpsburg [Parcel # 145-6154-003 (partial)] correlates to rezoning Petition # REZ 21-010007 formally withdrawn by the applicant prior to the meeting and requested that the Board defer any discussion or decision regarding the variance until February 22, 2022.

The Board voted to defer any discussion or decision regarding Petition # VAR 21-010008 filed by Fischer Automotive requesting a street planting variance for "Parcel A" located at 195 Fischer Road, Sharpsburg [Parcel # 145-6154-003 (partial)] until February 22, 2022 since the request correlates with rezoning Petition # REZ 21-010007 formally withdrawn by the applicant prior to the meeting.

RESULT:	DEFERRED [UNANIMOUS]	Next: 2/22/2022 6:00 PM
MOVER:	Tim Lassetter, District 2 - Vice Chairman	
SECONDER:	Paul Poole, District 1	
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith	

12. 12752 Request to Set a Public Hearing on January 20, 2022 Regarding a New Distilled Spirits, Beer, and Wine Package Store License Filed by Abid Khutliwala in Operation of Market Place Beverage (Aynur Enterprise, Inc.) Located on the Corner of Posey Road and Market Place Drive, Newnan - District 4

The Board voted to set a Public Hearing on January 20, 2022 at 6:00 p.m. regarding a New Distilled Spirits, Beer, and Wine Package Store License filed by Abid Khutliwala in operation of Market Place Beverage (Aynur Enterprise, Inc.) located on the corner of Posey Road and Market Place Drive, Newnan (Parcel # 121-6038-072).

RESULT:	PUBLIC HEARING SET [UNANIMOUS]	Next: 1/20/2022 6:00 PM
MOVER:	Tim Lassetter, District 2 - Vice Chairman	
SECONDER:	Paul Poole, District 1	
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith	

13. 12753 Request to Set a Public Hearing on January 20, 2022 Regarding a New Consumption Distilled Spirits, Beer, and Wine License Filed by David Valentine in Operation of Crust & Craft Sharpsburg, LLC Located at 3150 Hwy 34 E Suite 301, Newnan - District 4

The Board voted to set a Public Hearing on January 20, 2022 at 6:00 p.m. regarding a New Consumption Distilled Spirits, Beer, and Wine License filed by David Valentine in operation of Crust & Craft Sharpsburg, LLC located at 3150 Hwy 34 E Suite 301, Newnan.

RESULT:	PUBLIC HEARING SET [UNANIMOUS]	Next: 1/20/2022 6:00 PM
MOVER:	Tim Lassetter, District 2 - Vice Chairman	
SECONDER:	Paul Poole, District 1	
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith	

UNFINISHED BUSINESS

14. 12758 Request Appointments to Various Boards/Authorities

The Board voted to take the following actions regarding appointments to various

boards/authorities:

- Confirm appointment of Ms. Wendy Freeman-Smith as the 5th District representative to the Board of Tax Assessors
- Appoint Ms. Jane Scoggins as the 2nd District representative to the Board of Elections and Registration to fill the unexpired term of Mr. Ralph Presley (December 31, 2022) following his resignation for personal reasons

Commissioner Lassetter expressed his appreciation to Mr. Presley for his time and dedication as a member of the Board of Elections and Registration.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

NEW BUSINESS

Statement from Commissioner Poole

Commissioner Poole explained that he would like to wish Assistant Community Development Director Angela White a happy birthday (in absentia).

Bids and Contracts

15. 12774 Request Approval/Execution of a Memorandum of Agreement with the Georgia Department of Transportation for Replacement of the Bridge at Old Corinth Road at Sandy Creek - 2nd District

Administrator Fouts explained that a Memorandum of Agreement (MOA) has been provided by GDOT to establish the responsibilities of the Department and the County in relation to replacement of the bridge on Old Corinth Road at Sandy Creek. In closing, he explained that a local contribution of \$50,000 is required which will be used by GDOT in the right-of-way acquisition efforts for the project.

The Board voted to execute a Memorandum of Agreement with the Georgia Department of Transportation (GDOT) associated with replacement of the bridge on Old Corinth Road at Sandy Creek, including a local participation in the amount of \$50,000 (SPLOST).

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

16. 12767 Request Approval/Execution of a Contract Associated with State Court Public Defender Services When a Conflict Arises

Administrator Fouts explained that staff has worked with contracted Public Defender, Jonathan Hickman for many years. Upon renewal of his current contract, he and Judge John Herbert Cranford indicated a need for a Conflict Attorney. Staff has worked with Mr. Hickman to outline the terms of a contract with a local attorney to serve as a Conflict Attorney, or an attorney that will provide indigent defense for those cases in which Mr. Hickman has a conflict. The contract stipulates payment on the basis of at least fifty (50) cases and no more than one hundred (100) cases per year. The contract term is for a period of one (1) year and will renew automatically for additional one-year terms, unless terminated by either party.

In response to a request from Commissioner Smith, Administrator Fouts further explained that Mr. Hickman serves as the sole State Court Public Defender for Coweta County. There have been many times in the past when there are dual trial calendars for the two (2) State Court Judges. Recently, a part-time Senior Judge was also hired to try cases causing times when three (3) courtrooms are functioning simultaneously, resulting in a scheduling conflict. He further explained that co-defendants on a case can also create a conflict.

Assistant County Attorney Lee also explained that a conflict of interest is another reason that a Conflict Attorney may be necessary. In addition, the Constitution provides for two (2) defendants in a case to be entitled to separate attorneys.

In response to a question from Commissioner Reidelbach, Administrator Fouts explained the funding for these services.

The Board voted to execute a contract with Taylor & Strickland, LLC to provide Conflict Attorney indigent defense services when the State Court Public Defender has a conflict and cannot provide said services.

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

17. 12647 Request Approval/Execution of Amendment # 5 to the Professional Services Agreement with SAFEbuilt Georgia, LLC

Administrator Fouts explained that beginning in 2015, the County contracted with SAFEbuilt Georgia, LLC to perform commercial and industrial inspections and plan review services. In 2017, the Board voted to execute an amendment to expand SAFEbuilt's scope of work to include residential inspections. SAFEbuilt's fee for these services is currently 65% of the County fee as established by ordinance. Staff is requesting that the Board execute Amendment # 5 to the Agreement to expand their role to include Fire Code Plan Review and Inspection Services, as needed, at an hourly rate as well as Structural Engineering Plan review at an hourly rate.

Commissioner Smith expressed his appreciation to staff for presenting an avenue to continue to conduct the business of the County, especially during the staffing challenges caused by the Covid-19 pandemic.

The Board voted to execute Amendment # 5 to the Professional Services Agreement with SAFEbuilt Georgia, LLC as presented by staff.

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

Additional Action Items

18. 12587 Request Approval/Execution of a Resolution Requesting to Enact Legislation to Revise the Coweta County Commission Voting Districts

Administrator Fouts explained that the General Assembly established the current districts for the election of members of the Board of Commissioners by Georgia Law in 2012. Every ten (10) years the district lines are re-evaluated, based upon the

census results. On September 16, 2021, the United States Census Bureau released the 2020 Redistricting Summary Files (the "Census Data") consistent with Federal Public Law 94-171. County staff has examined the Census Data with the assistance of the Geographic Information Systems (GIS) department to determine what changes were needed to ensure that each of the five (5) Commission districts represented an equal share of the population of Coweta County. County staff then worked with the State of Georgia Reapportionment Office, which is required to provide a technical review, to finalize the updated districts. The Board of Commissioners has reviewed the proposed updated district lines and would like to request that the Georgia General Assembly enact law to revise the districts based upon the map provided by the Reapportionment Office. He further explained that based upon the 2020 Census Data which indicates Coweta's population as 146,158, the ideal Commission district size would be 29,232 individuals. As proposed, the deviation is very close to that population in each of the districts. The updated districts shall be effective upon approval by the Governor or upon the legislation becoming effective without such approval.

The Board voted to execute a Resolution Requesting Local Legislation to Revise the Commission Voting Districts as proposed by County staff working in coordination with the Georgia State Reapportionment Office.

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

19. 12742 Request Permission to Allow House Roof Gutter Drains and Yard Storm Drains to be Connected to the Street Curb and Gutter and Storm System Within the Arbor Garden Circle Right-of-Way Within the Gardens at Arbor Springs Phase I Residential Development - 3rd District

Community Development Director Jon Amason explained that during the preliminary end of maintenance period inspect on May 21, 2021 for the Gardens at Arbor Springs Phase I *RRCC (Residential Retirement Community Care)* development, staff discovered that the permittee had connected the house roof gutter downspouts (not the yard storm drains) with a hard pipe directly to the street gutter and storm system without approval from the County. This direct connection of the house roof gutter downspouts is in violation of three (3) of the County's *Code of Ordinances*. Staff met with the permittee because he had not indicated these connections on the permitted plan. During the meeting, staff requested the following from the permittee:

1. Provide a document from the engineer of record as certification that this unauthorized connection will not have adverse impacts to the existing stormwater management infrastructure. A letter from Neal Spradin, PE has been provided.
2. Provide a more permanent acceptable solution for the street curb and gutter connection and an air gap at the downspout locations. The round version of the Curbolet product was proffered as well as the air gap at the gutter end of the downspout.
3. Request permission from the Board of Commissioners to allow these house roof gutter downspout direct connections to remain with the approval of the Curbolet fixture at the street curb locations.

Mr. Amason provided current photos of the hard pipes that are directly connected to the street gutter and storm system and explained that staff believes this will become problematic for the County because of maintenance issues in the future. He provided photos of the Curbolet product proffered by the permittee and explained

that the Coweta County Public Works Director has verbally indicated that this is a more acceptable means of making the connection more permanent and hopefully maintenance free. He also provided a photo of the proffered air gap between the downspout and the connection to the underground system that leads to the curb. In closing, he presented five (5) recommendations from staff should the Board choose to allow house roof gutter drains to remain connected to the street curb and gutter and storm system within the Arbor Garden Circle right-of-way within the Gardens at Arbor Springs Phase I residential development.

Mr. Amason fielded questions from Commissioner Reidlebach regarding who is responsible for maintaining the curb, what material the proposed Curbolet product is composed of, and who is responsible for maintenance of the product.

In response to a question from Commissioner Smith, Administrator Fouts explained that the County is responsible for the curb because it is located within the County's right-of-way.

In response to a question from Commissioner Reidelbach, Mr. Amason explained that there are approximately eighteen (18) residences in the development that have the hard pipe connections to the street gutter and storm system.

Commissioner Reidlebach expressed concerns regarding any future costs to the County to replace the Curbolet fixtures (or similar product) if necessary.

In response to a question from Commissioner Poole, Mr. Amason explained that typically the gutter downspouts/roof drains empty directly into the yard. He further explained that the subject lots are small and flat, and the permittee was having trouble getting the water to flow away from the residences.

Administrator Fouts explained that the Board could also consider requiring a maintenance bond.

Public Works Director Handley explained that concerns regarding maintenance and associated costs are the reasons that staff is recommending that the Homeowners' Association (HOA) be responsible for maintenance and/or repairs to these roof drain systems located within the right-of-way.

Mr. Handley fielded a question from Commissioner Smith regarding the process for paying to replace the Curbolet fixtures, and also explained that the Homeowners' Association (HOA) is responsible for maintaining the sidewalks in this development.

In response to a question from Commissioner Smith regarding how the County would be notified about the need for replacement of one of the fixtures, Mr. Handley explained that he expects that calls will be received and staff will then notify the HOA.

Commissioner Lassetter explained that a maintenance bond would serve as a means to protect the County from bearing the costs for any maintenance/repair.

In response to a question from Commissioner Reidelbach, Mr. Handley explained that he is unsure of the cost for the Curbolet fixtures. Staff began researching acceptable solutions when they discovered that the PVC pipe was stubbed through the back of the curb and gutter because this is not an effective method.

In response to a question from Administrator Fouts regarding the status of the maintenance bond for the roadways and curbs in the neighborhood, Mr. Amason explained that the 3-year bond has expired.

Commissioner Poole expressed concerns about the possibility of this occurring again in the future.

Administrator Fouts explained that this issue has been ongoing for approximately a year, and asked that the Board consider placing a deadline on completion of the

installation of the Curbolet fixtures (or similar product) should they choose to allow the hard pipe connections to remain.

In response to a question from Commissioner Smith, Mr. Handley explained that the builder will be responsible for installing the fixtures.

In response to a question from Commissioner Reidelbach, Administrator Fouts explained that the Board has the authority to place conditions associated with the approval of the request.

Assistant Attorney Lee explained that if the Board requires the Homeowners' Association to be responsible for the maintenance and/or repairs to these roof drain systems located within the right-of-way, there is no need for a maintenance bond.

In response to a question from Commissioner Reidelbach, Administrator Fouts explained that the HOA can be cited for failure to repair/replace damaged fixtures.

Mr. Austin McKinney, McKinney Builders, explained that the development consists of a courtyard concept with a large roofline that discharges in an area that does not disperse water quickly. In an effort to direct water without picking up sediment, they went through the curb as they have done in neighboring counties. He apologized and explained that this will not happen in the future. The Curbolet fixtures are a solution that they have proffered because they have seen them utilized in other communities (outside Coweta County). The fixtures cost approximately \$200 each and they anticipated receipt of the fixtures very soon. When the fixtures are received, they will be installed immediately.

In response to questions from Commissioner Smith and Commissioner Lassetter, Mr. McKinney explained that he is unsure of the materials the fixtures are composed of and that they plan to install them immediately upon receipt of the shipment.

In response to a question from Commissioner Poole, Mr. McKinney explained that approximately fifteen (15) residences were connected to the street gutter and storm system with a hard pipe.

In response to a question from Commissioner Lassetter, Administrator Fouts and Assistant Attorney Lee confirmed that the Board can place a deadline on completion of the fixture installations.

The Board voted to allow house roof gutter drains to remain connected to the street curb and gutter and storm system within the Arbor Garden Circle right-of-way within the Gardens at Arbor Springs Phase I residential development, subject to the following conditions:

1. The engineer's stormwater management certification letter shall be accepted into the development record.
2. The existing connections shall be amended to utilize the Curbolet product or a similar product which are to be approved by the Public Works Director.
3. Any future connections shall be submitted to Coweta County for approval prior to installation.
4. Each property owner shall be responsible for any maintenance and/or repairs to these roof drain systems on their property and the Homeowners' Association (HOA) shall be responsible for maintenance and/or repairs to these roof drain systems such as clogging from leaves/debris or damage by utility work within the right-of-way. By allowing this, the County shall not be responsible for maintenance and/or repairs.
5. The system shall be constructed with an opening or air gap to allow for overflows at the ground line.

6. Installation of the Curbolet or similar product approved by the Public Works Director must be completed no later than February 28, 2022.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Bob Blackburn, District 3 - Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

20. 12777 Request Approval/Execution of a Revised Radar List for Coweta County

Administrator Fouts explained that the Georgia Department of Transportation (GDOT) has revised the radar list for Coweta County to add a school zone speed limit on Shaw Road at the new middle school, to add Cates Road to the radar list, to add JY Carmichael Road to the radar list, and to revise the speed limit on Stallings and Standing Rock Roads on their approaches to the Senoia City Limits.

The Board voted to execute a revised list of roadways (# 1221-077) received from the Georgia Department of Transportation (GDOT) for use/enforcement of radar by law enforcement personnel.

RESULT: **EXECUTED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Tim Lassetter, District 2 - Vice Chairman
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

21. 12775 Request Approval to Temporarily Close Old Hwy 85 at the Approach to SR 16 for Roadway Realignment- 1st District

The Board voted to temporarily close Old Hwy 85 from January 10, 2021 to January 21, 2022 (weather permitting) for the realignment of the roadway to the location of the new roundabout on SR 16.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Paul Poole, District 1
SECONDER: Al Smith, District 5
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

22. 12760 Request Approval to Temporarily Close Polk Road for Pipe Replacement - 2nd District

The Board voted to temporarily close Polk Road on or about January 17, 2022 for one (1) week (weather permitting) between addresses 51 and 149 for the purposes of replacing a pipe.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Al Smith, District 5
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

SUPPLEMENTAL/NON-AGENDA ITEMS

23. 12713 Request Acceptance of Roadways, Greenway Donation and Deed of Open Space Restriction for Property Located in Drayton Farm Subdivision - 1st District

The Board voted to execute a Deed of Open Space Restriction associated with 28.91±

acres located in Drayton Farm Subdivision, to accept a greenway donation, to accept Drayton Farm Drive and Winifred Way, and the associated drainage structures and right-of-way into the Coweta County Public Roads System, and to place the constructed improvements into a three (3) year maintenance period.

RESULT: EXECUTED [UNANIMOUS]
MOVER: Paul Poole, District 1
SECONDER: Tim Lassetter, District 2 - Vice Chairman
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

24. 12778 Request Approval to Temporarily Close Payton Road for Pipe Replacement - 2nd District

The Board voted to temporarily close Payton Road for approximately one (1) week (weather permitting) beginning January 24, 2022 between addresses 568 and 647 for the purposes of replacing a pipe.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

25. 12786 Request Approval to Temporarily Close Boone Road for Pipe Replacement - 2nd District

The Board voted to temporarily close Boone Road as soon as possible for approximately one (1) week (weather permitting) between addresses 1641 and 1699 for the purposes of replacing a pipe.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

26. 12785 Request from the Town of Moreland for Assistance with Repairing and Repaving of Harris Street - 2nd District

The Board voted to provide labor and equipment to assist the Town of Moreland with the repair and repaving of Harris Street.

RESULT: APPROVED [UNANIMOUS]
MOVER: Tim Lassetter, District 2 - Vice Chairman
SECONDER: Paul Poole, District 1
AYES: Blackburn, Lassetter, Poole, Reidelbach, Smith

PUBLIC COMMENT (Items Not on the Agenda)

Public Comments Regarding Items Not on the Agenda

Vice-Chairman Reidelbach called for comments regarding any items not on the agenda.

The following individuals addressed the Board regarding the need for an animal adoption center and an application for State grant funds citing a growing community/population, inadequate space at the current shelter, and the overwhelming number of unwanted/abandoned animals.

* Ms. Angie Whitlock, President of the Newnan-Coweta Humane Society

* Ms. Jennifer Kline, Creekside Trail, Newnan

Commissioner Lassetter and Commissioner Poole commended former Warden Bill McKenzie, current Warden Larry Clifton, staff, and the Holland Ware Foundation (benefactor) for the tremendous job that they have done at the Animal Shelter. They expressed their appreciation for the dedication and care provided by staff because it is a tough situation to address with limited funding. They also expressed appreciation to the rescue organizations for working with staff to facilitate pet adoptions.

EXECUTIVE SESSION - In accordance with O.C.G.A. 50-14-4

Motion To: **Enter Into Executive Session**

The Board voted to enter into Executive Session for the purposes of discussing real estate and litigation issues.

Members in attendance included Vice-Chairman Reidelbach, Commissioner Poole, Commissioner Lassetter, and Commissioner Smith. Commissioner Blackburn attended telephonically. Staff members in attendance included Administrator Fouts, Assistant Administrator Mickle, Assistant Attorney Lee, and County Clerk Zerangue. Public Works Director Tod Handley was also present to discuss a real estate issue.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

REGULAR SESSION

Motion To: **Return to Regular Session**

The Board discussed real estate and litigation issues during Executive Session and voted to return to Regular Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Paul Poole, District 1
SECONDER:	Tim Lassetter, District 2 - Vice Chairman
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

AFFIDAVIT

Motion To: **Execute Affidavit and Resolution for Executive**

The Board voted to execute an Affidavit and Resolution for Executive Session.

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Paul Poole, District 1
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Tim Lassetter, District 2 - Vice Chairman
SECONDER:	Al Smith, District 5
AYES:	Blackburn, Lassetter, Poole, Reidelbach, Smith