STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, August 2, 2022, 9:30 a.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

Carlotta Harrell, Chair
Johnny Wilson, District I Commissioner
Dee Clemmons, District II Commissioner
Dee Anglyn, III, District III Commissioner
Vivian Thomas, Vice-Chair/District IV Commissioner
Bruce Holmes, District V Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; Stephanie Braun, County Clerk; and Nathifa Cunningham, Deputy County Clerk

HENRY COUNTY CODE OF CONDUCT

(Sec. 2-2-128: Conduct during public meetings)

INVOCATION

The Invocation was given.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

PRESENTATION

Recognition of Henry County Employee Retirements

Harold Cooper, Human Resources Director, announced the following retirements:

(June)

- *Joseph Burke - Henry County Fire Department - 25 years*
- *Kendall Waiting - Henry County Fire Department - 16 years*
- *Marilyn Russell - Henry County, County Manager's Office - 16 years*
- *Martha Story - Henry County Transit Department - 14 years*
- *Virginia Cowan - Henry County Tax Commissioner's Office - 14 years*
- *George Owens - Henry County Sheriff's Office - 13 years*
- *Elizabeth Pier - Henry County State Court Clerk's Office - 11 years*

(July)

- *Donald Scarbrough - Henry County Fire Department - 34 years*
- *Lynn Toman - Henry County State Court Clerk's Office - 33 years*

- *Lynn Whitt - Henry County Senior Services - 30 years*
- *Maceo Brayboy - Henry County Police Department - 20 years*
- *Kimberly Phelps - Henry County Sheriff's Office - 16 years*

CONSENT AGENDA

BRUCE HOLMES, DISTRICT V COMMISSIONER, LEFT THE MEETING

Cheri Hobson-Matthews, County Manager, read the Consent Agenda as follows:

Courts

A. Resolution accepting a grant award from the Criminal Justice Coordinating Council in the amount of $135,750 to fund Functional Family Therapy during FY 23 (Presenter: Angela Craig, Court Coordinator)(Exhibit 1) *Resolution #22-197*

Financial Services

A. Resolution approving the purchase of one hundred fifty (150) 2022 Ford Utility Police Interceptors from Wade Ford of Smyrna, Georgia in the amount of $7,526,198 for the Police Department through State of Georgia contract SWC 99999-001- SPD00000183-0006 using SPLOST V (SP5011) Fleet Replacement II Funds. (Presenter: Susan Harris, Purchasing Director)(Exhibit 2) *Resolution #22-198*

B. Resolution approving RFP 20-60 for an annual contract for Fiber Optic Cabling and Low Voltage Wiring Services as a unit/price agreement (Presenter: Susan Harris, Purchasing Director)(Exhibit 3) *Resolution #22-199*

Facilities Maintenance *(moved to Regular Agenda)*

Leisure Services

A. Resolution of the Henry County Board of Commissioners requesting approval of a Memorandum of Understanding with the Board of Regents regarding Cooperative Extension. (Presenter: Jonathon Penn, Leisure Services Cluster Leader)(Exhibit 5) *Resolution #22-200*

Police Department

A. Resolution to accept the amount of $2,000 from the United States Secret Service for the Henry County Police Department's participation in the Electronic Crimes Task Force and approval of the accompanying budget (Presenter: Major R. McGlamery/HCPD)(Exhibit 6) *Resolution #22-201*

B. Resolution approving Bid Award #22-61 to Celebrity Fencing, Ellenwood, GA for fencing and gating for the Henry County Public Safety in the amount of $105,500 to be paid out of Seized Fund Account (Presenter: Major R. McGlamery, HCPD)(Exhibit 7) *Resolution #22-202*

Stormwater

A. Resolution of the Board of Commissioners to pay The Metro North Georgia Water Planning District Annual Dues in the amount of $60,178 (Presenter: Alex Mohajer, DOT/Stormwater Director)(Exhibit 8) *Resolution #22-203*

Neighborhood Stabilization Program (NSP)

A. Resolution to approve Change Order to K-Team Engineering & Construction, Inc. in the amount of $156,064.48 to provide General Contractor services to two (2) four-unit, multi-family apartment buildings located at 101-104 George St. & 109-112 George St purchased by the Neighborhood Stabilization Program (Presenter: Stacey Wallace, Planner III)(Exhibit 9) *Resolution #22-204*

This ends the Consent Agenda

Johnny Wilson, District I Commissioner, made a motion to approve the Consent Agenda; **Dee Anglyn, III, District III Commissioner,** seconded the motion.

Dee Clemmons, District II Commissioner, asked if the Facilities Maintenance item was a new contract; **Ms. Hobson-Matthews** responded that it is. The District II Commissioner noted that on the Supply Inclusion Program, the vendor did not meet the status of small business, local vendor, veteran-owned, DBE or female-owned. She asked if any businesses with those statuses submitted bids for this project; Ms. Hobson-Matthews deferred to Purchasing Department but reminded the Board that the current Purchasing policy does not require those statuses is met and that they are currently going through the Disparity study. This will be brought to the Board upon completion along with recommendations. The Commissioner again asked if any of those vendors in those categories *applied* to submit bid for the project. The County Manager will check on that and get an answer to the Commissioner.

Susan Harris, Manager, Purchasing Department, approached and explained that the Supplier Inclusion form is not a mandatory factor since it does not pertain to the current Purchasing policy. She echoed the comments from the County Manager that once the Disparity study is completed, the recommendations for changes to the policy will be made and adopted pending further discussion from the Board. The Commissioner asked that the item be removed from Consent Agenda and brought back once the results from the Disparity study is completed and when Purchasing can find out if even one vendor fitting any of the above-mentioned statuses submitted a bid for this project. **Chair Harrell** directed that this item be moved to Regular Agenda and that staff get an answer for the Commissioner so that this may be resolved at today's meeting.

Commissioner Clemmons asked if there is a vendor in place and when that contract ends; **Hutch Purvis, Facilities Maintenance Director,** approached and responded that the contract ends in September. **Ms. Hobson-Matthews** noted that this is the month of August and if it is re-bid, then the contract will go month-to-month. **Chair Harrell** stated that this will be on the regular agenda today for presentation, discussion and vote.

A motion and second made on accepting the Consent Agenda, as modified, motion carried 5-0-1.

*(**Chair Harrell, Commissioners Wilson, Clemmons, Anglyn** and **Vivian Thomas, Vice-Chair/District IV Commissioner,** voted in favor; none opposed; **Commissioner Holmes** was absent from this vote)*

Announcement from County Manager (unscheduled)

Ms. Hobson-Matthews apprised the Board of Commissioners (BOC) that Mr. Burckhalter is leaving the county's employ for retirement. He wanted to ensure that certain projects were in motion prior to this. She asked for recognition of this gentleman as he retires from employment. **Chair Harrell** asked that Mr. Burckhalter stand and be recognized. *(Applause)*

REGULAR AGENDA

HUMAN RESOURCES

Resolution awarding RFP 22-49 to perform a Wage and Salary Administration Plan (aka Classification and Compensation Study) to Evergreen Solution, LLC in the amount of $62,500 (Presenter: Harold Cooper, HR Director)(Exhibit 10)

Mr. Cooper returned to the podium to make presentation for the Board. He reminded the Board that he came before them with this on June 21st in reference to the wage and salary administration study. He gave a recap of the purpose of this study and the need for this Plan. When the pandemic hit, followed by an all-time high inflation rate, the Human Resources Department attempted to save and protect the employees and came before the Board on three (3) separate occasions to discuss pay increases - the first on December 14, 2021, then February 1, 2022 and finally March 1, 2022 with an adoption of 8.5% increase for the employees. Because a study was needed to solidify this decision, the HR and Financial Services Department, as well as the Purchasing/Procurement Department submitted a Request for Proposal of services. The process was followed, request was made; RFP was advertised on the appropriate websites for four (4) weeks and then submitted. Review Committees evaluated the proposals with the top scoring vendor recommended for awarded - that being Evergreen Solution, LLC. Mr. Cooper then provided a brief background on Evergreen.

Mr. Cooper continued by stating that if approved, there will be a collaborative process between the vendor and Henry County, which will have a designated project manager. Evergreen will have their CEO and a certified compensation professional as the principals of this project. He detailed what Evergreen would provide on its part for this study. He then went through the 6-step process for the Board as well. Mr. Cooper then added some key points relating to the wages in comparison to the statewide perspective.

DURING PRESENTATION, COMMISSIONER HOLMES RETURNED TO THE MEETING

Mr. Cooper presented the comparison in wages in the top 10 counties in the State of Georgia. He noted that while Henry County is the 9th largest county in the state, it ranks 14th in median income.

Commissioner Wilson remarked that at the end of last year, the study was done for the metro area to come up with the figures on which to base the pay raises; **Mr. Cooper** affirmed same. The District I Commissioner asked if Henry County is losing employees to surrounding states or to surrounding counties; Mr. Cooper responded that employees are going to surrounding counties and surrounding regions, including the private sector - with pay rates that Henry County can never meet or be compared. He gave an example of Quik Trip offering $52,000 a year for assistant managers with no experience. The Commissioner noted that this vendor would do a nationwide study for $62,500 but now it is narrowed down to a southeastern regional study for the same price. The Commissioner asked why the cost is the same if the area to study is narrowed down to southeastern region. Mr. Cooper replied that when it comes to the public sector government, Henry County needs to be better competitive and some of the data that Evergreen would use is from a national perspective and then they will narrow that down to the southeastern region. With Georgia being the 2nd largest state in the southeastern U.S. region, is tied for 3rd in job seeking. He then went through several other job categories and Georgia's ranking in the southeastern region.

Commissioner Thomas remarked that this independent contractor coming in for this study gives her a sense of surety that the work is done by a competent company with a good history and that this is an independent study. This keeps anything personal out of this study gathering the data. **Mr. Cooper** agreed with the District IV Commissioner's remarks and added that he would not want to come before the BOC in a reactionary mode, but rather to have a process in place with standard maintenance that can be followed.

Commissioner Anglyn asked how this is different from the study that was done back in November 2021; **Mr. Cooper** explained that this vendor will have more resources to do a more comprehensive study. The other study was looked at from an immediate standpoint while this study will give the county an opportunity to have a process to keep from making requests to the Board in a reactionary manner. Any adjustments from this study will be made on a step process and in collaboration with the BOC.

Commissioner Anglyn then asked if Evergreen will assist in the implementation of the pay increases; **Mr. Cooper** responded that they will help in looking at how the increases should be implemented. After this, the county will be in a position to have its own database for tracking purposes and comparison purposes in pay rates to ensure competitiveness and to retain employees. The District III Commissioner stated he is plan-oriented and what can and cannot be done in-house for lack of resources.

Commissioner Thomas made a motion to approve; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

Resolution #22-205

HENRY COUNTY WATER AUTHORITY

Amendment to Stormwater Utility Ordinance

Resolution approving or denying Henry County Water Authorities' Proposed Amendment to Stormwater Utility Ordinance requesting exemption from certain fees (Presenter: Nancy Rowan, County Attorney)(Exhibit 11)

Nancy Rowan, County Attorney, explained that there were two (2) proposals submitted by the Water Authority - one is a Proposed Amendment to the Stormwater Utility Ordinance requesting an exemption from Stormwater fees. She gave some background on this for the Board. A listing and explanation of the exemptions and credits were displayed for public viewing. The amendment is the Stormwater asking for adding the following:

> Henry County Water Authority easements; rights-of-way; roads; water and sewer lines; structures appurtenant to such lines; all facilities associated with water or sewer collection, discharging, processing, production, storage, treatment, and transmission; the Cubihatcha Outdoor Education Center; and the Tussahaw Public Use Area (together referred to as "Authority facilities") shall be exempt from Stormwater user fee charges and the Stormwater management utility and the Henry County Water Authority shall not be charged a user fee charge for the impervious surface area

resulting from or created by Authority facilities. This exemption is in consideration of Henry County Water Authority providing public water and sewer; providing water for fire suppression; maintaining drinking water reservoirs and associated state permitting for producing safe drinking water and the treatment and discharge of wastewater; conducting watershed and stream assessments, monitoring and protection; preserving large quantities of land in natural habitats, silviculture, enhanced ecosystems, and for recreation and education; and implementing Stormwater management best practices where applicable at Authority facilities. This exemption for Authority facilities does not apply to the Henry County Water Authority's administrative office complex and maintenance facilities located at 1695 Georgia Highway 20 West, McDonough Georgia which shall be subject to the imposition of Stormwater user fee charges in accordance with this article."

Ms. Rowan then yielded to Mr. Mohajer for further explanation of Stormwater recommendations.

Alex Mohajer, Stormwater Director, approached to make some remarks on the exemptions listed from Stormwater Utility fees and voiced his support for the amendment as stated. **Ms. Rowan** added that the amendment (sub-section stated above) is fine but that the Board could include any facilities to be built by the Water Authority in the future. If there are any other facilities in the future, other than the specific buildings listed in this provision, the county would be able to leverage a fee against that facility.

Chair Harrell called representatives from the Water Authority forward and asked to see the slide with the current locations that have credits; **Tony Carnell, Director, Henry County Water Authority,** explained that the locations listed are the water treatment plants, lift stations and other stations and most of the facilities, like the water treatment plants, the water actually runs off into the reservoir; and the Tussahaw Reservoir flows into Butts County. The Towaliga Reservoir flows into Spalding County once it leaves Henry County. The Chair asked if the credits have to be applied for every year; Mr. Carnell responded they do and currently there is an administrative process for each credit; Stormwater staff reviews them, which takes a substantial amount of time. The Chair noted that Tussahaw Public Use Area and the Cubihatcha Outdoor Education Center; Mr. Carnell explained those are included in the credits. If the amendment is approved, all the listed facilities will be exempt from Stormwater fees except for the Administration complex. The Chair continued with asking as the county grows, there will be additional treatment facilities, and asked if that is something that would be decided by the Board; Mr. Carnell responded that any facility that is not used for the production of water or distribution/conveyance of water or collection/treatment of sewer is subjected to Stormwater fees. The Chair asked that the amendment be worded to reflect the entire list. **Ms. Hobson-Matthews** explained that they are not coming to the Board but they are making these requests to Stormwater; it takes months to reconcile it all as well. Staff would like a Resolution to give the authority to provide the exemptions going forward without having to come before Stormwater or the BOC.

Commissioner Clemmons suggested adding language "this only applies to…" the determined facilities as stated by Mr. Carnell; **Mr. Carnell** affirmed same. **Chair Harrell** asked that the Resolution be changed to reflect that and then called for motion.

Commissioner Clemmons made a motion to approve with the amendment only applying to facilities for treatment, collection and distribution; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-206

County Watershed Protection Plan

Resolution approving or denying Intergovernmental Agreement with the Henry County Water Authority for the continuation of the Authority's development, operation and maintenance of the County's Watershed Protection Plan (Presenter: Nancy Rowan, County Attorney)(Exhibit 12)

Ms. Rowan explained that there has been an agreement between Henry County and the Water Authority in the past and that the Georgia Environmental Protection Division requires the Water Authority to develop, operate and maintain the above-mentioned Protection Plan. The County is also required by the Georgia Water Planning District to develop and maintain this Protection Plan. The Intergovernmental Agreement (IGA) allows the Water Authority to develop this Protection Plan and for Henry County to utilize said Plan and necessary personnel would be employed to update the Plan as well as collect samples to conduct testing, reporting and monitoring. The County would be responsible for paying one-half (1/2) costs incurred, bi-annually, in providing this service from the Stormwater fund; reimbursement shall not exceed 10% of the previous year's work scope. Ms. Rowan did talk to the attorney for the Water Authority on this amount; because the Water Authority and the County each have to pay half of the overall cost, this gives the Water Authority incentive to keep the costs low.

Ms. Rowan then went through the terms of the IGA for the Board, with the first term from January 1, 2023 till January 31, 2041 (18 years) with ability to renew for five (5) successive 1-year terms (overall, a 23-year term). **Mr. Mohajer** agreed with the terms within the IGA and added that all municipalities are required to perform studies, monitoring and analyzing to protect the Watershed. From the Stormwater side, this would affect protection of the watershed from pollution and flooding; from the Water Authority side, this would affect the drinking water and interception of any contamination from sewage into the drinking water.

Commissioner Clemmons asked what the split in payment was prior to this; **Ms. Rowan** responded that she believed it was $115,000 for the overall consultant fee, half of which the County paid; **Mr. Mohajer** clarified it was $116,000 and the County's portion was $58,000. **Mr. Carnell** approached at the Commissioner's request to confirm that the County's share was always half of the costs. The proposal is brought today because it is expiring this year and this is a new IGA, with terms set forth.

Commissioner Clemmons made a motion to approve; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-207

Ms. Hobson-Matthews asked the Chair if she wanted to proceed with the Aquatic Center update at this time. **Chair Harrell** allowed the matter to be heard.

Aquatic Center Update (moved from <u>PRESENTATIONS</u>)

Jonathan "J.P." Penn, Cluster Leader, Henry County Leisure & Public Services, approached to give an update and stating that staff is meeting with the engineering firm bi-weekly and have completed the borings, the soil test and surveying of the property with positive results; thus, they are moving forward. A formal presentation will be done at a future meeting for the Board with displays for clarification.

Commissioner Thomas asked that during the next presentation to include the areas around the Aquatic Center and their improvements which will be compatible to the Aquatic Center; **Mr. Penn** affirmed same.

There were no further questions. ***No action was taken.***

COMMUNITY DEVELOPMENT BLOCK GRANT

Public Hearing

Public Hearing to receive public comments on the DRAFT FFY2022 Annual Action Plan in the amount of $1,042,369 in CDBG and $512,877 in HOME Funds (Presenter: Shannan Sagnot, CDBG Director/Cluster Lead) (Exhibit 13)

Shannan Sagnot, CDBG Director, approached and explained that today's meeting was not advertised as a Public Hearing and apologized to the Board for that oversight, but that they are willing to take public comments if there are any. She presented the draft for the FY2022 Annual Action Plan. This will be the first year that the CDBG is expected to receive Home Investment Partnerships (HOME) funds. She presented a brief summary on the staff recommendations for the funds. Of the $1,042,369 in funds, staff has divided these funds as shown on the display for the Board and public viewing, as required by the U.S. Housing and Urban Development. Economic Development for façade improvement funds are requested to be added for small businesses. Ms. Sagnot also proposed to reprogram CDBG-CV funds which were allocated in response to the COVID pandemic, at a total just over $190,000. The HOME Funds were awarded and that staff informed her of comments for changes to the recommendations. The Commissioners have asked that a portion of that funding be allocated for Down Payment Assistance Program and the changes were made as presented to the Board. Since she was not apprised of a specific dollar amount, Ms. Sagnot asked that the Board let her know of a preferred amount for that program. She summarized the reallocation of funds from Tenant-Based Rental Assistance to Down Payment Assistance and then went through the other funding splits to ensure compliance.

Chair Harrell confirmed that $50,000 was moved from TBRA to DPA and asked where the funding goes - rather, if CDBG collaborates with non-profits for the rental assistance; **Ms. Sagnot** provided how that works for the Chair and how it works with organizations to extend the funds for rental costs for residents in need. The difference between the TBRA and the CDBG-CV is that the latter is limited to a shorter period of time; the TBRA can provide assistance for an extended period of time. Given the rising costs of rent in Henry County, that need is also increasing on a weekly basis. She then went through a quick summary on how to determine the DPA which would help individuals to hopefully buy homes on the open market and get assistance; the DPA is also extended through the Neighborhood Stabilization Program (NSP), though they would have a few more restrictions. The Chair commented that the rental assistance helps with fixed income or a minimum wage jobs with increases in rents which could make a difference of whether a resident can continue living in a rental property/apartment.

Commissioner Thomas noted that leases are going up beyond what can be helped; she asked if there is an agreement that can be reached to maintain a lease amount to allow the resident to get ahead; **Ms. Sagnot** responded they could look at that and would consult with the County Attorney on the legality of such agreement as well. Henry County is not in direct contact with tenant or landlord, but rather through the non-profits that are in contact. The District IV Commissioner gave an example of a woman with one child who is currently paying $1,500 a month for a 1-bedroom place, which she found surprising. She is hoping that assistance could be given to help these tenants an opportunity to rebuild and absorb these new costs. On the administrative costs, the Commissioner asked if there is new hire coming in; Ms. Sagnot responded that a new staff person might be considered at mid-year and if they do, the funds would be available to cover that cost.

Commissioner Thomas also asked to see if the program allows funds to be set aside for emergency vouchers to house people or if there is a way to move some dollars for that emergency housing; **Ms. Sagnot** acknowledged same.

Commissioner Clemmons noted that the TBRA in the other funds and is still trying to justify the rental on this side and the rental on the other funds but not the homeless issue. She would like to see the TBRA for this to be more for homeless individuals; **Ms. Sagnot** explained that the emergency funds in CDBG-CV are in response to COVID and those households have to have been impacted by same. For the CDBG they have to provide that information to qualify for those emergency vouchers. The District II Commissioner would like to see Henry County doing something for the homeless and take a portion of that $111,000 and allocate it for the homeless. Ms. Sagnot asked if this could be brought back as an amendment, since the deadline to submit this is August 10th. **Chair Harrell** asked if that could be worded as "tenant-based rental/homelessness" needs; Ms. Sagnot clarified that it would be added now. The Chair specified to make it "tenant-based and/or homeless".

Commissioner Clemmons made a motion to allow funds to be allocated for homelessness in an amount specified by the CDBG Director. **Chair Harrell** added that it would be good for the homeless and/or tenants in need to have a resource to have an opportunity to look at jobs and getting to a level to affording their rent. The District II Commissioner noted that under the DPA has a cap on that, since the housing market in Henry County is around $300,000 and up. She asked Ms. Sagnot to find out what that agreement is and what the limits are in the homes in Henry County. The Commissioner then asked if the admin costs under the DPA is for admin or to those who qualify for the program; Ms. Sagnot clarified that it is for qualified individuals for the program. That $250,000 could be capped at $25,000, to allow assistance of up to ten (10) households; admin costs is going to go toward the administration of the program and not come out of that $250,000. **Ms. Hobson-Matthews** reminded the Board that there are American Rescue Plan Act (ARPA) funds to help the homeless as well and a Resolution can be brought back to enforce that. The District II Commissioner stated that the CDBG funds are ongoing and as the new program is established, it is good that the county is in place to help the homeless issue right now.

Chair Harrell asked for a motion to adding the homeless to the rental assistance piece; **Ms. Sagnot** stated they will specifically look at emergency shelter vouchers.

Thus, **Commissioner Clemmons** made a motion to approve with the addition of the homeless line item; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-208

Delegation of Certifying Officers and HEROs Local Administrator

Resolution delegating the role of Certifying Officer and HEROs Local Administrator of the HUD related environmental review process to Director of Community Development (Presenter: Shannon Sagnot, CDBG Director/Cluster Lead)(Exhibit 14)

Ms. Sagnot presented this to the Board and explained that this is to ensure compliance and federal mandates and she is responsible to speak before a federal judge if any reviews are called into question.

There being no questions or comments from the Board, **Commissioner Clemmons** made a motion to approve; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-209

DOT

Public Hearing: Commerce Drive Right-of-Way

Resolution approving abandonment of a portion of Commerce Drive Right of Way (Presenter: David Simmons, CE III) (Exhibit 15)

David Simmons, CE III, Henry County Department of Transportation, approached to present this to the Board and announced this is a Public Hearing. He gave the background on this request and displayed the area on a Plat for the Board and public viewing. This is necessary to combine property owned by applicant for development on this site and it has not been used for public purposes. Utilities and usuries will remain in place. Vulcan Materials has property in this area and they understand that access will be provided through the current Right-of-Way to them for testing and maintenance activities.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak to come and make comment, allowing a total of three (3) minutes. *No one approached and the Public Hearing was closed.*

Commissioner Thomas made a motion to approve; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0).

Resolution #22-210

Sale of Surplus Property - Exhibit A

Resolution approving sale of county surplus property shown on Exhibit "A" (Presenter: David Simmons, CE III) (Exhibit 16)

Mr. Simmons advised this is for the same property and explained that the abandoned property is requested to be for sale; he wished to add that the owner has been made aware that utilities are to remain in place and access remain for Vulcan Materials. The Resolution also has a paragraph to have access granted to Parcel #068D04016000 for various testing and other maintenance related purposes. Also added to the Resolution that the disbursement of the property is to be of Code and the County Attorney shall prepare Quitclaim Deed conveying the title of the property, and that conveyance is made subject to any utilities existing on the property at the time of the transfer as well as access to be provided to the above-stated property for various testing and maintenance-related purposes. This has been added by the County Clerk, Mr. Simmons stated.

There being no questions or comments from the Board, **Commissioner Anglyn** made a motion to approve, including the above-stated amendment(s) read by Mr. Simmons; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-211

PUBLIC SAFETY - HENRY COUNTY FIRE RESCUE

Resolution for the emergency purchase of One (1) 2022 Ford F550 Diesel 4X2 Braun Demo Ambulance from Ten-8 in the amount of 332,984, Two (2) 2022 Dodge 4500 Chassis from Reliant Emergency Specialists in the amount of $136,114, and One (1) 2022 Dodge Ram 4500 Chassis Remount from Reliant Emergency Specialties in the amount of $115,265, totaling $584,363 for Henry County Fire

Rescue. Funding available under Capital Improvement Plan (Presenter: Jonathan Burnette, Fire Chief) (Exhibit 17)

Jonathan Burnette, Chief, Henry County Fire Department, approached to give a summary of this emergency purchase of an ambulance, two (2) chassis and one (1) chassis remount. He noted that since this was turned in there needs to be an amendment as one of the vehicles has been sold and to remove the one (1) 2022 Ford F-550 ambulance, which would bring the total down to $251,379.

Chair Harrell asked the purpose of purchasing these vehicles; **Chief Burnette** responded that back in September 2021 six (6) ambulances were approved; currently they average about 35,000 per year and the 6 ambulances still have not arrived as they are still being built. They expect to get the requested vehicles in the next couple of months to give some relief to the aging fleet. There are 14 front line ambulances and 5 reserve ambulances. Nine of the frontline have over 165,000 miles on them already and continue to age out.

Commissioner Thomas asked if this is one of the programs considered for lease purchase; **Chief Burnette** explained that they would be bought outright; there are two pieces to an ambulance - the box on the back and the cab chassis on the front; the chassis is being requested for the ambulances. The box can be pulled off of the chassis and put on a new chassis, which helps to curtail costs of an entirely new ambulance.

Commissioner Wilson asked how long it would take for the chassis remounts to come in, if approved; **Chief Burnette** stated it would be 60-90 days.

Commissioner Thomas noted that they are still waiting for ambulances purchased in 2021 and if some of these are being replaced after that come in; **Chief Burnette** assured the Commissioner that these would still be in use and stated what the back ordered ambulances would replace (all in excess of 165,000 miles). The District IV Commissioner asked if orders are being put in now for upcoming fire stations to be built; Chief Burnette explained that the average time to build an ambulance is about 18-20 months; the average time to build a fire truck is 20-30 months. Staff is working on a Master Apparatus Plan which will include trucks and apparatus for upcoming Fire Stations #17 and #18. The Commissioner then asked what will happen to the ambulances/trucks that are replaced; Chief Burnette explained that they normally go to get sold and one is normally given to the Training Division for new recruits. The Commissioner looks forward to this Master Plan when it is ready for presentation.

Commissioner Clemmons made a motion to approve with the three (3) ambulances instead of the original four (4) requested; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-212

<u>PLANNING & ZONING</u>

Resolution to repeal Resolution 19-40, adopted February 5, 2019 and calling for the continued imposition, collection and expenditures of development of impact fees (Presenter: Nancy Rowan, County Attorney) (Exhibit 18)

Ms. Rowan approached and stated that during a May 2022 BOC meeting, the District II Commissioner stated her belief that a Resolution had passed which called for the equal division of impact fee collection through the Districts and that this was prohibited by law. A Resolution was passed on February 5, 2019 which provided that the funds from impact fees be so split, which goes against

O.C.G.A. §36-71-4. This Resolution will repeal the highlighted portion of the equal split of impact fees among the Districts.

Commissioner Clemmons asked if the Districts can get their money back that was taken away; **Ms. Rowan** stated that no monies were taken out; **Ms. Hobson-Matthews** agreed and concurred that no state law was violated.

Commissioner Clemmons made a motion to approve; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-213

Impact Fee Schedule

(Not a Public Hearing) Resolution approving Impact Fee Schedule Countywide (Presenter: Toussaint Kirk, Planning & Economic Development Director/Cluster Lead) (Exhibit 19)

Toussaint Kirk, Planning & Economic Development Director, presented the details of the Resolution for the Board and added that Bill Ross & Associates were hired last year to conduct an Impact Fee Study and they were the original consultants who initially presented the impact fees back in 2003. He addressed an email sent from Garrett Wiley of the Greater Atlanta Home Builders Association (GAHBA) that came in question of improper spending of impact fee collection to which Mr. Kirk rebutted same to the Board, based upon the analyses and reviews of Dr. Nelson's findings on the Impact Fee Study; said response rebuttals were from Ross & Associates.

Mr. Kirk then presented the purpose behind the update of the fees and adding Transportation to the Impact Fees categories. He presented the projects to benefit from impact fees and proposed schedule and noted that there is $118 a year difference between the proposed fee and the existing fee. He then presented how it will affect commercial and industrial developments. He then presented the considerations for the Impact Fees to the Board as suggested by the BOC at various times prior to today's meeting. Staff is recommending that the impact fee amount be $3,544; that there be a 6-month grace period for platted and recorded lots; that the updated fees are effective around February 2, 2023 and that all impact fees are paid prior to the issuance of a Certificate of Occupancy.

Chair Harrell asked to see the options on the Considerations. She asked if they utilize the 6-month grace period, they stand to lose $1 million dollars in impact fees; **Mr. Kirk** affirmed same.

Commissioner Thomas stated that when she received the email from the company calling the impact fee expenditures into question, she took offense to it and felt that the company should have done a better job of investigating before issuing allegations and that the Financial Services Department does meticulous auditing to ensure proper spending. She then asserted that this allegation is not in the best interest of the county. Moving forward, she asked about the grace period and if it applies to people who have projects in now or how that works. **Mr. Kirk** explained that the grace period is for those who submit for a person to lots platted and recorded. **Chair Harrell** asked why there is a 6-month wait if it is approved today; Mr. Kirk said the Board could make it effective today.

Commissioner Wilson stated the million dollars could go a long way to helping impact fee projects. The developers have known this was coming and the county is asking for what is to be catching up and he is not in favor of the 6-month grace period.

Commissioner Clemmons stated that building in Henry County generates impact fees and increases tax collections. The grace period is a way that the county is meeting the developers and industries halfway in getting these increased fees paid and get caught up with what is going on in surrounding jurisdictions.

Commissioner Clemmons made a motion to approve with staff recommendations and the 6-month grace period as outlined in column 1 for platted and recorded lots; **Commissioner Thomas** seconded the motion.

Commissioner Thomas asked if the grace period includes her statement by not rushing permits and if that language will be included; **Ms. Rowan** stated the Resolution would take effect in February 2, 2023. **Commissioner Clemmons** added that the land has to be platted and recorded and the grace period applies to them, not to new developers, in order to have time to pay the increase in the impact fees. **Mr. Kirk** explained that it also includes commencement of work, foundation in the ground, before collecting the impact fees.

Ms. Hobson-Matthews needed clarification on what was approved. **Commissioner Clemmons** clarified the motion that the grace period would be 6 months as stated in column 1. Ms. Hobson-Matthews further clarified that the column 1 referenced is under Henry County on the slide Impact Fee Considerations; the District II Commissioner affirmed same. **Mr. Kirk** stated that the Ordinance addresses the grandfathering.

Ms. Hobson-Matthews clarified that the Resolution will have to be redone and referenced where the language needs to be changed to incorporate Column 1. She further clarified that impact fees will now be paid prior to the Certificate of Occupancy being issued instead of at the time the CO is issued. **Mr. Kirk** explained that the intent is to get the fees paid before any certificate is issued; however, it was further clarified that the CO would be issued at the time the fees are paid, which had been status quo.
Motion carried (4-2-0).

*(**Chair Harrell, Commissioners Clemmons, Anglyn** and **Thomas** voted in favor; **Commissioners Wilson** and **Holmes** voted in opposition).*

Resolution #22-214

Ms. Hobson-Matthews advised that the Ordinance would have to be amended to reflect the changes just approved.

Commissioner Clemmons made a motion to amend the Ordinance with the new impact fee recommended at $3,544.46 with a 6-month grace period for already platted and recorded lots; **Commissioner Thomas** seconded the motion. Motion carried (4-2-0).

*(**Chair Harrell, Commissioners Clemmons, Anglyn** and **Thomas** voted in favor; **Commissioners Wilson** and **Holmes** voted in opposition).*

Ms. Hobson-Matthews reminded the Chair of two (2) outstanding items that needed to be heard.

Facilities Maintenance (*Moved from Consent Agenda*)

Resolution awarding a bid for Janitorial Services for County Facilities Annual Contract to American Facility Services, Inc. in the amount of $560,340 (Presenter: Hutch Purvis, Facilities Maintenance)(Exhibit 4)

Susan Harris, Purchasing Director, approached to give summary of the Resolution for the Board. The RFP was duly posted and nine (9) vendors submitted proposals which were scored and ranked. Four (4) vendors were selected for bidding; three (3) submitted bids. Staff recommends American Facility Services in the above-stated amount for an annual contract for one (1) year with two (2) mutually agreed annual renewals. **Chair Harrell** asked for clarification of vendors submitting proposals and that four (4) were recommended to move forward and only three (3) submitted bids; Ms. Harris affirmed same.

Commissioner Holmes asked the amount of the current contract; **Hutch Purvis, Facilities Maintenance Director,** responded the amount was $314,520.

Commissioner Thomas asked what the makeup of bidding vendors were, such as veteran-owned, disparity companies; **Ms. Harris** responded that of the vendors that were chosen to move forward, there were small businesses, Asian-American or African-American owned, women-owned, and one vendor that did not specify.

Commissioner Clemmons commented that there is a local vendors section in the County and if a bid is selected, an extra point is given by the review committee if the business is local. She further stated that the disparity comes down to race and there is no extra point system in place for women-owned or veteran-owned. **Chair Harrell** asked if there was a local vendor in the top 3; **Ms. Harris** stated that one business was from Stockbridge, but local vendor privilege does not give point, but gives the vendor the opportunity to match if they are within the 5% of the lowest bid and does not apply to bids over $100,000. The Chair asked if vendors have the opportunity to identify how they are owned; Ms. Harris affirmed same and that the process was duly followed.

Commissioner Clemmons then asked the County Manager what the procedure is for extension of existing company and if the existing company bid on this as well; **Ms. Hobson-Matthews** deferred to the Purchasing Director. **Ms. Harris** responded that the existing vendor put in a proposal but was not recommended to move to the bidding process. Ms. Hobson-Matthews stated that the vendor is allowed to consider extending on a month-to-month basis, but not necessarily at the same cost. She disclosed that there have been some issues with this current vendor.

Commissioner Thomas noted that there are two (2) auto renewals on this proposed contract and requested that be removed; **Ms. Hobson-Matthews** responded that is standard procedure in most contracts but does not guarantee that the renewal will happen, and that it is in place to guarantee pricing.

Commissioner Clemmons asked to see that this come back before the Board after one (1) year because then the disparity study will be completed. **Ms. Harris** stated that this is renewable on a mutual basis. **Ms. Hobson-Matthews** clarified that after a year, this would come back before the Board but the vendor would need to be notified of this. If there are issues, it would be addressed immediately. The disparity study would allow underrepresented businesses to have more public involvement. Once the study is completed, the Board will have to take action to amend the Purchasing Ordinance. Once this is approved and if there is a need based on the study, then it can be brought back to the Board. The District II Commissioner noted a 13 point difference with another vendor and did not know why there was such a difference. This could change in the next year once the study is completed. Ms. Hobson-Matthews suggested a compromise on this, in that the bid would be awarded and in a year it can be reevaluated and breaks out and open it up to reduce the number of buildings. Any changes made now would have to be taken to the vendor. The District II Commissioner further suggested having the vendor consider working with a minority business on the list and give them a cut of the contract. The County Manager stated that if the vendor is asked, it is not in line with current policy; however, the District II Commissioner stated that the vendor can be asked and they can say no.

Commissioner Thomas asked if there is a process at the end of the contract year, if there is a performance review conducted prior to the automatic renewal takes place. **Ms. Harris** responded that they are not automatically renewed, they are mutually agreed upon renewals, and explained the process for the Board. The District IV Commissioner requested a process to be in place for a written evaluation to be done prior to renewal to determine if the mutually agreed renewal should be done; the County Manager stated that when it is time to renew, every department documents any complaints received with the vendor(s). If there are issues, the vendor is called in and a process in resolving complaints is done; if it cannot be corrected, the vendor is allowed to bid but the review committee will have access to review complaints received. It is not an automatic renewal.

Commissioner Thomas understood the County Manager's comments and thinks the process needs to be automated and updated and wished to speak to her further after the meeting.

Commissioner Wilson stated there have been contracts awarded and now this is discussed yet no one said anything about other maintenance contracts; he asked why this was different. **Commissioner Clemmons** explained that this contract was pulled from the vendor in place now; the County Manager added that the contract is set to expire and the bid was sent out. The existing vendor submitted proposal but was not selected to put a bid. The District I Commissioner then asked if that vendor should be removed and did not understand why this particular one is discussed.

Commissioner Wilson made a motion to approve; **Commissioner Anglyn** seconded the motion. Motion carried (4-2-0).

*(**Chair Harrell, Commissioners Wilson, Anglyn** and **Holmes** voted in favor; **Commissioners Clemmons** and **Thomas** voted in opposition).*

Sable Chase Apartments (Added Item)

Sable Chase Apartments Update (Presenters: Mark Amerman, Police Chief; Jonathan Burnette, Fire Chief; and Brett Hanes, Building Department)

Chair Harrell announced that the apartments lost power on July 20, 2022 but there were issues restoring power and accusations were made against the County for not performing those services. **Chief Mark Amerman, Henry County Police Department,** stated that there were several violations and twenty-five (25) citations were given so far, ranging from no AC to infrastructure and electrical problems. Half of these have been restored, portable AC units were offered to those who have not been restored and/or residents put up in hotels. A representative from the Building Department noted that permits have been issued and inspections are to be performed on other buildings and Code Enforcement will continue to cite daily until all of the problems are resolved. **Chief Burnette** stated that the apartments are inspected yearly and this year the Fire Department found one minor violation which was completed at the re-inspection. Inspections are focused on the exteriors, breezeways, sprinkler systems in the breezeways and not inside the thresholds of the apartment units. Chair Harrell asked if the problems are due to the equipment being up to date; she was told that there is dated equipment with increased electrical use in the units and the power surge knocked it out. The Chair stated that this is a tax credit property and that the Department of Community Affairs will investigate further.

Commissioner Thomas asked if there is a timeline for repairing these units; **Chief Amerman** stated that Code Enforcement cites the apartment every day and a judge can give a deadline to have these repairs done. **Chair Harrell** stated that she was in touch with DCA and they are working with the compliance issues that need to be followed including updating the electrical equipment and local non-profits and food banks are also collaborating to meet the needs of these residents, including seniors who have lost their medications damaged from the power outage. Code Enforcement can mandate the repairs but the apartments will continue receiving citations until a court summons when a judge can mandate the timeframe.

There were no further questions. ***No action was taken.***

PUBLIC COMMENTS

We welcome citizens to voice their county-related concerns and opinions regarding items which are listed on this agenda or on the previous regular meeting agenda. All persons wishing to speak during Public Comment must pre-register with the County Clerk in writing or via email: sbraun@co.henry.ga.us no later than 12:00 p.m. on the day immediately prior to the meeting. Each speaker will have three (3) minutes to speak. No member of the public shall be permitted to make personal, impertinent, slanderous or profane remarks to any member of the board, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any board meeting shall, at the discretion of the chair or a majority of the council, be barred from further audience before the board during that meeting. *No one signed up for Public Comments.*

APPROVAL OF MINUTES

Commissioner Clemmons made a motion to approve the Minutes from *July 19, 2022 (Called BOC Meeting re: 2022-2023 Millage Rate)* and *July 19, 2022 (Regular BOC Meeting)*; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

UPCOMING MEETINGS AND EVENTS

A. Tuesday, August 16, 2022 at 4:00 p.m. is a Special Called Meeting to discuss Public Safety Facility Needs

B. Tuesday, August 16, 2022 at 6:30 p.m. is a regular BOC Meeting

C. Wednesday, September 7, 2022 at 9:00 a.m. (due to holiday) is a regular BOC Meeting

EXECUTIVE SESSION

Commissioner Thomas made a motion to convene to Executive Session for the purpose of discussing litigation; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0)

EXECUTIVE SESSION TAKEN AT 11:28 A.M.

RECONVENE

Commissioner Wilson made a motion to reconvene to Public Session; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-1). *(**Commissioner Holmes** was absent from this vote)*

MEETING RECONVENED AT 11:35 A.M.

AFFIDAVIT & RESOLUTION

Commissioner Thomas made a motion to approve the Affidavit and Resolution Pertaining to Executive Session; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-1). *(**Commissioner Holmes** was absent from this vote).*

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 11:36 a.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk