



Coweta County Board of Commissioners

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

Regular Meeting Session

Minutes

Shannon Zerangue
Fran Collins
770.254.2601

October 1, 2024

6:00 PM

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	Present
Shannon Zerangue	County Clerk	Present

The Honorable Board of Commissioners of Coweta County, Georgia met in Regular Meeting Session on Tuesday, October 1, 2024.

Commissioner-Elect Jeff Fisher was also in attendance.

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

Approval of Minutes

1. Request Approval of the Minutes from the Public Hearing/Regular Meeting Session Held on September 17, 2024

Motion to: **Approve**

The Board voted to approve the minutes from the Public Hearing/Regular Meeting Session held on Tuesday, September 17, 2024.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: Bill McKenzie

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

Consent Agenda

2. Confirm Providing Assistance to the Town of Turin with Signage, Barriers, and Cones for a Parade - District 1

Motion to: **Confirm**

The Board voted to confirm providing equipment and labor to assist the Town of Turin with signage, barriers, and cones for a parade.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bob Blackburn

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

Supplemental and Non-Agenda Items

There were no Supplemental or Non-Agenda items to be discussed.

Regular Session

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. There were none.

Unfinished Business

3. Request Appointments to Various Boards/Authorities

Motion to: **Approve**

The Board voted to reappoint Dr. Joseph Sprott as the 4th District representative to the Coweta County Animal Services Board for the term beginning January 1, 2025 and expiring December 31, 2028.

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

4. Request Approval/Execution of a Letter of Agreement with Compliance Systems Associated with Drug and Alcohol Testing Management

Administrator Fouts explained that staff is required to perform a full range of drug and

alcohol testing for personnel purposes and also to remain in compliance with US Department of Transportation (DOT) regulations. This includes three (3) different federal agencies that operate under the direction of the US DOT, the Federal Transit Administration (FTA), the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Aviation Administration (FAA). Coweta County currently operates with a third-party administrator (TPA) who provides limited support and no options for further service or after-hours needs. Transitioning the current drug and alcohol testing to Compliance Systems will not only provide support for full service DOT drug and alcohol testing and compliance, but also provide quicker test response, streamlined testing processes, knowledgeable support and access to training. Compliance Systems offers training options for all levels of the County's testing teams, from the Designated Employee Representative (DER) to Reasonable Suspicion for supervisors. They also initiate and track screenings through an online portal, making these more efficient and less subject to human error, and provide an alternative for after-hours drug/alcohol testing, most commonly needed for post-accident situations. After-hours post-accident testing has been a particular challenge. The savings in the after-hours resource that Compliance Systems offers will more than make up for the roughly \$2,100 increase in TPA costs.

Administrator Fouts fielded questions from Commissioner Smith explaining that Compliance Systems will perform drug and alcohol screenings as needed for County employees, they also provide after-hours services, and an online reporting tool which will streamline the process.

Motion to: **Execute**

The Board voted to execute an Agreement with Compliance Systems to provide full drug and alcohol testing management for Coweta County personnel.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bill McKenzie

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

5. Request Approval/Execution of an Amended and Restated Incentives and Reimbursement Agreement with NYCO America, LLC - District 3

Administrator Fouts explained that at the Commission meeting held on September 9, 2021, the Board voted to execute an Incentives and Reimbursement Agreement with NYCO America, LLC associated with construction of a manufacturing facility consisting of 8,000± square feet on 2.75± acres located on Amlajack Way. As a result of unexpected delays during the permitting and construction process, NYCO America has requested an extension regarding the first year of the tax abatement associated with their manufacturing project.

Motion to: **Execute**

The Board voted to execute an Amended and Restated Incentives and Reimbursement Agreement with NYCO America, LLC, the Coweta County Development Authority, and the Coweta County Board of Tax Assessors associated with construction of a manufacturing facility consisting of 8,000± square feet on 2.75± acres located on Amlajack Way.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bob Blackburn

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

6. Request Approval/Execution of an Agreement to Renew Software Utilized by Fleet Maintenance

Administrator Fouts explained that the software platform utilized by Fleet Maintenance will expire on October 2, 2024. This software helps Fleet Maintenance manage all vehicles and equipment. It tracks all repairs/maintenance of County vehicles and equipment. It also helps ensure vehicles are properly maintained and repaired based on usage and manufacturer's recommendation.

Motion to: **Execute**

The Board voted to execute an Agreement to renew the Fleetio software platform utilized by Fleet Maintenance.

RESULT: Passed (UNANIMOUS)

MOVER: Bill McKenzie

SECONDER: Bob Blackburn

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

7. Request Approval/Execution of Supplemental Amendment # 6 Associated with Phase 1 Madras Connector Project - District 3

Public Works Administrator Handley explained that the Georgia Department of Transportation (GDOT), in accordance with Federal guidelines, requires that environmental approvals for transportation projects be re-evaluated if the project has not moved into construction and more than six (6) months have passed since the project was last cleared environmentally. The purpose of an environmental re-evaluation is to ensure that the project impacts have not changed, that the previous environmental approval is still valid, and that any new environmental requirements that may have been implemented by regulatory agencies are addressed. Phase 1 of the Madras Connector project has not been able to move to construction because of ongoing delays by CSX Railroad in executing and returning the Construction Agreement (executed by the Board on March 26, 2024) for the project. Since the time of the most recent environmental re-evaluation on this project, a programmatic agreement between GDOT, the National Fish and Wildlife Service, the Environmental Protection Agency (EPA), the Corps of Engineers,

and the Georgia Department of Natural Resources (GA DNR) has gone into effect requiring that certain bat species be studied for all projects receiving federal funding. The design consultant for the project, American Engineers, has provided a fee estimate from their environmental sub-consultant in the amount of \$82,781 for the work that will be necessary to complete the environmental re-evaluation on this project, including the bat study.

In response to a comment from Chairman Reidelbach regarding reaching out to Senator Matt Brass because the County is incurring additional costs because of CSX Railroad, Mr. Handley explained that Senator Brass has been included in the email correspondence associated with this project.

Administrator Fouts explained that approximately \$49,000 of the \$82,781 is because CSX has not executed and returned the associated Construction Agreement.

Motion to: **Execute**

The Board voted to execute Supplemental Amendment # 6 with American Engineers to perform an environmental re-evaluation associated with Phase 1 of the Madras Connector project in order to remain compliant with federal and state requirements.

RESULT: Passed (UNANIMOUS)

MOVER: Bob Blackburn

SECONDER: John Reidelbach

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

Additional Action Items

8. Recommendation Regarding Post-65 Retiree Health Insurance Renewal for 2025

Motion to: **Defer**

The Board voted to defer any discussion or decision regarding renewal of the Post-65 retiree health insurance until Tuesday, October 15, 2024 at 6:00 p.m.

RESULT: Passed (UNANIMOUS)

MOVER: Bill McKenzie

SECONDER: Bob Blackburn

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

9. Recommendation Regarding Selection of Employee Life Insurance Policy

Administrator Fouts explained that Coweta County has provided life insurance for full-time employees for many years. Beginning in 2023, this benefit was expanded to four (4) times the employee's annual salary and also extended to cover all active full-time employees

(Elected Officials are excluded from this benefit). The policy has been with Standard Insurance Company for several years at a level cost. However, this year, the renewal with Standard Insurance Company included a 14% increase (\$86,902). In an effort to find the best product and the best price, staff asked the County's health insurance broker, Alliant, and the County's voluntary benefits provider, Assured Benefits/The Goldberg Firm, to both submit Life Insurance options. Staff requested that the policies be as similar as possible or better when compared to our current policy. Staff received information from New York Life and from Mutual of Omaha. They both presented costs below the current rate, with savings of 13-15.6% (\$83,753 to \$99,018). They also each provided the same basic benefits, but the Mutual of Omaha policy provides slightly better features. These features include: higher Line of Duty benefit, portability/conversion option for waiting period/disability/waiver of premium situations, greater airbag and common carrier benefits, an occupational assault benefit and greater childcare and spousal career benefits. In addition, the County's short term disability and long term disability policies are with Mutual of Omaha, providing greater continuity for employee families in this situation. The Mutual of Omaha policy represents a reduction of 13% from the FY2024 Life insurance cost.

Motion to: **Approve**

The Board voted to select Mutual of Omaha to provide an employee Life Insurance Policy at four (4) times the employee's annual salary and a \$5,000 retiree Life Insurance Policy which is a closed benefit associated with the County's retiree health benefit.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bill McKenzie

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

10. Request for Vested Development Rights from Legends at Newnan Crossing, LLC

Administrator Fouts explained that the Legends at Newnan Crossing, LLC ("Legends") has submitted a request for vesting to develop 28.64± acres (Parcel # W02-393) under the *NC (New Community Zoning District)* for an apartment complex. Legends maintains it has vested rights to develop this property as such based upon the following factors:

1. June 9, 2000 letter from former Planning Director Robert Tolleson certifying that the property may be developed for 342 units of multi-family development pursuant to NC Zoning.
2. October 12, 2015 letter from former Assistant Community Development Director Angela White certifying that the property may be developed for 342 units of multi-family development pursuant to NC Zoning.
3. February 19, 2016 letter from Angela White certifying that the property may be developed for 342 units of multi-family development pursuant to NC Zoning.
4. On October 4, 2016, the Board of Commissioners voted to grant vested rights to

stream buffers in conjunction with the development of this property for the apartment complex.

5. October 28, 2016 letter from Tod Handley advising of the grant of vested rights as it relates to the stream buffer for this property.

Additionally, Legends has submitted the following expenditures which it has made toward the development of this property, totaling approximately \$2,587,343.56 - \$2,128,784.30 representing the purchase price of the land, and \$458,559.26 which was spent on development expenses (insurance, engineering, etc.). The Georgia law holds that a vested right exists when a landowner relies in good faith on the ordinance in effect at the time and/or relies on assurances from government officials and makes a substantial change in position or incurs such extensive obligations and expenses that it would be inequitable to prohibit him from developing his property in accordance to the prior standards. *Covenant Christian Ministries, Inc. v City of Marietta* (654 F.3d. 1231 (2011)). To determine whether a vested right exists, any of the following factors must be present:

1. The property owner actually obtains a valid building permit under an existing ordinance;
2. The property owner actually applied for a building permit authorizing the specific use under an existing ordinance that authorizes the use, or the purchase of land contracts to buy land based on condition that it will be rezoned to allow a specific use;
3. The property owner had a development plan that was approved either formally or informally by the zoning authority, and the property owner expended money in reliance on the development plan; OR
4. The property owner made a substantial change in position by expenditures in reliance upon the probability of the issuance of a building permit, based on an existing zoning ordinance and the assurance of zoning officials.

In response to questions from Commissioner Smith, Administrator Fouts and Attorney Lee explained that the subject property is located in the 5th Commission District and that the *NC (New Community)* zoning category was established in the 1970s, but is no longer allowed in the *Zoning and Development Ordinance*.

Motion to: **Grant**

The Board voted to grant vested development rights as requested by Legends at Newnan Crossing, LLC to develop 28.64± acres (Parcel # W02-393) located south of SR 34 along the east side of Newnan Crossing Boulevard under the NC (New Community Zoning District) for a 342 unit apartment complex.

RESULT: Passed (UNANIMOUS)

MOVER: Bill McKenzie

SECONDER: Bob Blackburn

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

11. Request Approval/Execution of a Deed to Convey Property to the Coweta County Water and Sewerage Authority

Administrator Fouts explained that a small parcel that contains the sewer pump station for the Lullwater Subdivision is currently owned by Coweta County. The pump station tract is associated with a larger tract of land that was intended to be a later phase of the development. However, soils issues on the property prevented additional development.

The County desires to convey the ownership of the parcel containing the sewer pump station to the Water and Sewerage Authority since the Authority owns and operates the pump station associated with the Lullwater Subdivision.

Motion to: **Execute**

The Board voted to execute a Quit Claim Deed to convey 0.19± acres located within the Lullwater Subdivision to the Coweta County Water and Sewerage Authority.

RESULT: Passed (UNANIMOUS)

MOVER: Paul Poole

SECONDER: Bill McKenzie

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

12. Request Approval to Temporarily Close Woodlake Drive at Sullivan Road for Roundabout Construction - District 4

Motion to: **Approve**

The Board voted to temporarily close Woodlake Drive between Sullivan Road and Fieldstone Way for no more than forty-five (45) days to perform the necessary reconstruction of Woodlake Drive associated with a roundabout project.

RESULT: Passed (UNANIMOUS)

MOVER: Alphonso Smith

SECONDER: Bob Blackburn

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

13. Request from the Town of Moreland for Assistance with Mowing Along Victoria Drive and Inspection of a Ditch on East Camp Street - District 2

Regarding a request received from the Town of Moreland for assistance from the County, Commissioner McKenzie explained that he fully supports the municipalities and does not object to providing them with assistance; however, the municipalities levy taxes and budget for various services provided to their residents. Since the Board voted to maintain the same millage rate as 2024, staff has had to make numerous cuts to the FY 2025

budget, and he has concerns about the costs associated with providing labor, materials, and equipment to accomplish these tasks for the municipalities. He would like to establish a cost-sharing agreement.

Public Works Administrator Handley explained that typically the municipalities do reimburse the County for materials, but there are also costs associated with the equipment and labor the County provides.

Administrator Fouts explained that although the equipment is funded by Special Purpose Local Option Sales Tax (SPLOST), some of the requests staff receives involve extensive work and hours of labor. The associated man hours result in a loss for the County because Public Works crews have to strategically schedule the performance of these tasks based upon their numerous daily duties and projects. He further explained that the Service Delivery Strategy (SDS) guides these services with the intent that there is not a duplication of taxes (for services) for the citizens.

Motion to: **Approve**

The Board voted to provide equipment and labor to assist the Town of Moreland with right-of-way mowing along Victoria Drive and to inspect the ditch along East Camp Street.

RESULT: Passed (UNANIMOUS)

MOVER: Alphonso Smith

SECONDER: Bob Blackburn

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

14. Request Approval to Cancel a Public Hearing Regarding Proposed Abandonment of Old Road Alignment in the Area of Gordon Road at SR 16 and to Convey the Old Right-of-Way - District 2

Administrator Fouts explained that at the Commission meeting held on September 17, 2024, the Board voted to set a Public Hearing on Tuesday, November 5, 2024, at 6:00 p.m. regarding a proposed abandonment of an old roadway alignment in the area of Gordon Road and SR 16. While preparing the required advertisement regarding the Public Hearing associated with the roadway abandonment, staff discovered that the road was formerly known as Grayson Trail. Upon further investigation, staff discovered that the Board had previously abandoned the road and the western portion of the old right-of-way was conveyed to the appropriate property owner. Since abandonment of the road was previously approved by the Board, staff is requesting that the Board cancel the Public Hearing scheduled on November 5, 2024, and convey the eastern portion of the old right-of-way to the appropriate property owner(s).

Motion to: **Cancel Public Hearing**

The Board voted to cancel the Public Hearing scheduled on Tuesday, November 5, 2024, at

6:00 p.m. regarding a proposed abandonment of an old roadway alignment in the area of Gordon Road and SR 16 (formerly known as Grayson Trail) and to convey the eastern portion of the old right-of-way to the appropriate property owner(s).

RESULT: Passed (UNANIMOUS)

MOVER: John Reidelbach

SECONDER: Bob Blackburn

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

Supplemental and Non-Agenda Items

There were no Supplemental or Non-Agenda items to be added for discussion.

Public Comments Regarding 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 a maximum of 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.

Administrator Fouts explained that no one requested to address the Board regarding items not on the agenda.

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 a personnel issue.

RESULT: Passed (UNANIMOUS)

MOVER: Alphonso Smith

SECONDER: Bill McKenzie

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

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, Attorney Lee, and County Clerk Zerangue.

Commissioner-Elect Jeff Fisher and Community and Human Resources Director Patricia Palmer were also in attendance.

Regular Session

Motion to: **Return to Regular Session**

The Board discussed a personnel issue during Executive Session and voted to return to Regular Session.

RESULT: Passed (UNANIMOUS)

MOVER: Alphonso Smith

SECONDER: Bob Blackburn

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: Alphonso Smith

SECONDER: John Reidelbach

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: Bill McKenzie

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