



Coweta County Board of Commissioners

Public Hearing/Regular Session

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

Shannon Zerangue
770.254.2601

Tuesday, May 2, 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	
Kelly Mickle	Assistant Administrator	Present	
Eddie Whitlock	Associate 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 Tuesday, May 2, 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

AWARDS AND PRESENTATIONS

1. 13822 Request Approval of the Fiscal Year 2022 Final Budget Amendments

Finance Director Hans Wilson explained that the County's Fiscal Year 2022 revenue and expenditures have been closed and audited and that the proposed final budget amendments for the General Fund, Fire Fund, Hotel/Motel Fund, DATE Fund, Sheriff's Program Fund, Library System Fund, EMS Fund, Airport Authority Fund, 5311 Fund, Solid Waste Fund, American Rescue Plan Act (ARPA) Fund, and Development Authority Fund are recommended for approval.

Chairman Reidelbach called for any comments or questions from the Board. There were none.

The Board voted to approve the Fiscal Year 2022 final budget amendments for the General Fund, Fire Fund, Hotel/Motel Fund, DATE Fund, Sheriff's Program Fund, Library System Fund, EMS Fund, Airport Authority Fund, 5311 Fund, Solid Waste Fund, American Rescue Plan Act (ARPA) Fund, and Development Authority Fund 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

2. 13705 Presentation of the 2022 Audited Financial Statements by Nichols, Cauley & Associates

Mr. Greg Chapman, Audit Partner with the CPA firm of Nichols, Cauley & Associates, LLC, presented the Fiscal Year 2022 audit results of the 2022 Coweta County Annual Comprehensive Financial Report (ACFR). He expressed appreciation for the opportunity to be of service to the County, the Board of Commissioners, and citizens of Coweta County. He explained that the objective of the audit is to provide reasonable assurance that the basic financial statements, which are the responsibility of the County's management, are free from material misstatements. He further explained that the results of the FY 2022 audit show the County received an unmodified or "clean" opinion which means the statements are fairly presented and in accordance with accounting principles generally accepted in the United States. For FY 2022, most governments across the country had a single audit which is a separate audit on federal awards, the County's single audit was on American Rescue Plan Act (ARPA) funds and the result was also an unmodified or "clean" opinion on federal grant expenditures for September 30, 2022 year. He briefly explained that the firm is required to be independent from the County and that no fees were received during Fiscal Year 2022 for management advisory services that would have impaired that independence. He highlighted significant accounting policies, explained that they have been reviewed and are acceptable under generally acceptable accounting principles, and noted that this year the County implemented GASB 87, which changed how the County reports leases on the financial statements. He also explained that while cash is simple to audit, various estimates such as accounts receivable, how much of those are collectible at the end of the year, pension and Other Postemployment Benefits (OPEB) actuarial assumptions are utilized on the financial statement. Those estimates and assumptions were reviewed along with the financial statement disclosures and all were deemed reasonable. During the audit, full cooperation was received from County staff and other constitutional officers (Sheriff, Courts, Tax Commissioner, etc.). Also during the audit, certain adjustments were necessary many of which were related to timing of actuarial valuations. These adjustments have been recorded in the County's financial statements, and there were no passed audit adjustments (adjustments that management decides not to make). He explained that at the end of the audit, written representations were received from the County related to the accuracy and completeness of information provided in the financial statements. There were no significant issues discussed with management related to business conditions, plans or strategies. He highlighted financial trends including property tax and Local Option Sales Tax (LOST) revenues over the past five (5) years which shows a healthy and steady revenue trend, explained that the General Fund balance slightly increased from \$36 million to \$38 million from 2021 to 2022, noted that the Georgia Finance Offices Association (GFOA) recommends a minimum of two (2) months of fund balance (either operating revenues or operating expenditures) to assist with any unforeseen disasters or immediate needs, and explained that the County's fund balance has 4.4 months based on operating

revenues or 4.5 months based on operating expenditures/transfers. He provided a breakdown of the County's General Fund expenditures as well as a graph, Special Purpose Local Option Sales Tax (SPLOST) expenditures, etc. He noted that the County's Annual Comprehensive Financial Report (ACFR) goes above and beyond the minimum requirements of generally accepted principles, and Coweta County has received its thirteenth GFOA Certificate of Achievement for Excellence in Financial Reporting with only twenty-eight (28) other counties in Georgia receiving this award for 2021 thus far. In closing, he explained that GASB 96 will become effective for June 30, 2023 which means that a right-to-use asset and a corresponding liability for software licensing statement will be required (similar to GASB 87 associated with leases).

Chairman Reidelbach expressed the Board's appreciation to Mr. Chapman and to County staff for all of their hard work to complete the Fiscal Year 2022 audit.

RESULT: ACCOMPLISHED

APPROVAL OF MINUTES

3. Minutes of Tuesday, April 18, 2023

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Tuesday, April 18, 2023.

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

CONSENT AGENDA

4. 13802 Confirm Execution of a Proclamation Designating "Correctional Officers' Appreciation Week" in Coweta County

The Board voted to confirm execution of a proclamation designating May 7 - 13, 2023 "Correctional Officers' Appreciation Week" in Coweta County.

Warden Larry Clifton and numerous Corrections Officers were present to accept the proclamation.

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

5. 13778 Confirm Execution of a Proclamation Designating "National Beef Month" and "Rodeo Days" in Coweta County

The Board voted to confirm execution of a proclamation designating May 2023 as "National Beef Month" and May 19 and 20, 2023 as "Rodeo Days" in Coweta County.

Members of the Coweta County Cattlemen's Association were present to accept the proclamation.

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

6. 13818 Confirm Execution of an Agreement Associated with Historic Courthouse Sound Attenuation Study

Administrator Fouts explained that at the Commission meeting held on April 18, 2023, the Board voted to approve performance of a sound attenuation study for the courtroom at the Historic Courthouse. Staff is in receipt of the associated agreement from Jack Pyburn (architect of record) with Lord Aeck Sargent.

The Board voted to confirm execution of an agreement with Lord Aeck Sargent in the amount of \$25,275 to provide a laser scan, an acoustical analysis, and a recommendation for historically appropriate sound attenuation for the courtroom at the Historic Courthouse.

RESULT: **CONFIRMED [UNANIMOUS]**
MOVER: John Reidelbach, District 4 - Chairman
SECONDER: Paul Poole, District 1 - Vice Chairman
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) Supplemental item and one (1) Non-Agenda item (added at the meeting) for discussion as presented by staff.

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

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

7. Motion To: **13235 Public Hearing Regarding Proposed Exemption of Certain County Vehicles from State Labeling/Decal Requirements**

Administrator Fouts explained that State law (O.C.G.A. § 36-80-20) requires a clearly visible decal or seal on the front door of each side of vehicles owned or leased by the County. State law does allow for certain vehicles to be exempted from the decal requirements after a Public Hearing has been conducted. Staff is requesting that the Board execute a resolution to exempt a total of three (3) vehicles utilized by the Coroner's Office from the requirement.

Chairman Reidelbach called for any comments in support of or in opposition to the proposed vehicle labeling/decal exemptions. There were none.

The Board voted to close the Public Hearing regarding proposed exemption of certain County vehicles from State labeling/decal requirements.

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

13235 Public Hearing Regarding Proposed Exemption of Certain County Vehicles from State Labeling/Decal Requirements

In response to a question from Commissioner Smith, Administrator Fouts explained that the Coroner and Deputy Coroners sometimes perform investigations similar to undercover law enforcement officers, and that is the reason the Coroner has requested that three (3) vehicles utilized by his office be exempted from decals/labels as allowed by State law (O.C.G.A. § 36-80-20). He further explained that the vehicles utilized by the Coroner's office to perform transports are clearly labeled.

The Board voted to execute a resolution exempting the following vehicles utilized by the Coroner from the State's requirements of displaying decals/seals on vehicles owned or leased by the County:

- 2000 Ford Explorer (VIN: 1FMZU72X1YUB54800)
- 2004 Ford Expedition (VIN: 1FMPU14W04LB46132)
- 2020 Chevy Tahoe (VIN: 1GNSKDKC1LR264725)

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

8. 13772 Continuation of a Public Hearing Regarding a Proposed Relocation of the Chandler Cemetery - 2nd District

Assistant Community Development Director Ben Sewell explained that on March 22, 2023, staff received an application filed by P&L Bridgeport Development, LLP for a permit to relocate the Chandler Cemetery located within Parcel # 077-2121-001 in Land Lot 122, District 2. Upon review of the application, staff has determined that it complies with State law, *Title 36 Local Government, Provisions Applicable to Counties and Municipal Corporations, Chapter 72 Abandoned Cemeteries and Burial Grounds* (O.C.G.A. §36-72-1 - O.C.G.A. §36-72-16) which outlines the process for relocation of a cemetery including a required Public Hearing. He further explained that the application requirements include proof of ownership, a report from an archeologist stating the number of graves believed to be at the location, a survey showing the location and boundaries of the cemetery based upon the archeologist's report, a plan prepared by a genealogist identifying and notifying the descendants of those believed to be buried in the cemetery, and the proposal for the location. He provided slides noting the existing conditions of the property, access points to the cemetery, the current location of the cemetery in relation to the developer's future master plan, and the relocation plan to Southview Cemetery in Moreland (1.7± miles south/southwest of the current location). He highlighted the considerations in making a decision regarding the relocation including any presumption in favor of leaving the cemetery undisturbed, concerns/comments from any descendants of those buried in the cemetery or from any other interested parties, economic and other costs of mitigation to move the cemetery, adequacy of the applicant's plans for disinterment and proper disposition of any human remains/burial objects, balancing the applicant's interest with the

public's/descendant's interest in the value of the undisturbed cultural and natural environment, and any other compelling factors that the Board deems relevant. In closing, he explained that staff is recommending that the Board continue the Public Hearing until May 16, 2023 to allow the applicant to fulfill the public notification requirements, a decision is required thirty (30) days after the Public Hearing is closed, and State law does provide for an appeal process to Superior Court.

In response to questions from Chairman Reidelbach, Mr. Sewell explained that there are ten (10) potential burial sites located within the 40-feet by 60-feet cemetery, and the archeologist has provided staff with copious copies of correspondence with descendants that have mostly moved west.

In response to a question from Commissioner Smith, Mr. Sewell explained that staff did not know the exact coordinates of the cemetery but believed it to be located south of its actual location in an area designated as open space on the original rezoning master plan. It was known to be on the overall "Camp" property, but it was not known to be outside the area that is prohibited from development (open space).

In response to a question from Commissioner Smith, Mr. Sewell clarified that at the time of the original rezoning, staff was not aware of the location of the cemetery in relation to the layout of the development.

In response to a question from Chairman Reidelbach, Mr. Sewell explained that an environmental study was not a requirement for the rezoning application.

Administrator Fouts explained that when the rezoning happened in 2015 (see February 3, 2015 minutes), a condition of zoning associated with the cemetery was a late addition, so much of this information was unknown at that time.

Mr. Tom Barranco, applicant representative, explained that a Phase I Environmental Study was performed before acquisition of the property in 2006. As part of the Army Corps of Engineers and State Environmental Protection Division (EPD) permit process (2009-2011), a cultural resource survey identified the cemetery. At the time the area was very overgrown, P&L Bridgeport has maintained the cemetery upon its identification. The applicant was aware of the location of the cemetery because of the detailed cultural resource survey, but there may have been some confusion in the original rezoning a number of years later because Assistant Community Development Director Angela White and staff were provided with an inaccurate location by a member of the public. Following the detailed cultural resource survey, permits have been obtained through the Army Corps of Engineers and through a State Historic Preservation Officer (SHPO), but local county governments manage the process for permitting a relocation of a cemetery/burial site.

In response to a question from Chairman Reidelbach, Mr. Barranco verified that the rezoning occurred in 2015 and the applicant was aware of the cemetery's location through the detailed cultural resource survey (2010-2012).

Mr. Steve Webb, Senior Archeologist with R. S. Webb and Associates, explained that his firm is involved in the delineation of the cemetery, determination of the number of individuals buried there, identification and notification of descendants, and the physical exhumation and relocation of the remains. He provided a detailed explanation regarding the initial survey process, types of equipment utilized to identify burial sites, performance of a professional survey after potential burial sites have been identified, and procedures used to identify descendants including a chain of title as far back as possible. In this case, the Chandler family owned the property from 1831-1859 with a deed from 1859 identifying the cemetery and an enclosure around the cemetery. In 1921, a deed denotes the cemetery as the "Chandler graveyard" and these are the reasons that the burial site is believed to be the Chandler family cemetery. As far as can be determined, the majority of the

family moved to Texas and founded the Town of Chandler, Texas. Through the identification process, eighteen (18) individuals have been identified as direct or very probably direct descendants of the Chandler family. In addition, two (2) other individuals think but are unsure whether they are direct descendants as well. Formal responses were sent to the potential direct descendants and as of today no responses have been received from any of those individuals or from any other individuals that were contacted through the identification process. He explained that many of the identification resources available are now online which makes genealogy easier than it used to be. In total, they made contact with fifty-eight (58) individuals and two (2) entities with only eighteen (18) positive kinships and two (2) potential kinships being identified as candidates for formal notification. Additionally, an advertisement has been published in the County's legal organ (Newnan Times-Herald) with the fourth and final ad being published tomorrow. No responses have been received via any of the methods of notification. If the relocation is approved, rocks and trees will be cleared by hand, grave markers will be numbered appropriately and moved outside of the excavation area, and approximately 20-feet outside of the known cemetery boundaries will be checked for outliers. He explained in detail the excavation, examination of remains, and relocation process explaining that McKoon's Funeral Home has agreed to house any remains, organic materials, and burial materials/objects until vaults are received for reinterment at the Southview Cemetery in Moreland.

In response to a question from Chairman Reidelbach, Mr. Sewell explained that the dimensions of the cemetery are approximately 40-feet by 60-feet.

In response to a question from Chairman Reidelbach regarding the impact to the building if the cemetery remains at its location, Mr. Barranco explained that the impact involves not only the building, but also the topography from east to west, along with providing access to this area.

Mr. Sewell explained that the cemetery is roughly 50-feet from the back of the facility with another 25-feet to 50-feet before the end of the hardscape (curb edge). Grading activity will be taking place all around the cemetery for the facility.

In response to a question from Commissioner Smith, Mr. Sewell explained that if the cemetery is not allowed to be relocated the impact will involve more than just the area denoted on the slide presentation as the cemetery because of changes in topography and balancing of land disturbance. As far as the extent of the impact, staff is not able to provide comments other than where the cemetery is located horizontally.

In response to a question from Commissioner Smith, Mr. Webb explained that the distance of a cemetery from any constructed building is usually established by the local governing authority. This can be based upon the findings of the archeological delineation report, but the buffer may be between 10-feet to 50-feet depending upon the environment.

Commissioner Poole expressed concerns with private cemeteries on personal property because of situations like this. He further expressed his appreciation that the archeologist will be inspecting the area around the cemetery for any outliers.

In response to a question from Commissioner Smith regarding no objection from family members, Mr. Webb explained that no responses have been received from any of the individuals that were formally notified.

In response to questions from Commissioner Poole, Mr. Webb briefly reviewed the excavation and relocation process for each grave, explained the condition of any markers at the cemetery, and noted that corresponding numbered markers will be placed at the new location for each grave.

In response to a question from Chairman Reidelbach, Mr. Webb explained that there are

no inscribed stones at the cemetery indicating the name of the individuals buried at the cemetery.

In response to a question from Commissioner Smith regarding the existence of any caskets, Mr. Webb explained that the excavation process might identify nails, handles, etc associated with a coffin, but since the last use of the cemetery appears to be 1859, he expects a significant amount of deterioration.

Chairman Reidelbach called for any comments in support of or in opposition to the proposed relocation of the Chandler Cemetery. There were none.

In response to a question from Chairman Reidelbach, Mr. Sewell explained that because one (1) more legal advertisement by the applicant is scheduled to be published tomorrow, staff is requesting that the Board consider continuing the Public Hearing until May 16, 2023.

In response to a question from Commissioner Smith regarding a cost estimate to perform the excavation as opposed to shifting the footprint of the building, Mr. Barranco explained that the size of the building is 1.4 million square feet and it is more complicated than just shifting the building because permits must be obtained from the Army Corps of Engineers and the EPD associated with buffers and waterways/drainage paths. These have already been mitigated through a process that took two (2) years to accomplish. In addition, there is no way to provide safe access to the cemetery in its current location at the industrial park.

The Board voted to continue the Public Hearing regarding a proposed relocation of the Chandler Cemetery located within Parcel # 077-2121-001 in Land Lot 122, District 2 until May 16, 2023 at 6:00 p.m.

RESULT:	CONTINUED/VOTE [UNANIMOUS]	Next: 5/16/2023 6:00 PM
MOVER:	Bill McKenzie, District 2	
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

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

The following individuals addressed the Board expressing support of proposed amendments to Chapter 10. Animals of the Coweta County Code of Ordinances (agenda item # 9) citing concerns regarding the safety/protection of citizens from vicious dogs, numerous bite incidents, valuing animals over humans, emotional trauma to bite victims, indifference of some pet owners, accountability of pet owners, lack of responsibility by some dog owners, negative impact to a peaceful lifestyle, the need to strengthen the ordinance, and serious/life-threatening physical injuries caused by vicious dogs.

Mr. Charles Swann, Abby Court, Sharpsburg

Miss Madelyn Swann, Abby Court, Sharpsburg

Ms. Deidre Heegan, Ryan's Court, Sharpsburg

Ms. Lynn Roberts, Hwy. 34 West, Newnan

Ms. Joyce Swann, Abby Court, Sharpsburg

Ms. Lindsey Woody, Westminster Village Boulevard, Sharpsburg

Mr. Dewey Anderson, Park Timbers Drive, Sharpsburg

Ms. Christiane Brackett, Park Timbers Drive, Sharpsburg

Ms. Andrea Dannewitz, Westminster Village Boulevard, Sharpsburg addressed the Board regarding proposed amendments to Chapter 10. Animals of the Coweta County Code of Ordinances (agenda item # 9). She expressed that the complaint from one (1) family is the reason that the Board is considering amending the ordinance. She and her husband have been following all of the requirements of the current ordinance and are being held to a higher standard because their dog has been classified as vicious by Animal Services. Although, they have been complying with the ordinance, Animal Services is still receiving complaints regarding her dog being off leash, running loose, and being fed children. Each unfounded complaint still requires an Animal Control Officer to be sent to their home to investigate, and this is an unnecessary use of County resources. Most recently, their dog was removed by Animal Services at 9:40 p.m. and was only released when she provided video proof that the complaint was unwarranted.

Ms. Andrea Crawford, Windermere Court, Newnan addressed the Board regarding proposed amendments to Chapter 10. Animals of the Coweta County Code of Ordinances (agenda item # 9) explaining that she does not support euthanization of stray animals.

UNFINISHED BUSINESS

9. 13779 Request Approval/Execution of Amendments to Chapter 10. Animals of the Coweta County Code of Ordinances

Chairman Reidlebach explained that following the Commission meeting held on April 18, 2023, the Board received numerous emails regarding the proposed *Animal Services Ordinance*. Because most of the emails were identical, he feels that they are based on previous drafts (recent versions) of the ordinance. He asked Administrator Fouts to highlight proposed changes to the ordinance.

Administrator Fouts explained that at the Commission meeting held on April 18, 2023, the Board discussed potential changes to the *Animal Services Ordinance* and voted to continue the issue until tonight's meeting. Following the last meeting, staff received input from the Board, staff, rescue groups, etc and the proposed ordinance consists of approximately twenty-five (25) pages. There are a number of changes to the proposed ordinance including edits made earlier in the day. The largest component involves strengthening the local requirements associated with dangerous and vicious dogs because State law, which the County has been enforcing since 2012, is not stringent enough for the community. The other proposed amendments are designed to assist County staff to help enforce the ordinance in the community. The previous ordinance has been sufficient, but with continued growth in the community staff needs very clear parameters to enforce the *Animal Services Ordinance*. Additionally, the Animal Shelter continues to experience overcrowding despite the great job that staff and the rescue groups do to try and manage the issue, so the proposed ordinance stipulates some regulations on how to handle overcrowding. Definitions have been clarified and the number of days deemed as to when an animal becomes the possession of the County has been modified from three (3) to seven (7) days.

In response to a question from Chairman Reidelbach, Administrator Fouts explained that the proposed ordinance does require anyone reclaiming an impounded animal to provide proof that it has been spayed/neutered (unless a licensed breeder) or they will receive a citation.

Commissioner McKenzie explained that in his capacity as Warden he served as the Director of Animal Services for more than thirty (30) years. Although he does not agree with every component of the proposed *Animal Services Ordinance*, he does agree that it needs to be strengthened. Regarding euthanasia, he explained that the three (3) days everyone is concerned about is not a change from the current ordinance. Animal Services provides a monthly report on the number of animals euthanized at the Shelter. The Shelter meets the criteria as a "no kill" shelter

because the few animals that have to be euthanized are mainly those that are seriously ill. It simply is untrue that the Shelter euthanizes or will euthanize every animal that has been there for three (3) days or longer. There have been dogs at the Shelter for as long as two (2) years. It is not feasible and is cruel to think that animals at the Shelter should stay there for the remainder of their lives. Rules and regulations are necessary because if there is a dangerous or vicious dog in the community strict action against the owners is needed to prevent any future incidences. He agrees with the proposed ordinance in regards to required fencing, housing, insurance, etc even though this does not eliminate the trauma experienced by someone that has been viciously attacked. He further explained that he supports a higher annual registration fee for these type animals. He also thinks about the Animal Services Officers that are tasked with enforcing the ordinance. They never respond to a call that doesn't leave one party without harsh or hateful feelings toward them. He expressed his desire for the ordinance to require the professional opinion of a veterinarian before an animal is euthanized because he does not feel that this should be the responsibility of an Animal Services Officer. He explained that if the section of the ordinance that addresses euthanization is eliminated the State Department of Agriculture Animal Protection Division will mandate euthanizations at the Shelter with no ability to send out a list to the rescue groups to give them an opportunity to take the animals into their care. In closing, he explained that he understands that this is a difficult topic, but he feels that taking the time to work together will ensure adoption of an ordinance suitable for the community.

In response to a question from Commissioner Poole, Administrator Fouts explained that the proposed ordinance will eliminate the need for an Animal Services Board because dangerous/vicious dog classification appeals would be heard by the Probate Judge.

Commissioner Poole expressed his concern about one (1) individual making a decision regarding a dangerous or vicious dog classification.

Administrator Fouts explained that State law provides that the hearing process is solely to determine whether to uphold or downgrade the decision of an Animal Services Officer that a dog should be classified as dangerous or vicious. The only change in Coweta's process is that the decision regarding the dangerous or vicious classification appeal will be determined by the Probate Judge instead of the volunteer Animal Services Board.

County Attorney Lee explained that State law allows either an Animal Services Board or the Probate Judge to hear appeals for dogs classified as dangerous or vicious. Previously, the Board of Commissioners created an Animal Services Board to make that decision. The problem that has been experienced is that this process is not a very effective method to provide service to the complainant or the animal owner. Problems include no quorum present, so the decision was not binding, they are not setup to handle objections or legal processes, the meetings have been disjointed, and a lot of work is placed on the Animal Services Officers in his opinion. It has not proven to be a good process for adjudication in the manner the law intends. He further explained that the citizens get upset when they attend an Animal Services Board meeting and there isn't a quorum or if the decision is invalid and they have to attend a second meeting. He reminded everyone that the Animal Services Board is comprised of volunteers serving from the goodness and kindness of their hearts. However, a month or two is a long time to wait for a person that has suffered an injury from a dog or for the person with a dog that has been classified as dangerous or vicious. The Probate Court can provide a more streamlined process and that is the reason staff is recommending that the Board consider the change.

In response to a question from Commissioner Poole, Administrator Fouts explained that this is not a sudden change. Staff and counsel have been working on amending the

ordinance for quite some time and have communicated the proposed changes to the Board.

Commissioner Poole explained that when Animal Services starts euthanizing all these animals, there are going to be a lot of upset citizens.

Attorney Lee explained that staff is not proposing to amend the ordinance in that manner.

Commissioner Smith expressed his belief that dissolving the Animal Services Board will weaken the ordinance. He feels that the members should receive a stipend for their time to encourage their participation in this important decision-making process. Further, he feels that they should work in concert with the Probate Judge.

Attorney Lee explained that State law does not allow for that scenario because State law provides for a single "body" to make the decision - either the Animal Services Board or the Probate Court Judge.

Commissioner Smith explained that his argument is that the authority of the Animal Services Board should be strengthened because the opinions of more than one (1) person are needed to make a decision. If the County doesn't empower the Animal Services Board, it appears that it is out of touch with the community. He feels that dissolution of the Animal Services Board is a knee-jerk reaction. They need an opportunity to be strengthened to work with the community and Animal Services to mitigate the problem. He also feels that moving from the Animal Services Board to the Probate Judge creates a gap of indifference.

In response to a question from Chairman Reidelbach regarding improper decision making and suits in Superior Court, Attorney Lee explained that many victims believe that the Animal Services Board is rendering decisions regarding their civil complaint against the dog owner. This is not the case. The only decision the Animal Services Board is rendering is whether to uphold or downgrade a dangerous or vicious dog classification by an Animal Services Officer. The amendment to the ordinance will change this process so that the Probate Judge is the one rendering that decision.

In response to a question from Chairman Reidelbach, Administrator Fouts and Attorney Lee explained that there is no requirement in the law regarding training for members of the Animal Services Board.

Administrator Fouts explained that staff can research resources to provide education to the members of the Animal Services Board.

Commissioner Smith expressed that he does not support dissolving the Animal Services Board. With a more stringent ordinance, his desire is to give them as much authority as allowed in order to make prudent decisions. He also supports reimbursing the members for the expenses that they are incurring by administering their duties, especially if the "volunteer" system is failing.

In response to a question from Chairman Reidelbach, Commissioner Smith explained that he supports letting the Animal Services Board enforce the ordinance.

Attorney Lee reiterated that the Animal Services Board cannot be given any more authority or powers by the Board of Commissioners because State law does not allow it.

In response to a question from Commissioner Poole, Attorney Lee explained that he is not saying that the Board of Commissioners should not have created the Animal Services Board. He is explaining that State law only provides two (2) options associated with upholding a dangerous or vicious dog classification by an Animal Services Officer. Those decisions can only be made by an Animal Services Board or a Probate Judge, and when State law changed twelve (12) years ago, the Board of Commissioners elected to have an Animal Services Board render those decisions.

Experience has shown that there have been problems with the Animal Services Board option, but the decision is still up to the Board of Commissioners.

In response to a question from Chairman Reidelbach, Commissioner Smith responded that he still supports having cases be heard by the Animal Services Board.

Commissioner McKenzie explained that the Animal Services Board is not in charge of Animal Services. Animal Services is managed by Coweta County through a Director (Warden). When an Animal Services Officer receives a dog bite complaint, he/she investigates the incident and determines whether an animal should be classified as dangerous or vicious. The Officer then provides notice to the animal owner that he/she is classifying the animal as dangerous or vicious. It is not the responsibility of the Animal Services Board to decide whether a citation be issued. That process is facilitated through the Magistrate Court. He further explained that State law does not give authority to the Animal Services Board to decide if an animal should be euthanized. State law allows for appeals of dangerous or vicious dog classifications to either be determined by an Animal Services Board or a Probate Judge. There are dogs that have been classified by an Animal Services Officer as dangerous or vicious and the owners have never filed an appeal of that classification. That means that those dog owners must also comply with all of the requirements such as insurance, signage, fencing, leashing, etc. He expressed his belief that there is confusion regarding what the Animal Services Board is tasked with. The Animal Services Board is presented with copious documentation regarding a bite case, and in most instances, they are able to make a sound decision.

In response to a question from Commissioner Smith regarding the possibility of the Animal Services Board working in concert with the Animal Services Officer, Attorney Lee explained that those two entities need to remain independent so the Animal Services Board can render an unbiased decision.

Attorney Lee further explained that when violations of the Animal Control Ordinance occur, the Animal Services Officer typically issues the animal owner a citation and any associated fines are decided in Magistrate Court. If the Officer also believes the dog is dangerous or vicious based on a bite case, he/she classifies the dog as such. If the dog owner does not wish to appeal the classification, the Animal Services Board is never engaged. However, if the dog owner appeals the classification, that is the only time that the Animal Services Board ever gets involved and the only authority they are allowed by law is to decide if the Officer's classification should be upheld or be downgraded. Unfortunately, some people are under the impression that the Animal Services Board has the authority to issue fines, order euthanization, etc, and this is simply not the case. He further explained that many times the victim will file a lawsuit and that decision also is not under the purview of the Animal Services Board. Until 2012 when State law changed, the Animal Services Board did not exist.

Chairman Reidelbach explained that he agrees with Commissioner McKenzie that there should be a different annual registration fee for a dangerous dog versus a vicious dog. He also explained that he has a number of constituents in his district that have talked to him about the Animal Control Ordinance because there have been a number of bite cases in his district. In general, he does not have any issues with the proposed ordinance nor does he have any objection to the Animal Service Board remaining in their capacity. They Board of Commissioners can discuss compensation for the Animal Services Board, but he supports removal of Board members that miss three (3) meetings in a year.

Attorney Lee explained that the attendance policy is more effective than compensation.

In response to a question from Commissioner Poole, Commissioner McKenzie explained that he sees the advantages of both options in regard to the Animal Services Board

or the Probate Judge making decisions about dangerous or vicious dog classifications. The Probate Judge will be more familiar with the law and can render unbiased decisions rather than decisions based on personal feelings about a dog. For many years, staff has discussed the possibility of dissolving the Animal Services Board because of issues such as lack of attendance. He further expressed that if the County is going to compensate the Animal Services Board members, it will have to consider compensating all other board/authority members.

In response to another question from Commissioner Poole, Commissioner McKenzie explained that rules/bylaws can be established for the Animal Services Board as a means to address issues such as attendance. He can support giving the Animal Services Board another opportunity.

In response to questions from Commissioner Smith, Attorney Lee explained that he has attended Animal Services Board meetings when the accused has their counsel present. He further explained that the Board of Commissioners does not have any further authority, in accordance with State law, to empower the Animal Services Board. In State law, Animal Services Boards were created for one purpose and that is to decide an appeal case regarding the classification of a dog as dangerous or vicious.

The Board discussed in length further edits to the Animal Control Ordinance including annual registration fees, professional opinion from a license veterinarian prior to any euthanizations, owners reclaiming impounded animals, proof of spay or neuter unless a licensed breeder, microchipping, and who makes decisions regarding returning an animal in violation of the ordinance. The Board also discussed a probationary period for the Animal Services Board as well as rules/bylaws for its members including an attendance provision and attendance at those meetings by the County Attorney as determined necessary by the County Administrator.

In response to a question from Commissioner Blackburn regarding rights-of-entry, Attorney Lee explained that it has been the practice of the Animal Services Officers to request a Deputy be present at properties that they (Animal Services Officers) have not been permitted to enter.

There were no further questions or comments from the Board.

The Board voted to execute proposed amendments to *Chapter 10. Animals* of the *Coweta County Code of Ordinances* as discussed in length to include additional changes as instructed by the Board (see May 16, 2023 minutes for the final executed version).

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

10. 13807 Request Appointments to Various Boards/Authorities

The Board voted to appoint Mr. Steve Swope to serve as the 1st District representative to the Coweta County Public Facilities Authority for the term beginning June 15, 2023 and expiring June 14, 2026.

Commissioner Poole expressed his appreciation to Mr. Ted Meeker for his past service as a member of the Public Facilities Authority.

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

NEW BUSINESS

Bids and Contracts

11. 13814 Request Approval/Execution of an Amendment to an Agreement with Peachtree Immediate Care Associated with Firefighter Physicals

The Board voted to execute an amendment to Exhibit B of the existing agreement with Peachtree Immediate Care associated with the performance annual National Fire Protection Association (NFPA) physicals and Metabolic Equivalents of Task (MET) tests at a cost of \$375 per physical.

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

12. 13813 Request Approval/Execution of an Intergovernmental Agreement with the Coweta County Development Authority Associated with Property Located at 22 East Broad Street, Newnan - 5th District

Chairman Reidelbach explained that staff and counsel have prepared an Intergovernmental Agreement (IGA) to convey property located at 22 East Broad Street to the Coweta County Development Authority. Subsequently, if approved by the Development Authority at their next meeting, the Development Authority will proceed with a sell of the property. Prior to doing so, the County will meet with the City to discuss ideas on how a development at 22 East Broad Street will complement their undeveloped property located at 57 East Broad Street.

The Board voted to execute an Intergovernmental Agreement (IGA) with the Coweta County Development Authority associated with the conveyance of real property located at 22 East Broad Street, Newnan (Tax Parcel # N04-007-001).

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

13. 13819 Request Approval/Execution of a Purchase and Sale Agreement Associated with Property Located Along Turkey Creek Road - 2nd District

*** Commissioner Blackburn recused himself from any discussion or decision regarding a Purchase and Sale Agreement associated with 4.65± acres of undeveloped land located along Turkey Creek Road because of a personal interest and exited the meeting. ***

The Board voted to execute a Purchase and Sale Agreement with Big Poplar II, LLC in the amount of \$531,307 associated with 4.65± acres located along Turkey Creek Road (General Fund, Fund Balance).

RESULT: EXECUTED [4 TO 0]
MOVER: Bill McKenzie, District 2
SECONDER: John Reidelbach, District 4 - Chairman
AYES: John Reidelbach, Paul Poole, Bill McKenzie, Al Smith
RECUSED: Bob Blackburn

14. 13803 Request Approval/Execution of an Agreement with CivicPlus Associated with an Updated Codification Solution

*** Commissioner Blackburn returned to the meeting. ***

The Board voted to execute an agreement with CivicPlus associated with a subscription for codification services, contingent upon final legal review.

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

15. 13797 Bid Award Associated with Enforcement of Ordinance Regulating Rank Plant Growth and Trash Accumulation for Property Located at 2111 Smokey Road, Newnan - 2nd District

The Board voted to retain JWALL Lawn Care, LLC to perform cleanup of property located at 2111 Smokey Road, Newnan (Parcel # 038-3003-030) at a total cost of \$2,400.00, and to place a lien on said property, should it become necessary, to recoup associated costs for said services.

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

Additional Action Items

16. 13811 Request Approval/Execution of Permit Applications Associated with School Zone Flashing Beacons for Trinity Christian School - 1st District

The Board voted to execute permit applications associated with installation of flashing beacon assemblies on the approaches to Trinity Christian School for submission to the Georgia Department of Transportation (GDOT).

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

17. 13815 Request Approval/Execution of an Update to the Coweta County Radar List

The Board voted to execute a revised list of roadways (# 0223-077) received from the Georgia Department of Transportation (GDOT) for use/enforcement of radar by law enforcement personnel.

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

18. 13812 Request Approval/Execution of a Right-of-Entry Associated with Storm Drain Repairs at 26 Barrington Ridge Court, Sharpsburg - 4th District

The Board voted to execute a Right-of-Entry with Mrs. Meredith Jones associated with storm drain pipe repairs at 26 Barrington Ridge Court, Sharpsburg.

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

19. 13794 Request Approval/Execution of a Resolution Associated with a Circuit Split for the Coweta Judicial Circuit

Administrator Fouts explained that currently the Coweta Judicial Circuit (CJC) consists of five (5) counties including Carroll, Coweta, Heard, Meriwether, and Troup. Of the five counties, Coweta is the most populous according to the 2020 data from the US Census Bureau. Notwithstanding the recently approved eighth judge by the Georgia General Assembly during the 2023 Legislative Session, the circuit includes seven (7) Superior Court Judges appointed as follows:

- Carroll County (4 Judges)
- Coweta County (2 Judges)
- Heard County (N/A)
- Meriwether County (N/A)
- Troup County (1 Judge)

Based upon statistics published in the 2021 Superior Court Workload Assessment that includes population, felony caseload, civil caseload, and other data, staff believes that splitting the Coweta Judicial Circuit will allow citizens to receive additional state assistance and resources in the form of per circuit Assistant District Attorneys and other District Attorney Office Staff, as mandated by State law. Based upon the County's Fiscal Year 2023 budget, Coweta County taxpayers are subsidizing the District Attorney and Public Defender (state agencies) approximately \$1.8 million in addition to state-provided funding. Splitting the circuit will assist the administration of justice in each county by reducing administrative tasks of the Superior Court Clerk's office, and will assist the Sheriff's office in each county by allowing a more efficient and speedier processing of inmates. The District Attorney, Sheriff, and Clerk of Superior Court have been consulted and agree that it is in the best interest of the administration of justice and the citizenry to split the Coweta Judicial Circuit into at least two (2) judicial circuits. Staff and counsel have prepared a resolution requesting that the local delegation introduce and support legislation during the 2024 Georgia General Assembly Session to split the Coweta Judicial Circuit. The proposed split will create a new Judicial Circuit consisting of Carroll and Heard counties with Coweta, Meriwether, and Troup counties remaining as the Coweta Judicial Circuit.

In response to questions from Commissioner McKenzie, District Attorney Herb Cranford explained that he will remain as the DA for the Coweta Judicial Circuit and he feels

that a split of the Circuit will substantially help resolve the backlog of cases. He further explained that prior to the COVID-19 pandemic, the five (5) counties in the CJC had approximately 4,000 open cases. The circuit now has over 10,000 open cases mainly because the DA's office lost the ability to conduct jury trials because of the pandemic. Additionally, the more prosecutors that are working on cases, the more cases that can be ready for trial with most cases are actually resolved by rendering a guilty plea. In closing, he explained that essentially the number of state funded DA employees will be doubled over the same five (5) county area if the Circuit is split.

The Board voted to execute a Resolution Requesting a Split of the Coweta County Judicial Circuit as presented by staff.

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

20. 13808 Request Approval to Surplus an Ambulance Previously Utilized by Fire Rescue and the Coroner

The Board voted to surplus a 2015 Ford E450 ambulance (VIN: 1FDXE4FS8FDA26794) and to allow staff to dispose of such according to current County procedures.

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

SUPPLEMENTAL/NON-AGENDA ITEMS

21. 13823 Request Approval/Execution of a Development Agreement Estoppel Certificate Associated with Twelve Parks Phase 5, LLC - 1st District

Administrator Fouts notified those in attendance that on May 1, 2023, staff and the Board received an anonymous letter from a group of residents in a different phase of the Twelve Parks Development requesting assistance with their amenities package and streetlight district. Staff has been notified that the developer ordered the streetlights, but supply chain issues have delayed the installation. There was no contact information provided in the letter that was received so staff does not have a means (other than this announcement) to provide a response to the concerns expressed by those residents.

The Board voted to execute a Development Agreement Estoppel Certificate as requested by Twelve Parks Phase 5, LLC associated with the Twelve Parks Phase E, Units 1 and 2 residential subdivision development.

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

22. Motion To: **Assist the Town of Moreland with Placement of Signage**

The Board voted to provide labor and equipment to assist the Town of Moreland with placement of "No Thru Trucks" signage as follows:

- One (1) sign at Church Street and Hwy. 29
- One (1) sign at West Camp Street and Hwy. 29
- One (1) sign at East Camp Street and Hwy. 29
- Two (2) signs at Harris Street and Hwy. 27
- Two (2) signs on Victoria Drive (each end of the roadway)
- One (1) sign at Main Street and Hwy. 29
- One (1) sign at Cameron Street at Hwy. 29
- One (1) sign at the City Limits on East Camp Street
- One (1) sign at the City Limits on West Camp Street

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Al Smith, District 5
SECONDER:	Bill McKenzie, District 2
AYES:	Reidelbach, Poole, McKenzie, Blackburn, Smith

PUBLIC COMMENT (Items Not on the Agenda)

Public Comments Regarding Items Not on the Agenda

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

Mr. Darrell Hester, Gordon Road, Newnan expressed his concerns regarding poor and unreliable cellular service in the area of Gordon Road and regarding which public safety agency has primary responsibility for enforcing traffic laws along I-85 within Coweta County. He explained that to date he has not received any response from staff or the Board regarding this question.

Ms. Sandra Hiser, Waverly Circle, Newnan addressed the Board regarding a need for an Animal Adoption Center. She expressed her concerns regarding the Animal Services Shelter explaining that it is austere and not family friendly, it is not located in an easily visible area next to the prison, and is not conducive to pet adoptions. She also expressed concerns regarding overcrowding at the facility and euthanization of healthy animals. She urged the Board to proceed with construction of an Animal Adoption Center.

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

Executive Session

There were no issues to be discussed in Executive Session.

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

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