

NEWTON COUNTY BOARD OF COMMISSIONERS
1124 Clark Street
Covington, Georgia
Regular Meeting
MINUTES
June 20, 2023

Present: Chairman Marcello Banes, Commissioners' Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, County Attorney Patrick Jaugstetter and Clerk Jackie Smith

Note: Commissioner Edwards was present for the meeting via Zoom.

Others Present: Citizens, Covington News and the Newton Citizen

Chairman Banes called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Ryan Wyatt of Church 213, followed by the Pledge of Allegiance.

AMEND AGENDA

Motion by Commissioner Cowan, second by Commissioner Henderson, to amend the agenda to discuss the ARPA Senior Repairs Assistance program. Motion carried unanimously (5/0)

Note: Chairman Banes noted this would be item 19a on the agenda.

AGENDA ADOPTION

Motion by Commissioner Mason, second by Commissioner Sanders, to adopt the agenda dated June 20, 2023.

Motion carried unanimously (5/0)

CITIZEN COMMENTS (agenda items only)

Thomas Buckner

Covington

- Expressed his concern/disappointment in spending tax dollars for a treehouse at Chimney Park.
- Taxes continue to go up.
- School taxes! Never had a child in the Newton County School System and at 85 years old still paying school takes.

Barbara Morgan

Covington

- Project has been on drawing board for several years for Chimney Park.
- Expressed her excitement about the treehouse providing a place for children to go outside and experience the joy of climbing a tree.
- Appreciates the board's support and the 2017 SPLOST dollars to fund the project.

CHAIRMAN'S REPORT: No report.

COUNTY MANAGER'S REPORT:

CM Harold Cooper

- The subject of the report tonight is Newton County Low Income Senior Home Repair Program.
- He noted that when he first came he mentioned the 3-P's, People, Purpose and Process. People are our greatest assets. Purpose, as a government, is Optimum Service Delivery. Process is the way we provide the service. We will constantly review and evaluate so they can continually be enhanced.
- Briefly covered the PowerPoint presentation regarding the program and where we are today.
- As of today we have 371 registered applications under review.
- Appreciates all the hard work everyone who works on the program is doing.
- PowerPoint Presentation is attached and made part of these minutes.
- He yielded his time to the "champions" and internal stakeholders of the project.
- He recognized internal stakeholder Nwaka Hughes and Family Connection Executive Director Laura Bertram.
- Director Bertram commented that Family Connections envisions Newton County where all children, families and the community are engaged, empowered and successful.
- Ms. Bertram introduced Molly Melvin, Program Director and Community Liaison's Cheryl Bennett, Freda Broughton, and Kathy Fowler. She also recognized Young Technology Warriors Tyler Davis,
- Garry Freeman, Delaney Holcomb, China Lee and Caitlin Melvin
- Shared success stories from working with the Senior Repair Program and expressed gratitude to be a part of this program along with those she mentioned above.
- She briefly covered her notes that are attached and made part of these minutes.
- Noted they spend 1 to 1-1/2 hours with everyone who comes in for assistance.
- Received a request from someone that is homebound and they went to their home to assist them.
- She also noted they will go to the home under special conditions.
- Noted they have 4 young men and women who are helping them who are computer wizards and work through so many issues for the citizens.
- Everyone is working diligently and honored that the BOC invited them to be a part of the ARPA Program for Senior Repairs.
- Ms. Hughes addressed the board and echoed what Ms. Bertram had to say.
- She mentioned that she had received over 200 calls herself for assistance.

- Expressed gratitude to the board for this much needed program.
- Commissioner Cowan expressed his appreciation for all who work on this program and what is being done, however his concern is that \$15,000 is not sufficient funding for home repairs. He would like see the funding amount be increased to \$30,000 and requested the agenda be amended to discuss this issue.

Motion by Commissioner Cowan, second by Commissioner Henderson to amend the agenda and add the following for discussion and consideration.

ARPA Increase Funding – Low Income Senior Home Repair Program. (from \$15,000 to \$30,000)

Motion carried unanimously (5/0)

- Chairman Banes added this to the agenda as item 19A.
- Mr. Cooper noted that he had mentioned at an earlier meeting there would be ebbs and flows, highs and lows, but wanted the board and the citizens to know that we are diligently working to make sure the process is as efficient as possible. This concluded his report.

OLD BUSINESS

None

CONSENT AGENDA

- District One Appointment: Animal Control Board – Liz Alexander
- Fire Services: Requesting Acceptance of the FY23 Walmart Community Grant.
Grant will be used to purchase carts that will carry air pack cylinders.
- County Clerk: BOC Meeting Minutes dated June 6, 2023 Special Called Meeting Minutes dated June 13, 2023

Motion by Commissioner Henderson, second by Commissioner Mason, to approve the consent agenda for June 20, 2023.

Motion carried unanimously (5/0)

ITEMS FOR DISCUSSION AND CONSIDERATION

COUNTY MANAGER/FINANCE: PIEDMONT NEWTON HOSPITAL FUNDING REQUEST.

County Manger Harold Cooper noted that Piedmont Newton came before the board a few months ago expressing a need for additional resources to be allocated to the hospital. He and FD White have worked diligently to find additional funding resources. He invited FD White to present the other funding options for the board’s consideration and noted that Dr. Norris Little was present to answer any questions the board might have.

Dr. Little addressed the board and recapped their request.

- Requested funding for 12 additional in-patient beds.
- Hospital has experienced a very significant increase in volume (especially during the pandemic) that has increased stress on the hospital.
- Frequently patients are held in the ER overnight and sometimes more than a day due to insufficient bed capacity.
- They have developed a plan to repurpose an existing building for twelve (12) inpatient beds. This will **not** require us to fund new brick and mortar.
- Cost will be around \$2.2 million.

Brittany White, Finance Director

- Currently county has \$4.4 million dollars in unallocated ARPA funds.
- Presented the following options for the board's consideration.
 - Utilize ARPA funds.
 - Utilize our interest revenue in FY23 budget.
 - Utilize \$1.1 million from General Fund and have Piedmont Newton fund the other half.
 - Use our interest revenue in FY23 budget for \$1.1 million and utilize \$1.1 million from ARPA.

Discussion

- Confirmed that the county had met with the City of Covington about a 50/50 split of the cost and they are not participating.
- Bulk of the responsibility is going to be on the county.
- Something we have to do for our citizens to help meet their needs.
- Questioned how it would affect what has already been allocated if the board approved using \$1.1 million from ARPA.
- Currently \$4.4 million dollars ARPA funds have not been allocated.
- If the \$1.1 million is approved, it will leave a balance of \$3.3 million.
- Make sure the Senior Home Repair program is not negatively affected.
- Possibly increasing it from \$15,000 to \$30,000 later in this meeting.
- Still accepting applications for this program.
- All members in favor of giving money to the hospital.
- Want to make sure that whatever we are putting in place is covered based on what ARPA is supposed to be utilized for.
- Finance director confirmed that the seniors would be covered for the \$30,000 (if approved).
- CA noted that an agreement between the county and Piedmont Newton should be created and approved. Will work with hospital for their review and bring to BOC for approval.

Motion by Commissioner Mason, second by Commissioner Edwards, to approve the request from Piedmont Newton for \$2.2 million dollars with funding source as follows:

Interest Revenue: \$1.1 million

ARPA Funds: \$1.1 million

Motion carried 4/1 with one abstention (Commissioner Sanders abstained)

FINANCE: BUDGET AMENDMENT – ELECTIONS

Presenter: Brittany White, Finance Director

- Information attached and made part of these minutes

Motion by Commissioner Cowan, second by Commissioner Edwards, to approve the budget amendment request for the Board of Elections as presented.

Motion carried unanimously (5/0)

**FINANCE/WATER FUND: RESOLUTION R-2023-0620
CONTINGENCY AMENDMENT – DRINKING WATER PROJECTS
TO SUPPORT INCREASED POPULATION GRANT.**

Presenter: Brittany White, Finance Director

Revised Total: \$234,062,159.93

Funding Source: State ARPA Grant

Motion by Commissioner Henderson, second by Commissioner Mason, to approve Resolution R-2023-0620 Contingency Amendment – Drinking Water Projects to support increase population grant.

Motion carried unanimously (5/0)

FINANCE: MAY 2023 FINANCIAL UPDATE

Presenter: Brittany White, Director

Handout – PowerPoint presentation.

Briefly summarized presentation.

Report is made part of these minutes.

No action necessary.

**FAMILY CONNECTION: SEEKING APPROVAL OF FAMILY
CONNECTION FY2024 CONTRACT**

Presenter: Laura Bertram, Director

- BOC approved Newton County as fiscal agent on February 7, 2023
- Information attached to these minutes.

Motion by Commissioner Mason, second by Commissioner Cowan, to approve the Family Connection FY2024 contract as presented.

Motion carried unanimously (5/0)

**SOLID WASTE: RESOLUTION R-2023-0620 – APPROVING
SECOND MODIFICATION OF PROMISSORY NOTE & LOAN
AGREEMENT.**

- Presenter: Matt Dolan, Director
- Loan Amount: \$4,619,500

- Resolution R-2023-0620 is attached to these minutes.

Motion by Commissioner Cowan, second by Commissioner Edwards, to approve Resolution-2023-0620- Approving Second Modification of Promissory Note & GEFA Loan Agreement.

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

RECREATION/PURCHASING: REQUESTING APPROVE OF EBH HOLDING, INC. CONTRACT FOR CHIMNEY PARK'S TREE HOUSE.

Presenter: Dwayne Mask, Director and Ms. Jean from Chimney Park Board.

Contractor: EBH Holding, Inc.

Low bidder

Project: Chimney Park Treehouse

Cost: \$98,888.61

Funding Source: 2017 SPLOST

Budgeted: Yes

Motion by Commissioner Mason, second by Commissioner Cowan, to approve the contract with EBH Holding, Inc. for the Treehouse in Chimney Park.

Motion carried unanimously (5/0)

COUNTY ATTORNEY: DISCUSSION/CONSIDERATION FOR THE 3RD AMENDMENT TO THE REAL ESTATE SALES AGREEMENT BETWEEN JAY WILLIAMS, NEWTON LANDINVESTMENTS, LLC, AND THE CITY OF COVINGTON.

Presenter: Patrick Jaugstetter, County Attorney

- 3rd Amendment to the real estate sales agreement with Jay Williams
- City of Covington & Newton County jointly own property.
- City & County entered into an agreement where the City would sell the property and City & County would split the proceeds.
- Everything in the Agreement remains the same except for the closing date and that has been moved to February 2024...mainly due to a change by GDOT regarding where the entrance on Hwy. 142 would be.
- New layout has been approved by GDOT.
- City of Covington approved amendment on June 5, 2023
- Information is attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Cowan, to approve the real estate sales agreement between Jay Williams, Newton County Land Investments, LLC and the City of Covington.

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

PUBLIC WORKS: REQUESTING BOC APPROVAL OF THE CEDAR SHOALS DEVELOPMENT BOND AGREEMENT WITH CEDAR SHOALS PROJECT, LLC.

- Presenter: Chester Clegg, Director
- Deadline: Sensitive (June 20, 2023)
- M&O: \$20,000 - yearly once traffic signal is installed
- Funding Source: General Fund
- Budgeted: Yes
- No additional funds required
- Very complex project.
- Development is entirely inside the City of Porterdale except for access on the Covington Bypass and SR 81. A Land Disturbance Permit has been issued by the City.
- County road improvements are required on Covington bypass for the new entrance.
- All road improvements will be completed by the developer's contractor at no cost Newton County.
- Bond Agreement was negotiated and approved by the county attorney. A copy is attached.
- Information is attached and made part of these minutes.

Motion by Commissioner Mason, second by Commissioner Cowan, to approve the Cedar Shoals Development Bond Agreement with Cedar Shoals Project, LLC.

Motion carried unanimously (5/0)

PUBLIC WORKS: REQUESTING APPROVAL BY BOC TO CONTRACT WITH SUMMIT CONSTRUCTION & DEVELOPMENT, LLC FOR THE BROWN BRIDGE ROAD STRIPING AND RUMBLE STRIP PROJECT.

- Presenter: Chester Clegg, Director
- Deadline: Sensitive (June 20, 2023)
- Cost: \$178,938.00
- Funding Source: 2017 SPLOST (30%) and LMIG Safety (70%)
- Budgeted: Yes
- No additional funds required
- County received three quotes & Summit submitted the lowest quote.

Motion by Commissioner Mason, second by Commissioner Cowan, to approve the contract with Summit Construction & Development, LLC for the Striping & Rumble Strips on Brown Bridge Road.

Motion carried unanimously (5/0)

PUBLIC WORKS: REQUESTING APPROVAL OF BOC TO CONTRACT WITH GDOT TO OVERSEE CONSTRUCTION FUNDING OF THE ACCESS ROAD @ I-20 FROM WEST OF CROWELL ROAD AND EAST OF HAROLD DOBBS ROAD PROJECT (PI NO. 0015095)

- Presenter: Chester Clegg, Director
- Deadline: Sensitive (June 20, 2023)
- Cost: \$20,000 Fee and commitment to Local Match for \$7,540,672.64 project.
- Funding Source: FHWA (90%), 2017 SPLOST for Local Match (10%) plus \$20,000 GDOT fee.
- Budgeted: Yes
- No additional funds required.
- County has issued a Notice of Award to Summit Construction & Development LLC, for \$7,540,672.64 for the Access Road @ I-20 from West of Crowell Road to East of Harold Dobbs Road project.
- GDOT has the responsibility to administer the funds for federally funded transportation projects.
- County is required to execute and agreement with GDOT to receive allowed federal funds.
- Agreement to be funded (10%) Local Match & (90%) Federal Funds (FHWA)
- Local Match: \$750,096.43
- Federal Funds: 6,790,576.21
- Information is attached and made part of these minutes.

Motion by Commissioner Henderson, second by Commissioner Mason, to approve the Construction Agreement with GDOT for PI0015095, including the administration fee for the Access Road @I-20 from West of Crowell Road to East of Harold Dobbs Road project.

Motion carried unanimously (5/0)

BOC: ARPA INCREASE FUNDING – LOW INCOME SENIOR HOME REPAIR PROGRAM. (FROM \$15,000 TO \$30,000)

The agenda was amended to discuss and consider this item.

Discussion:

- Commissioners do not feel that \$15,000 is sufficient for the needs in our Senior Home Repair program.
- Cost of materials and cost of labor have gone up.
- Would like to see it increased to \$30,000 for total request.
- Suggested a maximum amount of money allocated for the program.
- Double the dollars from \$1,000,000 to \$2,000,000.

Motion by Commissioner Cowan, second by Commissioner Mason, to increase the funding from \$15,000 to \$30,000 to help accommodate the repair needs people have with their homes.

Substitute Motion

Motion by Commissioner Cowan, second by Commissioner Mason, to double the allocated ARAP funding for the Senior Home Repair Program from \$1,000,000 to \$2,000,000.

Discussion:

- If already approved for \$15,000 can reapply for a total of \$30,000, if needed.
- Keep criteria the same...just make sure every senior can qualify.
- Goal is to meet the needs of the citizen up to \$30,000.
- qualifies can apply for these funds as long as they meet the age limit and the low income criteria that is already in place.
- Criteria is not being changed...it will remain the same.
- Necessary language will be out tomorrow, if approved.
- Eight (8) approvals now and no disbursements have been made.
- Make sure the language is CLEAR...line by line needs to be very detailed.
- ARPA consultant will attend the next meeting with an update.

Substitute Motion

Motion by Commissioner Edwards, second by Commissioner Cowan, to table for up to 30 days.

Discussion:

- Allow the eight (8) applicants that have already been approved to submit other estimates for repairs that are needed up to TOTAL REPAIRS of \$30,000.
- 371 applicants are in the que and 51 are now being processed. All them to obtain 2 more estimates for needs up to \$30,000 total.
- Suggestion to turn over to Operations and allow them to move forward and bring back to board for approval.
- Everyone was asked to withdraw their motions for a new motion to be made.
- All motions were withdrawn.
- CA articulated a motion...

Motion by Commissioner Cowan, second by Commissioner Sanders, to:

1. To increase the amount of ARPA funds allocated to Senior Home Repair Program up to \$2,000,000.
2. An individual application can request up to \$30,000 worth of eligible repairs.
3. Any eligible Newton County senior over the age of 55 who meets all the qualifications and criteria approved by the board may apply.

4. Any applicant who has already submitted an application or been approved may make an additional request or amend their request for additional repairs up to the total amount of \$30,000.
5. The process will be to go through Operations and back to BOC for approval.

7:30 PM
ZONING/PUBLIC HEARING

Please Note: The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes are allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by the commission members.

Old Business
REZ22-000013 – REZONING (EEZ)

Location: 375 Flat Rock Road

Applicant: Eric Johansen

Representative: Kathryn Zickert

Map & Parcel Number: 79-9

FLUM: IND (Industrial)

Zoning: A (Agricultural)

District 5

Proposed zoning: M2 (Heavy Industrial)

Acreage: 15.56 acres (of 126.69 acres)

Request: Rezoning 15.56 acres of the parent parcel from A (Agricultural) to M2 (Heavy Industrial)

- Director Applewhaite presented a PowerPoint presentation and briefly highlighted the information(attached)
- Applicant's intent is to rezone 15.56 acres of parcel 79-9 from A (Agricultural) to M2 (Heavy Industrial) for industrial use. (Data Center)
- History: On August 16, 2022 the City of Covington requested this parcel as part of a larger parcel be annexed into the City of Covington. The BOC objected by a vote of 3-2.
- On October 25, 2022 the Planning Commission recommended denial to rezone this property by a vote of 4-0.
- On November 1, 2022 the BOC granted a deferral for 90 days for this rezoning petition.
- On February 1, 2023 the BOC granted a deferral for this rezoning petition at the applicant's request, for 90 days until the June 20, 2023 meeting.
- She read the staff recommended conditions into the record. Should this petition be approved by the Board of Commissioners, it should be approved M2 (Heavy Industrial) CONDITIONAL, subject to the owner's agreement to the following enumerated conditions. Where

these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to abide by the following:
 - a. A Minor Plat must be approved by the Department of Development Services to subdivide out the 15.56 acres.
 - b. A 100 ft. buffer must be maintained along the southern boundary line that is adjacent to non-industrial zoning. (Parcels 79-10 & 79-11)
 - c. Any required permits must be obtained from the Department of Development Services before any construction or development on the property.
 - d. Prior to the allowance of any outdoor storage on the property, the applicant will provide a plan showing the area in which the storage will occur to be approved by the Department of Development Services.
 - e. Outdoor storage is limited to 25% of the total lot.
 - f. Limit the use to a data center.
- She noted that there was no need for a public hearing as it was held at an earlier meeting; however, Chairman Banes said he was going to open it up for public comments.
- Conclusion: Given the fact that the property has a future land use designation of industrial, is adjacent to industrial zonings, and the applicant's proposed uses of the land is for industrial purposes, Staff is of the opinion that the rezoning may be appropriate.
- It should also be taken into consideration that the site is adjacent to agricultural zoning and in a protective watershed (Alcovy River) and moving from a least intensive use to the most intensive use.

Chairman Banes opened public hearing.

In Favor:

Eric Johansen, Petitioner

- Mixed-Use element will go away.
- 15.56 acres of land out of 126-acre parcel.
- 126 acres is a portion of the total 430 acres.
- Will be used for a Data Center
- Displayed Watershed Map
- Not a drop of water goes into Lake Varner.
- No primary access to Alcovy Road
- Impact on road will be very minimal.
- City of Covington – Industrial Zoning was prior to 1989.

Steve Capp & Charlie Tuller

- Owns property near site.
- Data Center much better for area.
- Wants to make sure there is no truck traffic on Flat Rock Road.

- Rob Fowler owns 200 acres and in favor of project subject to condition about no truck traffic.
- Reserve remaining time of 2:43.

Opposition

Chris Sewell

Covington

- Voiced opposition to approving the rezoning request.
- Read a statement of opposition that is attached to these minutes.

Natasha Redondo

Covington

- Moved here 3 years ago.
- Love where we live.
- Works in Atlanta and deals with lots of traffic, but I get to come home to the peace and the land in community
- Asked the board to help keep the area beautiful.

Steve Henderson

Covington

- Geologist
- Concerned about changing the character of the area.
- Concerned some of the water is going to end up in Lake Varner.
- Commented that if you start modifying the land it can be a big mistake.
- Property is too close to Cornish Creek drainage
- Stated that Walton County has a 25% interest in Lake Varner and feels they should have a say in this issue.

Favor: (rebuttal)

- The water flows into the Alcovy Watershed.
- None of it goes down Gregory Road.
- Re: Changing Character of area.... FLUM shows it as Industrial.
- 415 acres is zoned Industrial within the City of Covington.
- Again, nothing will flow into Lake Varner.

Chairman Banes closed public hearing at 7:55 p.m.

Commissioner Cowan

Commented that for the purpose of discussion he would like to make a motion to approve the request. Second by Commissioner Henderson.

Discussion:

- Land south of property is owned by the City of Covington and already zoned M2. Yes.
- Reiterated that the county has no say so on what the City of Covington does and CA confirmed.
- 400+ acres already zoned M2. Yes.
- City can already use the M2 zoning with their 400+ acres.
- Stated we need to place some additional conditions on the property.

- Also mentioned the petitioner just wants access for emergency vehicles...Yes.
- He asked Director Applewhaite to read the additional records into the record that he would like added for approval which she did.

Commissioner Cowan amended his motion and Commissioner Henderson amended his second as follows:

Motion by Commissioner Cowan, second by Commissioner Henderson to amend previous motion as follows: To approve REZ22-000013 with the following conditions and a request that the conditions, as approved, are included as restrictions in the deed.

1. To the owner's agreement to abide by the following:
 - a. A Minor Plat must be approved by the Department of Development Services to subdivide out the 15.56 acres.
 - b. A 100 ft. buffer must be maintained along the southern boundary line that is adjacent to non-industrial zoning. (Parcels 79-10 & 79-11)
 - c. Any required permits must be obtained from the Department of Development Services before any construction or development on the property.
 - d. Prior to the allowance of any outdoor storage on the property, the applicant will provide a plan showing the area in which the storage will occur to be approved by the Department of Development Services.
 - e. Outdoor storage is limited to 25% of the total lot.
 - f. Limit the use to a data center

Additional Conditions

- g. No permanent or direct vehicular access to either Flat Rock Road or Gregory Road shall be permitted, however construction access shall be allowed.
- h. An earthen Berm of at least eight (8) feet tall shall be installed on the portions of the property that directly abuts Flat Rock Rd and Gregory Rd. The earthen Berm shall be planted with a double staggered row of evergreen trees that are at least eight (8) feet tall at the time of planting and installed no further than every twenty (20) linear feet on center within each row. The double staggered rows shall be separated by no more than twelve (12) ft. the evergreen trees shall include an equal

distribution of Thuja Green Giants, Southern Magnolias and tree from Hollies.

- i. Prior to the allowance of any outdoor storage on the property, the applicant will provide a plan showing the area in which the storage will occur to be approved by the Department of Development Services.

Discussion:

Commissioner Edwards

- Clarified that, if approved, this would make property consistent with the city. Ms. Applewhaite replied it would.
- Clarified that Heavy Industrial is required for a Data Center. Yes.
- He noted earlier Ms. Applewhaite read that if this were not to pass then the proposed use would be a truck parking lot.
- Ms. Applewhaite stated that she had received information from the City of Covington that a land disturbance permit had been filed with the city for a back-up plan.

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

New Business

FLU23-000004 – FUTURE LAND USE AMENDMENT (FLUM)

Location: 1716 Hwy. 11

Applicant: Shane Sealy

Map & Parcel Number: 0127 005

Existing FLUM: RR (Rural Residential)

Proposed FLUM: IND (Industrial)

Zoning: Light Industrial (M1)

Watershed: Bear Creek

Owner: Rosemary Montrose Pruett

Petitioner: Shane Sealy

District 5

Acreage: 6.04

Request: To amend the Future Land Use of RR (Rural Residential) to IND (Industrial)

Applicant's Intent: To designate the Future Land Use of 6.04 acres to IND (Industrial) in order to seek a rezoning of the property for a Concrete Plant.

Planning Commissioner recommended denial by a vote of 5/0 on May 23, 2023.

Chairman Banes opened the public hearing @ 8:11 p.m.

Favor:

Petitioner was not present at the meeting.

No one spoke in favor of the petition.

Opposition:

Scarlett Rogers

Newborn

- Owns 25 acres 900 feet from property.
- Concern is environmental toxicity
- Plant would run 24/7
- Quality of life – hear and smell plant use.
- 5 residents within 900 feet of property.

David Norton

Newborn

- Unsuitable for area
- No heavy industrial close to this area.
- Concerned about the affects on his pond and other beautiful ponds in the area.
- Increase of traffic

Monica Davis

Mansfield

- Concrete Plant is not conducive to Future Land Use Map
- Commented that when FLUM as adopted stakeholders were brought in to discuss.
- Not consistent with character area.

The Burckhaults

Hwy. 142

- Concerned about pond and protection of ponds in area.
- 150-foot impervious buffer
- 100-foot pervious buffer
- Concerned about contaminants
- Dust pollution
- Air quality
- Beautiful stream fed pond.
- Property will flow into our pond.
- Spring water feeds our pond.

Christopher Davis

Mansfield

- Not in alignment with character of the area.
- Appropriate use is residential, agriculture and not a concrete plant.

Mary Smith

Mansfield

- Large cattle farm across on Hwy. 11
- Several lakes in area.
- Noise will take away from rural area.

Bruce Verge

- Owns property on Hwy. 142
- House – 1875
- Rehab 1875 house
- 2 lakes on property a mile from subject property.

- Said that typically whenever a concrete plant leaves the area the land is usually not usable. Average stay in area is 5/6 years.
- Chairman Banes closed the public hearing at 8:21 p.m.
- Information is attached and made part of these minutes.

Motion by Commissioner Cowan, second by Commissioner Edwards, to deny FLU23-000004 – Future Land Use Amendment.
Motion carried unanimously (5/0)

REZ23-000003 – Rezoning (REZ)

Location: Popular Hill Road

Applicant: Charles Wiggins

Map & Parcel Number: 0118-040C

FLUM: RR (Rural Residential)

Zoning: A (Agricultural)

District 1

Proposed Zoning: RE (Rural Estate)

Watershed: Bear Creek

Acreage: 20.99

Owner: Jerry C. & Hilda Prosser

Newt Stephen & Carol Ann Biggers

Request: To rezone the parcel from A (Agricultural) to RE (Rural Estate)

Applicant's Intent: To rezone 20.99-acre parcel from A (Agricultural) to RE (Rural Estate) in order to subdivide the property for family members.

- Director Applewhaite read information into the record. (Attached)
- Conclusion
- Given the designation on the Future Land Use RR (Rural Residential), Staff is of the opinion that the rezoning to RE (Rural Estate) may be appropriate for the mitigation use in the area since the land is largely undevelopable.
- Recommended Conditions (Read into the record)

Chairman Banes opened the public hearing @ 8:29 pm

Favor:

Doug Biggers

- Family owned property.

Opposition:

None

Chairman Banes opened the public hearing @ 8:30 pm

Motion by Commissioner Edwards, second by Commissioner Cowan, to approve REZ23-000003 with the following Staff Recommendations.

1. To the owner's agreement to restrict the use to the following:
 - a. The parcel shall be used for a family estate.

- b. A minor plat to create new lots shall be submitted and reviewed for approval by Development Services.
- c. All permits must be obtained from Development services prior to any building or development.

Motion carried (4/1) Commissioner Cowan abstained from the motion due to providing legal work on the estate.

REZ23-000005 - Rezoning (REZ)

Location: 13161 Brown Bridge Road

Applicant: Baxter Bouchillon

Map & Parcel Number: 0013 130D

FLUM: DN (Development Node)

Zoning: CN (Neighborhood Commercial), Salem Overlay Tier 2

Proposed zoning: CG (General Commercial)

District 2

Acreage: 1 acre

Watershed: South River

Owner: 9th Legacy LLC

Petitioner: Baxter Bouchillon

Representative: Baxter Bouchillon

Request: To rezone the parcel from CN (Neighborhood Commercial) to CG (General Commercial)

Applicant's Intent: To rezone a 1-acre parcel from CN (Neighborhood Commercial) to CG (General Commercial) in order to accommodate a variety of commercial uses.

Planning Commission: Approved 5/0 on May 23, 2023

Chairman Banes opened the public hearing @ 8:34 p.m.

Favor:

None

Director Applewhaite advised the board that the applicant had a family emergency and could not attend tonight's meeting.

Opposition:

None

Chairman Banes closed the public hearing @ 8:35 p.m.

Motion by Commissioner Mason, second by Commissioner Cowan, to approve REZ23-000005 and change the zoning from CN (Neighborhood Commercial) to CG (General Commercial) with Staff's recommended conditions.

1. To the owner's agreement to restrict the use to the following:
 - a. All permits and licenses must be obtained from Development Services prior to any building or development.
 - b. Comply with all requirements for the Salem Overlay.

Motion carried unanimously (5/0)

CITIZEN COMMENTS (TOPIC OF CHOICE)

Archie Shepherd
Covington

- Expressed gratitude to the commissioners for increasing the funds for the senior repairs program.

COMMISSIONER COMMENTS

Commissioner Edwards, District One

- Does a zoning revert back to its original zoning automatically 18 months and Attorney Jaugstetter stated only if it is made part of the conditions.

Commissioner Sanders

- Expressed appreciation to 3-Ring Studio for using residents as extras in filming.
-

EXECUTIVE SESSION (IF NEEDED)

No Executive Session

With there being no further business, a motion by Commissioner Henderson, second by Commissioner Mason, the meeting adjourned @ 9:36 p.m.

Respectfully submitted,

Jackie Smith, County Clerk

Marcello Banes, Chairman