



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, September 7, 2023

6:00 PM

Commission Chambers

~ Minutes ~

COWETA COUNTY BOARD OF COMMISSIONERS

Call to Order

Attendee Name	Title	Status	Arrived
John Reidelbach	District 4 - Chairman	Present	
Paul Poole	District 1 - Vice Chairman	Present	
Bill McKenzie	District 2	Present	
Bob Blackburn	District 3	Present	
Al Smith	District 5	Present	
Michael Fouts	County Administrator	Present	
Eddie Whitlock	Associate Administrator	Absent	
Kelly Mickle	Assistant Administrator	Present	
Nathan Lee	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, September 7, 2023.

Meeting Called to Order

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

Pledge of Allegiance

Chairman Reidelbach led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner McKenzie.

Notification of Location of Rules

Chairman Reidelbach 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, August 22, 2023**

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Tuesday, August 22, 2023.

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

CONSENT AGENDA

2. 13615 Confirm Execution of Proclamation Declaring "POW/MIA Day" in Coweta County

Chairman Reidelbach explained that the POW/MIA memorial service will be held on Friday, September 15, 2023 at 11:00 a.m. at the Veteran's Park on Temple Avenue and invited everyone to attend.

The Board voted to confirm execution of a proclamation declaring September 15, 2023 as "POW/MIA Day" in Coweta County.

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

3. 14034 Confirm Submission of an Application for the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Local Grant Allocation

The Board voted to confirm submission of an application for the Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Local Allocation Grant in the amount of \$63,538 to be utilized for courtroom technology enhancements and to authorize the Chairman to execute an associated Certifications and Assurances document.

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

SUPPLEMENTAL AND NON-AGENDA ITEMS

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

The Board voted to approve the addition of one (1) Non-Agenda item for discussion as presented by staff.

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

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

4. 13995 Public Hearing Regarding Petition # REZ 23-08 Filed by Angler Investments, LLC Requesting to Rezone Property Located at 3174 Hwy 16 East, Sharpsburg

Zoning Coordinator Lisa Eschman explained that staff received a request from the applicant to withdraw Petition # REZ 23-08 filed by Angler Investments, LLC requesting to rezone property located at 3174 East Hwy

16, Sharpsburg (Parcel # 124-1049-008); however, *Article 29, Section 290* of the *Zoning and Development Ordinance* states that if a request to withdraw is received less than seven (7) days prior to the Public Hearing it is the Board's decision whether to allow the withdrawal. In closing, she explained that the Board can choose to accept the withdrawal or to continue with the Public Hearing.

Mr. Neal Spradlin, applicant representative, explained that because the applicant has been unable to finalize terms with Waffle House, he is not ready to proceed with developing the remaining portion of the property and is asking for the Board's consideration to allow him to withdraw the rezoning application.

In response to questions from Commissioner Poole and Chairman Reidelbach, Administrator Fouts explained that the Board has the option to vote to allow the applicant to withdraw the application or decide to continue with the Public Hearing that has been advertised as required by zoning law. If the Board chooses to allow the application to be withdrawn, the applicant will not be required to wait six (6) months to refile (in accordance with the *Coweta County Code of Ordinances*). However, should the Board decide to proceed with the Public Hearing and vote to deny the rezoning, the applicant will be required to wait six (6) months to reapply (in accordance with the *Coweta County Code of Ordinances*).

Attorney Lee restated that should the Board decide to conduct the Public Hearing and then vote to deny the rezoning, the applicant will have to wait six (6) months to reapply in accordance with the *Coweta County Code of Ordinances* and State law. He further explained that because of the volume of last-minute withdrawals staff was receiving, the Board previously voted to amend the *Coweta County Code of Ordinances* to allow an applicant to submit a formal request to withdraw a rezoning application up to seven (7) days prior to the scheduled Public Hearing (see May 18, 2021 minutes; Ordinance # 011-21). If the Board chooses not to allow the applicant to withdraw the application tonight, the Public Hearing will proceed. If the Board chooses to allow the applicant to withdraw the application, he/she can submit a new application as soon tomorrow.

In response to a question from Commissioner Smith, Mr. Spradlin explained that it will take a minimum of twelve (12) months before the applicant is ready to proceed. He further explained that should the Board allow the withdrawal tonight; a new application will not be resubmitted prior to the 6-month period.

The Board voted to approve withdrawal of Petition # REZ 23-08 filed by Angler Investments, LLC requesting to rezone property located at 3174 East Hwy 16, Sharpsburg (Parcel # 124-1049-008) from C-6 w/*Conditions (Minor Commercial Shopping District with Conditions)* to C-6 (*Minor Commercial Shopping District*) as requested by the applicant, subject to the following condition:

1. The applicant may not reapply until a six-month waiting period has passed as agreed upon by the applicant.

RESULT:	WITHDRAWN BY VOTE [UNANIMOUS]
MOVER:	Paul Poole, District 1 - Vice Chairman
SECONDER:	Bill McKenzie, District 2
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

5. Motion To: **13994 : REZ 23-02 - Industrial VI Enterprises, LLC**

County Planner II Kim Dutton presented Petition # REZ 23-02 filed by Industrial VI Enterprises, LLC (aka Hillwood SR 16 at Orchard Hills) requesting to rezone property located at the intersection of SR 16 East and Gordon Road, Newnan (Parcels # 088-2070-002, # 088-2070-006, 088-2070-008, and # 088-2070-020) from RC (*Rural Conservation*) and C (*Commercial*) to LM (*Light Industrial*). She explained that the subject property consists of four (4) parcels with a combined total area of 114.517± acres located south of the Orchard Hills Business Park and that the applicant wishes to construct three (3) warehouses totaling 876,910 square feet. The proposed site plan consists of "Building 1" which is a front load warehouse with a total of 160,930 square feet, "Building 2" is a cross dock warehouse with a total of 495,500 square feet, and "Building 3" is a front load warehouse with a total of 220,480 square feet. The site plan also shows a proposed relocation of Gordon Road further east of its current location. She further explained that the application went through a Development of Regional Impact (DRI # 3933) review conducted by the Georgia Regional Transportation Authority (GRTA) and general conditions of approval were submitted for review by the Board. In closing, she reviewed the current zoning of properties in the surrounding area, highlighted factors reviewed by staff during the rezoning process, and presented twenty-one (21) conditions for consideration by the Board should they choose to approve the request.

In response to a question from Commissioner Smith regarding the applicant's obligation to construct the warehouses, Ms. Dutton explained that if approved by the Board, Condition # 16 states *"The subject property shall be limited to an office/warehouse distribution facility as denoted in the application."*

Administrator Fouts also explained that Condition # 19 requires that the applicant obtain a building permit within a 12-month period, and if they fail to do so the Board may initiate rezoning.

County Attorney Lee explained that the only way to obligate the applicant to construct the warehouses is to make that a condition of the rezoning.

In response to questions from Commissioner Smith, Public Works Director Tod Handley explained that although the Board approved a relocation project several months ago, Gordon Road has not been realigned yet. The County's engineer began work on the project, performed a traffic engineering study after plans for this development were received, and because of the amount of grading and land leveling necessary for these types of warehouses, staff knew that the grading would affect the placement of Gordon Road and how it could be constructed. With that in mind, staff decided that since the developer would be performing a substantial amount of grading in that area, it would be in the best interest of the County for the developer to construct the roadway while the grading work was being performed. He also explained if approved by the Board, the developer will have twelve (12) months to obtain a building permit and will have an additional twelve (12) months to complete the road construction.

Chairman Reidelbach noted that because of the proximity to the Newnan-Coweta County Airport, the applicant will also have to provide enough information via Federal Aviation Administration (FAA) Form 7460 (Notice of Proposed Construction or Alteration) to the Newnan-Coweta County Airport Authority for them to make a decision regarding whether the buildings constitute an obstruction or a deterrent from the Airport runway approaches and that this process can be lengthy. He also noted that should the Board vote to approve the rezoning, there is a Condition requiring the applicant to receive approval from the FAA before anything else begins (Condition # 14).

In response to a question from Chairman Reidelbach, Community Development

Director Jon Amason explained that staff has not received any correspondence from the applicant indicating that they have submitted FAA Form 7460.

In response to questions from Commissioner McKenzie, Mr. Handley explained that the only stipulation regarding realignment of Gordon Road is that the road be situated such that the new intersection with SR 16 will have adequate sight distance. A minimum distance is specified in the Conditions of zoning; however, the governing factor is the necessary sight distance from Gordon Road looking both directions on SR 16. He further explained that as long as the realignment is based on American Association of Highway and Transportation Officials (AASHTO) standards, it will not matter whether the County or the developer designs the positioning. If the design is performed by the developer, the County and the Georgia Department of Transportation (GDOT) will review it to ensure that it satisfies AASHTO requirements. He further explained that depending on the quality of the plans submitted by the developer, review by County staff and GDOT for proper sight distance, turn lanes, maintenance of traffic plans on both roads while the project is being built, etc could take six (6) to nine (9) months to complete. If any issues are discovered, the plans will be sent back to the developer for correction. Typically, a permit is not issued for a site until staff ensures that GDOT has approved any work that takes place within their rights-of-way.

In response to a question from Commissioner McKenzie, Ms. Dutton explained that the proposed development is unique because it lies within two (2) character areas that actually overlap one another. The proposed development is consistent with the Interstate Gateway character area and growth strategy but is not entirely consistent with the Complete Community character area and growth strategy because it is missing the live and play components (live, work, play). Therefore, the proposed development is "generally consistent" with the Comprehensive Plan.

In response to a question from Chairman Reidelbach, Ms. Dutton explained that the development lies within the Interstate Gateway character area which encourages appealing gateways into the county. This character area is a result of input garnered from the community and vision of the plan when it was developed.

Administrator Fouts explained that in accordance with the rules governing Commission meetings, the applicant is allowed ten (10) minutes to present including time for rebuttal. Those wishing to speak in support of the rezoning will be allotted three (3) minutes each to address the Board for a total of twenty (20) minutes. Those wishing to speak in opposition will also be allotted three (3) minutes each for a total of twenty (20) minutes. Because of the number of people that have signed up to address the Board regarding the proposed rezoning, everyone may not get an opportunity to speak.

Ms. Melissa Griffis, applicant representative, informed the Board that the applicants and civil engineer are in attendance to field any questions. She requested that all documents and the constitutional rights letter be included in the minutes. She explained that staff has worked hard on reviewing the project including additional meetings and time spent going through the DRI process which was completed with GRTA's Notice of Decision on July 6, 2023. She further explained that the subject property consists of 114.517± acres zoned RC (*Rural Conservation*) and C (*Commercial*) and the applicant is requesting LM (*Light Industrial*) zoning. The requested zoning is consistent with the Interstate Gateway character area and growth strategy and is generally consistent with the Comprehensive Plan. She explained that a meeting was held with staff and Administration before the staff report was completed to review conditions that need to be addressed, specifically transportation items. Following the Commission meeting held on August 22, 2023, the applicant heard from two (2) neighbors that spoke in the public comment section of that meeting, and the engineers then attempted to address their concerns. A new plan was submitted a week after those meetings and the

applicant was informed that staff could not review the revised plan prior to tonight's meeting. She requested that the Board consider the revised plan that shows removal of "Building 1" and that they vote to continue the Public Hearing to allow staff the necessary time to review the new plan, submit comments, and/or modify the twenty-one (21) recommended conditions. In addition, she noted that "Building 2" and "Building 3" remain numbered as such on the new plan to lessen confusion. The applicant heard complaints expressed at the August 22, 2023 Commission meeting from former Sheriff Mike Yeager regarding concerns about having to drive through an industrial park on his way home every day. With that, the applicant eliminated the roadway through the park as well as "Building # 1". "Building 2" measures 495,500 square feet and "Building 3" measures 220,480 square feet. The conditions need to be addressed because some are acceptable by the applicant, but some are not with the new plan as it is proposed. The applicant believes that all uses under *LM (Light Industrial)* zoning should be allowed. She explained that in addition to emails of support sent to the Commissioners, letters of support have been received from the following: Ms. Naris Kunse, Ms. Gail Cannon, Mr. Chad Caldwell, Brent Scarbrough and Company, Ms. Suzanne Faulk, Ms. Annie Wiggins, Mr. Mark Wiggins, Ms. Leann Porter Jones, Mr. Jones, Mr. Scott Barnett (Barnett and Cheeves), and Michael and Keirsten Shangster. In closing, she explained that she, the applicant, and the engineer are happy to field any questions from the Board.

Administrator Fouts explained that when the applicant filed their rezoning petition, staff received the initial site plan. The staff report and all of the conditions are based on that site plan. When that document is finalized, posted, and provided to the public, and the Board, staff does not think it is a good business practice to change the process in fairness to all involved. Although the revised site plan was received, Ms. Griffis was notified that staff and the Development Review team did not have enough time to review, send comments to the Board and the public prior to tonight's meeting.

In response to a question from Commissioner Smith, County Attorney Lee explained that it was the applicant's decision to present the new plan to the Board. The law only requires for a process by which an applicant can apply to the County, and a process to meet advertising/publication requirements. There is nothing in the law that prohibits the applicant from changing their plan. The Board does not have to consider the revised plan, but what the applicant representative has presented is allowable in terms of the law.

Chairman Reidelbach pointed out that the public has not had a fair opportunity to review and comment on the new plan, although the applicant is requesting a continuance. Staff is burdened with time to review new plans submitted in such a short time frame. In addition, it is not fair to other rezoning applicants that this new site plan be placed ahead of them in the rezoning application process.

Attorney Lee added that the applicant can change the proposed site plan, but County staff is under no obligation to ensure it has been reviewed in such a short time.

Chairman Reidelbach called for any comments in support of the proposed rezoning.

The following citizens spoke in support of the proposed rezoning and continuance of the Public Hearing citing their positive experiences with a nearby business park, no increase in traffic/noise/pollution/crime, least impactful to rural character, elimination of "Building 1" and the roadway through the development to access Gordon Road, least impactful than mixed-use developments, consistency with the Interstate Gateway, highest quality use, well-respected developer, significant investment, least impact on a nearby school, and Hillwood's development plan and willingness to work with the County to further best interests of local residents and

the community's economic growth.

- Ms. Amy Wiggins, Plainfield Place, Newnan
- Mr. Craig Jackson, Fox Hollow Run, Newnan
- Ms. Libby Chambers, Walton Road, Newnan
- Mr. Grant Wolters (Peachtree Hills Seventh-day Adventist Church of Newnan), Marsha Way, Sharpsburg
- Pastor Denton Grady (Peachtree Hills Seventh-day Adventist Church of Newnan), Gordon Road, Newnan

Mr. William Valentine, Vice-President of Hillwood Investment Properties (developer), spoke in support of the proposed rezoning. He explained that Hillwood develops Class A properties across the country and in the past three (3) years has developed over one hundred five (105) projects totaling forty-seven (47) million square feet in thirty-three (33) different markets. In Atlanta, the I-75/I-85 corridors have been their focus, mostly on the south side, and Coweta has a very strong tenant demand for industrial space. This site was selected as an appropriate use for industrial businesses. He noted the zoning of surrounding properties to the east, north and west of the proposed development, and explained that they have worked with neighbors to develop appropriate buffers. He further explained that "Building 1" has been eliminated along with access points to Gordon Road. In addition, they are planning to purchase right-of-way for the relocation of Gordon Road and to meet AASHTO requirements. He explained that all traffic will be directed toward Campus Drive, a significant amount of space will remain undeveloped, and this is a better industrial plan than others could provide. Lastly, he expressed his feeling that the changes made to the proposed plan deserve continued review and asked that a continuance be granted.

Mr. Will Wright, developer, explained that meetings were held with nearby neighbors and those neighbors that support the rezoning have acknowledged the consideration and effort that has gone into preserving land around the buildings and maintaining significant buffers. He reviewed the revised site plan and explained that it consists of 96.2± acres with 37.75± acres remaining undisturbed. On the site plan, he pointed out land that will remain forested, wetlands, stream buffers, undisturbed buffers and pastures, and the proposed location of 15-foot planted berms. Lastly, the revised site plan was designed with neighbors in mind, and they are willing to continue to work them.

Chairman Reidelbach called for any comments in opposition to the proposed rezoning.

The following citizens spoke in opposition to the proposed rezoning citing concerns with lack of consideration for the local community, businesses operating 24/7, loss of open space and trees, impacts to water and air quality, trends toward warehouse development, protection of established single-family residential neighborhoods from encroachment of incompatible land uses, loss of rural character, inconsistency with the Comprehensive Plan, view of industrial warehouses, increased tractor trailer traffic, vehicular safety/accidents, driving through an industrial park to get to and from home, negative impacts to quality of life, decreased property values, increased noise (air brakes, loading docks, etc), future deterioration of the buildings, proximity to established residences, more suitable locations in the county, Gordon Road being a residential roadway, lack of aesthetic appeal, "bait and switch" feeling, large number of parking spaces, potential effects on emergency response times, expansive size, no opportunity to review the revised plan, does not meet history or vision of the area, domino effect, runoff and preservation of ponds/wetlands, increased pollution, lack of any occupants/tenants, and changes to the dynamic of the community:

- Ms. Jean Raines, Walton Road, Newnan
- Mr. John Bayles, Gordon Road, Newnan
- Ms. Angie Reynolds, Gordon Road, Newnan
- Mr. Mike Yeager, Martin Mill Road, Moreland
- Mr. Pat Cheatham, Gordon Road, Newnan
- Mr. Scott Adams, Kindelwood Drive, Newnan
- Mr. Scott Thigpen, Gordon Road, Newnan
- Ms. Shirley Church, Walton Road, Newnan
- Mr. Cory Potts, Hwy 29 North, Newnan

Administrator Fouts explained that the twenty (20) minutes allowed in accordance with the rules governing the meeting had been exhausted and no additional speakers were called upon to address the Board.

Administrator Fouts explained that in accordance with the rules governing the meeting, the applicant has six (6) minutes remaining for rebuttal.

In rebuttal, Ms. Griffis explained that the rezoning system/process is imperfect. With the DRI process, staff report, and proposed conditions received very close to the Public Hearing, there isn't much time remaining to make revisions to determine what will or will not work and whether any concerns/issues can be resolved. This is what the applicant attempted to do when neighbors expressed concerns at the August 22, 2023 Commission meeting. The revised plan is not a "bait and switch". A meeting with staff was held on August 21, 2023 which was the first time that their comments and concerns were received. During that meeting, Public Works Director Handley expressed concerns regarding the Gordon Road realignment, which needed to be addressed immediately. The staff report was received later that afternoon, edits were made to the plan in less than a week to address those concerns and the applicant thought the revision made a better plan, and showed they were listening to staff. The revised plan included more buffers, increased setback of the buildings from Hwy 16, and attempted to align with staff's comments and be more acceptable to fit within the Comprehensive Plan and the two (2) overlying character areas. Residential traffic was removed from within the project which was an attempt to do what was best for the county. She further explained that the *Coweta County Code of Ordinances* specifies the hours of operation that must be followed with *LM (Light Industrial)* zoning districts. The applicant did speak to representatives from existing Industrial Parks already located within the county, but they do not allow competitors into their industrial parks. She explained that Hillwood has attempted to work with the County, reached out to the community, and did their best to contact a variety of neighbors. They are willing to do additional work to get a plan that is the best for Coweta County, the property owners trying to sell their property, the development, and nearby residents. Regarding concerns about response times and potential fire/medical issues, the Fire Department was also included in the staff review and DRI processes. She requested that the Board approve the proposed *LM (Light Industrial)* zoning or continue the Public Hearing so that staff has an opportunity to review the revised site plan and modify any conditions. If allowed a continuation, the applicant is not requesting to be moved ahead of other submitted rezoning applications, just to get in line in the process and have an opportunity to prepare the best plan for Coweta County.

Chairman Reidelbach noted that there is a process in place that provides adequate time for the applicant to withdraw the petition prior to the Public Hearing in order to make revisions to the proposed site plan, especially knowing that significant

changes would have to be made for a project of this magnitude. He reiterated his concerns regarding this new site plan being placed ahead of other applicants that are already in the rezoning application process.

The Board voted to close the Public Hearing regarding Petition # REZ 23-02 filed by Industrial VI Enterprises, LLC (aka Hillwood SR 16 at Orchard Hills) requesting to rezone property located at the intersection of SR 16 East and Gordon Road, Newnan (Parcels # 088-2070-002, # 088-2070-006, 088-2070-008, and # 088-2070-020) from *RC (Rural Conservation)* and *C (Commercial)* to *LM (Light Industrial)*.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Bob Blackburn, District 3
SECONDER:	Paul Poole, District 1 - Vice Chairman
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

13994 Public Hearing Regarding Petition # REZ 23-02 Filed by Industrial VI Enterprises, LLC Requesting to Rezone Property Located Off SR 16 and Gordon Road, Newnan

Commissioner McKenzie explained that he read every email he received and wants to do what is best for his district and for the county as a whole. The site plan submitted with the application does not meet the Comprehensive Plan and only meets the work component of the Complete Community character area (live, work, play). Further, the project does not address the issue of the Interstate Gateway character area and does not create an appealing gateway into the county for traveling visitors, residents, and local businesses. It allows the developer to decide on the location of the redesign/realignment of Gordon Road. He wishes to see the best possible realignment of the roadway for the traveling public, and believes that decision should be handled by County staff and the Georgia Department of Transportation (GDOT).

The Board voted to deny Petition # REZ 23-02 filed by Industrial VI Enterprises, LLC (aka Hillwood SR 16 at Orchard Hills) requesting to rezone property located at the intersection of SR 16 East and Gordon Road, Newnan (Parcels # 088-2070-002, # 088-2070-006, 088-2070-008, and # 088-2070-020) from *RC (Rural Conservation)* and *C (Commercial)* to *LM (Light Industrial)*.

RESULT:	DENIED [4 TO 1]
MOVER:	Bill McKenzie, District 2
SECONDER:	Paul Poole, District 1 - Vice Chairman
AYES:	John Reidelbach, Paul Poole, Bill McKenzie, Al Smith
NAYS:	Bob Blackburn

6. 13318 Public Hearing Regarding the Proposed Fiscal Year 2024 Budget

Administrator Fouts explained that the purpose of this Public Hearing is to present a draft budget to the Board as required by State law prior to adoption of the fiscal year budget. He further explained that Coweta County's fiscal year is October 1st through September 30th. Governmental accounting includes multiple funds, but primarily the County's General Fund will be discussed. Lastly, the Coweta County Board of Education and local municipalities have independent authority regarding budgetary decisions as well as their millage rate levies. He reviewed the schedule/timeline of the budget process, including that of the millage rate adoption, he reiterated that this is a draft budget, and the final recommended budget will be

presented to the Commissioners on September 19, 2023, for approval. He explained that the 2023 millage rate for incorporated Coweta County is 4.688 mills (not including any applicable municipal tax levy), and for unincorporated Coweta County, the General M&O is 4.688 mills, Fire District 2.900 mills, Fire Bond 0.216 mills for a total of 7.804 mills (unincorporated). Budget documents include the proposed operating budget for each fund, capital project/expenditure requests, and personnel requests. He explained that these documents are available for inspection on the County's website as well as in the Finance Department located in the County Administration Building.

He briefly listed the following FY 2024 goals and expectations:

- Continue to maintain service levels, programs, and operations including possibly providing per diems for other board/authority members
- Fund performance-based merit increases, reimburse Firefighter Pension Fund and Peace Officers' Annuity and Benefit Fund (POAB) fees, absorb health insurance inflation, and support critical personnel requests including some support staff for a third State Court Judge and personnel for the Jail expansion
- Fund necessary capital expenditures and debt service from current fiscal year revenue (use of the General Fund - fund balance for a \$1.8 million deficit in the proposed budget)
- Maintain a fund balance of 15-50% [3-4 months of operations; projected to be \$32 million at the end of Fiscal Year 2023 (using \$1.8 million of the \$32 million fund balance to balance the budget)]

He presented the overall countywide budget summary and explained that there is a variance of \$10.1 million (10% increase) between the FY 2023 and the proposed FY 2024 budgets. He compared the approved FY 2023 General Fund revenues to those proposed for FY 2024 and highlighted a substantial change in revenue generated by increases of \$2.5 million from Local Option Sales Tax (LOST), \$1.5 million from Title Ad Valorem Tax (TAVT), \$1.95 million in property taxes (new digest growth), \$800,000 insurance premium taxes, \$350,000 in fees for Community Development services, and \$200,000 in additional beverage excise taxes (primarily from the new package/liquor stores).

Administrator Fouts provided a brief overview by function for the General Fund. He also explained that the lump sum pension plan payment was overlooked in the Fiscal Year 2023 General Fund budget (\$2.8 million). This has been added back to the proposed Fiscal Year 2024 budget and the payment has been submitted. He also briefly reviewed the primary drivers of expenditures including a \$3.5 million payroll and benefits, maintenance contracts with inflation, election preparations for a Presidential primary, and costs associated with the addition of the third State Court Judge.

He briefly reviewed the other major funds (outside the General Fund) including the Fire, EMS, Hotel/Motel, Library System, 911, Drug Alcohol Treatment Education (DATE), Solid Waste, Airport Authority, Development Authority, Transit, and Law Library/Sheriff.

In response to a question from Commissioner McKenzie regarding the Law Library and Sheriff Fund, Administrator Fouts explained that these are fees that are collected by the courts and the Law Library (located in the Carnegie Library) is intended to be available to the public for law research. There are restrictions on how these funds can be utilized and expenditures are overseen by a committee.

Administrator Fouts also highlighted appropriations to the District Attorney (DA), Health Department and Superior Court Public Defender (State agencies) and explained that staff is not recommending any changes to these appropriations. He

summarized capital projects/expenditures from the General Fund by function including general government, judicial, public safety, public works, and recreation, and from other funds including Airport, American Rescue Plan Act (ARPA), Fire, Library, and Solid Waste. He further explained that Coweta County received approximately \$28 million in ARPA funds and the Board previously approved a \$5 million wastewater treatment plant expansion project with the Water and Sewerage Authority. Additionally, the Board previously authorized approximately \$400,000 in ARPA funds to be utilized toward the tornado tree cleanup program. Staff has also earmarked \$5.2 million in ARPA funds to be utilized for Fire Rescue projects including replacement of Station # 5 and site work for the Public Safety Training Facility.

In response to a question from Chairman Reidelbach regarding the wastewater treatment facility expansion, Finance Director Hans Wilson explained that he believes the project is expected to be completed in 2026 and none of the \$5 million in ARPA funds have been expended yet for the project. Currently, the Water and Sewerage Authority is using bonds for the project, but none of the ARPA funds will be utilized to pay off the Water and Sewerage Authority's bonds.

Administrator Fouts explained that staff anticipates that the \$5 million for the project will be withdrawn at one time and the County is not backing the Water and Sewerage Authority bonds.

Administrator Fouts concluded his presentation by explaining that a total of seventy-six (76) full time equivalent positions were requested (various County departments) with the proposed budget supporting thirty-three (33) and approximately half of these positions will be funded for a portion of the year because they are related to the addition of the third State Court Judge and the Jail expansion. Lastly, he explained that a decision regarding the Fiscal Year 2024 budget will be rendered at the September 19, 2023 Commission meeting.

In response to a question from Commissioner McKenzie, Administrator Fouts explained that ARPA funds were earmarked for broadband expansion in the county, however, no project expenditures have occurred at this time. He expects that there will be expenditures in 2024 and those funds are included in the proposed budget.

Chairman Reidelbach called for comments in support of or in opposition to the proposed Fiscal Year 2024 budget.

Circuit Public Defender Mary Ellen Simmons addressed the Board regarding the Fiscal Year 2024 budget. She explained that the Public Defender's budget requests for Fiscal Year 2024 include a new attorney's position, merit increases, and some employee retirement system costs. She further explained that in Fiscal Year 2023 she utilized some surplus funds resulting from vacant positions to cover the employee retirement system costs so the County did not have to absorb these costs last year. They dedicated all of their ARPA funds for the five (5) county circuit to Coweta County because they understood that Coweta would fulfill the additional attorney position. Out of those funds over the past two (2) years, Coweta County received \$200,000 in services. She understands that funding is limited and she has backed off filling that position partly because of existing vacancies. They have been interviewing as many applicants as they can get; however, they are choosing to go to other circuits for higher salaries. She has learned that Spalding and Clayton Counties have starting salaries of \$70,000 for an attorney while the starting salary for the Coweta Circuit is \$60,000. Because they are losing applicants to other circuits, they have to contract with private attorneys to keep up with the caseload. In conclusion, she explained that she is requesting an increase for the employee retirement system funds (\$23,173) and merit increases and benefit costs for the attorneys for an overall increase of \$106,512 bringing the total budget for the Circuit Public Defender's office to \$856,911 for

Fiscal Year 2024.

Chairman Reidlebach called for any further comments. There were none.

The Board voted to close the Public Hearing regarding the proposed Fiscal Year 2024 budget.

Chairman Reidelbach explained that a decision regarding the Fiscal Year 2024 budget would be rendered at the Commission meeting scheduled on September 19, 2023, at 6:00 p.m.

RESULT:	PUBLIC HEARING CLOSED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

REGULAR SESSION

PUBLIC COMMENT (Items on the Agenda)

Public Comments Regarding Items On the Agenda

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

Mr. George Rosenzweig, Jackson Street, Newnan, addressed the Board regarding Petition # VAR 23-21 filed by Redwine Cottages, Inc requesting side and rear yard setback variances for property located in The Cottages at Lake Redwine, Newnan (agenda item # 8). He explained that the applicant is requesting 5-foot side yard setback reductions from the required 10-foot and 20-foot rear yard setback reductions from the required 40-foot for fourteen (14) of the fifty-seven (57) lots. The subject property is zoned *RRCC (Residential Retirement Community and Care)* and the Board recently granted comparable variances to the Del Webb and Cresswind developments. The original application provided too much information so a clarifying email was sent to staff prior to the Public Hearing conducted by the Board of Zoning Appeals who recommended approval of the variances.

Mr. Jim Mottola, S Starrs Pond Road, Newnan, addressed the Board regarding Petition # VAR 23-21 filed by Redwine Cottages, Inc requesting side and rear yard setback variances for property located in The Cottages at Lake Redwine, Newnan (agenda item # 8). He explained that the Board previously approved rezoning of the subject property to *RRCC (Residential Retirement Community and Care District)* zoning for a 55+ age restricted community which required a decentralized septic system. Engineering plans were made for the system and submitted to the Coweta County Water and Sewerage Authority, who recommended pumping waste to the central system located in Madras instead of a decentralized system. In order to offset costs associated with pumping waste to the Madras system, fifteen (15) lots were added to the development and they were able to recover 70% of the associated costs. With the additional lots, the houses do not fit as well as they did. They are trying to continue with houses that have already sold, and be able to place similar homes on the remaining fourteen (14) lots.

Ms. Tena Clark, Serenbe Lane, Chattahoochee Hills, addressed the Board regarding Petition # REZ 22-19 filed by Hetty Jane, LLC requesting an extension to obtain a land disturbance permit (agenda item # 7) explaining that because of their attention to detail and the scope of work, it is taking longer than originally thought.

Ms. Jessica Mottola, Evergreen Drive, Newnan, addressed the Board regarding Petition # VAR 23-21 filed by Redwine Cottages, Inc requesting side and rear yard setback variances for property located in The Cottages at Lake Redwine, Newnan (agenda item # 8). She explained that she is the sales agent for the applicant and that prospective buyers like the consistency and continuity of the community, its proximity to the amenity center, and visibility from Happy valley Circle. She further explained that four (4) plans with the same footprint consisting of 2,000-2,200 square feet are being offered to prospective buyers. Lastly, the variances requested are in-line with what current residents are expecting to see.

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

7. 14059 Request Direction from the Board Regarding Condition # 15 Associated with Previous Petition # REZ 22-19 Filed by Hetty Jane, LLC for Property Located at 3218 Roscoe Road, Newnan - District 3

Zoning Coordinator Eschman explained that at the Commission meeting held on September 8, 2022, the Board voted to rezone 108.531± acres located at 3218 Roscoe Road, Newnan [Parcels # 058-5220-003; # 058-5220-003A, # 058-5220-004 (partial); # 058-5220-006 (partial); # 058-5219-004A; 058-5219-005; and # 058-5219-006] from *RC (Rural Conservation District)* to *LUH (Limited Use Historic District)* as requested in Petition # REZ 22-19 filed by Hetty Jane, LLC, subject to seventeen (17) conditions. Condition # 15 requires that a land disturbance permit be obtained within a 12-month period. As of September 7, 2023, the applicant has not filed for a land disturbance permit. The applicant is requesting a twelve-month extension citing delays with wastewater, architectural design, and the required transportation infrastructure which has caused the design process to extend into the initial twelve-month period. Subsequently, Community Development is requesting direction from the Board regarding this condition.

In response to a question from Chairman Reidelbach, Ms. Eschman explained that the applicant has been working continuously on the project during the delays.

Administrator Fouts explained that with previous cases involving a request for an extension to obtain a Land Disturbance Permit (LDP) or a Building Permit, the Board has set a Public Hearing in the future regarding those items. The Board will not set their meeting schedule for 2024 until January, so if the Board should choose to grant the twelve-month extension, staff can determine what meeting the Public Hearing should be set (September 2024).

The Board voted to set a Public Hearing on the first meeting in September 2024 (yet to be determined) at 6:00 p.m. regarding possible rezoning of 108.531± acres located at 3218 Roscoe Road, Newnan [Parcels # 058-5220-003; # 058-5220-003A, # 058-5220-004 (partial); # 058-5220-006 (partial); # 058-5219-004A; 058-5219-005; and # 058-5219-006] from *LUH (Limited Use Historic District)* to *RC (Rural Conservation District)* thereby granting the applicant (Hetty Jane, LLC) a twelve-month extension to obtain a Land Disturbance Permit (LDP) [see Condition # 15 of previous Petition # REZ 22-19].

RESULT:	PUBLIC HEARING SET/FINAL [UNANIMOUS]
MOVER:	Bob Blackburn, District 3
SECONDER:	Bill McKenzie, District 2
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

8. 14000 Recommend Approval of Petition # VAR 23-21 Filed by Redwine Cottages, Inc Requesting Side and Rear Yard Setback Variances for Lots Located in The Cottages at Lake Redwine, Newnan

County Planner II Kim Dutton presented Petition # VAR 23-21 filed by Redwine Cottages, Inc requesting side and rear yard setback reductions for lots located in The Cottages at Lake Redwine, Newnan (Parcels # 083-5182-168, # 083-5182-171, # 083-5182-190, # 083-5182-191, # 083-5182-196, # 083-5182-197, # 083-5182-198, # 083-5182-199, # 083-5182-207, # 083-5182-213, # 083-5182-216, # 083-5182-217, # 083-5182-218, and # 083-5182-222) [Happy Valley Circle and Redwine Plantation Drive] along with a recommendation of approval from the Board of Zoning Appeals. She explained that the subject properties consist of fourteen (14) lots (24.27± acres), rezoned on April 22, 2014 under

previous Petition # 004-14 from RC (*Rural Conservation*) to RRCC (*Residential Retirement Community and Care District*) for a 55+ age restricted community consisting of forty-two (42) homes. Based upon the market in this area, the applicant notes that larger sized homes are being requested and to meet this demand he is requesting the following variances:

Parcel and Lot Number Setback	Requested	Reduction	New
083-5182-168 (Lot 3) Right Side	10-feet	8.2-feet	1.8-feet
Left Side	10-feet	4.7-feet	5.3-feet
Rear Yard	40-feet	6.3-feet	33.7-feet
083-5182-171 (Lot 6) Right Side	10-feet	7-feet	3-feet
083-5182-190 (Lot 25) Rear Yard	40-feet	7.4-feet	32.6-feet
083-5182-191 (Lot 26) Rear Yard	40-feet	6.3-feet	20.2-feet
083-5182-196 (Lot 31) Left Side	10-feet	2.1-feet	7.9-feet
Rear Yard	40-feet	6-feet	34-feet
083-5182-197 (Lot 32) Rear Yard	40-feet	19.8-feet	20.2-feet
083-5182-198 (Lot 33) Left Side	10-feet	1.4-feet	8.6-feet
Rear Yard	40-feet	15.9-feet	24.1-feet
083-5182-199 (Lot 34) Left Side	10-feet	4.1-feet	5.9-feet
Rear Yard	40-feet	30.9-feet	9.1-feet
083-5182-207 (Lot 42) Rear Yard	40-feet	10.3-feet	29.7-feet
083-5182-213 (Lot 48) Left Side	10-feet	3.5-feet	6.5-feet
Right Side	10-feet	2.1-feet	7.9-feet
083-5182-216 (Lot 51) Left Side	10-feet	5.7-feet	4.3-feet
Right Side	10-feet	4.6-feet	5.4-feet
083-5182-217 (Lot 52) Left Side	10-feet	2.4-feet	7.6-feet
Right Side	10-feet	5.7-feet	4.3-feet
083-5182-218 (Lot 53) Left Side	10-feet	2.3-feet	7.7-feet
Rear Yard	40-feet	18.8-feet	21.2-feet
083-5182-222 (Lot 57) Left Side	10-feet	3.4-feet	6.6-feet

Ms. Dutton fielded a question from Chairman Reidelbach regarding variances the Board previously voted to grant to similar RRCC developments (Del Webb and Cresswind).

Commissioner Poole explained that this development is located in Lake Redwine and the requested variances will place homes less than ten (10) feet apart. He expressed concerns regarding a house fire spreading to other homes because of their proximity to each other.

The Board voted to grant side and rear yard setback reductions for lots located in The Cottages at Lake Redwine, Newnan (Parcels # 083-5182-168, # 083-5182-171, # 083-5182-190, # 083-5182-191, # 083-5182-196, # 083-5182-197, # 083-5182-198, # 083-5182-199, # 083-5182-207, # 083-5182-213, # 083-5182-216, # 083-5182-217, # 083-5182-218, and # 083-5182-222) [Happy Valley Circle and Redwine Plantation Drive] as requested in Petition # VAR 23-21 filed by Redwine Cottages, Inc, subject to the following conditions:

1. Any lots affected by easement areas shall not be expanded.
2. The applicant shall provide documentation to Public Works and Engineering as to how drainage will be addressed as the residential expansion will affect the lots. This includes marking of the lots CD/C (requiring a building location, elevation and drainage/grading plans).
3. An amended plat will be required denoting the affected areas before any permits are issued.

RESULT:	GRANTED [4 TO 1]
MOVER:	Bob Blackburn, District 3
SECONDER:	John Reidelbach, District 4 - Chairman
AYES:	John Reidelbach, Bill McKenzie, Bob Blackburn, Al Smith
NAYS:	Paul Poole

9. 14065 Request Approval/Execution of an Intergovernmental Agreement with the City of Senoia Associated with an Annexation Petition Filed by Forza Senoia Partners, LLC - District 1

Administrator Fouts explained that Forza Senoia Partners, LLC ("Forza") is the fee simple owner of property consisting of 74.55± acres located east of 3363 Highway 85 [Parcel # 167-1309-001 (partial)]. On September 14, 2022, the County received notice from the City of Senoia that Forza desired to annex the property into the City in accordance with State law. At the Commission meeting held on October 18, 2022, the Board voted to file an intent object to the proposed annexation in accordance with O.C.G.A § 36-36-113. On October 31, 2022, the County requested that the Georgia Department of Community Affairs (DCA) assemble an arbitration panel associated with the objection to the proposed annexation in accordance with State law. On November 18, 2022, the City and County received notice from DCA stating that the request to appoint an arbitration panel was denied because of the following: 1) the County was notified by the City outside of the statutory time frame; 2) the County's untimely objection notice; and 3) the manner in which the County's objection was delivered. On December 7, 2022, the City, County, and Developer met to discuss the objections regarding the Annexation. On March 3, 2023, the Developer submitted a traffic study to the City and County for review. Forza recently informed the City and the County they intended to resubmit an annexation petition regarding the property, which if approved, will be zoned *General Industry (GI)* in accordance with City zoning regulations. The City and the County find it in the best interests of the health, safety, and welfare of the public to set forth obligations in an Intergovernmental Agreement (IGA) regarding certain zoning conditions associated with the proposed annexation of the property and the proposed development in the City. Staff is in receipt of an IGA outlining obligations associated with buffers, setbacks, transportation improvements, etc related to the proposed annexation.

The Board voted to execute an Intergovernmental Agreement (IGA) with the City of Senoia associated with the Forza Senoia Partners, LLC annexation petition.

RESULT:	EXECUTED [UNANIMOUS]
MOVER:	Paul Poole, District 1 - Vice Chairman
SECONDER:	Al Smith, District 5
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

10. 14031 Recommendation Regarding Petition # AN 02-23 Filed by Forza Senoia Partners, LLC Proposing to Annex Property Located East of 3363 Highway 85 into the City of Senoia

County Planner II Kim Dutton presented Petition # AN 02-23 filed by Forza Senoia Partners, LLC proposing to annex 74.55± acres located east of 3363 Highway 85 [Parcel # 167-1309-001 (partial)] into the City of Senoia. The applicant is requesting the City of Senoia's *General Industry (GI)* zoning district to accommodate a 40,000 square foot shop/metal tech building and a 6,000 square foot office.

Administrator Fouts explained that a portion of the overall tract was annexed by the City several years ago and the proposed annexation before the Board is only for the remaining 74.55± acres.

Ms. Dutton explained that the subject property is currently undeveloped and zoned *RC (Rural Conservation)* which is intended to provide low-density single-family and agricultural land use. The proposed industrial zoning is a substantial change in land use and conflicts with the existing residential zoning and agricultural land uses. As an industrial use, a parallel comparison to existing residential density is not possible because of the change in land use. The change in zoning from *Rural Conservation* to *Industrial* will create a substantial increase in the lot coverage permitted by residential density, thus substantially increasing overall density for the location. In addition, the proposed annexation and resultant development will result in traffic impacts to the intersection of SR 85 and Seavy Street. The City and/or the applicant shall be responsible for the design, permitting, and construction of the required improvements to the intersection of SR 85 and Seavy Street in accordance with Georgia Department of Transportation (GDOT) requirements. The cost of the required improvements, dependent upon the intersection control type that is preferred by GDOT, is estimated to be \$1.2 Million to \$2.5 Million. The applicable undisturbed and impervious buffers shall be required in accordance with the Metropolitan North Georgia Water Planning District (MNGWPD) requirements. In accordance with O.C.G.A. § 36-36-113 subsection (d), a County's objection is only valid if the annexation results in:

- (1)(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
- (1)(B) 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 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Authorize or result in a land use that differs substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted 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 [O.C.G.A. § 36-36-113, subsection (d), (1), (A)]; 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 [O.C.G.A. § 36-36-113, subsection (d), (1), (B)]; 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 due to the substantial increase in density [O.C.G.A. § 36-36-113, subsection (d), (2)]. Therefore, based upon staff comments and O.C.G.A. § 36-36-113 should

the Board choose not to file an objection, staff requests that the City of Senoia require certain obligations associated with buffer, setbacks and transportation improvements, etc as outlined in an Intergovernmental Agreement executed by the Board (see agenda item # 9).

In response to a question from Chairman Reidelbach, Administrator Fouts explained that the buffer will be undisturbed, and the property is also buffered by a railroad and open space belonging to a neighborhood to the south. The building at the front of the property is located in the portion that was annexed into the City years ago.

The Board voted not to file an intent to object to a proposed annexation of 74.55± acres located east of 3363 Highway 85, Senoia [Parcel # 167-1309-001 (partial)] into the City of Senoia as filed by Forza Senior Partners in Petition # AN 02-23, contingent upon execution of an Intergovernmental Agreement (IGA) by the City of Senoia and Forza Senior Partners.

RESULT:	NO INTENT TO OBJECT [UNANIMOUS]
MOVER:	Paul Poole, District 1 - Vice Chairman
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

11. 14010 Request Acceptance of Coweta Industrial Parkway Extension Into the Coweta County Public Roads System - 3rd District

The Board voted to accept the extension of Coweta Industrial Parkway Phase IV, drainage structures and right-of-way located in Coweta Industrial Park from Station 59+00 to Station 81+52 into the Coweta County Public Roads System and to place the constructed improvements into a three (3) year maintenance period.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Bill McKenzie, District 2
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

12. 14047 Request to Set a Public Hearing on September 19, 2023 Regarding a New Consumption Distilled Spirits, Beer and Wine License Filed by John Takvorian in Operation of Miller's Ale House, Inc. Located at 60 Fischer Marketplace Lane, Sharpsburg - District 1

The Board voted to set a Public Hearing on September 19, 2023 at 6:00 p.m. regarding a new Consumption Distilled Spirits, Beer and Wine License filed by John Takvorian in operation of Miller's Ale House, Inc located at 60 Fischer Marketplace Lane, Sharpsburg.

RESULT:	PUBLIC HEARING SET [UNANIMOUS]	Next: 9/19/2023 6:00 PM
MOVER:	Paul Poole, District 1 - Vice Chairman	
SECONDER:	Bob Blackburn, District 3	
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith	

UNFINISHED BUSINESS

13. 14052 Request Appointments to Various Boards/Authorities

RESULT: ACCOMPLISHED

Motion To: **Appoint an At-Large Member to the Coweta County Board of Health**

The Board voted to reappoint Dr. Kay Crosby as an At-Large member of the Coweta County Board of Health for the term beginning January 1, 2024 and expiring December 31, 2029.

RESULT: APPROVED [UNANIMOUS]

MOVER: John Reidelbach, District 4 - Chairman

SECONDER: Al Smith, District 5

AYES: Reidelbach, Poole, McKenzie, Blackburn, Smith

Motion To: **Appoint 5th District Representative to the Coweta County Board of Tax Assessors**

The Board voted to appoint Ms. Sanina Moreland to serve as the 5th District representative to the Coweta County Board of Tax Assessors to fill the unexpired term of the late Ms. Wendy Freeman-Smith which expires on December 31, 2026.

RESULT: APPROVED [UNANIMOUS]

MOVER: Al Smith, District 5

SECONDER: Paul Poole, District 1 - Vice Chairman

AYES: Reidelbach, Poole, McKenzie, Blackburn, Smith

NEW BUSINESS**Bids and Contracts****Additional Action Items**

14. 14045 Request Approval/Execution of a Resolution Authorizing Submission of the FY 2025 Section 5311 Transit Grant Application

Assistant County Administrator Mickle explained that the County's Section 5311 grant application for Fiscal Year 2025 must be submitted to the Georgia Department of Transportation (GDOT) by September 30, 2023. A Resolution is required for Coweta County to file a Section 5311 grant application for transit operations and capital funding. The adoption of the Resolution will allow staff to complete the Fiscal Year 2025 grant application package and will authorize the Chairman to execute the completed grant package for submittal to GDOT. In closing, she explained that a required legal ad for the grant was placed in the County's legal organ (the Newnan-Times Herald).

The Board voted to execute a Resolution to develop the Fiscal Year 2025 Section 5311 grant application for submission to the Georgia Department of Transportation.

RESULT: EXECUTED [UNANIMOUS]

MOVER: Paul Poole, District 1 - Vice Chairman

SECONDER: Bob Blackburn, District 3

AYES: Reidelbach, Poole, McKenzie, Blackburn, Smith

15. 14063 Request Approval to Allow Carroll County to Apply for American Rescue Plan Act (ARPA) Grant Funding on Behalf of Coweta County

Administrator Fouts explained that through the American Rescue Plan Act (ARPA), the U.S. Treasury awarded the State of Georgia \$4.8 billion in State Fiscal Recovery

Funds. Governor Kemp allocated up to \$110 million of these ARPA funds to the Judicial Council of Georgia Administrative Office of the Courts (AOC) to address backlogs of court cases. The AOC is accepting ARPA grant applications from judicial circuits. Carroll County is preparing an application for a grant award that would benefit the entire Coweta Judicial Circuit, which includes funding specific to technology improvements in the Coweta Justice Center Courtrooms. The grant is reimbursement-based and no matching funds are required to receive these funds. Carroll County is seeking confirmation that Coweta County will purchase the capital improvements included in the application, submit reimbursement requests to Carroll County, who will then submit reimbursement requests to the AOC to fund these improvements prior to reimbursing Coweta County. The Coweta County Justice and Juvenile Centers were constructed in 2006. Many technology components are out of warranty and no longer supported by the manufacturers. Several components are starting to fail and cause interruptions in daily court functions. This funding will modernize the audio-visual capabilities for Superior Court Courtrooms A, B, and C. The technology in Courtrooms A and B are original to the 2006 construction while Courtroom C was included in a buildout project in 2014.

The Board voted to approve the inclusion of Superior Court courtroom technology upgrades on Carroll County's application submission to the Georgia Administrative Office of the Courts (AOC) for American Rescue Plan Act (ARPA) funding, and to confirm that Coweta County will purchase the equipment prior to being reimbursed by Carroll County.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

16. 14058 Request Approval/Execution of a Right-of-Entry Associated with the New Community Center at Leroy Johnson Park - District 1

Administrator Fouts explained that the sewer service for the new community center under construction at the Leroy Johnson Recreation Complex will be served through a connection to the City of Senoia's sewer system in the adjoining Fieldstone Subdivision. A strip of property was reserved in the subdivision to allow for this connection and to serve as an emergency access from the rear of the recreation complex. Staff has obtained a Right-of-Entry from the Fieldstone Subdivision Homeowner's Association (HOA) to allow County forces to enter HOA property to install the sewer line that will connect the new community center to the City of Senoia's sewer system within the subdivision.

The Board voted to execute a Right-of-Entry with the Fieldstone Subdivision Homeowner's Association associated with installation of a sewer line connection to serve the new Community Center at Leroy Johnson Park.

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

17. 13733 Request Approval to Surplus Old Equipment Previously Utilized by Information Technology

Administrator Fouts explained that the Coweta County Information Technology Department requires recycling of old I.T. equipment accumulated over the past two

years by Recycle, Repurpose, Restore (RRR). This equipment includes desktops, servers, network equipment, cell phones/tablets, and hard drives. RRR was founded as an IRS 501(c)(3) charity [Georgia charity (Registrant # CH015165/Federal ID: 85-2315085)] in August 2020 and began operations in early 2021. RRR operates locally and has supported Coweta charities through financial donations to Angel's House, Newnan Habitat for Humanity, RiverLife, and Backpack Buddies. By processing electronic waste into recycling centers, waste is diverted from the local landfill.

The Board voted to surplus old information technology equipment to be recycled via Recycle, Repurpose, Restore (RRR) a nonprofit agency (list scanned into the minutes).

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

SUPPLEMENTAL/NON-AGENDA ITEMS

18. 14073 Request Approval/Execution of a Resolution to Establish Compensation for Hearing Officers Related to Tax Appeals

Administrator Fouts explained that State law provides that taxpayer disputes involving the value of uniformity of a parcel of non-homestead real property with a fair market value in excess of \$500,000 as shown on the taxpayer's annual notice of current assessment may appeal to a hearing officer. State law also provides that hearing officers shall be compensated by the County for time expended in hearing appeals at a rate of not less than \$100 per hour for the first hour and not less than \$25 per hour for each hour thereafter. Staff has drafted a resolution to establish compensation for hearing officers related to tax appeals in Coweta County.

The Board voted to execute a Resolution to Establish Compensation for Hearing Officers Related to Tax Appeals in Coweta County in accordance with State law.

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

PUBLIC COMMENT (Items Not on the Agenda)

Public Comments Regarding Items Not on the Agenda

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

Note: For ease of transcription, speakers below are not in the order of appearance, but in order of topic.

Mr. Michael McElroy, Kay Court, Sharpsburg, addressed the Board expressing his concerns regarding recent changes to the County Coweta Animal Services Ordinance (see May 2, 2023 and May 16, 2023 minutes; Ordinance # 023-23). His dog was classified as dangerous by the Coweta County Animal Services Board following a bite incident seven (7) years ago. Until the Board adopted the recent ordinance, he was in compliance with all the requirements associated with a dangerous or vicious dog. He explained that his dog is now fifteen (15) years old and is not aggressive or threatening. With the new requirements of the ordinance, he is financially not in a position to comply (\$1 million liability policy, additional signage, microchipping, etc) and is worried that the dog may have to be euthanized. He asked if the Board would consider a "grandfather" clause to the ordinance.

Ms. Rebecca D'Spain, Kay Court, Sharpsburg also addressed the Board regarding Mr. McElroy's dog stating that he was startled when the bite incident occurred seven (7) years ago. He is a gentle animal, and she asked the Board to consider a "stay of execution" or a "full pardon".

During a lengthy discussion regarding Mr. McElroy's dog, Attorney Lee explained that there is a process to appeal a designation of dangerous or vicious by the Animal Services Board to Magistrate Court; however, this incident occurred several years ago and the dog owner did not file an appeal. He further explained that the County ordinance is based upon State law and there is nothing in the law that provides for the County to "grandfather" or fully "pardon" a dangerous or vicious animal. He clarified for everyone present that Coweta County does not have custody of Mr. McElroy's dog and the County has not condemned the dog to euthanization.

Administrator Fouts explained that if an animal owner is not in compliance with the ordinance, they will be cited and fined.

Attorney Lee further explained that the amount of the fine is at the discretion of the judge, but typically does not exceed \$1,000.

The following individuals addressed the Board regarding their beliefs that the current voting machines (ballot marking devices/BMDs) are vulnerable, unsecure, manufactured in China, provide the potential for illegal immigrants to vote, results not verifiable, propagate a lack of voter confidence/mistrust, are not practicable, votes did not get counted, unreadable QR codes, inaccurate tabulations, foster voter suppression, and the need for verifiable hand-counted paper ballots.

* Mr. Sean Miller, Freeman Forest Drive, Newnan

* Mr. Alan Brady, Barrington Overlook, Sharpsburg

* Mr. Maxwell Britton, Marion Beavers Road, Sharpsburg

Mr. Brady also addressed the Board regarding the recent adoption of the full rollback rate for the millage rate, his belief that the use of American Rescue Plan Act (ARPA) funds is using tax dollars to bribe ourselves, and that County staff does not plan to participate in a demonstration of a ballot counter for hand-marked paper ballots procured by another supporter of paper ballots.

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 a litigation issue.

Members in attendance included Chairman Reidelbach, Commissioner Poole, Commissioner Blackburn, Commissioner Smith, and Commissioner McKenzie. Staff members in attendance included Administrator Fouts, Assistant Administrator Mickle, Assistant Attorney Lee, and County Clerk Zerangue.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bob Blackburn, District 3
SECONDER:	John Reidelbach, District 4 - Chairman
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

REGULAR SESSION

Motion To: **Return to Regular Session**

The Board discussed a litigation issue during Executive Session and voted to return to Regular Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill McKenzie, District 2
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, 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:	Bill McKenzie, District 2
SECONDER:	Paul Poole, District 1 - Vice Chairman
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Bob Blackburn, District 3
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith