



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

Tuesday, October 18, 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	Present	
John Reidelbach	District 4 - Vice Chairman	Present	
Paul Poole	District 1	Present	
Tim Lassetter	District 2	Present	
Al Smith	District 5	Present	
Michael Fouts	County Administrator	Present	
Kelly Mickle	Assistant Administrator	Present	
Eddie Whitlock	Associate Administrator	Present	
Nathan Lee	Assistant County Attorney	Present	
Fran Collins	Deputy County Clerk	Present	

The Honorable Board of Commissioners of Coweta County, Georgia met in Public Hearing/Regular Meeting Session on Tuesday, October 18, 2022.

Commissioner-Elect Bill McKenzie was also in attendance.

Meeting Called to Order

Chairman Blackburn called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Chairman Blackburn led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner Smith.

Notification of Location of Rules

Chairman Blackburn 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 outside the meeting room.

REGULAR SESSION

APPROVAL OF MINUTES

1. **Minutes of Tuesday, October 04, 2022**

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Tuesday, October 4, 2022.

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

SUPPLEMENTAL AND NON-AGENDA ITEMS

Supplemental and/or Non-Agenda Items

There were no Supplemental and/or Non-Agenda items to be added to the agenda for discussion.

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

2. Motion To: **13336 : New Package Malt Beverage and Wine License - Publix Super Markets, Inc. #1816**

Business License Coordinator Joy Thompson explained that Mr. Gregory Switzer, license representative and manager of Publix Super Markets, Inc. # 1816, located at 4000 North Highway 29, Newnan has applied for a new package malt beverage and wine license. The Business Tax Department has reviewed the application and finds that it is in order, meets the applicable requirements, and should be considered by the Board of Commissioners in accordance with *Chapter 6* of the *Coweta County Code of Ordinances*. The required background checks (GCIC) and fingerprint reports (GBI) for Mr. Switzer, as applicant for license representative of the establishment, are complete and show that he meets the requirements set forth in the *Alcohol Ordinance* to be the license representative. In closing, she noted that the alcohol license will not be issued until a Certificate of Occupancy (CO) is obtained.

The applicant was present but declined an opportunity to address the Board.

Chairman Blackburn called for any comments in support of or in opposition to the proposed alcohol license. There were none.

The Board voted to close the Public Hearing regarding a new package malt beverage and wine license filed by Gregory Switzer, license representative and manager of Publix Super Markets, Inc. # 1816, located at 4000 North Highway 29, Newnan.

RESULT: **PUBLIC HEARING CLOSED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2
SECONDER: John Reidelbach, District 4 - Vice Chairman
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

- 13336 Public Hearing Regarding a New Package Malt Beverage and Wine License Filed by Gregory Switzer in Operation of Publix Super Markets, Inc. # 1816 Located at 4000 North Highway 29, Newnan - District 3

The Board voted to grant a new package malt beverage and wine license to Gregory Switzer, license representative and manager of Publix Super Markets, Inc. # 1816, located at 4000 North Highway 29, Newnan with the condition that the license will not be issued until a Certificate of Occupancy (CO) is obtained.

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

3. Motion To: **13323 : Proposed Abandonment of Pearl Springs Trail**

Administrator Fouts explained that the layout and design of the Cresswind at Spring Haven subdivision includes and overlays the properties on both sides of Pearl Springs Trail, rendering the current alignment of the road unusable for the development. The developer has requested that the road be officially abandoned and that the right-of-way for the road be deeded for the use of the development.

Chairman Blackburn called for comments in support of or in opposition to the proposed roadway abandonment. There were none.

The Board voted to close the Public Hearing regarding a proposed abandonment of Pearl Springs Trail.

RESULT: **PUBLIC HEARING CLOSED [UNANIMOUS]**
MOVER: Tim Lassetter, District 2
SECONDER: John Reidelbach, District 4 - Vice Chairman
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

13323 Public Hearing Regarding Proposed Abandonment of Pearl Springs Trail - 2nd District

The Board voted to abandon Pearl Springs Trail which has ceased to serve or provide a benefit to the public.

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

4. Motion To: **13379 : Proposed Abandonment of a Portion of East Gordon Road**

Administrator Fouts Explained that the development of the proposed Cresswind subdivision will occupy the property on each side of the section of East Gordon Road south of its intersection with East Newnan Road. The development will be served by interior streets; therefore, East Gordon Road will serve no useful purpose and the developer has requested that this portion of East Gordon Road be officially abandoned.

Chairman Blackburn called for any comments in support of or in opposition to the proposed roadway abandonment. There were none.

The Board voted to close the Public Hearing regarding a proposed abandonment of East Gordon Road south of its intersection with East Newnan Road.

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

13379 Public Hearing Regarding Proposed Abandonment of a Portion of East Gordon Road - 2nd District

The Board voted to abandon the portion of East Gordon Road located south of its intersection with East Newnan Road.

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

REGULAR SESSION

PUBLIC COMMENT (Items on the Agenda)

Public Comments Regarding Items On the Agenda

Chairman Blackburn called for comments regarding any items on the agenda.

Mr. Nick Fouts, North Peachtree Parkway, Peachtree City, spoke in support of *Petition # AN 010-22 filed by Forza Senoia Partners, LLC Requesting to Annex Property Located East of 3363 Highway 85 into the City of Senoia* (agenda item # 5). He explained that he owns two (2) parcels totaling 103± acres. Parcel # 167-1309-001 consists of 74.55± acres zoned *RC (Rural Conservation)* and is located in unincorporated Coweta County. Parcel # 167-1309-003 consists of 22.77± acres, is located in the City of Senoia, and is zoned with the City of Senoia's *GI (General Industrial)* zoning. He further explained that the proposed annexation is an opportunity to prevent the creation of an "island" and is worthwhile to bring the site under one jurisdiction. His company is a design construction company that performs some light industrial and architectural metal fabrication and wishes to locate their corporate headquarters on the property. Offices and manufacturing will be located on one parcel, and they are uncertain what they will do with the remaining acreage. A detailed concept plan has not been created because of the uncertainty regarding the 74.55± acres being annexed into Senoia. Lastly, there aren't any negative impacts to the County or to surrounding properties and the only objections received were from the County Planner and from the Coweta County Water and Sewerage Authority.

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

5. 13360 Recommendation Regarding Petition # AN 010-22 Filed by Forza Senoia Partners, LLC Proposing to Annex Property Located East of 3363 Highway 85 into the City of Senoia

Assistant Community Development Director Angela White presented Petition # AN 010-22 filed by Forza Senoia Partners, LLC proposing to annex 74.55± acres (Parcel # 167-1309-001) located east of 3363 Highway 85 into the City of Senoia. The applicant is requesting the City of Senoia's zoning of *GI (General Industrial)* for an Industrial Park consisting of nine (9) lots within this acreage and including an adjacent 22.77± acres (Parcel # 167-1309-003) which fronts Hwy 85. The concept plan also includes a sewer pump station for the Industrial Park located at the furthest southeast corner. There are no details as to the type of industries or the square footage associated within the proposed Industrial Park. She noted that the surrounding unincorporated parcels are zoned *RC (Rural Conservation)* with a large farm to the north and east, and Chestlehurst Acres and Cody Estates Subdivisions to the south. While the concept plan is somewhat crude, it does not denote any type of buffer within the Industrial Park abutting the County residential properties. According to the application package, the adjoining 22.77± acres (Parcel #167-1309-003) was rezoned to *GI (General Industrial)* on March 7, 2022 by the City of Senoia. She further explained that the County may vote to object to the annexation; however, based upon constraints of *O.C.G.A. § 36-36-113* for an objection to be valid, the proposed change in zoning or land use must

result in:

1. A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
2. A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project; and
3. Differ substantially from the existing uses suggested for the property pursuant to the county's zoning ordinance or its land use ordinances.

Upon review, staff has determined that there is a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use (low-density single family use); a use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section § 48-4-110, which is furnished by the County to the area to be annexed (14% increase in traffic); and differs substantially from the existing uses suggested for the property or permitted for the property pursuant to the County's Zoning Ordinance or its land use ordinances because of the substantial increase in density (substantial increase in lot coverage permitted by residential). Therefore, based upon staff comments and *O.C.G.A. §36-36-113 Objection to annexation; grounds and procedures*, the Coweta County Community Development Department submits these criteria for the Board to consider filing an objection to the proposed annexation. In addition, Coweta County Community Development requests that a 100-foot buffer be maintained along all adjoining *RC (Rural Conservation)* zoning districts.

Ms. White fielded questions from Commissioner Smith and Commissioner Poole regarding the subject property's proximity to SR 16, to a stone distribution business, and to nearby subdivisions.

In response to a question from Commissioner Reidelbach, Ms. White explained that the applicant did not supply information regarding the types of other businesses planned for the lots.

In response to questions from Commissioner Reidelbach, Mr. Fouts (the applicant) explained that normal business hours will be from 7:00 am to 5:00 pm, minimal noise will be produced from the 50,000 square feet fabrication shop and 10,000 square feet office on the heavily wooded site.

In response to a question from Commissioner Reidelbach, Ms. White and Mr. Fouts (applicant) explained that approximately 40-50% of the site is flood plain.

Mr. Fouts (applicant) further explained that an abandoned railway is located to the south of the subject property along with an HOA greenspace, so the subject property is not directly adjacent to homes in that area.

Commissioner Smith pointed out that the applicant's business plan has nothing to do with the annexation and is not pertinent if annexed into the City.

Ms. White explained that should the subject property be annexed and rezoned by the City, any businesses/uses constructed onsite will be dependent upon what is allowed in the City's *GI (General Industrial)* zoning. Currently, the property is zoned *RC (Rural Conservation)* which allows only single family residential and farm land.

Administrator Fouts explained that in order for the Board to make a determination about whether to file an intent to object or not, a level of detail is needed in order for the Board to proceed. If no objection is filed, the Board will have no further say in the matter. The issue will then go to the City of Senoia for rezoning. Also, the condition previously mentioned by Ms. White regarding a 100-foot buffer along all adjoining *RC (Rural Conservation)* zoning districts is not legally binding without an agreement between the City and the County.

In response to a question from Commissioner Reidelbach, Ms. White explained that documentation received from the Coweta County Water and Sewerage Authority did not contain enough information for staff to determine how plans fit into the site or to specifically identify any reasons to object from the standpoint of the Water and Sewerage Authority.

On motion of Commissioner Poole, seconded by Commissioner Reidelbach, passing by a vote of 4-1 with Commissioner Blackburn and Commissioner Lassetter voting in support and Commissioner Smith voting in opposition, the Board voted to file an intent to object to a proposed annexation of 74.55± acres (Parcel # 167-1309-001) located east of 3363 Highway 85 into the City of Senoia as filed by Forza Senoia Partners, LLC in Petition # AN 010-22 based upon the following:

1. A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use;
2. A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in *Code Section § 48-4-110*, which is furnished by the County to the area to be annexed; and
3. Differ substantially from the existing uses suggested for the property or permitted for the property pursuant to the County's *Zoning Ordinance* or its *Land Use Ordinances* because of the substantial increase in density.

RESULT:	INTENT TO OBJECT [4 TO 1]
MOVER:	Paul Poole, District 1
SECONDER:	John Reidelbach, District 4 - Vice Chairman
AYES:	Bob Blackburn, John Reidelbach, Paul Poole, Tim Lassetter
NAYS:	Al Smith

6. 13403 Request to Set a Public Hearing on November 17, 2022 Regarding Petition # REZ 22-33 Filed by Pulte Home Company, LLC (dba Del Webb) Requesting to Rezone Property Located at Posey Road, Baker Road, and Holz Parkway, Newnan

The Board voted to set a Public Hearing on November 17, 2022 at 6:00 p.m. regarding Petition # REZ 22-33 filed by Pulte Home Company, LLC (dba Del Webb) requesting to rezone property located at Posey Road, Baker Road, and Holz Parkway, Newnan) Parcels # 108-6008-002, # 108-6008-003, # 108-6008-004, # 108-5113-001, and # 109-5112-002) from *RC (Rural Conservation)* to *RRCC (Residential Retirement and Community Care District)*.

RESULT: PUBLIC HEARING SET [UNANIMOUS] Next: 11/17/2022 6:00 PM
MOVER: John Reidelbach, District 4 - Vice Chairman
SECONDER: Al Smith, District 5
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

UNFINISHED BUSINESS

7. 13393 Request Appointments to Various Boards/Authorities

The Board voted to reappoint Mr. William "Billy" Cranford as the 4th District representative to the Coweta County Board of Zoning Appeals for the term beginning January 1, 2023 and expiring December 31, 2025 with Mr. Craig Jackson continuing to serve in the interim until Mr. Cranford can return following a serious accident.

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

NEW BUSINESS

Bids and Contracts

8. 13401 Request Approval/Execution of an Agreement Associated with Architectural Services for a New Fire Station (Senoia) - 1st District

The Board voted to execute an agreement with Gardner Spencer Smith Tench & Jarbeau, Architects, PC in the amount of \$172,500 to provide architectural design services associated with a new fire station in Senoia.

RESULT: EXECUTED [UNANIMOUS]
MOVER: Paul Poole, District 1
SECONDER: John Reidelbach, District 4 - Vice Chairman
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

9. 13412 Request Approval/Execution of a Purchase and Sale Agreement for Property Located Along SR 16 - 1st District

The Board voted to execute a Purchase and Sale Agreement with Paul Lombardi in the amount of \$342,000 associated with 8.552± acres located on SR 16 near Senoia (Fire Fund).

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

10. 13402 Bid Award Associated with Construction of the Cannongate Community Center - 4th District

The Board voted to retain Headley Construction, on a lowest and best bid basis, to construct the Cannongate Community Center at a total cost of \$2,390,000 and to instruct the Architect (Alex Rousch Architects) to negotiate potential value

engineering for the project to determine if additional savings can be achieved.

Administrator Fouts explained that when the Special Purpose Local Option Sales Tax (SPLOST) schedule was established in 2017-2018, \$900,000 was earmarked for the project which is now estimated to cost \$2.39 million. He expressed his appreciation for the strength of the sales tax growth because it will help support the project despite the original budget.

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

11. 13381 Bid Award Associated with the 2024 Hazard Mitigation Plan Update

Administrator Fouts explained that the request before the Board is to award a bid to Lux Mitigation and Planning Corporation in the amount of \$28,000 to provide assistance with the Hazard Mitigation Plan 2024 update and the cost is covered by grant funds an in-kind matching.

The Board voted to execute an agreement with LUX Mitigation and Planning Corporation in the amount of \$28,000 to provide assistance with the 2024 Hazard Mitigation Plan Update.

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

Additional Action Items

12. 13413 Request Approval to Partner with the Georgia Department of Transportation to Fund an Intersection Improvement Project at SR 16 and Elders Mill Road/Standing Rock Road - 1st District

The Board voted to submit a letter of support to the Georgia Department of Transportation (GDOT) and to commit local participation funding up to \$1.5 million associated with an intersection improvement project at SR 16 and Elders Mill Road/Standing Rock Road.

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

13. 13414 Request Approval/Execution of an Environmental Covenant Agreement with Magna Seating and the Georgia Environmental Protection Division - 3rd District

Administrator Fouts explained that because of groundwater contamination from properties that are adjacent to County-owned properties and facilities (50 Selt Road), the owners of the properties have been required to perform ongoing testing of groundwater in the area. Based on the results of the groundwater testing, it has been determined that groundwater contamination extends beyond the limits of the owners' property and has also contaminated the groundwater beneath the County's property. An environmental covenant with Magna Seating and the Georgia Environmental Protection Division (GEPD) that would limit the County's use of

groundwater as drinking water has been provided for County's approval and execution.

The Board voted to execute an Environmental Covenant Agreement with Magna Seating and the Georgia Environmental Protection Division to limit the County's use of groundwater as drinking water for property located adjacent to 50 Selt Road.

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

14. 13315 Request Approval/Execution of a Resolution Authorizing Submission of the FY 2024 Section 5311 Transit Grant Application

The Board voted to execute a Resolution to develop the FY 2024 Section 5311 grant application for submission to the Georgia Department of Transportation (GDOT).

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

15. 13404 Request Approval of a Real Estate Exchange with the Coweta County School System

The Board voted to execute a Real Estate Exchange Agreement with the Coweta County School System associated with property located on and along Cofield Road and Selt Road.

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

SUPPLEMENTAL/NON-AGENDA ITEMS

PUBLIC COMMENT (Items Not on the Agenda)

Public Comments Regarding Items Not on the Agenda

Chairman Blackburn called for comments regarding any items not on the agenda. There were none.

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 Chairman Blackburn, Commissioner Poole, Commissioner Lassetter, Commissioner Reidelbach, and Commissioner Smith. Staff members in attendance included Administrator Fouts, Associate Administrator Whitlock, Assistant Administrator Mickle, Assistant Attorney Lee, and Deputy County Clerk Collins. Commissioner-Elect Bill McKenzie was also in attendance.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Al Smith, District 5
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, 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: Tim Lassetter, District 2
SECONDER: Paul Poole, District 1
AYES: Blackburn, Reidelbach, Poole, Lassetter, 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
SECONDER: Al Smith, District 5
AYES: Blackburn, Reidelbach, Poole, Lassetter, Smith

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

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