



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, March 12, 2024

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	
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 Administrator	Present	
Eddie Whitlock	Associate Administrator	Absent	
Sandy Wisenbaker	Assistant Administrator	Present	
Tod Handley	Public Works 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, March 12, 2024.

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 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

Statement by DFACS County Director Gretchen Cleveland

Ms. Gretchen Cleveland, Director of the Coweta County Department of Children Services (DFACS), expressed appreciation to the Board for allowing DFACS to utilize the Administration Building from the beginning of April 2023 through the end of July 2023 while repairs were being made to their current facility. She also expressed appreciation for the Board's support of the agency over the years and announced that she will be retiring at the end of April after serving as the Director since August 2014. Lastly, she introduced Administrative Assistant Kristin Morris and Child Protective Services Administrator Rakesha Bussey from DFACS.

Chairman Reidelbach expressed appreciation to Ms. Cleveland and her staff for the services they provide to the

citizens of Coweta County.

APPROVAL OF MINUTES

1. Minutes of Tuesday, February 27, 2024

The Board voted to approve the minutes from the Regular Meeting Session held on Tuesday, February 27, 2024.

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

SUPPLEMENTAL AND NON-AGENDA ITEMS

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

The Board voted to approve the addition of two (2) Non-Agenda items for discussion as presented by staff.

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

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

2. Motion To: **14345 : Public Hearing Regarding Petition # REZ 23-17 Filed by Sandra Cavender as Administrator for the T.T. Carter Estate Requesting to Rezone Property Located at 3967 Lower Fayetteville Road, Sharpsburg**

Zoning Associate Nicole Blackwell presented Petition # 23-17 filed by Sandra Cavender as administrator for the T.T. Carter Estate requesting to rezone property located at 3967 Lower Fayetteville Road, Sharpsburg (Parcel # 122-6067-001) from C-6 (*Commercial Minor Shopping*) to RC (*Rural Conservation*). She explained that subject property consists of 14.44± acres divided into two (2) zoning districts with 2.43± acres zoned C-6 (*Commercial Minor Shopping*) [see previous Petition # 013-06 approved by the Board on September 19, 2006] and the remaining acreage zoned RC (*Rural Conservation*). The applicant wishes to down-zone the C-6 (*Commercial Minor Shopping*) portion to complement the RC (*Rural Conservation*) portion of the property. In closing, she reviewed the current zoning of properties in the surrounding area, highlighted the factors reviewed by staff during the rezoning process, and presented two (2) conditions for consideration by the Board should they choose to approve the request.

Ms. Blackwell and Zoning Manager Lisa Eschman fielded questions from Commissioner Blackburn, Commissioner Smith, Commissioner McKenzie, and Chairman Reidelbach regarding current zoning of the subject property and an adjacent parcel, whether a residence can be constructed on a lot zoned C-8 (*Heavy Commercial*), whether the RC (*Rural Conservation*) zoning is consistent with the Comprehensive Plan when it abuts a commercially zoned property, whether the applicant is the original owner of the subject property, and location of an existing lake on the property. Zoning Manager Eschman further explained that a portion of the adjacent property [Parcel # 122-6067-001 (partial)] was rezoned from C-6 [*Commercial Minor Shopping*] see previous Petition # 013-06 approved by the Board on September 19, 2006] to C-8 (*Heavy Commercial*) (now Parcel # 122-6067-025) approximately two (2) years ago for construction of an indoor self-

storage facility (see previous Petition # REZ 22-21 approved by the Board on August 9, 2022). The applicant recently discovered that part of the total 14.44± acres (Parcel # 122-6067-001) is currently zoned C-6 and now wishes for that portion to be zoned RC (*Rural Conservation*). Lastly, the applicant cannot build a new residence on the 2.43± acres because this is not allowed in C-6 zoning districts.

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

The Board voted to close the Public Hearing regarding Petition # 23-17 filed by Sandra Cavender as administrator for the T.T. Carter Estate requesting to rezone 2.43± acres located at 3967 Lower Fayetteville Road, Sharpsburg (Parcel # 122-6067-001) from C-6 (*Commercial Minor Shopping*) to RC (*Rural Conservation*).

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

14345 Public Hearing Regarding Petition # REZ 23-17 Filed by Sandra Cavender as Administrator for the T.T. Carter Estate Requesting to Rezone Property Located at 3967 Lower Fayetteville Road, Sharpsburg

The Board voted to rezone 2.43± acres located at 3967 Lower Fayetteville Road, Sharpsburg (Parcel # 122-6067-001) from C-6 (*Commercial Minor Shopping*) to RC (*Rural Conservation*) as requested in Petition # 23-17 filed by Sandra Cavender as administrator for the T.T. Carter Estate, subject to the following conditions:

1. The portion of the property going through the rezoning process shall be combined with the RC (*Rural Conservation*) portion of the property (Parcel # 122-6067-001). Any future divisions shall be in conformance with the *Coweta County Zoning and Development Ordinance*.
2. All Coweta County Code of Ordinances shall be adhered to unless a variance is granted through the normal review process.

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

REGULAR SESSION

PUBLIC COMMENT (Items on the Agenda)

Public Comments Regarding Items On the Agenda

Chairman Reidelbach called for comments regarding any items on the agenda. There were none.

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

3. 14103 Request Acceptance of Roadways and Execution of a Deed of Open Space Restriction for Poplar Preserve Subdivision, Phase 2A-1 - District 5

Administrator Fouts explained that Forestar (USA) Real Estate Group, Inc has submitted a deed of open space restriction for acceptance by the Board. The deed reflects Open Space being shown as a total of 20.43± acres per the final plat of Poplar

Preserve Subdivision, Phase 2A-1. In addition, the grading, storm drainage, curb and gutter, and street base have been completed for Poplar Preserve Boulevard (670 LF) Extension, Woodbrook Trail (1,486 LF), and Cottonfield Road (520 LF) in accordance with Coweta County regulations. The developer has also posted a maintenance bond in the amount of \$51,075.00 to cover any defects in materials or workmanship that may occur within three (3) years of acceptance. The County Attorney has reviewed and approved the legal documents prior to submittal to the Board of Commissioners.

The Board voted to accept Poplar Preserve Boulevard (670 LF) Extension, Woodbrook Trail (1,486 LF), and Cottonfield Road (520 LF) and associated drainage structures and right-of-way into the Coweta County Public Roads System, to place the constructed improvements into a three (3) year maintenance period, and to execute the Deed of Open Space Restriction for Poplar Preserve Subdivision, Phase 2A-1.

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Al Smith, District 5
SECONDER:	Bill McKenzie, District 2 - Vice Chairman
AYES:	John Reidelbach, Bill McKenzie, Paul Poole, Al Smith
ABSTAIN:	Bob Blackburn

UNFINISHED BUSINESS

4. 14371 Request Appointments to Various Boards/Authorities

The Board voted to take the following actions regarding appointments to various Boards/Authorities:

- Reappoint Ms. Yolanda Colton as an At-Large member of the Board of Directors of the Department of Family and Children Services. Said term shall begin immediately and expire June 30, 2027
- Reappoint Reverend Steve Cothran as an At-Large member of the Board of Directors of the Department of Family and Children Services. Said term shall begin immediately and expire June 30, 2027

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

NEW BUSINESS

Bids and Contracts

5. 14381 Request Approval/Execution of a Services Agreement with Byrne Software Technologies, Inc.

Administrator Fouts explained that on June 18, 2019, the Board of Commissioners voted to execute a Master Services Agreement with Accela, Inc and a Services Agreement with RedMark Technologies, LLC to configure and implement Accela Civic Cloud for use by Community Development. The Accela Civic platform became available for use on September 13, 2021. Following the implementation, RedMark briefly provided post deployment support. However, ongoing support for the operation and use of Accela Civic platform is necessary for staff to help facilitate the program. Community Development solicited proposals for hourly technical support from a few

Accela partners to provide ongoing assistance. Based on customer testimonials and pricing, staff recommends that the Board execute a Services Agreement with Byrne Software Technologies, Inc to provide ongoing support of the Accela Civic platform at a rate of \$150.00 per hour on an as-needed basis.

In response to a question from Chairman Reidelbach, Administrator Fouts explained that the service will be provided on an as needed basis for maintenance issues and projects and in line with the maintenance contracts line item in the budget.

The Board voted to execute a Services Agreement with Byrne Software Technologies, Inc to provide Accela Civic support for the Community Development department on an as-needed basis at a rate of \$150.00 per hour.

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

6. 14379 Bid Award Associated with Document Destruction Services for Various County Departments

Administrator Fouts explained that the County currently utilizes Access Corp to provide shredding/destruction services for documents from various departments that can be destroyed in accordance with the State's retention schedule. Access Corp currently provides six (6) annual visits for a total cost of \$1,368. This fee includes secure bins that the documents are stored in at the Administration building, the Shenandoah office complex, and the Records Retention Center until they are destroyed off-site. The Records Retention Clerk has experienced numerous issues with the services Access Corp has provided over the last year and requested bids from other shredding companies with Shred It (aka Stericycle, Inc) submitting the lowest and best bid at a total cost of \$1,092 annually to provide on-site destruction.

The Board voted to retain Shred It (aka Stericycle, Inc), on a lowest and best bid basis, to provide on-site document destruction services for various County departments at a total cost of \$1,092 annually.

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

Additional Action Items

SUPPLEMENTAL AND/OR NON-AGENDA ITEMS

7. 14391 Request from the Town of Moreland for Assistance with Cleaning Up Trash Along the Rights-of-Way - District 2

Administrator Fouts explained that staff has received a request from the Town of Moreland for assistance with cleaning up trash along various rights-of-way in the town.

Commissioner McKenzie explained that some of the municipalities have budgeted for some of the services they request assistance with from the County. He expressed his desire for staff to develop a guide regarding what services the County can/will provide. He further expressed that costs associated with a requested service need to be known before the work is accomplished because the municipalities are levying

taxes for various services provided to their residents. He emphasized that he fully supports the municipalities and does not oppose providing them assistance, but he feels that there should be an understanding associated with the County's role.

Chairman Reidelbach explained that if the municipalities are levying taxes that includes these various services, this issue should be analyzed further. At the end of the day, the County should not bear the cost if the municipalities are collecting revenues for these services. In addition, his hope is that the Public Works Department is strategically scheduling the performance of these tasks based upon their numerous daily duties and projects.

Administrator Fouts explained that there is an ongoing list of projects for the Public Works department all over the County (441 square miles). He further explained that the Service Delivery Strategy (SDS) guides these services with the intent to ensure that there is not a duplication of taxation (for services) for the citizens. Years ago, many of the municipalities did not levy property taxes and the Board agreed to provide assistance with the municipality paying for any associated materials. Sometimes the requests are very simple such as replacement of a sign, which is easy to accomplish. However, some of the requests such as cleaning culverts and ditches require extensive work including man hours and equipment. Developing a process to make the Board aware of a request for assistance including any costs to the County will help the Board make a decision and provide direction to staff.

In response to a question from Commissioner Smith, Administrator Fouts explained that in this instance the trash pickup could be accomplished via a Community Service program, but in many cases the Public Works staff works with inmate crews to perform the work. Because the number of requests for assistance has grown over the years, there is a need for consistency including the Board's awareness of any associated costs to the County (labor and materials).

Commissioner McKenzie reiterated that he does not oppose providing assistance to any of the municipalities. He believes that it is important to keep track of these requests including where, when, why the work is being done as well as any associated costs to the County.

In response to a question from Chairman Reidelbach, Administrator Fouts explained that staff will accomplish this task for the Town of Moreland and staff will develop a process/policy to address these types of requests to present to the Board for consideration at a future meeting.

In response to a question from Commissioner Smith, Administrator Fouts explained that the current version of the SDS has been in effect since 2016 and since that time some of the municipalities began levying property taxes.

Attorney Lee explained that State law requires that the SDS be reviewed, renegotiated (with the municipalities), and renewed every ten (10) years.

The Board voted to provide labor and equipment to assist the Town of Moreland with cleaning up trash along various rights-of-way.

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

8. 14363 Request Approval to Demolish an Unsafe Structure Located at 7 Camphor Drive, Newnan - District 4

Administrator Fouts explained that in July 2022, Code Enforcement received a complaint

regarding a potential unsafe structure located at 7 Camphor Drive, Newnan. Because this home was damaged by the tornado in March 2022, Code Enforcement was sensitive to the situation and allowed the owner adequate time to settle with their insurance company. The owner attempted to obtain a building permit to repair the home in October 2022 while waiting on approval from the Homeowner's Association (HOA) but never completed the permitted work. After multiple attempts of trying to get action from the owner, Code Enforcement proceeded with the unsafe structure process in March 2023. Based on recommendation from the County Attorney, all documents regarding this were also sent via certified mail to the mortgage holder, giving them the opportunity to assist their customer with a loan to repair the structure. Throughout this process, Code Enforcement assisted the property owner with applying for assistance through the Long-Term Tornado Recovery Program. Unfortunately, these efforts proved unsuccessful, and Code Enforcement resumed the Unsafe Structure process. An inspection was performed on May 25, 2023 by the Building Department, Environmental Health Department, Code Enforcement, and the County Fire Marshal and they declared the structure unsafe. In accordance with *Article III Unsafe Buildings* of the *Coweta County Code of Ordinances*, a hearing was held and an "Order to Comply" was issued on November 29, 2023 with instruction to demolish the structure and haul all debris to an approved disposal facility. The work was to be completed by March 1, 2024 and as of today no work has been performed and the partially burned structure remains. After the March 1st deadline, Code Enforcement contacted the appropriate utility companies to disconnect services, and they received verbal quote of \$1,200 for an asbestos study that will need to be completed prior to demolition. When an "Order to Comply" results in non-compliance, the Board may cause the structure to be boarded up or demolished and remove the debris. The Board has used both options in the past depending on the situation and has subsequently placed a lien on the property to recoup associated costs. Public Works Department has provided an estimate totaling \$10,730.85 to perform the necessary work to demolish and haul the debris from property, additionally the asbestos study is estimated to cost \$1,200. According to the Tax Assessor's Office, the subject property, including the structure, has a current appraised value of \$87,818 with the lot valued at \$45,000.

In response to questions from Commissioner Smith, Chairman Reidelbach explained that the property owner has been non-responsive. He has personally visited the property on multiple occasions and has spoken to several neighbors, Administrator Fouts, Code Enforcement, and the County Attorney. The damage to the property occurred during the 2021 tornado and the son of the property owner took insurance proceeds and attempted to increase the size of the residence to two-stories. Upon inspection, the work was deemed unsafe, and its condition is affecting surrounding property values and the ability of neighbors to sell their homes. It is his understanding that the property owner is now deceased, and the mortgage company has relinquished the property. The County can demolish the structure and place a tax lien on the property to recoup the demolition costs.

Administrator Fouts explained that to date, neither the previous owner nor the current owner have performed any work and the property is non-compliant with the County's ordinances.

In response to a question from Commissioner McKenzie, Attorney Lee explained that generally when a property reaches the condition where it is deemed unsafe, finding an owner with assets to address the problem is an issue. State law allows the County to record a lien for costs associated with demolition, and either the mortgage company or the Tax Commissioner will sell the property. When the property is sold, the closing attorney will see the lien and contact the County with the pay off balance of the lien plus interest.

The Board voted to instruct staff to demolish and remove an unsafe structure located at

7 Camphor Drive, Newnan (Parcel # W02-157), and to file a lien on the property to recoup associated costs).

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

PUBLIC COMMENT (Items Not on the Agenda) - This section is for any public comments regarding items NOT on the agenda. Each speaker 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.

Public Comments Regarding Items Not on the Agenda

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

The following individuals addressed the Board regarding their concerns about Wyatt Road, including actual ownership of the easement/road, neighbor who claims that he owns the access point on the easement/road and who threatens the residents that live there, convoluted title search regarding ownership of the easement/road, easement/road being the only ingress/egress for their homes, and the integrity, safety, and potential catastrophic failure of the easement/road. In closing, they asked that a County Engineer examine the condition of the easement/road.

* Mr. Wyatt Morrison, Wyatt Road, Senoia

* Ms. Jennifer Martin, Wyatt Road, Senoia

* Mr. Toney Martin, Wyatt Road, Senoia

Ms. Cher McWilliams, Lee Street, Newnan addressed the Board regarding her concerns about overpopulation at the Coweta County Animal Shelter and potential euthanization of animals. She asked that the Board consider a "pay to spay" program at the Animal Shelter to incentivize pet owners to spay/neuter their pets. She suggested that the initial cost associated with a monetary incentive to spay/neuter pets will diminish over time because overpopulation will decrease. She also recommended that breeders be required to pay a fee for a license to breed.

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

Motion To: **Enter Into Executive Session**

The Board voted to enter into Executive Session for the purposes of discussing litigation issues.

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

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

REGULAR SESSION

Motion To: **Return to Regular Session**

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

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

AFFIDAVIT

Motion To: **Execute Affidavit and Resolution for Executive**

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

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

Motion To: **Amend the Agenda**

County Attorney Lee explained that as discussed in Executive Session the City of Newnan has voted on a settlement proposal and based upon that, he believes that it is appropriate for the Board to amend the agenda in order to vote on their response.

The Board voted to amend the agenda to add an item regarding a counteroffer from the City of Newnan associated with a settlement proposal as discussed in Executive Session.

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

Motion To: **Reject Settlement Offer from the City of Newnan**

Chairman Reidelbach explained that previously there was an annexation request from the City of Newnan associated with property located on Lower Fayetteville Road (see Petition # AN 011-22). This annexation never proceeded through the arbitration process (as allowed by State law following a decision by the Board to file an intent to object - see December 1, 2022 minutes). A Superior Court Judge ruled that the annexation could proceed. Subsequently, the County made an offer to settle this dispute with the City of Newnan regarding the maintenance of Lower Fayetteville Road which also included a request to allow the County to obtain sewer service (Newnan Utilities) for the new Fire Station # 5 that will be located in proximity to the City limits. The County has been unsuccessful in resolving these issues. He further explained that Fire Station # 5 will be constructed at Smokey

and Belk Roads (unincorporated) and the County is attempting to negotiate sewer service for the facility. The proximity to the City limits is advantageous to the residents of the City because the new station will include an ambulance to support their emergency needs as well as those of the citizens in the western portion of unincorporated Coweta.

The Board voted to reject a settlement offer from the City of Newnan associated with the maintenance of Lower Fayetteville Road as related to the Lennar annexation lawsuit.

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

ADJOURNMENT

Motion To: **Adjourn**

The Board voted to adjourn the meeting.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Reidelbach, District 4 - Chairman
SECONDER:	Bill McKenzie, District 2 - Vice Chairman
AYES:	Reidelbach, McKenzie, Poole, Blackburn, Smith