Coweta County Board of Commissioners

Public Hearing/Regular Meeting Session

Minutes

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

Shannon Zerangue
Fran Collins
770.254.2601

August 20, 2024 | **7:30 AM** | **Commission Chambers 37 Perry Street Newnan, GA 30263**

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	Present
Sandy Wisenbaker	Assistant County Administrator	Present
Tod Handley	Public Works Administrator	Present
Nathan Lee	County Attorney	Absent
Shannon Zerangue	County Clerk	Present

The Honorable Board of Commissioners of Coweta County, Georgia met in Called Meeting/Public Hearing on Tuesday, August 20, 2024.

Meeting Called to Order

Chairman Reidelbach called the meeting to order at 7:30 a.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

Motion to: **Amend Time Limit for Speakers**

The Board voted to amend the total time limit for the Public Hearing to forty (40) minutes in support and forty (40) minutes in opposition.

RESULT: Passed (4 to 1)
MOVER: Bob Blackburn
SECONDER: Bill McKenzie
AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn
NAYS: Alphonso Smith

Awards and Presentations

1. Update from Circuit Public Defender Maryellen Simmons Regarding the Fiscal Year 2025 Budget

   Chief Superior Court Public Defender Maryellen Simmons addressed the Board regarding her Fiscal Year 2025 budget request. She explained that in Fiscal Year 2023, the Public Defender's office did not request any increases. For Fiscal Year 2024, the increases that were requested were not supported by the County and her office has been operating in a deficit. Because of the deficit, they have been unable to fill a vacant position for an attorney, Superior Court Public Defender. For Fiscal Year 2025, she is requesting pay increases to recruit and retain staff because her office is competing with other circuits that are currently paying higher salaries. She further explained that the Public Defender's office also received approximately $200,000 in American Rescue Plan Act (ARPA) funds that they dedicated to Coweta County, but the vacant Superior Court attorney's position still was not supported by the County as part of their Fiscal Year 2024 budget request. This position is also needed to reduce caseloads and process cases faster.

During her presentation, Ms. Simmons fielded questions from Commissioner Smith, Commissioner McKenzie, and Chairman Reidelbach regarding costs associated with employing staff members, indigent defense, types of cases, backlog of cases, costs associated with housing offenders, "unfunded" state mandates, number of pending cases, average incarceration time, and percentage of cases that are resolved. She explained that salary does not include benefits and taxes in the actual cost of employing a staff member; there is a constitutional mandate to provide an indigent person with defense counsel; the majority of cases are of a serious nature (drugs, theft, aggravated assault, stalking, rape, kidnapping, murder, child molestation, armed robbery, probation violation); there is a backlog of cases with defendants remaining incarcerated for 15–18 months on average; the current cost to house an offender at the jail is approximately $70 per day; the Public Defender's and District Attorney's offices are state agencies, but the State only funds a portion of their budget with the County mandated to provide subsidies; there are currently 2,400 pending cases in Coweta County; and approximately 90% of cases are resolved before proceeding to trial, but a Public Defender still has to perform all the work to prepare for a trial. In closing, she explained that there are costs associated with employing adequate personnel, and adequate personnel helps reduce the costs associated with the jail because cases are processed faster.

Ms. Simmons also explained that the legislature approved a judicial circuit split which will become effective on January 1, 2025. The new circuit will consist of Coweta, Meriwether, and Troup counties. Currently, the Public Defender has a contract with the County to provide Indigent Defense services from July 1, 2024-December 31, 2024, then a new contract will be necessary.

Public Hearing (The Chairman will call for any comments regarding the following items after each item is presented)

2. Second Public Hearing Regarding the Proposed 2024 Millage Rates

Chairman Reidelbach explained that this is the second of three (3) Public Hearings regarding the proposed 2024 millage rate. The third and final meeting will be held tonight at 6:00 p.m. followed by adoption of the millage rate.

Prior to beginning the proposed millage rate presentation, Administrator Fouts noted that citizens could find all the proposed millage rate presentations as well as the County's financial information for at least five (5) years on the County's website. He also explained that Tax Commissioner Justin McMichael utilizes a consolidated billing system and is ONLY tasked with collecting property taxes. He does not assess property values or set property tax rates.

Administrator Fouts provided the following facts regarding the proposed County Maintenance and Operations (M&O) millage rate to dispel some misinformation that has been circulating in the community following the first Public Hearing:

- Regarding the myth that an individual's total tax bill will increase by 39%: The proposed millage rate increase by the Board only applies to the County Maintenance & Operations (M&O) NOT the total tax bill. At the July 7, 2024 Work Session, it was the consensus of the Board to advertise the County M&O rate of 6.188 mills (39%) while staff continued to analyze and review the draft Fiscal Year 2025 budget. Prior to the first millage rate Public Hearing on August 6, 2024, this rate was reduced to 5.700 mills (28%) because of reductions in the draft Fiscal Year 2025 budget. In addition, the State has very specific requirements associated with the advertisement for a property tax increase and the County cannot deviate from those requirements. Unfortunately, this can cause confusion for the public. He provided some examples of tax bills for current properties in Coweta County (personal information redacted) to demonstrate how the proposed millage rate would affect the County's M&O rate.
- Regarding the myth that property taxes have continuously increased over the past five (5) years.: The County's M&O has actually been rolled back four (4) of the last five (5) years. In 2022, the unincorporated rate increased 3.17%. Using the same Coweta property examples, he provided a 5-year history of the County's M&O for each.
- Regarding the myth that the proposed Fiscal Year 2025 budget is increasing by 39%: The proposed budget is an 11% increase, with the Jail expansion project, a 2023 millage rate rollback, and increased operating costs being the primary drivers. He provided a breakdown of the General Fund budget by function for Fiscal Year 2024 and as proposed for Fiscal Year 2025. He then provided a breakdown of the same current properties and the percentage of property taxes allocated for each functional expense category of the budget based upon their 2023 tax bill as well as the proposed change for Fiscal Year 2025 (tax year 2024).
- Regarding the myth that House Bill 581 (fka Senate Bill 349) is a factor in determining the Fiscal Year 2025 budget: In 2024, the Georgia General Assembly adopted House Bill 581 (formerly SB 349) regarding property tax and sales tax reform, which includes a statewide floating homestead exemption, an opt-out for Boards of Education and Boards of Commissioners, and a new local option sales tax for property relief. Contingent upon the ratification of this constitutional amendment during the November 2024 statewide referendum, this will become effective January 1, 2025. County staff began the annual budget preparation process prior to the adoption of HB 581, and it was not a factor in the budget considerations.

Administrator Fouts explained that state law requires that the property tax rate or millage rate be set annually by the local governing authority, which is the Board of Commissioners in Coweta County. When the total digest of taxable property is prepared, Georgia law requires taxing authorities to compute a rollback millage rate for maintenance and operations that will produce the same total revenue based on the current year's digest that last year's millage rate would have produced had no reassessments occurred. If the millage rate to be considered is above that rollback rate, three (3) Public Hearings are required by law. Today is the second of the three (3) required Public Hearings, so no action is necessary by the Board at this time. He further explained that the third and final meeting is scheduled for tonight at 6:00 p.m. followed by adoption of the millage rate.

Administrator Fouts presented a tax dollar breakdown based upon the 2023 millage rates, explained which departments are responsible for property values, assessments, and tax collection, noted that the Board of Education and municipalities have independent authority over their budgetary decisions and millage rates, and highlighted items that comprise the tax digest.

Administrator Fouts also explained the calculation of a mill of tax, provided an example of tax liability for a single-family home valued at $350,000, and outlined the timeline for property assessments, setting of the millage rates by the Board of Education and the County, submission of the Tax Digest by the Tax Commissioner to the Georgia Department of Revenue, and adoption of the fiscal year budget.

Administrator Fouts explained that the proposed 2024 millage rate is lower than the rate that was advertised because of reductions in the draft Fiscal Year 2025 budget. The proposed general Maintenance and Operations (M&O) levy is 5.7 mills (6.118 mills was advertised). The proposed Fire District levy is 2.9 mills (unchanged from FY 2024), and the proposed Fire Bond levy is 0.195 mills (9.7% lower than FY 2024) [total 8.795 mills for unincorporated Coweta County]. He also briefly reviewed changes in the tax digest from 2023 to 2024.

Administrator Fouts highlighted the following four (4) steps to calculate the millage rate:

- Development of a draft fiscal year budget based upon goals and expectations (service delivery)
- Development of non-property tax revenue projections to support the draft budget
- Calculation of property tax revenue needed from step 2 to balance the budget
- Calculation of the millage rate using the data from step 3 and the current tax digest

During his presentation, Administrator Fouts fielded questions from Commissioner Smith, Chairman Reidelbach, and Commissioner McKenzie regarding the Board of Education's millage rate, the calculation of a mill based upon fair market value, independent metrics for property values versus property taxes, HB 581, assessments/reassessments, the

Department of Revenue's (DOR) Sales Ratio Study and requirements, and the misaligned time frame utilized by the Tax Assessor's office (by law) to establish values versus the time frame utilized by the Department of Audits and Accounts (DOAA) to establish values. He explained that property owners with no children cannot "opt out" of paying school taxes; property values have increased, not the property tax rate; HB 581 will be on a referendum in November for a decision by the registered voters of the county; and there are sanctions (fines) if the County's property values do not fall within the ratio established by the State.

Chairman Reidelbach encouraged all property owners to ensure that they have filed for any property tax exemptions they qualify for and that they familiarize themselves with HB 581 prior to the referendum in November.

In conclusion, Administrator Fouts explained that the third and final Public Hearing regarding the proposed 2024 millage rate will be held tonight at 6:00 p.m. followed by adoption of the millage rate. The Public Hearing regarding the proposed Fiscal Year 2025 budget will be held on September 5, 2024 at 6:00 p.m. followed by adoption of the budget on September 17, 2024 at 6:00 p.m.

Chairman Reidelbach called for any comments in support of the proposed 2024 millage rates.

District Attorney Herb Cranford addressed the Board expressing his support of the proposed 2024 millage rates. He explained that two-thirds of the funding for his office comes from the five (5) counties in the circuit with the remainder funded by the State. He further explained that the DA's office caseload has increased from 1,200 to 3,800 and twenty-five (25) Assistant District Attorneys (ADA) have taken other higher-paying jobs elsewhere since 2020. Because of staffing issues, there is a backlog of serious violent felonies (murder, rape, aggravated child molestation, kidnapping, armed robbery, etc.) to be prosecuted. The result of the high turnover rate is that victims' lives are on hold because cases have to be assigned to multiple ADAs who may be less experienced, and defendants are often held without bond waiting to go to trial. In conclusion, he is requesting additional funding in his Fiscal Year 2025 budget for salaries to help with employee retention and caseloads.

Ms. Marianne Pizzitola, Highland Park Drive, Sharpsburg explained that she supports pay increases for first responders but not for other staff. She expressed her belief that the Prowell Park parcel needs to be sold, and the funds used elsewhere; more fire stations and paramedics are needed; the County needs to start a labor relief fund, first responders should receive a 10% discount on their property taxes; and the Board needs to cease overspending and over-development.

Ms. Cynthia Bennett, Woodstream Drive, Newnan noted that there has been a barrage of incorrect information being circulated in the community regarding the proposed 2024 millage rate. She has lived in Coweta County for thirty-five (35) years and has always had confidence regarding the County's stewardship with taxpayer dollars. In her time as a resident of Coweta, she has been provided services by 911, Fire Rescue, Animal Services, and the Sheriff's office. To get to today's meeting, she traveled on well-surfaced roads and received a message on her phone from the Coweta Alert system. In 2015, she was disappointed when the Board adopted the rollback rate and numerous County services had to be reduced. Within a few months, County staff began to receive complaints regarding potholes and reduced operating hours for facilities such as the libraries. She urged the Board to consider the future of the county and the need to provide adequate funding to continue to provide services for the citizens.

Chairman Reidelbach called for any comments in opposition to the proposed 2024 millage rates.

The following individuals spoke in opposition to the proposed 2024 millage rates citing unaffordable housing, the need to "trim" the budget, timing and insufficient space to hold the Public Hearings, unjust taxation, interest rates, inflation, too many rezonings and over-development, overspending, the need for better communication regarding the millage rates and Public Hearings, people living on fixed incomes, the need to petition the State for more funding, excessive property assessments, expansion and growth, lack of impact fees, fees being collected by the courts and constitutional officers, the need to stop funding County employees' retirement funds, dislike of the Special Purpose Local Option Sales Tax (SPLOST), and a preference to just increase sales tax:

- Mr. Brandon Hobby, Josephine Street, Newnan
- Ms. Janice Boulet, Ragsdale Road, Sharpsburg
- Mr. Nathan Burns, Woodland Way, Newnan
- Mr. Dan Murray, Belle Maison Drive, Newnan
- Mr. Dan Miller, Moore Road, Newnan
- Mr. Wendell Glover, Tommy Lee Cook Road, Newnan
- Mr. Michael Gfelner, Le Paradis Boulevard, Sharpsburg
- Mr. Tim Narron, Gary Summers Road, Senoia
- Mr. Jeff Binion, Smokey Road, Newnan
- Mr. Lewis Ivan, Sweet Bay Drive, Sharpsburg (on behalf of Mr. Sean Betta)
- Ms. Tammy Stubbs, Scotsburn Court, Sharpsburg
- Mr. Richard Weisser, Frayser's Court, Sharpsburg
- Mr. Chris Toomey, Stillwood Drive, Newnan
- Mr. David Stover, Ridley Road, Palmetto
- Mr. Michael Wade, Linch Road, Senoia
- Mr. Jacob Gartner, Glazier Road, Senoia
- Ms. Jill Daniel, Timberidge Drive, Newnan

Administrator Fouts explained that the forty (40) minutes the Board previously approved for speakers had expired.

It was the consensus of the Board to hear the remaining individuals that requested to address the Board.

The following individuals also expressed opposition the the proposed 2024 millage rates citing the same reasons as previously expressed:

- Ms. Elsa Carion, Briarwood Court, Newnan
- Mr. William Wilcox, Bexley Road, Moreland
- Ms. Donna Owen, Standing Rock Road, Senoia
- Ms. Xiomara Castro, O'Dell Ridge, Newnan
- Mr. Alan Brady, Barrington Overlook, Sharpsburg

Motion to: **Close the Public Hearing**

The Board voted to close the second Public Hearing regarding the proposed 2024 millage rates.

RESULT: Passed (UNANIMOUS)
MOVER: John Reidelbach
SECONDER: Bob Blackburn
AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith

Regular Session

Adjournment

Motion to: **Adjourn**

The Board voted to adjourn the meeting.

RESULT: Passed (UNANIMOUS)
MOVER: John Reidelbach
SECONDER: Alphonso Smith
AYES: John Reidelbach, Bill McKenzie, Paul Poole, Bob Blackburn, Alphonso Smith