

The Newton County Board of Commissioners held a Special Called Meeting on Thursday, November 2, 2023 7:30 p.m. in the Commissioners meeting room on the 3rd floor in the Historic Courthouse. This meeting was open to the public and live streamed on the Newton County YouTube Channel. [https://www.youtube.com/Newton County Government](https://www.youtube.com/NewtonCountyGovernment)

Present were, Chairman Marcello Banes, Commissioners Stan Edwards, Demond Mason, Alana Sanders, J.C. Henderson, Ronnie Cowan, County Manager Harold Cooper, Attorney Priya Patel and Deputy Clerk Susan Nolley.

The media staff and other administrative personnel were also present.

Chairman Banes called the meeting to order. Commissioner Cowan gave the invocation and the Pledge of Allegiance was led by Commissioner Edwards.

Adoption of the Agenda

Commissioner Mason motioned to adopt the agenda as presented, seconded by Commissioner Sanders and was passed unanimously.

Public Zoning Hearings

Shena Applewhaite, Director of Development Services presented the zoning cases.

The cases listed as Old Business were tabled by the BOC for 60 days on September 5, 2023.

OLD BUSINESS

FLU23-000006

DISTRICT 1

Location: 43 Dry Pond Rd Map & Parcel Number: 51-18D FLUM: RR (Rural Residential)

Proposed FLUM: COM (Commercial) Zoning: AR (Agricultural Residential)

Acreage: 17.57 approx.

Request: To amend the FLUM to COM in order to rezone it to commercial for a mini warehouse.

Applicant: Kenneth Batchelor 43 Dry Pond Rd. Covington GA

Shena stated the applicant has requested to withdraw the petition at this time.

Motion: Commissioner Edwards motioned to accept the applicants request to withdraw petition FLU23-000006 at this time, seconded by Commissioner Mason and was passed unanimously.

REZ23-000013

DISTRICT 3

Location: 2601 Access Rd

Map & Parcel Number: 0025-028

FLUM: DN, PRC,

Zoning: R-3 (Single-Family Residential) Acreage: 24

Request: To rezone the parcel from R-2 (Single-Family Residential) to M-1(Light Industrial)

Applicant: Maddox Nix 945 Bank Street Conyers, GA 30012

Rep: John Nix

Shena stated the applicant submitted a request to withdraw the petition for Case #REZ23-000013.

Motion: Commissioner Sanders motioned to accept the applicants request to withdraw petition REZ23-000013, seconded by Commissioner Henderson and was passed unanimously.

Shena presented Case #CUP23-000009 and stated the applicants' intent is to sell alcohol at the restaurant establishment. On October 24, 2023 the Planning Commission recommended approval of this petition by a vote of 4-0.

CUP23-000009

DISTRICT 2

Location: 5350 Hwy 20

Map & Parcel Number: 0007A 039A FLUM: MX (Mixed Used)

Zoning: CN (Neighborhood Commercial)

Acreage:7.6

Request: To sell Alcohol at the restaurant.

Applicant: Christopher (Todd) Thomas 147 Tara Blvd. Loganville, GA 30052

7:38 Public Hearing opened.

Ten minutes is allowed for citizens to speak in support of the petition and ten minutes is also allowed for citizens to speak in opposition of the petition.

In support

Todd Thomas(applicant) stated he would like to provide the service of sell and use of beer and wine to his customers for while dining in, and listening to jazz entertainment. This is something that is currently not available in Newton County, only in neighboring Rockdale County.

Alfonzo Henley commented he likes the idea of jazz entertainment.

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In Opposition

Jeff Bishop would like for the sale of alcohol to be restricted on Sundays.

7:43 Public Hearing closed.

Motion: Commissioner Mason motioned to approve Case #CUP23-000009 with recommended conditions by staff with correction to letter e to state only bartenders or those serving alcohol to pertain a permit, seconded by Commissioner Edwards and was passed unanimously.

RECOMMENDED CONDITIONS

Should this petition be approved by the Board of Commissioners, it should be approved for a Conditional Use Permit to allow alcohol, 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 restrict the sale of alcohol to the following:
 - a. A restaurant business only.
2. To the owner's agreement to abide by the following development standards
 - a. Any required permits/ licenses must be obtained from the Department of Development Services.
 - b. Business and alcohol license should be obtained from the Department of Development Services.
 - c. Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:45 a.m., Monday through Saturday, and between the hours of 12:30 p.m. and midnight on Sundays.

(continued)

d. Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 1:45 a.m. on any Monday that is New Year's Day, January 1, of any year.

~~e. All employees must have a pouring permit.~~

e. Only bartenders or those serving alcohol to pertain a permit.

Shena presented Case #FLU23-000007 and stated the intent of the applicant is to designate the Future Land Use of approximately 90 acres from RR (Rural Residential), PRC (Park Recreation Conservation) to DN (Development Node), PRC (Park Recreation Conservation) in order to seek a rezoning of the property for Community Oriented Residential Development (C.O.R.D.) On October 24th, 2023, the Planning Commission Board recommended denial of this petition by a vote of 4-0.

FLU23-000007

DISTRICT 5

Location: Morgan Farms, Hwy 278

Map & Parcel Number: 99-001, 99-001E, 99-004, 99- 004A, 99-004B, 99-004D, 99-004E, 99-001A 99-003, 99-001D, 99-045, 99-002

FLUM: RR – Rural Residential and PRC–Park/Recreation/Conservation Zoning: AR – Agricultural Residential

Acreage: Approximately 93 acres

Request: To amend the FLUM from RR/PRC to DN/PRC

Applicant: Inline Communities, LLC 1776 Peachtree St. NW Suite 260S Atlanta, Ga 30309

Representative: Phil Johnson

7:56 p.m. Public Hearing opened

In support

Representing the Morgan family, Attorney Phil Johnson stated the this would be a mixed use development with residential lots as well as recreational development to include a walking trail.

None of this would be rental, all would be for sale.

7.38 minutes remaining

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In opposition

Kim Chue

David Norton

Susan E. Carter

Billy (unintelligible)

The citizens expressed similar concerns in opposition of the petition to include; the future of the eastside community, impact study on the Alcovy River Watershed, access to sewer, tax burden, traffic congestion, small lots, agricultural area and farming, density and similar developments in the area and overcrowding of area schools.

8:11 p.m.

Phil Johnson came forward. (7.38 minutes time remaining) The request is not a rezoning request; at this time, they are requesting an amendment to the Future Land Use Map.

8:17 p.m. Public Hearing closed

Motion: Commissioner Cowan motioned to deny Case #FLU23-000007, seconded by Commissioner Edwards.

Board Discussion

Commissioner Sanders expressed opinion for the need of residential development and growth on the east side of the county. Development cannot stay on just one side. There has to be a solution to how to move forward.

Commissioner Mason-the board is in a tough position to how to move forward. The western side has a huge amount of residential and retail growth. Expressed if it's fair to stop future residents from growth, reiterated the need for smart growth. No rural area should be ruled out for development. Undeveloped land will create more annexations. Suggests the board should look at the site in particular as smart growth. This is not a rezoning a sewer will have to be in place before they can proceed with the development.

Commissioner Edwards – previous boards screwed over the western side of Newton County many years ago, emphasized not wanting to make the same mistake on the east side. Pause, when are we going to listen to the people? The west side was done wrong. Why would we not wait until we hear more about the sewer.

Commissioner Henderson questioned will there be enough infrastructure and sewer, mentioned 2-acre minimum property and stated we need to work together.

Substitute motion: Commissioner Mason made a substitute motion to approve Case #FLU23-000007, seconded by Commissioner Henderson. Passed. Vote 3-2. Commissioners Edwards and Cowan opposed.

Citizen Comments

David Norton – Offered help on the west side.

Kim Chue – Commissioners have spoken with residents, concerns about the development maintaining lot size.

Jeff Bishop- concerned about the traffic, no more industry

Susan E. Carter – favors farming and agricultural area

Larry McSwain – FLUM concern, development on the west side, previous board approval, growth is promoted, government creates their own problems

Stan (unintelligible)- Eastside High School and other schools @ maximum capacity, public safety concerns, insurance rate increase, growth needs to be controlled

Linda Chue – Safety concern, growth, change

David Jarrad – lot size, 2-acre minimum, higher crime rates

John Dobbs – law enforcement concern, public safety and crime

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Board Comments

Commissioner Edwards – Disappointed in the vote, urged the BOC to restrict the zoning. Extended an apology to Commissioner Sanders.

Commissioner Mason – Clarified his statement regarding demographics, not his personal belief, willing to work with everybody. Nothing stays the same. The BOC has to make the best decisions they possibly can. Look at smart growth, things change, nothing stays the same.

Commissioner Sanders – Accepted apology of Commissioner Edwards. Growth is needed, smart growth has to happen, economic growth, EMS service.

Commissioner Henderson – Treat people the way you want to be treated.

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Adjournment

9:21 p.m. There being no further business to discuss this meeting was adjourned.

Motion: Commissioner Henderson motioned to adjourn, seconded by Commissioner Mason and it was agreed by all to adjourn.

Marcello Banes Chairman

Respectfully submitted:

Susan G. Nolley Deputy Clerk