

**MINUTES
MERIWETHER COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING**

JULY 26, 2022

This meeting was also held by Zoom 4:00 P.M.

Commissioners Present: Chairman Beth Neely-Hadley, Vice Chairman Bryan Threadgill, Commissioner Shirley Hines, Commissioner Rosla Plant, and Commissioner Alfred McCoy.

Commissioners Absent: None

Staff Present: County Administrator Michelle Irizarry via Zoom, Director of Special Projects Theron Gay, and Deputy Clerk, Allyson Stephens

Staff Absent: Finance Director, Bill Gregory, County Clerk Beverly Thomas, and County Attorney Michael Hill.

I. CALL TO ORDER – Chairman Neely-Hadley at 4:00 p.m. and welcomed the Cities in attendance.

INVOCATION –
PLEDGE OF ALLEGIANCE

II. ADOPT AGENDA

A motion was made by Commissioner Plant and seconded by Vice Chairman Threadgill to adopt the agenda. All were in favor. Chairman Neely-Hadley recognized Mayor Charlene Glover for being in attendance and wished her a Happy Birthday.

III. NEW BUSINESS

Continued Discussion of Local Option Sales Tax Redistribution

Special Projects Director, Theron Gay stated that in the last meeting a lot of options were discussed, but what we did not have were numbers and background data. Mr. Gay stated he spent a lot of time and effort researching numbers to chart how the revenues would flow based on history. Allyson Stephens passed out the charts and information prepared by Mr. Gay to all the cities in attendance. Mr. Gay stated that there was an opportunity yesterday to sit down with some of the parties and today there is a new proposal to put on the table. Mr. Gay stated that originally it was looked at by taking the population and 15%. This was also handed out to the cities. Mr. Gay explained that we all dispute the Census numbers, and he doesn't feel they were right, but it is what we have to go by. Mr. Gay stated the County's original offer was to take population plus take 15% of the population and allow that to be the cities percentage. Mr. Gay stated that this would be taking dollars from the County, and they would have been over 65%, but we are neighbors, and we work together and try to help each other, and we have developed over the years a good relationship. Mr. Gay stated that understanding that things are give and take, there were other issues looked at. Mr. Gay stated that he knows it was discussed to leave it as it was before which was the County getting 60.04% and the balance being divided by the Cities. Mr. Gay explained the original proposal was 61.49% and the rest to be divided amongst the cities. Mr. Gay stated that after yesterday's meeting he was able to calculate new numbers. Mr. Gay explained with the new numbers that he is presenting it does show a little give and take on behalf of the County and the Cities. Mr. Gay stated originally, based on population, there was a 1.45% the County was going to be getting over the previous L.O.S.T. Mr. Gay stated that after discussions yesterday, they took the 1.45% that the County was going to get in the previous calculations and divided it up among the cities based on population. Mr. Gay stated this would mean Gay would go from 0.62% to 0.64%, Greenville from 4.43% to 4.61%, Lone Oak from 0.64% to 0.66%, Luthersville from 4.34% to 4.52%, Manchester from 19.99% to 20.75%, Pine

Mountain from 0.48% to 0.49%, Warm Springs from 2.95% to 3.05% and Woodbury from 5.06% to 5.25%. Mr. Gay explained that what the number indicates is taking the 1.45-1.46% and giving that to the Cities. Mr. Gay stated with that we divided that number based on the population. Mr. Gay explained that the ending proposal was the Cities getting 39.97% and the County getting 60.03%. Mr. Gay stated he understood Manchester gave up some dollars from what they were getting last time, and the County did as well. Mr. Gay explained that some of the Cities gave more and there is not there much difference as overall according to the Census we lost population. Mr. Gay stated that one of the big discussions is projected growth. He explained this may happen and may be a reality but knowing who will grow the fastest is unknown. Mr. Gay stated that one of the provisions that was discussed was coming back together after a 5-year period look at this again and if there is a drastic change in population shift, then we may can go back and renegotiate. Mr. Gay stated that he would like to include that clause in the provision and paperwork that will need to be submitted in the next 3-4 weeks. Mr. Gay explained that there have been draft resolutions put together and we will put the final numbers in the information. Mr. Gay explained that no one is getting exactly what they want. Mr. Gay stated that collection amounts have grown drastically over the last four years, and he hopes that collections continue to grow. Mr. Gay stated that he appreciated Manchester giving up 1.25%. Mr. Gay stated that if we can't come to an agreement, the next step would be mediation and in reality, mediation is not binding, money would be spent on the mediator and if no agreement is reached by the end of the year, L.O.S.T. would not happen and the citizens of the Cities and the County would lose, and no one wants that. Commissioner Hines asked if the County and Cities can come back and do a renegotiation after 5 years as he stated before. Commissioner Hines wanted to make sure we could do that legally as far as under the guidelines of the Dept. of Revenue. Mr. Gay stated he is sure that is something than can be done, however, he will have if verified by our attorneys before sending out the Intergovernmental Agreement. Commissioner Hines then asked what this would entail as the Department of Revenue has not done this before. Mr. Gay stated that he believed it had been done before and we will verify that. Mr. Gay stated that this is done based on Census numbers every 10 years, however as an example, what if Gay grew by 10,000 people in the next 5 years? The City of Gay would certainly want to come back and renegotiate as they would not be getting a fair share for their citizens. Mr. Gay explained this may not happen, but he does feel it can be renegotiated and he will check with the attorneys. Vice Chairman Threadgill stated that a negotiation is a negotiation, and that is what they are doing now. Mayor Ruth Nash of Gay stated that in the guidelines that she sent to all the Mayors, it states that anytime one individual, City or County can ask for a renegotiation. Chairman Neely-Hadley stated she thought that was in the guideline manual that was sent out from ACCG. Commissioner Hines wanted to know how you verify, or what numbers do you use, if your Census is done every 10 years, how do you go back and verify. Mr. Gay stated that there is a projected 2022 population that is done by the State and the RDCs and others and that's what he would propose to use. Mr. Gay stated that this would be an estimate, and there would be no door-to-door counting, but he thinks that if we all understand that we should be able to live with that estimate. Vice Chairman Threadgill stated that he felt the estimates would be better than the Census numbers. Chairman Neely-Hadley stated that you would need to take a look at building permits, as this is where your numbers are going to come from, such as new builds, and apartment complexes. Mr. Gay stated that there are a lot of factors that can be used, such as tax digest changes. Chairman Neely-Hadley asked the Cities in attendance what they though about the renegotiation process. Mayor Don Cuttie from Luthersville came to the podium and asked when there would be another opportunity to come together and discuss as he would like the time to review the information given to him. Mayor Cuttie stated that most of the information provided is available on the website. Mayor Cuttie stated that it shows on bullet point #5 states that as you can see from the chart, this changes the methodology and substantially changes the distribution formula for the County from 61.49% to 75.09%. Mayor Cuttie stated that he needed to understand this. Chairman Neely-Hadley stated

that per ACCG guidelines that the County's population is not just the unincorporated, it is the unincorporated plus the City population. Mr. Gay stated that that proposal is off the table if what has been presented today is agreed upon. Mr. Gay stated that if we went to mediation then what we would do is go by ACCG guidelines and count the county population as countywide population, since we are giving everybody a rollback, we would count both the city and the county population to come up with our population and if calculated that way this is where the county ends up from 75%. Mr. Gay explained that this is only if we go to mediation, it would be the county's position and they would defend it from there and let the chips fall where they do and they are taking that off the table today. Chairman Neely-Hadley explained the only thing they are working with today is the sheet presented to the cities. Mr. Gay explained that Gay was at 0.4746% and going to 0.64%, Greenville 4.6714% to 4.61%, Lone Oak 0.49% to 0.66%, Luthersville 4.6607% to 4.52%, Manchester 22% to 20.75%, Warm Springs 2.264% to 3.05%, and Woodbury from 5.12% to 5.25%. Mr. Gay explained that the County and Manchester are the ones taking the biggest hits on this and he appreciates Mayor Brening working with the County to get this accomplished. Mayor Brening stated that the County and the City of Manchester is the only one taking a hit. Mr. Gay stated he felt the revenue numbers will prove right and, in the packet, he calculated what the distributions were for each city, using the 2022 numbers and compared that to the 2021 and 2022 current and virtually everybody in the County went up. Mr. Gay explained there is a Summary Sheet. Mr. Gay stated what he was going to show if an agreement hadn't been reached was going to show that despite the fact percentages are rolling back, cities will be collecting more money than last year due to revenue growth. Mr. Gay stated that everyone will be getting a little more from the original proposal. Vice Chairman Threadgill asked if Pine Mountain could be scaled back to 3.52. Mr. Gay stated he would scale them back to what they are required to have which is 3.14. Vice Chairman Threadgill stated that would give an extra 0.14%. Mr. Gay stated the next step would be if everyone is agreeable, we draft the documentation and we already have in draft form. Mr. Gay stated that action behalf on the City of Manchester and the County no later than mid-August. Chairman Neely-Hadley stated the City of Manchester meets on August 8, 2022, according to Mayor Brening, and the County meets on August 10, 2022. Mr. Gay stated that we would get this to Manchester for their approval on August 8, 2022 and bring it back to the County for approval on August 10th. Mr. Gay stated we would send out the information to all the Cities and it is not required that it be signed but would appreciate if it was as he feels that shows unity. Mr. Gay stated that as long as we get the two signatures, we can cut the ticking timeclock of 60 days. Chairman Neely-Hadley stated that when she came on the Board, this was new to her and suggested that we have something in the record to show how these calculations and negotiations are done to have something to go by. Mayor Nash stated that in the past when they did L.O.S.T. negotiations the constitutional officers were involved, and she doesn't know if that was a bad idea. Mr. Gay stated that they have no say. Mayor Nash stated that she understood they had no say, but at least they would be able to state their opinions. Mr. Gay stated that it was up to the Board on what they wanted to do but he believed they all would say that they would like to see the citizens get a rollback on their taxes. Commissioner McCoy stated that there was one thing he would like to touch on and that is certainly nothing new. Commissioner McCoy stated we take the proceeds and take what the state tells us has been collected for us and yet there is no way that we can ever true the record and go in and say this dollar came in from Meriwether County as this is being done by zip code. Commissioner McCoy stated that many of our peripheral cities that share a zip code with the next largest city. Commissioner McCoy wants to know who is really collecting the money. Mr. Gay stated that this is something that could be discussed as in another jurisdiction there was an audit done and many cellphones were not registered in that County, causing a lot of money to be lost on 911 fees. Mayor Cuttie of Luthersville asked if there had been a correlation of what was being done today with the distribution of L.O.S.T. and the Comprehensive Plan as it pertains to who provides what services to whom. Mayor Cuttie stated that an example is water. Mayor Cuttie

stated that 50% of its water customers are outside the City of Luthersville and the county is one of the customers. Mayor Cuttie realizes the Sheriff's coverage is pretty general across the county but Luthersville as a city has a contractual arrangement with them as well. Mayor Cuttie asked Mr. Gay if in part of his planning if that was taken into consideration. Mr. Gay stated that he looked at all 8 provisions and addressed those as well. Mr. Gay stated that with water lines, and feels there will be more working together between the County and the Cities and stated that when water lines are put out there you are paid for that water as you sell it and the city gets revenue back in and this with L.O.S.T. is regarding property tax rollback and every penny that goes from the County back over to the Cities is just a penny less than the citizens will get as we are giving the reduction to all county residents incorporated and unincorporated and the City will turn around and give a reduction as well. Mr. Gay stated that if anyone is not getting a really proportioned share of population is the unincorporated citizens, however, it is also understood that citizens come into the cities and spend money and it is understood that water is a service, and the city receives funds for that service, but the reality is it is for property tax rollback and water service can't be taken in account for it as the water service will become customer driven. Mr. Gay explained that citizens outside the city are not required to have to be on city water service and do not have to pay. Mr. Gay explained to Mayor Cuttie that this was a totally different line of revenue. Mayor Cuttie stated that he didn't want a long debate but two things, one, a significant part of providing water per Mayor Cuttie is fire protection, and that isn't revenue driven and the second thing is would Mr. Gay be willing to come to their council meeting and explain that to the citizens for whom the City is responsible. Mr. Gay stated that he would be more than happy to come and speak at the council meeting. Mr. Gay stated that he believes the numbers are fair and if we go back to how the population distribution really works the County would get 75% of the distribution. Mr. Gay also thanked Mayor Cuttie regarding water line expansion and stated that in the future there will be discussions on service delivery. Mayor Nash stated that there had been a lot of talk on water line expansion, and they have expanded their water lines three times and they have paid a lot of that. Mr. Gay asked Mayor Nash if they got back all the money from that as well. Mayor Nash stated they did, but that those funds could only be used for water. Mr. Gay stated that is right because it is a totally different revenue base on L.O.S.T. and water service. Mayor Nash stated that Mr. Gay did not say that earlier. Mr. Gay stated he did state that earlier and that you cannot use tax dollars to pay water service, you would pay for water service from user fees. Mr. Gay used the example of one person having access to water and another not having access to water. Mr. Gay stated the person with the water would pay for the service, the tap fees, and every fee that goes with it. Mr. Gay stated it would not be fair if he did not have access to that water to have to pay for it. Mr. Gay explained to Mayor Nash this is the reason for Water Authorities because there is a separation of revenues there. Mr. Gay stated that it should not be on the taxes on the users getting the service. Mayor Nash stated that sometimes the City has to supplement its water. Mr. Gay suggested they do a rate study. Chairman Neely-Hadley asked if there was any action that would need to be taken. Mr. Gay stated that no action other than authorizing staff to move forward with documentation to send to everyone and get back on the Agenda for the first meeting in August for execution, after the City approves theirs. Chairman Neely-Hadley thanked Mr. Gay for all the work he has done on L.O.S.T. and explained that you don't come to all the knowledge of how this process works and what to do without having done it so many years. Chairman Neely-Hadley stated that this year other counties had come to Mr. Gay and paid him to help them with their L.O.S.T. this year and we have been able to do this in house saving all of the citizens money. Mr. Gay appreciated the thanks and stated that the documents we have created can be used so there will be no need in reinventing the wheel. Mayor Tonya Moody of Woodbury was online via Zoom and stated that she had been listening to all the comments and feels it is a positive move forward and she agrees with moving forward. Administrator Michelle Irizarry was very happy to see everyone working together to move forward. A motion was made to authorize Mr. Gay and staff to move forward to getting documents together knowing it will be placed on

our Agenda, August 10, 2022, and on Manchester's Agenda August 08, 2022, by Vice Chairman Threadgill and seconded by Commissioner McCoy. All were in favor. Mr. Gay advised Deputy Clerk Allyson Stephens to make sure the Department of Revenue was notified as well.

IV. EXECUTIVE SESSION

Chairman Neely-Hadley stated there was a need for Executive Session to discuss Personnel and Legal. A motion was made to go into Executive Session to discuss Personnel and Legal at 4:38 p.m. by Commissioner Plant and seconded by Commissioner McCoy. All were in favor. A motion was made by Commissioner McCoy and seconded by Commissioner Plant to go out of Executive Session at 5:35 p.m. All were in favor. A motion was made by Vice Chairman Threadgill and seconded by Commissioner Hines to go back into Regular Session at 5:40 p.m. All were in favor. No action was taken in Executive Session.

IV. ADJOURNMENT

A motion was made by Vice Chairman Threadgill and seconded by Commissioner Hines to adjourn the meeting at 5:40 p.m. All were in favor.

Approved by: Majority Vote of Board of Commissioners
Attest: Allyson S. Stephens
Date: August 19, 2022