



Coweta County Board of Commissioners

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

Regular Session

Minutes

Shannon Zerangue
Fran Collins
770.254.2601

June 4, 2024

6:00 PM

Commission Chambers

Coweta County Board of Commissioners

Roll Call

Attendee Name	Title	Status
John Reidelbach	District 4 – Chairman	Present
Bill McKenzie	District 2 – Vice Chairman	Present
Paul Poole	District 1	Present
Bob Blackburn	District 3	Present
Al Smith	District 5	Present
Michael Fouts	County Administrator	Present
Kelly Mickle	Assistant County Administrator	Absent
Sandy Wisenbaker	Assistant County Administrator	Present
Tod Handley	Public Works Administrator	Present
Nathan Lee	County Attorney	Present
Shannon Zerangue	County Clerk	Present
Fran Collins	Deputy County Clerk	Present

The Honorable Board of Commissioners of Coweta County, Georgia met in Regular Meeting Session on Tuesday, June 4, 2024.

Meeting Called to Order

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

Pledge of Allegiance

Chairman Reidelbach led the Pledge of Allegiance.

Invocation

Invocation was given by Commissioner Smith.

Notification of Location of Rules

Chairman Reidelbach explained that the rules governing the meeting could be found on the County's website as well as on the table located in the lobby outside the meeting room.

Regular Session

Approval of Minutes

1. Request Approval of the Minutes from the Public Hearing/Regular Meeting Session Held on May 21, 2024

Motion To: **Approve**

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Tuesday, May 21, 2024.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Alphonso Smith

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Supplemental and/or Non-Agenda Items

Motion To: **Approve**

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

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Public Comments Regarding Items On the Agenda - This is also time for anyone that wishes to address the Board regarding cases heard at the Public Hearing conducted by the Board of Zoning Appeals.

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

Mr. Benjamin Moss, Water Team Leader with Garver Engineering, indicated that he was in attendance to address any questions from the Board regarding Petition # VAR 24-08 filed by the Coweta County Water and Sewerage Authority (agenda item # 2).

Chief Magistrate Judge Jim Stripling provided copies of the most recent letters between

Chief Superior Court Judge Emory Palmer and himself. He explained that his original request was to have an attorney appointed to represent him in filing a legal action against the eight (8) Superior Court Judges related to their failure to act on a request to appoint his nominee to the unfilled third Magistrate position. Now, the Superior Court Judges have joined in an Order to remove the third Magistrate position that they had previously approved, which the Board funded. This Order may or may not remove the mandamus requirement because this has removed the third Magistrate Judge position for the Superior Court Judges to consider appointing. However, this does not prevent him from bringing a lawsuit against the Superior Court Judges because he feels that the Order was taken in retaliation for actions in seeking to file the lawsuit. He is still requesting that the Board appoint an attorney to represent him and that he was present to answer any questions from the Board. Additionally, in the thirty days since he originally addressed the Board, he has not had any contact from County staff and assumes any contact was made solely with Judge Palmer. In closing, he explained that Judge Palmer did provide him with assistance through Juvenile Court Judge Joe Wyant, but he is a single judicial officer and is probably overwhelmed in his own right.

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

2. Recommend Approval of Petition # VAR 24-08 Filed by Coweta County Water and Sewerage Authority Requesting a Compensatory Excavation Variance for Property Located at Hwy. 16 at the Chattahoochee River, Newnan - District 2

Community Development Director Jon Amason presented Petition # VAR 24-08 filed by the Coweta County Water and Sewerage Authority requesting a variance not to provide compensatory excavation to construct a raw water pump station within Federal Emergency Management Agency (FEMA) AE special flood hazard area for property located at Hwy. 16 west of the Chattahoochee River (Parcel # 022-4048-004) along with a recommendation of approval from the Board of Zoning Appeals. He explained that the Water and Sewerage Authority is in the process of permitting their new river pump station and water conveyance system located adjacent to the Chattahoochee River within the 100-year floodplain area. This project is designed to pump water from the Chattahoochee River into the B.T. Brown Reservoir to increase the public drinking water supply. This has necessitated filling in an area within the floodplain to raise the elevation of the building pad to be above the base flooding elevation of the river. Because of this, *Article 22, Section 224.3* of the *Coweta County Zoning and Development Ordinance* requires multiple actions to help ensure that no adverse impacts will result. One of the requirements is that an engineered flood analysis be completed as support for their professional engineer to provide a no-rise certificate which proves that filling in the floodplain will not cause a rise in the floodwater elevation. A preliminary analysis that proves that this project will not cause a rise in the floodwater elevation has been completed. Because of the placement of

the fill in the floodplain, staff is requiring Coweta County Water and Sewerage to submit an application to FEMA for a Letter of Map Revision and a conditional application has been submitted to FEMA. In addition, the Coweta County Code of Ordinances requires submission of a grading plan which requires excavation within their property limits to offset any adverse impacts that the fill may cause. The Water and Sewerage Authority is seeking a variance because there is limited property available for the required excavation. Because the location of the proposed fill is downstream from the Carrollton Hwy. bridge, the fill placement will likely be in an ineffectual eddy area. In closing, he highlighted the factors considered by staff during the application process, explained that Garver Engineering has provided supporting documentation indicating that this project should not cause any significant impacts, and presented one (1) condition for consideration by the Board should they choose to grant the variance.

At the request of Chairman Reidelbach, Mr. Amason indicated the location of the floodplain on the slide presentation.

In response to a question from Commissioner Smith, Mr. Amason explained that dirt will be brought in from another location to raise the elevation of the building pad.

In response to a question from Commissioner Poole, Mr. Amason explained that the elevation for the building will need to be raised a minimum of one (1) foot.

In response to questions from Commissioner Smith, Mr. Amason explained that the building location is in proximity to the intake at the river and that this project has been deemed necessary by the Water and Sewerage Authority.

In response to questions from Chairman Reidelbach and Commissioner McKenzie, Mr. Amason explained that the drive to the building will be located in the floodplain, but the building will be located above flood level.

Chairman Reidelbach expressed concerns regarding potential maintenance issues and how those might affect Water and Sewerage Authority customers.

In response to a question from Commissioner McKenzie, Mr. Amason explained that the *Coweta County Code of Ordinances* does not provide an exemption for utility companies in relation to variances; therefore, these must be presented to the Board for consideration.

Attorney Lee explained that when safety issues such as building codes are involved, other governmental entities must comply with the County's ordinances. However, that does not apply to zoning.

In response to a question from Commissioner Smith, Mr. Jay Boren, CEO of the Coweta

County Water and Sewerage Authority, explained that water will be withdrawn from the Chattahoochee River to meet the growth in the county. The Water and Sewerage Authority has received a withdrawal permit from the Georgia Environmental Protection Division (EPD) for 27 million gallons per day (MGD) and the water will be pumped to the B.T. Brown Reservoir.

In response to a question from Chairman Reidelbach, Mr. Boren explained that the infrastructure for the intake will be located underground.

In response to questions from Commissioner Blackburn and Commissioner Smith, Mr. Benjamin Moss, Water Team Leader with Garver Engineering, explained that this project's model is based upon the 2009 flood elevation, the intake and structures near the river are designed to withstand 30-feet of water, and enclosing the pump station with a wall will not provide any additional protection beyond the current design.

In response to a comment from Commissioner Poole, Mr. Moss explained that his team analyzed and evaluated thirty-five (35) years of water gauge data when designing the pump station project.

Motion To: Grant

The Board voted to grant a variance not to provide compensatory excavation to construct a raw water pump station within Federal Emergency Management Agency (FEMA) AE special flood hazard area for property located at Hwy. 16 west of the Chattahoochee River (Parcel # 022-4048-004) as requested in Petition # VAR 24-08 filed by the Coweta County Water and Sewerage Authority, subject to the following condition:

1. All Coweta County, Georgia Department of Transportation (GDOT), U.S. Army Corps of Engineers, Georgia Environmental Protection Division (EPD), and Federal Emergency Management Agency (FEMA) requirements shall be met.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bill McKenzie

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

3. Request Acceptance of Green Park Estates Subdivision as a Streetlight District - District 3

Zoning Manager Lisa Eschman explained that Green Park Estates was established in 2004 and consists of seventeen (17) lots and fourteen (14) residents have signed required streetlight petitions which represent 82% participation for the development. Currently, Green Park Estates has seven (7) town and country streetlights installed throughout the development and the residents are requesting that five (5) of those become part of the Coweta County Streetlight District. If approved by the Board, the remaining two (2)

streetlights will continue to be paid for by the residents of the subdivision. Each light will be billed at \$12.25 per month, totaling \$61.25 plus \$4.29 tax for a grand total of \$65.54. In closing, she explained that the annual bill for the five (5) streetlights will be \$786.48 and the County will receive \$816.00.

Motion To: **Accept**

The Board voted to accept five (5) streetlights located in the Green Park Estates Subdivision into the Coweta County Streetlight District with the stipulation that the billing for the lights will become effective July 1, 2024.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Paul Poole

AYES: John Reidelbach, Paul Poole, Bob Blackburn, Alphonso Smith

4. Request Acceptance of Additional Right-of-Way Donation Located at 95 Raymond Hill Road, Sharpsburg - District 4

Administrator Fouts explained that RP Raymond Hill, LLC has submitted documents for donation of additional right-of-way located at 95 Raymond Hill Road, Sharpsburg (255.0± square feet) because of a culvert extension. The County Attorney has reviewed and approved associated legal documents prior to submittal to the Board for consideration.

Motion To: **Accept**

The Board voted to accept a donation of 255.0± square feet of additional right-of-way located at 95 Raymond Hill Road, Sharpsburg as presented by staff.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Unfinished Business

5. Request from Chief Magistrate Jim Stripling Regarding Appointment of Counsel

Chairman Reidelbach explained that based upon the information from the Superior Court Judges regarding elimination of the third Magistrate Judge position, he does not see a need for the County to fund this position. The funds can be reallocated to Juvenile Court to be utilized as needed to provide services for Magistrate Court. He further explained that Judge Stripling may personally pursue legal counsel to represent him should he choose to file suit against the Superior Court Judges, and in the event he prevails, he can request that the Board consider reimbursement of his legal fees.

Motion To: **Deny**

The Board voted to deny a request from Chief Magistrate Jim Stripling to appoint counsel to represent him in filing a legal action against the eight (8) Superior Court Judges.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

6. Request Appointments to Various Boards/Authorities

Motion To: **Approve**

The Board voted to reappoint Mr. David Fowler as the 4th District representative to the Coweta County Public Facilities Authority for the term beginning June 15, 2024 and expiring July 14, 2027, and to reappoint Ms. Patricia Heims-Taylor as the 4th District representative to the Residential Care Facilities for the Elderly Authority of Coweta for the term beginning June 19, 2024 and expiring June 18, 2030.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Motion To: **Approve**

The Board voted to appoint Chairman Reidelbach to serve as a member of the Metropolitan North Georgia Water Planning District (MNGWPD) Governing Board for the term beginning July 1, 2024 and expiring June 30, 2027.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Motion To: **Approve**

The Board voted to appoint Coweta County Water and Sewerage Authority CEO Jay Boren to serve as an alternate member of the Metropolitan North Georgia Water Planning District (MNGWPD) Governing Board for the term beginning July 1, 2024 and expiring June 30, 2027.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

New Business

Bids and Contracts

7. Request Approval/Execution of a Contract with Peachtree Recovery Services, Inc. to Renew Property Damage Recovery Services

Administrator Fouts explained that at the Commission meeting held on July 10, 2018, the Board voted to execute a contract with Peachtree Recovery Services, Inc. (PRS) to identify potential damaged County property claims through online review of police reports and referrals, to determine the individual or party responsible for the damage, and to invoice and collect these property damage claims. There is no cost for this service provided by PRS. If they identify potential claims and are able to collect payment, 82% of the recovery comes to Coweta and 18% to PRS with \$500 being the maximum fee PRS can retain.

These claims traditionally and typically are not reported or collected. Examples include: traffic signs, guardrails, lighting, drainage structures, signals and other County property. These items are identified through state records and accident reports. The average recovery received by Coweta County for the last five (5) years has been just over \$16,000 per year.

In response to a question from Commissioner Smith, Administrator Fouts explained that PRS is limited to a maximum fee of \$500 per claim.

Motion To: Execute

The Board voted to execute a renewal contract with Peachtree Recovery Services, Inc. (PRS) to provide damage recovery services.

RESULT: Passed (UNANIMOUS)

MOVER: Bill McKenzie

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

8. Request Approval/Execution of a Railroad Crossing Closure Agreement Associated with the Madras Connector Project, Phase 1 - District 3

Public Works Administrator Handley explained that Phase 1 of the Madras Connector project will include the construction of a bridge over the CSX Railroad that will allow for the closure of the existing at-grade railroad crossing on Herring Road just east of US 29.

The closure of this at-grade crossing and the diversion of traffic to the new bridge will eliminate the potential for vehicle-train collisions at this busy railroad crossing. In order to proceed with the project, the Railroad has requested that the County approve and execute a Crossing Closure Agreement.

In response to a question from Chairman Reidelbach, Mr. Handley explained that the Madras Connector project will include a new bridge over the CSX railroad and when the bridge is completed, traffic will be diverted over the bridge, so the at-grade crossing will no longer be necessary.

Motion To: **Execute**

The Board voted to execute a Railroad Crossing Closure Agreement with CSX Transportation, Inc. associated with closure of the at-grade railroad crossing on Herring Road just east of US 29 related to Phase 1 of the Madras Connector project.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Bill McKenzie

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Additional Action Items

9. Request Approval/Execution of a Proposed Amendment to Chapter 54. Roads and Bridges of the Coweta County Code of Ordinances

Administrator Fouts explained that currently *Chapter 54. Roads and Bridges, Article VI. Right-of-Way Usage for Events* of the *Coweta County Code of Ordinances* does not include a definition of the Public Road System. He presented a proposed amendment to the ordinance to add the definition of the Public Road System.

Motion To: **Execute**

The Board voted to execute an amendment to Chapter 54. Roads and Bridges, Article VI. Right-of-Way Usage for Events, *Section 54-200. Generally* of the Coweta County Code of Ordinances to add a definition of "Public Road System".

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

10. Request Approval/Execution of a Right-of-Entry Associated with Storm Drain Maintenance at 50 Elmwood Drive, Sharpsburg - District 1

Motion To: **Execute**

The Board voted to execute a Right-of-Entry with Ms. Emily Burrows for the purpose of performing drainage system maintenance at 50 Elmwood Drive, Sharpsburg.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

11. Request Approval/Execution of Rights-of-Entry Associated with Storm Drain Pipe Replacement at 2 Windsong Drive, Newnan - District 5

Motion To: **Execute**

The Board voted to execute Rights-of-Entry with Luis Urrita and Mary Luz Gutierrez and with the Shenandoah Community Association associated with storm drain pipe replacement at 2 Windsong Drive, Newnan.

RESULT: (UNANIMOUS)

MOVER: Alphonso Smith

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

12. Request Approval to Surplus a Vehicle Previously Utilized by Coweta Fire Rescue

Motion To: **Approve**

The Board voted to surplus a 2005 Ford F250 (VIN: 1FTSW21P05ED17060) previously utilized by Fire Rescue and to allow for its disposal per current County procedures.

RESULT: (UNANIMOUS)

MOVER: Bill McKenzie

SECONDER: Paul Poole

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Supplemental and/or Non-Agenda Items

13. Request Approval/Execution of an Intergovernmental Agreement with the Town of Sharpsburg

To: **Execute**

The Board voted to execute an Intergovernmental Agreement with the Town of Sharpsburg associated with mill and inlay on streets located within the Town limits in the Wellsburg Subdivision.

RESULT: (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Public Comment (Items Not on the Agenda) – This section is for any public comments regarding items NOT on the agenda. Each speaker (up to 10) will be afforded three (3) minutes and will be respectfully heard by the Board without public display or approval/disapproval from the audience. The Board will not engage with the speaker during his/her comments. The Board will listen to any questions or comments and take them into consideration.

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

Mr. Rick Barnett, Kimberly Court, Sharpsburg, addressed the Board on behalf of the Coweta County Fire Rescue Union requesting a substantial pay increase. He stated that Coweta County Fire Rescue is the lowest paid department in the area. The union believes that the department is losing employees for that reason. The County offers fantastic benefits such as low health insurance premiums, generous vacation time, and new state of the art equipment. Unfortunately, Coweta lags surrounding departments when it comes to pay. Quality firefighters and emergency medical technicians simply cannot afford to apply for jobs here. A lack of qualified personnel means that fire engines and ambulances must be put out of service because of lack of manpower. The department is on pace to run 26,000 calls this year which is 5,000 calls more than four (4) years ago. On a regular basis, they are forced to contact other counties to respond to calls when Coweta does not have any ambulances available. There is a risk that critically sick and injured patients will not have an ambulance available to respond to their needs. Equally troubling, fire apparatus will not be able to respond because there are not enough firefighters to staff them. In addition, this is a serious safety issues for the firefighters as well. For years, the department has been dependent upon staff to work overtime but exhausted first responders are discovering that they can go to other municipalities or counties for higher pay. As the County begins planning for the FY 2025 budget, he asked that the Board consider approving a substantial pay increase that will enable the department to continue to be the all hazard response agency that can meet the needs of the citizens for years to come.

Executive Session - In accordance with O.C.G.A. § 50-14-4

Motion To: Enter Into Executive Session

Members in attendance included Chairman Reidelbach, Commissioner Poole, Commissioner Blackburn, Commissioner Smith, and Commissioner McKenzie. Staff members in attendance included Administrator Fouts, Assistant Administrator

Wisenbaker, Public Works Administrator Handley, Community and Human Resources Director Patricia Palmer, Attorney Lee, and County Clerk Zerangue.

The Board voted to enter into Executive Session for the purposes of discussing personnel and real estate issues.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Regular Session

Motion To: **Return to Regular Session**

The Board discussed personnel and real estate issues during Executive Session and voted to return to Regular Session.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Bill McKenzie

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Affidavit

Motion To: **Execute**

The Board voted to execute an Affidavit and Resolution for Executive Session.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: None

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Motion To: **Approve a Personnel Action as Discussed in Executive Session**

The Board voted to approve a personnel action as discussed in Executive Session.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: None

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Adjournment

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Bob Blackburn

AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith