

October 4, 2022

Page 1 of 23

**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, October 4, 2022, 9:00 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, Clerk, Henry County 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.

CALL TO ORDER

Announcement

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, October 4, 2022 at 9:00 a.m. to order.

PROCLAMATIONS

Prior to the reading of the first Proclamation, **Chair Harrell** called for the members of the Henry County Chamber of Commerce to come forward, including Joe Henning, Executive Director.

Nicholas Ivey, Communications Specialist, read the following Proclamations into the record, as follows:

Proclamation recognizing the Henry County Chamber of Commerce for its worthy commendation, having received the 2022 National Chamber of the Year Award

WHEREAS, the Henry County Chamber of Commerce has been named Chamber of the Year by the Association of Chamber of Commerce Executives; and

WHEREAS, the award recognizes excellence and financial performance, partner retention, organizational strength and impact on the community in areas such as education, transportation, business development and quality of life; and

WHEREAS, there are approximately 7,000 Chambers in the United States, with more than 1,300 Chambers globally represented by the Association of Chamber of Commerce Executives; and

WHEREAS, because of its comprehensive evaluation process, the award reflects the challenging work, dedication and collaborative efforts of many people throughout Henry County; and

WHEREAS, we appreciate the Henry County Chamber of Commerce for its work which continues to expand our economy by attracting and retaining jobs in the region;

NOW THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners recognizes the Henry County Chamber of Commerce as the best of the best in their industry, having been awarded the 2022 National Chamber of the Year Award, and congratulates its Board of Directors, staff and partners for being recognized accordingly by the Association of Chamber of Commerce Executives.

PHOTOGRAPHS ARE TAKEN

Proclamation recognizing October as Anti-Bullying Awareness Month

WHEREAS, bullying is a physical, verbal, sexual or emotional harm or intimidation intentionally directed at a person or a group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools and online through technology; and

WHEREAS, various researches have concluded that bullying is the most common form of violence affecting millions of American children and adolescents annually and thousands of Georgia children and adolescents are affected by bullying every year; and

WHEREAS, targets of bullying are at increased risk for depression, anxiety, sleep difficulties, lower academic achievement and dropping out of school, and students who are repeatedly bullied often fear such as activities such as riding the bus, going to school, interacting online and attending community activities; and

WHEREAS, children who are bullied are at a greater risk of engaging in more serious violent behaviors and children who witness bullying often feel less safe, helpless to stop it and intimidated to act;

NOW THEREFORE, BE IT PROCLAIMED, the Henry County Board of Commissioners recognizes October as National Bullying Prevention Month and Henry County encourages parents, teachers, mentors and community leaders to take a stand against bullying in order to safeguard our young people and help them grow in a positive and nurturing environment;

BE IT FURTHER PROCLAIMED, that Georgia schools, students, parents, recreation programs, religious institutions, businesses and community organizations are to be encouraged to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents.

PHOTOGRAPHS ARE TAKEN

Prior to the reading of the next Proclamation, **Mr. Ivey** invited participants, including a representative from Human Resources, Mishara Murrell Sharp, to accept the Proclamation on behalf of her mother and all those affected by breast cancer.

Proclamation recognizing October as Breast Cancer Awareness Month

WHEREAS, every year too many Americans are touched by the pain and hardship caused by breast cancer and it is estimated that 281,550 women and more than 2,650 men are expected to be diagnosed with breast cancer by the end of 2022; and

WHEREAS, breast cancer is the second most common form of cancer found in women in the United States, and the second leading cause of cancer death overall among American women with more than 43,000 lives lost each year; and

WHEREAS, many people have endured the heartbreak of losing someone to breast cancer and it is the memories of those loved ones that drive us to find a cure; however, thanks to early detection and improved treatment options, death from breast cancer has significantly decreased in the last decade; and

WHEREAS, all women are encouraged to talk to their health care providers about mammograms and other methods of early detection as well as the risk of developing breast cancer and what can be done to reduce that risk, and by raising awareness of breast cancer and supporting research, prevention and early detection so that we will move closer to eradicating this disease;

NOW THEREFORE, BE IT PROCLAIMED by the Henry County Board of Commissioners that the month of October is designated as Breast Cancer Awareness Month and we urge all Henry County residents to spread awareness of this disease, provide support for those affected by this illness and educate others on its prevention and early detection.

PHOTOGRAPHS ARE TAKEN

Proclamation recognizing September 15 - October 15 as Hispanic Heritage Month

WHEREAS, each year Americans observe National Hispanic Heritage Month from September 15th to October 15th by celebrating the histories, cultures and contributions of American citizens whose ancestors come from Spain, Mexico, the Caribbean, Central and South America; and

WHEREAS, the observation started in 1968 as Hispanic Heritage Week under President Lyndon Johnson, then expanded by President Ronald Reagan in 1988 to cover a 30-day period which was enacted into law on August 17, 1988; and

WHEREAS, we celebrate Hispanic Heritage Month to recognize the achievements and contributions that the Hispanic American champions, who have inspired others to achieve success and to acknowledge their many contributions that have helped shape our nation ; and

WHEREAS, this year's theme for Hispanic Heritage Month is "Unidos: Inclusivity for a Stronger Nation", because of diversity in strength and we celebrate the contributions of Hispanic and Latino communities to the culture, the economy and the future of our nation;

NOW THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners recognizes September 15th through October 15th as Hispanic Heritage Month in Henry County and encourages all residents to acknowledge, appreciate, embrace, honor and celebrate their traditions and contributions not only during Hispanic Heritage Month but all throughout the year.

PHOTOGRAPHS ARE TAKEN

PRESENTATIONS

Henry County Employee Retirement Recognition

Mishara Sharp, Human Resources Generalist II/Recruiter, presented the following employees set to retire:

- Joy Bridges - Henry County Senior Services - 23 years
- Andrea Holland - Henry County Sheriff's Office - 15 years

Classification and Compensation Study Update

Harold Cooper, Human Resources Director, introduced Ms. Callocchio from Human Resources in making this presentation to the Board, as it relates to this study.

During the slide presentation, **Mr. Cooper** gave a review of what was put together to compile data gathering for the study and conducted employee surveys to gauge interest in the study. The assessment of the County's current condition included revision in the Pay Plan and Salary Distribution. Mr. Cooper noted that Evergreen Solutions held orientations to begin the study's process - the second orientation was recorded for the benefit of all Henry County employees who were not able to attend. He then yielded the floor to Ms. Callocchio for further remarks during presentation.

Callie Callocchio, Human Resources Specialist, stated that she has been working with Evergreen on the Employee Outreach phase of the Class & Comp Study. She provided a brief summary

along with the presentation for the Board and public viewing. Amongst the findings were concerns stated by participating employees, one being that less than 50% of those surveyed were only somewhat familiar with the County's current compensation system, while only 30% had either a slight, or no, understanding of that system. Other concerns were presented as well, including inaccuracies in job descriptions and that the job titles are "generic" and do not capture the specifics of the job.

Ms. Callocchio moved on to the next step in the outreach, being the Job Assessment Tool, which was sent out by Evergreen on September 19th, giving employees two (2) weeks to complete this survey. This enables Evergreen to determine proper classification of job titles, description and associated compensation. This is currently under supervisory review and will have till the end of the week to review the Job Assessment Tools.

Ms. Callocchio explained that the process is still in the data collection phase, so no recommendations have been received as of yet. The next phase will be the Market Data Study, where the Class & Comp is compared with twenty-one (21) other government municipalities; this has just begun last week.

There were no questions or comments from the Board. No action was taken.

Henry County Sheriff's Office (HCSO) Budgetary Needs

Reginald B. Scandrett, Sheriff, Henry County Sheriff's Office, approached and began by stating that this is presented in an emergency timeframe with respect to the functions of the Sheriff's Office. He stated that they are at total capacity at the Jail (892). Food and medical services have been contracted for 750 inmate capacity, thus leaving a difference of 242 needing those services. Invoices for additional payments and a review of the previous contract are being done now for possible changes/adjustments.

Michael Yarbrough, Chief Deputy, Henry County Sheriff's Office, presented a graphic representation of an increase from January 2017 to September 2022 in the average daily population and the projection of said increase to go through 2024. He further noted that there are 78% fewer releases than incoming, which also increases the population, with a 34% increase in bookings over the last seven (7) months, compared to the prior six (6) months. Year-over-year, from August 2022 compared to August 2021, there was a 55% increase in bookings. A pie chart breakdown of the inmates at the jail was also provided to the Board and public viewing.

Chief Yarbrough continued that among the critical impacts are inmate housing and staffing. There is an immediate need for a structure to hold at least 150 inmates in the next couple of months as well as a new jail pod constructed. The 33% increase needs to have food and medical services; there is also potential for housing out the inmates at a cost of (at least) \$85/inmate/day at a possible \$3.1 million dollars annual cost to the County. He then yielded the floor to Dr. Brickhouse.

William Brickhouse, Ph.D., Director, BHOUSE Consulting, LLC, offered a brief description of his experience and education, at the request of the Sheriff's Office, prior to making remarks on his presentation. He noted that the bullet points he will present have been shared with the Sheriff and his Command staff. Current staffing consists of one (1) day for psychiatrist on-site; one (1) full-time mental health counselor and one (1) mental health nurse; this staffing was put in place at the time the original contract was bid out. Closure of state mental health hospitals has now placed mental health inmates into the jails; all fifty (50) States have seen increases in mental health patients in their jail populations. Currently, 20% of the average daily population (ADP) consists of mental health patients and can go up to 25% with the influence of substance abuse as a co-occurring disorder. There is a need for one (1)

additional mental health counselor, a second day for psychiatric coverage (4-8 hours) and programs to develop and address discharge planning and diversion, as well as counseling support during incarceration.

Dr. Brickhouse continued that the jail is deficient with respect to the housing classification capability in separation of mental health inmates from the general population inmates. There are two (2) options to address this: to identify current housing locations for medical step-down and mental health housing, which may include retro-fitting. There is another building option that has been submitted to the Board of Commissioners, which could provide a long-term solution to address this deficiency.

Chief Yarbrough returned and remarked that other impacts include COVID-19 and other communicable diseases addressed each day, with supplies, equipment and resources to address them and make inmates and staff safe, including upgrades to the HVAC system and mobile filtration systems throughout the jail. As inmate population increases, the need for adequate staffing also increases and he addressed the specific positions needed to handle these increases. The mental health facility would have to be upgraded as well to separate the population between mental health inmates and general inmates according to crises and treatment categories necessary while incarcerated; currently, the jail is not at this needed level. Transport is also reaching critical need status as the increase in population also means more frequent transport to court, medical/mental health facilities or other needed facilities which puts a burden within the department as well.

Chief Yarbrough then addressed the video monitoring equipment throughout the jail, the court system and potential for new facilities. These need to be replaced/repared/enhanced to ensure safety, security and public health capabilities. He yielded the floor to the Sheriff for closing remarks.

Sheriff Scandrett explained that in 2019, SPLOST funding for the new jail pod addition, with Resolution #19-163 for a \$10 million-dollar project was approved. In July 2019, the approved project list no longer included the jail pod and Resolution #19-204 was also a project no longer listed on SPLOST referendum for approval by voters. It was suggested to be moved to Capital Improvements Plan (Resolution #20-64) over a 5-year period at approximately \$6 million dollars. Sheriff Scandrett further addressed associated increases over the last several years as the jail population has incrementally increased as well. He presented an overview photo of the Sheriff's Office Complex with the designated areas which were added over the years. Henry County is one of the fastest growing counties in the nation and "will not go south, it will continue to go north". The funds requested immediately are for the medical services, food, staffing and outside housing of inmates, at a cost of \$9 million dollars right now. Subsequent funding will go to a structure to accommodate inmates as the population increases but those associated costs will probably change, but the base utilized is at \$10 million dollars. For operational coverage, approximately \$9 million dollars is urgently needed to ensure accommodation the above-referenced needs.

Chair Harrell asked staff to come forward to address the concerns presented. **Cheri Hobson-Matthews, County Manager** asked if the Board had any questions; Chair Harrell advised that questions from the Board will wait as the concerns in the document are to be addressed.

Ms. Hobson-Matthews explained that the Financial Services Director will give a response based on the documentation sent by the Sheriff's Office to the BOC which detailed the Sheriff's needs. **Chair Harrell** asked if everyone has the referenced documentation sent via email.

David Smith, Director of Financial Services, approached with a prepared response to what was sent by the Sheriff. He reminded the Commissioners that on more than one occasion, he has been advised that he has a fiduciary responsibility to protect the financial strength in the County and to continue with

the same level of support to the citizens. Revenue constraints have inhibited the ability to continue with this level of support at-risk and \$17-20 million dollars requested will put all of the levels of service at risk. Preparations were taken for potential recession but there is an emergency fund for citizens and employees, of approximately 230 days (8 months) of reserves. Departments, including the Sheriff's Office, have been requested to "live within means" and to work towards minimizing costs at this time, and to focus on essential expenditures. Hurried and rash decisions could further provide recession; however, under the County Manager's collaboration, the Sheriff's Office's budget has not been cut - in fact, it has been increased every year that the current Sheriff has been in office. As the Sheriff's Office has raised issues, sufficient funding was provided to ensure proper functioning of the jail, feeding inmates and providing their medical care.

Mr. Smith remarked that in the Executive Summary, it is stated that Henry County is required by law to provide adequate budget to the Henry County Sheriff's Office for the execution of its constitutional duties. They have been met and plenty resources have been provided to cover the expenses. There is guidance that exists stating that resources must be adequate and reasonable, and Mr. Smith states that has been provided by the increase in the Sheriff's Office's budget annually; Mr. Smith further presented documentation supporting his response. In addressing emergency needs, Mr. Smith stated that in Fiscal Year 2023 the Henry County Sheriff's Office's operating budget currently includes \$2.7 million dollars for medical services and there is now a request to increase that, an additional \$1.9 million dollars in the FY23 budget submission to cover expected increased medical costs due to changes in the medical providers (Wellpath) and adding mental health services. It is still the County's intent to use \$1.9 million dollars of American Rescue Plan Act (ARPA) funds to cover that increased expenditure need. A \$90,000 purchase order was recently approved for mental health consultant.

Mr. Smith asked for clarification in the dollar amount listed in the emergency budget request, if this is over and above the current \$4.6 million dollars already approved and set aside, which has been determined as adequate funding to cover any annual contracting costs that increase to \$3.6 million dollars and any additional COVID-19 equipment and response.

Regarding the inmate housing issue and solution proposed, **Mr. Smith** pointed out that the SPLOST funding had that line item removed with the intent from the County Manager and the presiding Chair at that time, to build a jail pod which was included in the Capital Improvements Plan; this is still the intent of the County Manager and the current Chair. The Plan is reviewed and updated annually to reflect changing needs, priorities and funding opportunities. A potential funding mechanism has been identified and will not occur until sometime in 2023-2024. Referencing the Detention Officer and Transport staffing, Mr. Smith noted that the Sheriff requested that forty-six (46) new positions be added; currently there are twenty-four (24) vacancies in the Sheriff's Office, with six (6) of them in the jail. Financial Services protocol is that all currently approved and budgeted funding vacancies be filled prior to any requesting additional positions. Alignment and reclassification tailored to the needs of the Sheriff's Office were allowed and identified as staffing for the Annex and new jail structure and will be considered as those facilities get closer to operational status. Regarding Transport vehicles, Mr. Smith remarked that the County Manager and Capital Improvements team recently approved purchase of a transport vehicle for the Sheriff's Office, in the amount of \$130,000 to be purchased in FY2023.

Mr. Smith then turned to the food contract and kitchen repairs. The kitchen/dining hall additions and renovations were completed at the main jail in FY2022, in the amount of \$254,000; any renovations needed at the Annex would need to first be under review by the County Manager and the Capital Improvements team to determine specific building needs, funding availability and priority of the project. The jail operating budget for FY23 currently includes \$947,000 for inmate meals. Mr. Smith attached for the Board the cost of the medical services, food services to other competing counties and Henry County, with similar jail populations.

Mr. Smith stated that the Sheriff's Office has been provided with adequate funding to currently support needed staff, facilities, supplies and equipment for the office to meet its constitutional and statutory obligations. ARPA funds have been made available for the medical services needed and can be used for operational expenses; however, he has consistently recommended against using ARPA funds for operational expenses, as it is intended for large one-time expenses that can be addressed between now and December 31, 2024. He also went through the additional documentation with comparisons that the Board will be provided (at this point, they were being copied to distribute). Mr. Smith noted that up until FY2022, the expenditure of the Sheriff's Office budget has been under target or on target; however, due to changes in providers for medical and food services, those annual costs which were status quo in the past have now exceeded the allotted budget and was the base for the department's 2023 budget. The Sheriff's Office is currently paced to finish within budget and to address what has been presented only 3 months into the budget cycle is unnecessary.

Chair Harrell clarified that currently the ADP is 992; **Sheriff Scandrett** responded affirmatively. Chair Harrell indicated that the jail can hold 908 inmates as shown on a slide and asked how many the Annex will house; Sheriff Scandrett responded that capacity is at eighty-four (84) and added that currently they are over-capacity. The Chair asked what options are identified to create housing in the short-term for this over-capacity. Sheriff Scandrett responded that every possible solution was reviewed and that these factors were inherited when he took office; they are very different now and will be different on how these needs are to be met. Henry County is now looked upon as a Large Jail Network, which is a network that houses over 1,000 inmates; Henry County will reach that number by December of this year and will not decrease from that going into 2023. If reasonable adjustments are not made, this will create an even more critical need within the Sheriff's Office. After inquiring of surrounding Sheriffs, Sheriff Scandrett learned that they are also experiencing the same critical need with growth of population, staffing issues and funding challenges for food and medical services. The Georgia Sheriff's Association will be addressing these at the conference in Savannah as it has become significant throughout the State of Georgia.

Sheriff Scandrett continued that in reference to the medical services and food services providers, the County contracted 750 inmates and still going "north"; therefore, the associated costs will also be adjusted as well. These were not projected given the initial fiscal year budget and how to get there without causing financial strain and having an overall strategic plan are needed.

Chair Harrell asked how many inmates should actually be in state facilities and not in the jail; **Sheriff Scandrett** responded that over 25% of the population has significant mental health issues and they have to be categorized in reference to severity of these issues; the jail was not built to deal with high-impacting mental health challenges. As they are classified in to general population, the Sheriff remarked that this must be changed; Dr. Brickhouse was consulted to identify a way to pinpoint a solution and save money from a legal perspective and being responsible to their welfare, as lately the jails are looked upon no more than dumping grounds to house mentally unstable individuals. Chair Harrell clarified asking about the individuals sentenced by the court to serve in state facilities -- if they are being housed in the jail as well; and the Chair quantified the question by specifying that this is not for medical reasons but serving time in a sentence from a court. **Billi Akins, Chief of Staff, Henry County Sheriff's Office** responded that there is not a backlog and that the state is accepting its inmates; but rather, the backlog lies within the court system, with 59% of the inmates waiting for trial. Chair Harrell clarified that the overcrowding is due to the backlog of the court system; Chief Akins affirmed same. Sheriff Scandrett added that the Sheriff's Office has been in contact with the judges who have put together a plan on how to deal with the inmates and the calendar backlog, mostly heavily impacted by the COVID-19 pandemic. Since the re-opening of the jail in 2021, the number of backlogged cases with inmates still housed at the jail has significantly increased and will continue to do so.

Chair Harrell then addressed the budget for food services, stating that there were services contracted for 750 inmates. She indicated that if capacity is 908 with 84 at the Annex, if it would be better served to contract at 1,000 moving forward; **Sheriff Scandrett** responded it would be correct but the department wanted to stay fiscally responsible with what it had at that time. There was a consistent ADP of 650-750 but with the release rate during that time, it was thought that there would be no issue in contracting no higher than 750 inmates served; however, this has significantly changed and continues to change. Regarding the supplies, equipment, testing and vaccinations for the COVID-19 issue, the Chair asked for a list of those supplies needed; Sheriff Scandrett responded that anything more than 750 inmates, the Sheriff's Office will be additionally charged on those medical services.

Johnny Wilson, District I Commissioner, asked if there is a list of expenditures made so far this year; **Sheriff Scandrett** stated it can be provided to the Commissioner by the end of the day. Commissioner Wilson specified that this would include total expenditures, even though outside of the budget, such as Seized Funds; the Sheriff affirmed same. The District I Commissioner remarked that the Association County Commissioners of Georgia (ACCG) offers medical services for the jail and asked if they have been contacted for those services; The Sheriff stated they did not but to align this with the medical vendor will often times have issues with policies and procedures. When a contracted vendor comes in, it presents a challenge to bring in another support mechanism if it is not practicing the same policies and procedures. The Commissioner asked if ACCG has been contacted to check on its policies and procedures to see if it would align with the current medical vendor's; Sheriff Scandrett replied he has not but that he can do so at the Commissioner's request.

Dee Anglyn, III, District III Commissioner, asked Dr. Brickhouse about the 25% of the population comprised of mental health and substance abuse patients. He stated that mental health has essentially been set aside by the state; however, in helping these individuals and in building a new pod, whether or not this is the best and needed option for those individuals who are incarcerated, or if there is a better option that would be separate from the traditional jail setting. **Dr. Brickhouse** responded that many of them should not even be in a jail setting but for the legal charges levied against them along with restrictions with respect to diversion and community placement. There are mental health/diversion/substance abuse courts in other counties and the doctor stated he continues to work with the Sheriff's Office and community stakeholders in Henry County to develop the same. Many of the existing diversion services are not in force yet within Henry County. The jail currently has to provide certain medical/mental health services, medications and some support services for the overall management of those inmates, but there is no special housing and that is what is needed. A classification system will be explored to remove them from the general population in the hopes of making it more efficient to provide their needed services in a particular area. The District III Commissioner explained that part of their job is to look forward with the funding and if the mental health inmates are not getting any assistance from the state, how to address that going forward to provide their needed services.

Chair Harrell also remarked about the doctor speaking with the Chief of Police in Stockbridge, and that are other cities as well who bring people to the jail, along with County PD. She believes these needs to involve them as well when discussing mental health, as this is a countywide matter and not a city matter. **Sheriff Scandrett** agreed with the Chair's remarks and monthly meetings have started with all of the police chiefs to discuss these concerns and raise levels of consciousness across the board.

In turning to the District III Commissioner's remarks, **Sheriff Scandrett** remarked that mental health was also the concern with the original contract for medical services, which were adjusted it from 4 hours a week with a clinician attending the inmates with these issues, to 8 hours a week, which is still very inadequate for these individuals who need this help, while the department makes efforts to stay within the fiscal budget. He stated that additional hours with additional clinicians are critically needed to

help categorize and take a deeper look at the mental health inmates and determine who would need that type of assistance around-the-clock. The Sheriff's Office jail staff is challenged with mitigating these inmates' behaviors when the clinicians are not present.

Dee Clemmons, District II Commissioner, commented that the Sheriff repeatedly stated that the county is "going north" and while she is committed to reducing the overcrowding in the Henry County Jail, there are factors contributing to that overcrowding that must be addressed, more than just the infrastructure. It is important to look at what operational policies can be utilized with the court system to reduce this issue. The Commissioner is against mass incarceration and more people going to jail, and other than asking for money from the Board, she wanted to know the Sheriff's plan to address this and reduce the number of inmates in the jail and those processing into the jail. There are options that need to be explored if the matter is "going north". **Sheriff Scandrett** replied that the first goal deals with recidivism and programs are put in place to identify why this happens. There is also a program with Southern Crescent for inmates to obtain their GED while incarcerated. These are two new programs that have so far been successful. The Sheriff also touched upon a couple of partnerships that help ensure that those who leave the jail will hopefully not return due to recidivism. Alternatively, there are 8,000 active warrants signed by the judge and that will need to be addressed aggressively. There is no way around the growth of the population coming into the county and the at-risk for increased crime which would lead to increased jail population. The Commissioner asked whether or not it is because there are 8,000 active warrants, the population is growing or because crime is increasing. If a pod is built now and the numbers continue to go north, then another pod will be needed sooner than later. There has to be a reason for this upward increase, whether it is to decide that a citation issue is enough over jail placement. The Commissioner does not believe that the solution to the overcrowding is to build more jails or more jail pods. The Sheriff agreed with the Commissioner's comments but as one of the fastest growing counties in the nation, higher call volume will continue, higher level of crime will continue (and is now happening) and a higher number of warrants will continue; however, with supporting mechanisms in place it could provide some sort of balance. Steps have already been taken along with working in collaboration with the court system on how to improve and how COVID-19 has already impacted the jails and what can be done to aggressively reduce these numbers that continue to increase every day. The Commissioner suggested a study be done to define who is coming into the jail and for what reason/charge they are coming, and how many are coming in that should not even be there. **Chair Harrell** addressed the District II Commissioner and heard Chief Akins state earlier that there are a lot of mental health inmates housed at the jail and because there are not enough facilities in the State of Georgia to house only the mental health inmates, that is a contributory factor to a large portion of the overcrowding problem in the jail. Commissioner Clemmons noted that 59% are still waiting for state placement from the court system that is still housed in the Henry County Jail, separate from the mental health issue. There needs to be a plan of action in place immediately to determine how many of that 59% could be released on bail, or released in some form, and come to court and not remain in jail while waiting for court date. She challenged the Sheriff as the leader of the jail to address and develop a plan of action to reduce that 59% (separate from those with mental health issues). The Sheriff countered that each week reports are sent to the judges on these inmates. The Commissioner insisted upon whether or not there is a plan of action in place; Sheriff Scandrett responded that he believes there is one in place. Commissioner Clemmons requested to see and hear the details of that plan and the Sheriff asked to include the judges in that conversation for clarification. The judges have received several emails, conversations and communications from the Sheriff's Office on this matter.

Commissioner Clemmons continued that talking and conversations get nothing done and there must be a plan. If there are weekly meetings but still no plan is put in place, then the meetings are for nothing. She emphasized that action must be taken to get this resolved, with the issue of those incarcerated while waiting for a court date, or those who are waiting for transfer to state facilities and out of the county jail. She stated that this is costing citizens' money and there is enough conversation going on, and that it is time to put a plan in place. She noted that Mr. Smith has a plan to be completed by 2023

on building the pod. While the Board can do its part, everybody else has to do their part as well to move this forward. The infrastructure investment involves the Board but the operations do not.

Chair Harrell asked for clarification on that percentage population; **Sheriff Scandrett** responded that 49% are felonies and the remainder is misdemeanors. The Chair asked on the status of court proceeding on the misdemeanors. The Sheriff stated that the judges have adjusted their case loads and calendars in order to address this problem immediately and there is a plan but for now it is a fluid and changing plan; it is being reviewed daily. **Mr. Smith** explained that a funding mechanism will be in place for a jail pod by 2023; after that there will be design and construction and nothing will be built in 2023. The Sheriff stated that this will help in moving forward.

Commissioner Clemmons asked for a meeting with the Sheriff, the judges, county staff about the possibility of bringing in a part-time judge to address this immediately and reduce the overcrowding and while there is talking of building another jail, there is nothing in place to directly address the reduction of the overcrowding. The part-time judge could review and determine who could be released pending court date and not be in the jail, to look at program placement and housing placement for mental health inmates, and that would be a worthwhile expenditure instead of just building another jail. **Chair Harrell** remarked that early release is considered as well as time served and perhaps there should be a night court implemented, bringing in 2-3 judges, to help clear out and reduce these numbers - in short, to do what is necessary to decrease that overcrowding of those who do not actually need to be in the jail at this time but could be placed either elsewhere or released pending court date.

Commissioner Clemmons requested when comparisons are presented, to include the population, the budgets and the demographics of the other counties that are used for comparisons. **Mr. Smith** clarified that the purpose was to show that Henry County is currently providing greater than anyone else in terms of food costs and medical care costs for the inmates and that the Sheriff's Office has done a great job in collaborating with the County Manager on these needs.

Vivian Thomas, Vice-Chair/District IV Commissioner, highlighted that the 59% needs to be reduced and the idea of night court was one she was considering prior to hearing the Chair suggest same. The District IV Commissioner agrees that if there needs to be extra judges to mitigate these pending cases to clear that area out for the Sheriff's Office, she would support same. She echoed both the Chair's and the District II Commissioner's remarks on reduction versus building another jail to stop this increasing problem.

Commissioner Thomas asked Mr. Smith on the transport vehicles and whether or not that has been approved or if it is able to be approved in the Sheriff's Office budget. **Mr. Smith** replied that the Capital Improvement Plan committee has approved that; any purchases above \$50,000 have to come before the Board. The Sheriff's Office does its own purchasing and the purchase for a transport vehicle has been approved. The Sheriff's Office requested a transport vehicle; it was approved for purchase through Capital Improvements and does not have to come back before the Board and is already in the budget. Mr. Smith further noted that this was also brought up when he was talking about the \$1.9 million dollars for the medical contract and how that funding is coming from ARPA. The District IV Commissioner pointed out the \$454,000 for food vendor is also available and is not additional money; Mr. Smith replied that he asked for clarification on that point and that the Sheriff's Office needs to spend its current budget first. If the Sheriff's Office has Capital Improvements, then the department must meet with the facilities departments to move that forward, but those funds are currently within its budget. The District IV Commissioner asked if the improvements looked at some time back have been done yet or if they are still in need, such as the kitchen repairs. **Chair Harrell** called for Mr. Purvis to come forward to address this and responded that the kitchen at the jail was renovated; the Sheriff's Office is asking for renovations to the Annex where inmates are currently housed. The Chair asked if Mr. Purvis has looked at

the facility yet at the Annex and provide a cost estimate for repairs needed in the kitchen. **Hutch Purvis, Facilities Maintenance Director**, responded that he has not looked there yet. The roof has been replaced at the main jail (3 roof replacements) at Pods A, B and the training facility as well as parts of the old Admin Building. The cost for the replacement at the jail was \$240,000 at Pod A; \$327,000 at Pod B. Surveillance and Access Control equipment for Pods A and B cost \$475,000. The chillers have been replaced and multiple rooftop units have been upgraded. Five of the large multi-zone air handlers are in the process of being priced out currently as they will be special build units and will require a lot of logistical work.

Commissioner Thomas asked if that money is within the Sheriff's Office budget or if they are absorbed by the county budget directly. **Mr. Smith** clarified that for repairs to facilities, the Facilities budget is utilized. The Commissioner stated she wanted to ensure that the Sheriff's Office is not absorbing other costs that can be drawn from the Facilities budget. The District IV Commissioner then pointed out the \$471,000 for COVID-19 and asked if that has been used or is available to use now; Mr. Smith replied it is money requested by the Sheriff's Office in addition to the current budget. **Sheriff Scandrett** added that the Annex has its own kitchen that has not been used in years and needs upgrading. Mr. Smith stated that would be reviewed with the County Manager and the Facilities team to determine that need and funding availability. **Ms. Hobson-Matthews** stated that in talking about the money for this, whether it is in the Sheriff's Office or DOT, it is still General Fund dollars and will impact the budget. The budget was approved prior to July 1st and the county is less than 3 months into this budget cycle and these requests are coming in. She stated that she alerted each department that if it knows there will be a need, it needs to be incorporated within the budget. If this was made known to staff in March or April that the population numbers continued to increase, this should have been part of that budget request. These are currently unbudgeted fund requests being made and if the Board elects to authorize the improvement, then the General Fund budget will be adjusted by the dollar amount needed for the kitchen repair. Commissioner Thomas stated that when this is turned over to the Sheriff's Office it is under his management. She wanted clarification as to from where the funding would come and what department would manage that funding.

Commissioner Thomas continued with the \$471,000 requested for the Annex kitchen; **Sheriff Scandrett** affirmed same and added that currently meals are being transported from the main jail to the Annex each day. The District IV Commissioner asked for clarification on the Sheriff's Office being on track for the budget within that department, and that there are currently 24 vacancies within the department while there is a request for 46. The Commissioner understood Mr. Smith to respond that the Sheriff's Office must first fill that 24 prior to approval of the 46. **Mr. Smith** affirmed same. The District IV Commissioner then pointed out that if the detention inmates have to be transported to another facility, staff has to be transported as well; Sheriff Scandrett affirmed same and added that an individual transport unit is not used - but vans are utilized with front and rear escorts. The Commissioner asked once transport is complete, if the personnel at the facility take over or if officers are to remain after transport. The Sheriff explained the current policy in place and the need for upgrading same. The current personnel need is for the 750 inmates out of the 908+ that are presently housed. Mr. Smith repeated that the Sheriff's Office needs to fill the 24 vacancies first and it can reclassify positions as needed to meet the growing need.

On the topic of medical services, **Commissioner Thomas** asked if the \$2 million dollars+ is being spent or if that is allotted for spending in comprehensive medical services; and if any of those services can be done on a possible outpatient-like basis, or supplemental as needed. **Sheriff Scandrett** explained that from a legal perspective, if someone else comes to service an individual inmate, that provider leaves and the issue remains with a conflict of interest on case file management and information.

Commissioner Thomas asked what penalties would be suffered by the county if there is no way to accommodate the needs of the jail; **Sheriff Scandrett** explained that they want to stay away from federal mandate and if those inmates are not accommodated, that could happen. The Sheriff's Office

would rather control that on its own and not be federally mandated due to inadequate protocol for housing specific inmate classifications with specific measures taken.

Commissioner Anglyn asked what the state and superior pending cases were pre-COVID; **Sheriff Scandrett** replied that it was nearly the same and they really have not been changed since the pandemic but it did start conversation between the Sheriff's Office and the judges in terms of getting this improved and disposed to reduce the numbers in the jail for that reason.

Chair Harrell reviewed the list as follows:

- Comprehensive medical contract - the funds are allocated in the Sheriff's Office budget to cover, to \$2.7 million (*Affirmed*)
- Mental health services - the requested funds is in addition to what is already in the Sheriff's Office budget (*ARPA funds will be utilized and is available*)
- Inmate housing - bringing on judges, looking at night court are options in addition to the facilities trying to be established
- Detention officers - the 24 vacancies will be filled and then reclassifying other positions will be done in order to meet the need for 46 additional officers
- Transport vehicle - \$130,000 is available
- Kitchen repairs - Mr. Purvis will inspect the kitchen at the Annex and report the cost needed to repair/upgrade to the Board and if the money will come out of Facilities Maintenance budget or the Sheriff's Office budget
- COVID-19 response to mitigation equipment and supplies - there are sufficient funds in the Sheriff's Office's current budget to cover those expenses

Sheriff Scandrett summarized that there has to be a way to improve upon the \$85/inmate/day challenge, at a total of \$3.1 million dollars yearly and agreed to a meeting with the Chair, certain staff to comprehensively look at housing options and costs associated for reducing the overcrowding and then bring it back to the Board with a final draft of a plan and associated costs.

There were no further questions from the Board. No action was taken.

BRUCE HOLMES, DISTRICT V COMMISSIONER, LEFT THE MEETING

APPOINTMENTS

District I Appointment to Council on Aging: Vera Gordon-Burns (to fill unexpired term: 12/31/2022)

Commissioner Wilson made a motion to approve; **Commissioner Anglyn** seconded the motion. Motion carried 5-0-1. (*Commissioner Holmes was not present*)

Resolution #22-246

Appointment to the Region 6 Advisory Council for the Georgia Department of Behavioral Health & Developmental Disabilities (DBHDD): Chief Superior Court Judge Brian Amero (Term: 3 years)

Commissioner Thomas made a motion to approve; **Commissioner Anglyn** seconded the motion. Motion carried 5-0-1. (*Commissioner Holmes was not present*)

Resolution #22-247

CONSENT AGENDA

Ms. Hobson-Matthews read the Consent Agenda as follows:

Airport

- A. Resolution requesting financial assistance from the State of Georgia for the Atlanta Speedway Airport in the amount of \$10,000,000.00 in support of Land Acquisition and Hangar Development. (Presenter: Lynn Planchon, Airport Manager)(Exhibit 1)*Resolution #22-248*

Fire Rescue

- A. Resolution for the emergency purchase of Six (6) 2023 Dodge 4500 Ambulance Prep Chassis from Countryside Dodge in the amount of \$399,642. Funding will be from ARPA Funds (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 2) *Resolution #22-249*
- B. Resolution of the Board of Commissioners approving the purchase of Heavy Apparatus Lifts from Mohawk Lifts in the amount of \$55,213.83 (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 3) *Resolution #22-250*

Police Department

- A. Request to adopt an Ordinance governing live scan fingerprints for applicants, employees, or volunteers seeking employment with Henry County; to repeal conflicting ordinance; to provide for an effective date; and for other purposes (Presenter: Lt. W. Powell: HCPD)(Exhibit 4) *Ordinance #22-09*

Planning & Zoning

- A. Resolution approving a request for the addition of 1 light to an existing Street Light District for Mathis Place at Pembroke Park on Willow Lane. District 3 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 5) *Resolution #22-251*
- B. Resolution approving a request for the addition of 2 lights to an existing Street Light District for Stanford Park on Airline Road. District 3 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 6) *Resolution #22-252*

Stormwater

- A. Resolution of the Henry County Board of Commissioners accepting a grant from the Department of Natural Resources - Georgia Outdoor Stewardship Program (GOSP) in the amount of \$1,498,459. Stormwater Fund to pay cash match in the amount of \$607,220.00; and an in-kind match of \$45,000.00 has been donated by other partners (breakdown listed in resolution) for Butler Bridge Park & Stream Restoration (Presenter: Francis Alomia, CE III)(Exhibit 7) *Resolution #22-253*

Technology Services

- A. Resolution awarding TIPS State Contract to CivicPlus for website design in the amount of \$167,087.65 with an annual recurring service fee of \$43,903.00 (Presenters: Jesse Dobbs, Assistant Director of Technology Services; and Melissa Robinson, Communications Director)(Exhibit 8) *Resolution #22-254*
- B. Resolution approving Sourcewell Contract for Milner Laser Printers in the amount of \$15,281.00 per month over a 48 month period, for managed print services (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 9) *Resolution #22-255*

Transit

- A. Resolution approving Department of Human Services Contract FY 2023 for transportation services provided to elderly and disabled individuals in the amount of \$473,454.40 (Presenter: Taleim Salters)(Exhibit 10) *Resolution #22-256*

This ends the Consent Agenda

DURING THIS TIME, COMMISSIONER HOLMES HAD RETURNED TO THE MEETING

Commissioner Wilson made a motion to approve the Consent Agenda, as published; **Commissioner Anglyn** seconded the motion.

Commissioner Thomas referenced Technology Services and asked for clarification on website design and the cost; **Ms. Hobson-Matthews** deferred to Technology Services to answer.

Jesse Dobbs, Assistant Director, Technology Services, explained that this is to re-design the county website and bring it up to standards with current technology. CivicPlus has over 20 years experience in local government and currently provide services for over 12,000 entities nationwide. He went into some more detail on what the company does and that the Henry County Tax Commissioner uses that admin for its website, as well as Parks & Recreation for scheduling their events. He shared the features that will be provided as well. The updated website design would be available in several different languages as well, which are not currently available, along with a Chat Box provision. The department looks to collaborate with the Communications Department to bring this website to the county.

Commissioner Thomas still does not see justifying spending the amount stated for the upgrade to the county website. She asked if this website will somehow integrate with the Tyler Systems. **Ms. Hobson-Matthews** explained that it is not integrated with the Tyler; however, this cost represents a complete overhaul of the county website and features which is long overdue. This will also allow mobile data capability which is not currently offered. Ms. Hobson-Matthews added that \$167,000 is comparatively low to other companies designing websites for other counties and jurisdictions. Henry

County's website needs to be enhanced and more user-friendly. The District IV Commissioner agrees that the website needs to be overhauled and up-to-date but her concern is how it interacts with other systems, such as the update for a project. The County Manager explained that See, Click, Fix is also part of this problem with CivicPlus and that application will be utilized with this platform. Consolidation of web technology for county information and services is being attained here. The packet that each Commissioner has will detail line items for this cost.

Commissioner Clemmons is concerned that the first year, CivicPlus gets \$167,000 and \$43,000 for annual maintenance and that it needs an update on when to expect the piece costing \$167,000 goes into effect. **Mr. Dobbs** responded there is a 15-month timeline from the time implementation begins. The cost is paid in stages and not up-front. **Ms. Hobson-Matthews** clarified that it is 15 months to get all the website updated and changes made; CivicPlus will invoice as specific stages are completed and then will be paid as the invoices for completed stages come in.

Jamie Pownall, Technology Services, mentioned that this will also help security-wise. **Commissioner Clemmons** asked that the Airport website be added to this as well. **Melissa Robinson, Communications Director**, explained that the outside websites can be re-routed to one universal website and will get the pertinent information for users. Commissioner Clemmons stated that the court sites need to be included, such as paying for citations online, etc. and asked for an update as it comes in, to further justify the associated costs; **Ms. Hobson-Matthews** affirmed same.

COMMISSIONER WILSON LEFT THE MEETING

Ms. Robinson stated that the current website was done in-house and was decided under a different BOC and while the country was coming out of recession, with no funding for a website. The previous website to that one had been made into something non-related by a different company. This website needs to be updated to keep with current technology.

COMMISSIONER WILSON RETURNED TO THE MEETING

A motion to approve the Consent Agenda and a second made, the motion carried (6-0-0).

REGULAR AGENDA

PLANNING & ZONING

HC-CODE-AM-22-04 (Public Hearing)

Ordinance by Henry County, Georgia, to amend the Henry County Code of Ordinances regarding the regulation of short-term rental properties in Henry County, and for other purposes Countywide (Presenter: Kenta Lanham, Planner II) (Exhibit 11)

Kenta Lanham, Planner II, approached to give presentation of the request to the Board. He stated that this is currently not regulated and the Ordinance is intended to establish regulations so the county can manage them. On August 16, 2022 a Public Hearing was held and some comments and concerns were incorporated into this request. The amendment would be included in Chapter 3-3, Licenses and Taxations, under the Henry County Code of Ordinances. Mr. Lanham went through the staff evaluation for the Board and provided the definition of "short-term rental", as follows:

Definition of Short-Term Rental

A Short-term rental is defined as the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of no more than thirty (30) days. The term does not include:

- 1. A unit that is used for a nonresidential purpose, including but not limited to institutional care, educational uses, health care, retail, restaurant, banquet space, event center purpose, or other similar use;*
- 2. A bed and breakfast;*
- 3. A boarding and rooming house; or*
- 4. A hotel/residence hotel or motel*

Mr. Lanham continued that since September 28, 2022 when the initial reports for this meeting were published, staff made one change: *Applications for short-term rentals may be made up to three (3) dwelling units.* He went through the further requirements needed for applicants to apply for short-term rental licensing. Staff recommended approval with the stated changes.

Chair Harrell asked if there is a section that addresses “party houses”, as she stated this is the biggest complaint received from several communities where a home is sold and bought by an investor which is then put on a platform for a party house rental. **Mr. Lanham** replied that “party” is specifically defined in the Ordinance and it is strictly prohibited within short-term rentals. The Chair asked what would prevent a tenant/lessee from utilizing the residence, either short-term or long-term, from having a party within. Mr. Lanham stated it would go under the status of the Nuisance/Noise Ordinance, which may need to be updated to further define for the prohibition of these party houses.

Commissioner Clemmons stated that if a family reunion or party is held at a residence and it is not deemed to be complained as a nuisance, she sees no issue. She agrees to the limit on the number of cars in the area. On the issue of the parking, once the limit is reached, any other cars would have to park elsewhere and transport to and from the residence be established. On the subject of the nuisance, it is good to have restrictions outlined if the noise is a nuisance to the neighbors and the HOA. **Nancy Rowan, County Attorney**, advised that this would only apply to individuals who are renting out the residences, and not personal homeowners. The District II Commissioner asked what would happen if someone has 3 acres of land and renting out the house on the property for an event; it then becomes an event center and would have to comply with the Nuisance/Noise Ordinance. Ms. Rowan stated this is more toward homes that are rented out short-term in residential areas and prohibits the primary use of the house to be for parties which could cause a nuisance.

Commissioner Anglyn remarked that there are subdivisions and homes rented out specifically for the primary use of throwing parties and not staying overnight; the Ordinance would address and restrict that specifically and would not affect any other person’s rights to throw a party in their home.

Commissioner Wilson recalled mentioning a ban on short-term rentals. Banning the short-term rentals, at this point, will not solve the issues that citizens would have and there needs to be an Ordinance addressing a nuisance or blocking the street with cars, whether it is short-term, long-term or homeownership. More emphasis should be put on how these will be prosecuted on these violations. He does not believe that licensing and taxation will help address these issues.

Commissioner Holmes asked how a penalty will be assessed on someone who is renting a home versus someone who owns their home. **Mr. Lanham** stated that complaints regarding short-term rentals

are more along the tenants residing for a short period of time (30 days), such as AirBnB, VRBO or another short-term rental organization. Staff seeks to address the party houses as best as they can in this Ordinance as well as other potential nuisance factors. The District V Commissioner asked if the homeowners will be punished for having a party in the same neighborhood that houses a short-term rental; **Chair Harrell** stated that is incorrect. The Commissioner asked why not just ban short-term rentals completely. **Ms. Rowan** advised that the issue would be whether or not that is considered as taken by the government and could be litigated. Since there are currently no regulations upon short-term rentals, this Ordinance seeks to institute regulations, defined as individuals who have homes and the primary use is for short-term rental, as a business in a residential area. There is a difference in short-term rental on a frequent basis versus a long-term leased rental. The District V Commissioner feels this is bordering on unconstitutional. The County Attorney replied that the law and pending court cases have been examined as well as proposed House and Senate Bills and this Ordinance will pass as constitutional; if a court deems it unconstitutional, it can come back to the Board for further revision.

Chair Harrell asked where other jurisdictions have this policy in place; **Mr. Lanham** replied that Atlanta, Stockbridge and East Point have a similar Ordinance in place.

Commissioner Anglyn pointed out that it helps to provide a framework and identify where the short-term rentals and their owners are located. While the police would have to tend to the immediate call made, they would also have to identify the ownership of the short-term rental which would perpetuate safety inspections to ensure livability of those dwelling places for people renting them, which is all handled through the Tax Commissioner. This is also done in other counties.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, to come and make comment.

In Favor

Bruce Smith spoke in favor of this Ordinance, stating that Henry County is a “bedroom” county, meaning that people generally move here for peace and quiet. Companies like Redfin and Opendoor are buying these properties and turning them into rentals, which is now attracting negative and transient residents into otherwise quiet neighborhoods and it is creating a big problem with the peace and quiet nature of Henry County. AirBnB is a business and should be taxed, have an occupational license and the residences inspected.

No one else came forward.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment.

In Opposition

A representative from the Metro South Atlanta Association of Realtors (**Cynthia Crawford**) approached to speak in opposition of this request. She stated that party houses already violate various Ordinances in place, including noise, trash and parking. She asked how this request would remedy violations already existing. She distinguished that short-term rentals are used for more than vacation rentals or party houses; traveling nurses have used them to support local hospitals, or grandparents have rented them to visit family, or people displaced from their homes utilize short-term rentals. The Ordinance can negatively impact those who are not rental for party house type reasons. She went through a few other provisions that could prove potential violations of Georgia Code regarding local government authorized to perform investigations or inspections upon residential rental property without probable

cause that violations have been committed. Local government cannot require a registry of residential rental properties. She gave further case citing to refute the inspection of rental properties that are short-term. She asked for consideration of these questions: (1) Does the Ordinance consider a lease-back situation; (2) Is there a consideration if the Ordinance will negatively impact hold-over tenants in a long-term lease situation; (3) How would the Ordinance impact homeowners that may have temporarily moved away from Henry County for work purposes and during their absence, they wish to rent their home on a short-term basis to prevent selling the home.

Commissioner Clemmons remarked that there is a valid talking point for homeowners or residents who have lost their primary home due to fire, flooding or the like. They would need somewhere to live for the short-term and 12 months later, they are still there pending completion of repair/renovation of their damaged home. She asked if that is defined as short-term. The Commissioner agreed that the nuisance policy would take care of parties in the short-term rentals but there should be some other things to look at in this Ordinance. **Ms. Rowan** clarified that short-term rentals apply to property leased for 30 days or less. Usually leases have hold-over provisions in place and are not covered by this. The District II Commissioner then stated that this should be defined as short-term leased property being occupied 30 days or less and does not include licensed/real estate lease in-force. Ms. Rowan stated that the definition already indicates 30 days or less for the short-term rental definition. The Commissioner then asked if a homeowner has extended travel and they wish to rent out their home, if they are required to register and obtain licensing for a short-term rental; Ms. Rowan replied that this would only apply to an individual who is using a short-term rental for less than 30 days. The Commissioner pressed that if there is a home disaster and the residents need a home to stay on the short-term and find someone in Henry County who will allow them to rent out their house but this is not usual business for the absent resident. The Commissioner wanted to know if a business license would be needed. Ms. Rowan stated that this is for individuals who are using their residences repeatedly for the purpose of short-term rental. Unusual instances would not be affected by this.

Commissioner Holmes asked if someone is living in the home and wanted to throw a party, how this Ordinance would apply to them; **Ms. Rowan** clarified this would not impact the homeowner so long as there are no other violations regarding noise/nuisance or any restrictions set forth by the HOA. This Ordinance would apply to short-term rentals only.

Chair Harrell asked if there was a conversation with AirBnB and other platforms in support of this Ordinance; **Mr. Lanham** stated that was correct and there was a follow up meeting the next day on the subject as well.

Commissioner Thomas stated that this is an excellent document and added that this can be amended, as this is new ground they are covering, this is to say to the community that short-term rentals will not determine how the subdivision will be managed and she supports same. While they navigate through this new process there will be several adjustments along the way to tailor make it more to the community likes on how these rentals are managed within the county. The District IV Commissioner also asked Planning & Zoning to talk to Technology Services regarding the upcoming website so that this information can be directly uploaded into the system to benefit those who need access to them for clarification. She also requested that when this is loaded onto the website and someone wants to open or run an AirBnb, they can click on the website for the information and the Ordinance will be displayed for them to read and follow.

Chair Harrell recognized a gentleman to come up and make public comments during the hearing.

Tony White, President, Metro South Atlanta Association of Realtors, clarified that the issues are adequately handled by the Nuisance Ordinances. If this Ordinance passes, police powers will be invoked to regulate people's private property and real estate. For example, if someone is buying his house and he issues a temporary Certificate of Occupancy to someone who wants to stay in his house for less than 30 days (29 days) for a certain amount of money, the person will come under this Ordinance. He gave another example of someone coming in from out-of-state to stay in his home for 29 days for a fee to cover their occupancy, this Ordinance will regulate it. While the intent is good, there are too many problems associated with the regulation of that Ordinance for people who are renting their properties out for 30 days regardless of the reason - the county is taking that property by police power. There are no built-in exceptions for real-life situations. He asked that short-term, less than 30 days, non-party concerns into consideration before passing this Ordinance.

Commissioner Holmes asked the County Attorney for clarification on as long as a homeowner is present, parties can occur weekly as a business and not be in violation. If the homeowner leases their property and a party is thrown at that property, as long as the homeowner is present, they will not be in violation of any ordinance so long as nuisance guidelines are followed. **Ms. Rowan** responded that the reason short-term rentals can be taxed is because the state legislature allows it. The short-term rentals are treated differently because the state allows it to be treated differently. If you are using your house as a business in a residential area, you are already violating certain Planning & Zoning provisions. But someone living and enjoying their residence that is different than someone using a residence for a business purpose. Nothing has come forth as of right now that would deem this unconstitutional; if something does come in, it will be reviewed and adjusted as needed.

Chair Harrell called for a motion on the matter.

Commissioner Anglyn made a motion to approve; **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)

Ordinance #22-09

MC-MDP-22-03 (Public Hearing)

The Canopy Living, LLC of Lake City, FL requests a modification to a Master Development Plan to modify a commercial pod to an office-institutional pod for property located at the southeast corner of the intersection of Westridge Parkway and Enterprise Parkway in Land Lots 193 and 208 of the 7th District. The property consists of 4.442+/- acres, and the request is for an assisted living facility. District 2 (Presenter: Kenta Lanham, Planner II) (Exhibit 12)

Mr. Lanham presented the request to the Board along with various illustrations of where the property is located. The request is for the purpose of an assisted living facility. It is proposed to be two stories with a unit count of forty-four (44) living units, twenty (20) memory care units for a total number of units at sixty-four (64). On October 19, 1999, the Westridge Planned Development was approved and conditions were amended by Final Consent Order on October 8, 2001. If the request is approved, all original zoning conditions applicable to the existing OI pods within the Planned Development shall also be applicable to this property. The Westridge PD has strict design guidelines regarding signage, building materials, landscaping and lighting. Staff recommends approval of the request to modify the pod designation of the subject property from C-2 (Neighborhood Commercial) to OI (Office Institutional)

while maintaining all previous conditions of the Westridge PD. Staff further recommends one additional condition:

The subject property shall be developed meeting the equivalent standards, provisions, limitations, and requirements of the Bruton Smith Parkway Overlay District as if the subject property was located within the boundaries of the Bruton Smith Parkway Overlay.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, to come and make comment, allowing a total of ten (10) minutes.

In Favor

Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Ct, McDonough GA representing the applicant approached to make remarks. He gave a better view of the Site Plan for the Board and public viewing.

No one else approached.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes. *No one came forward. The Public Hearing was closed.*

Commissioner Clemmons asked for one amendment, that being enhanced landscaping on the front since this is on the main highway, and that the sign Ordinance is in place. **Mr. Lanham** clarified that the property sits behind the existing bank on Hwy. 20; the District II Commissioner noted that applicant agrees to follow Overlay District guidelines as well.

Commissioner Clemmons made a motion to approve with conditions; **Commissioner Thomas** seconded the motion. Motion carried 6-0-0.

Resolution #22-257

MC-MDP-22-04 (Public Hearing)

Alliance Industrial of Atlanta, GA requests a modification to a Master Development Plan to change the location and configuration of a commercial pod and an industrial pod for property located on the east side of Highway 155 South, to the east of Prologis Park Road in Land Lots 210, 211, 238, and 239 of the 2nd District. The property consists of 52.9+/- acres, and the request is to modify the location of existing pod designations for commercial and industrial uses within a planned development for an industrial development. District 2 (Presenter: Kamau As-Salaam, Planner III) (Exhibit 13)

Kamau As-Salaam, Planner III, presented the request to the Board. This is to relocate certain portions of commercial and industrial designated pods in the Eagles Brooke Planned Development, as previously approved on August 15, 2000. The change does not increase or decrease any acreage of the pods and there are no changes to the permitted or prohibited uses to be proposed. The zoning conditions with regards to the original Planned Development will still be applicable upon approval of the modification request.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, including the applicant, to come and make comment, allowing a total of ten (10) minutes.

Carl Westmoreland, Esq., 3343 Peachtree Road, Atlanta GA, representing the applicant, approached and made a few remarks on the property and its location.

No one else approached.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes.

No one came forward. The Public Hearing was closed.

Commissioner Clemmons asked about a road near the two houses and the new industrial pods; **Mr. As-Salaam** responded that it is a railroad.

Commissioner Clemmons made a motion to approve; **Commissioner Holmes** seconded the motion. Motion carried 6-0-0.

Resolution #22-258

ULDC-AM-22-09 (Discussion Only)

Ordinance by Henry County, Georgia, to amend the Henry County Code of Ordinances regarding the regulation of automobile washes Countywide (Presenter: Kamau As-Salaam, Planner III) (Exhibit 14)

Mr. As-Salaam explained the details of amending the ULDC to regulate auto wash facilities. A definition of an automobile wash will be added and verbiage will be drafted to separate automobile washes as a primary use from other auto washes within, or outside, the zoning district of Henry County by a minimum of 13,200 feet, or 2.5 miles. Staff prefers to get ahead of this trend pro-actively to avoid an over-saturation of automobile washes within the county limits. The adoption of this Ordinance would not affect properties within any City limits or automobile washes in development or have zoning applications pending. Staff recommends adoption of the amendment.

Commissioner Wilson asked how this came about; **Mr. As-Salaam** explained that for the last couple of months, staff got calls from developers asking if they can put car washes in places along the highway and several have been obtaining permits. Staff determined that there could be an over-saturation in the county, so a 2.5 mile radius is suggested. The District I Commissioner asked if this is within the Highway Corridor Overlay District; **Mr. As-Salaam** responded that this is “flat across the board”. This does not affect the cities.

There were no further questions from the Board. 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

October 4, 2022

Page 23 of 23

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.*

UPCOMING MEETINGS AND EVENTS

- A. Tuesday, October 18, 2022 at 6:30 p.m. is a regular BOC Meeting
- B. Tuesday, November 1, 2022 at 9:00 a.m. is a regular BOC Meeting

Chair Harrell announced a kickball tournament on Saturday, October 8, 2022 at 9:00 a.m. to benefit the Hands of Hope. The County and the Police Department have teams participating in this.

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 12:13 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk