STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, October 18, 2022, 6:30 p.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 Anglyn, III, District III Commissioner
Vivian Thomas, Vice-Chair/District IV Commissioner
Bruce Holmes, District V Commissioner

Arrived Later: **Dee Clemmons, District 2 Commissioner**

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

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 18, 2022 at 6:30 p.m. to order.

The following Planning & Zoning items were postponed by the applicant for the October 18, 2022 BOC meeting:

- **RZ-21-35 (Public Hearing),** POSTPONED, Alliance Residential Company of Atlanta, GA requests a rezoning from M-1 (Light Manufacturing) and C-2 (General Commercial) to RM (Multifamily Residential) for property located on Highway 155 west of Greenwood Industrial Parkway in Land Lots 254 and 254 of the 7th District. The property consists of 47.438+/- acres, and the request is for a multifamily apartment development. District 2
- **RZ-21-16 (Not a Public Hearing), POSTPONED,** Halpern Enterprises, Inc. of Atlanta, GA requests a rezoning from C-2 (General Commercial) to MU (Mixed Use) for property located at 5855-5905 East Lake Parkway and 38 Oak Valley Road in Land Lot 6 of the 7th District. The property consists of 20.26 +/- acres, and the request is for a mixed

multifamily residential and commercial development. **District 4**

- **COMP-AM-21-11 (Public Hearing),** POSTPONED, Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James Sutherland of Forest Park, GA request an amendment to the Comprehensive Plan for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379+/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential and Commercial to High Density Residential. District 1
- **RZ-21-38 (Public Hearing),** POSTPONED, Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James E. Sutherland of Forest Park, GA request a rezoning from RM (Multifamily Residential), OI (Office-Institutional), C-1 (Neighborhood Commercial), and M-1 (Light Manufacturing) for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379+/- acres, and the request is for a multi-family residential apartment development. District 1

Chair Harrell then made the following changes to the Regular Agenda for today's meeting:

- **Update from State Court**, POSTPONED to a later date
- **Capital Improvement Element (CIE) Annual Report and Community Works Program (CWP) Update for 2022-2026,** ADDED to the Consent Agenda

CONSENT AGENDA

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

Asset/Risk Management

A. Resolution approving Security Camera installation for Work Camp Road Campus and all Senior Centers in the amount of $214,489 under state contract from NetPlanner Systems, Inc., utilizing ARPA Funds (Presenter: Hutch Purvis, Facilities Maintenance Director/Cluster Lead; and Holly Lafontaine, Risk Director)(Exhibit 1) *Resolution #22-259*

County Attorney

A. Resolution approving Memorandum of Understanding and Agreement between Henry County and the Board of Education for School Crossing Guards (Presenter: Nancy Rowan, County Attorney)(Exhibit 2) *Resolution #22-260*

County Clerk

A. Resolution approving 2023 BOC Meeting Calendar (Presenter: Stephanie Braun, County Clerk)(Exhibit 3) *Resolution #22-261*

B. Resolution approving 2023 Holiday Calendar (Presenter: Stephanie Braun, County Clerk)(Exhibit 4) *Resolution #22-262*

Planning & Zoning

A. (ADDED) Capital Improvement Element (CIE) Annual Report and Community Works Program(CWP) Update for 2022-2026 *Resolution #22-263*

Police Department

A. Resolution approving a three (3) year agreement between Axon Enterprises, Inc., a sole source vendor, and Henry County Police Department for Taser 7 Electronic Control Devices (ECDs). This new agreement replaces the current agreement, and provides a locked-in amount of $157,829 per year, and adds 50 additional tasers, for a total of 246 tasers. The agreement will include the support, training, and equipment of all devices, and can be terminated at any time. Funds are available in the Small Equipment Funds account (Presenter: Lt. W. Powell, HCPD)(Exhibit 5) *Resolution #22-264*

SPLOST

A. Resolution approving a Budget Amendment and bid award for construction of the Peeksville Road Phase II SPLOST V transportation improvement project to McCoy Grading, Inc. in the amount of $3,652,625.64. District 1 (Presenter: Roque Romero-Muniz, Public Works Cluster Leader)(Exhibit 6) *Resolution #22-265*

B. Resolution approving a Budget Amendment and bid award for construction of the Installation of Sidewalks for North Ola Park SPLOST V transportation/park improvement project to DAF Concrete, Inc. in the amount of $781,464.00. District 3 (Presenter: Roque Romero-Muniz, Public Works Cluster Leader)(Exhibit 7) *Resolution #22-266*

This ends the Consent Agenda

Vivian Thomas, Vice-Chair/District 4 Commissioner, asked where the funding is coming from in reference to *SPLOST (B)* on the Consent Agenda; **Ms. Matthews** responded it will come from SPLOST V.

Dee Anglyn III, District 3 Commissioner, made a motion to approve the Consent Agenda, as amended; **Vivian Thomas, Vice-Chair/District 4 Commissioner,** seconded the motion. Motion carried (5-0-1). *(**Dee Clemmons, District 2 Commissioner,** was not present for this vote)*

REGULAR AGENDA

PLANNING & ZONING

MC-22-01 (Public Hearing)

Pulte Group, Inc. of Atlanta, GA requests a modification to conditions for property located at the northeast corner of the intersection of Lester Mill Road and Bill Gardner Parkway in Land Lots 182, 203, and 204 of the 2nd District. The property consists of 87.13+/- acres, and the request is to modify conditions to allow for a change in the residential uses for the property, and for other purposes. District 2 (Presenter: Kenta Lanham, Planner II)(Exhibit 13)

COMMISSIONER CLEMMONS ENTERED THE MEETING

Kenta Lanham, Planner II, explained that the property is currently zoned MU (Mixed Use) with a Future Land Use Map (FLUM) designation of Mixed Use, with a request to modify the conditions of a 2018 rezoning request. The Site Plan was presented along with renderings of the homes, amenities area and comments received from various departments including the Henry County Water Authority (HCWA), Department of Transportation (DOT), School Board, and Fire Department (FD). The conditions referenced a specific Site Plan, approved in 2018 allowing a mixture of uses to include single-family, multi-family, mixed use buildings and flex space, up to a total of 360 units. The request is to modify for the development of a single-family residential development with a total of 143 units. Staff recommends approval of the conditions with some changes highlighted in red on the overhead for public viewing.

Among the changes were:

8. The total number of dwelling units shall be limited to 143 single-family homes. Compliance with zoning conditions and development standards may further limit the number of dwelling units and/or minimum lot size.

12. All homes shall comply with the following minimum requirements:
- *(d) Minimum lot size: 10,890 square feet*
- *(g) Minimum roof pitch: 5:12 with the exception of front and rear-covered porches*
- *(h) Maximum height: 2 stories above grade level with basements and attics permitted*

13. A minimum of 25% of all homes shall be ranch style and limited to one story above grade only, basements and attics permitted.

14. The front elevations of all homes shall be full brick or stone with a three-foot masonry water table on all sides. Up to 20% of the side and rear elevation may be of a different accent material which may include cement fiberboard. Cement fiberboard shall only be used in the soffits and eaves. No vinyl-based products shall be utilized.

15. All gabled and hip roofs shall have eaves of at least one foot overhang.

16. All homes shall include a covered front porch with a minimum width of six feet (6') and minimum depth of six feet (6'). Sidewalks shall connect the front porches directly to the driveway for pedestrian use.

17. All corner lots shall have a side entry garage where feasible, as determined by the Building & Plan Review Department.

24. The homes backing up to Lester Mill Road and/or Bill Gardner Parkway shall be full brick, except gables, on all sides. Cement fiberboard shall only be used in the soffits and eaves. No vinyl-based products shall be utilized.

25. The public space requirement, as per Section 4.01.05 of the ULDC, shall total at least 2,700 sq. ft. in size. Public space(s) shall be accessible via a paved path and/or sidewalk, and shall consist of at least one (1) covered pavilion with tables and seating areas. In addition to a covered pavilion, plazas, courtyards, atriums, pavilions, or other similar public spaces with benches may be provided. The required public space may be divided between the commercial portion and the residential portion of the development. The required public space shall be accessible to the public and be located outside of any gate(s). The public space(s) and associated features shall be constructed at the time built or before fifty percent (50%) of the dwelling units have been issued a Certificate of Occupancy.

When **Chair Harrell** asked about the condition regarding sidewalks, **Mr. Lanham** indicated Condition #5 as having details regarding same but he did not recall the road classification of Bill Gardner and Lester Mill and that the external sidewalks would be dependent upon those road classifications. The internal sidewalks would be five feet and internal streets would be required to have street lights and street trees, as the property is located with the Highway Corridor Overlay District.

Commissioner Clemmons asked for the difference between the previous plan and the new plan. **Mr. Lanham** presented both and highlighted the differences for the Commissioner. The District 2 Commissioner asked the developer to wait on this, since the property will no longer be in District 2 come January. She stated that the District 1 Commissioner will work with the developer.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak in favor of the request, including the applicant, will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

In Favor

Michele Battle, Battle Law, PC, 3562 Habersham at Northlake, Building J, Suite 100, Tucker, GA 30084, approached representing the applicant in this request. She clarified that the developer of this site has since left the project for reasons unknown and the property had gone back on the market. Applicant decided to reduce the number of units on the site and mix up the product type would allow for a less intense development on the property. She gave further remarks on what has been done since the request was filed in the hopes of approval based on staff conditions, to which applicant agrees.

No one else approached.

Chair Harrell then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name.

In Opposition

Jennie Little, 810 Lester Mill Rd., Locust Grove, GA 30248, stated that she does not completely oppose but had questions. She stated that the community was not in favor of the previous proposal. She stated that she was not aware that there would be any commercial development at this site and asks for the same 50’ buffer on Lester Mill Road as the one proposed for Bill Gardner Parkway.

No one else approached.

Chair Harrell asked for details on the buffer at Bill Gardner; **Mr. Lanham** clarified that as per Condition #23, there is a 50’ buffer at the southern property line at Bill Gardner, with a 20’ buffer along the western property line at Lester Mill. The Code does not require a buffer when adjacent to a road; however, staff recommended a 50’ buffer and 20’ buffer to ensure proper screening was in place. The western property line buffer can be increased at the Commissioners’ requests. The Chair then asked if there will be external sidewalks and what the width of those sidewalks will be; Mr. Lanham responded that he does not have the full details on those sidewalks but that there is a planned roundabout at the intersection of Bill Gardner and Lester Mill and typically, an eight-foot-wide sidewalk is installed. The Chair requested this be included in the conditions. Regarding the commercial aspect, Mr. Lanham further clarified that the zone is for Mixed Use. The 2018 rezoning request included a portion for commercial and that it lies within the western area of the development, but the property in question is only the eastern portion, with undetermined future commercial use. The zoning entitlement does allow for commercial use on the property and is limited to the allowances for Mixed Use under the ULDC. If approved with staff conditions, no commercial development would exist on the east side of Lester Mill.

Toussaint Kirk, Planning & Zoning Director, approached to clarify that the original plan can still exist and the commercial piece on the west side will remain as commercial, as the development is Mixed Use and this is part of that development and is required to have a commercial component. Conditions can be added with regard to the commercial piece, but it is unknown as to what it will look like.

Johnny Wilson, District 1 Commissioner, requested that 25% ranch style homes be part of the conditions and there are none listed; **Ms. Battle** stated that applicant had none available prior to the meeting but is committed to the 25% ranch style homes requirement. Regarding the sidewalks, he asked about the size and specs of those sidewalks at the roundabout. **Roque Romero, SPLOST Transportation Project Director,** approached and clarified the external sidewalks will be 8' wide on the roundabout as well as the entire corridor of Bill Gardner Parkway. **Mr. Lanham** indicated Condition #5:

> *5. The subject property shall be developed meeting the equivalent standards, provisions, limitations, and requirements of the Highway Corridor Overlay District as if the subject property was located within the boundaries of the Highway Corridor Overlay District.*

Therefore, a sidewalk will be required along the entire frontage of the property on Bill Gardner and Lester Mill. The District 1 Commissioner asked about the buffer; Mr. Lanham responded that staff recommended a 20' buffer along Lester Mill but that the Board can increase this to another specified size. Ms. Battle stated that a 50' buffer would drastically change the project, as the total number of units had already been reduced; applicant was satisfied with the 20' buffer along Lester Mill even though it is not required. Landscaping will be provided along Lester Mill. The District 1 Commissioner asked if applicant would consider a 30' buffer; Ms. Battle replied that applicant would agree. The Commissioner requested the change be made part of the conditions. The Commissioner further remarked on the change in lot size and setbacks from the original request to the present request. The commercial piece can be set aside and the Board can later vote upon a determined commercial piece at a later date. Mr. Kirk asked that this also be part of the conditions; Commissioner Wilson directed that it be added as Condition #30, regarding the commercial piece.

Commissioner Wilson then referenced Condition #3 and asked if the language was cleaned up; **Mr. Lanham** replied that with the SPLOST project forthcoming, the applicant should preserve and dedicate right-of-way for the improvements and roundabout.

Commissioner Wilson moved to approve with thirty (30) conditions; **Bruce Holmes, District 5 Commissioner,** seconded. Motion carried (6-0-0).

Resolution #22-267

ULDC-AM-22-09 (Public Hearing)

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

Kamau As-Salaam, Planner III, explained that the amendment intends to regulate automobile washes within the county. He presented the amendment to the Board which includes adding a definition of "automobile wash" and wording that would separate automobile washes as a primary use from other automobile washes within, or outside of, the zoning district by a minimum of 13,200 feet, or 2.5 miles. This is similar to what was adopted in 2020 regarding small-box discount stores. Staff has become aware of a saturation of these businesses within the county and if they close, it is difficult to redevelop or repurpose the property for other uses. Of the fifteen (15) primary use car washes located within the county and the cities, six (6) of them are in county jurisdiction, five (5) are currently going through development or building plans and one is going through rezoning. Staff prefers to get ahead of this potential oversaturation within county limits and the adoption of this Ordinance does not affect properties within any city limits or automobile washes currently in development or have zoning applications pending. There were emails objecting to the adoption of this Ordinance received by staff, one from Dillard Sellers, Attorneys-at-Law, who is currently representing a client seeking to rezone property for automobile wash use; as they have already submitted application, they are vested from the provisions of this Ordinance, if adopted. The 2.5-mile radius can be adjusted at the Board's discretion prior to adoption. Staff recommends approval.

Commissioner Thomas suggested for a further distance than 2.5 miles; she believes that this will help the existing businesses and prevent oversaturation. She suggested 3.5-4-mile radius. The District 4 Commissioner formally recommended increasing the distance between automobile washes from 2.5 miles to 4 miles each.

Commissioner Clemmons remarked that there are five in the process of being approved in the county, bringing the total to 11; she would like to know where those 5 would be located. To the County Attorney, the Commissioner asked if those 5 could be tied into this amendment. **Nancy Rowan, County Attorney,** advised that the car washes with applications pending are grandfathered into the Ordinance. If approved, this would only apply to new applications. The District 2 Commissioner asked if there would be legal ramifications; Ms. Rowan replied that there are and the developer only has to abide by the law as stated and cannot be forced to follow law that is retroactive. **Mr. As-Salaam** stated he would provide a map of those other 5 washes to the Commissioner after the meeting.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak in favor of the request, including the applicant, will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

No one came forward.

Chair Harrell then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name.

<u>In Opposition</u>

Julie Sellers, Dillard Sellers, 1776 Peachtree St., Suite 415-S, Atlanta, GA 30309, spoke in opposition of the current draft but not in opposition to the regulation of uses within the county. She clarified that the request would allow staff to address to make the draft clearer such as the "primary use" of an automobile wash, which could mean any car washes within the unincorporated portion of Henry County. Regarding the distance, Ms. Sellers understands that the distance would be 2.5 miles from any property line and believes that could be more specific in that regulation. She pointed out that adult entertainment distance is half a mile within Henry County while a car wash is 2.5 miles. She countered that with the current and pending car washes, it would average out to 1 car wash per 12,000 people in the county and that market demands newer and improved car washes which promote employment and services for the residents in the county. She asked that a decision not be made tonight, that the Ordinance be further modified and that they be given an opportunity to work with some industry leaders on this matter.

No one else came forward.

Commissioner Anglyn suggested a review of the distance needed especially in the Overlay District; pending same, he moved to table this item to a future date in December.

Commissioner Clemmons noted a proposal for a car wash on Jonesboro Road and asked if that is part of the 5 mentioned; **Mr. As-Salaam** stated that one is vested and will go to the Zoning Advisory Board in November. This does not mean they will be approved, only that it is not limited by this Ordinance if adopted tonight. The District 2 Commissioner asked that if this has not been approved and the applicant has not gone before Planning & Zoning, how it can be grandfathered. **Ms. Rowan** replied that they were already within the process to get approval and their application was based upon the law as currently stated and not as stated if the Ordinance is approved tonight. The District 2 Commissioner suggested finding out the statuses of these pending applications. Ms. Rowan clarified that if an application is not submitted for processing prior to this hearing, then it is based on the current Ordinance as-is. If this is passed tonight, any future applications will have to follow the new Ordinance. Regarding the District 3 Commissioner's motion, Ms. Rowan advised that the matter would have to be tabled to a meeting in November, not December.

Commissioner Thomas suggested that if this item is tabled, that no other applications for a car wash be accepted under the old Ordinance and that any application coming in would have to wait until this is ruled upon. **Commissioner Clemmons** stated that she believes the Board could vote upon this now and not have it tabled. **Chair Harrell** clarified that there is a pending motion and that Commissioner Thomas made a recommendation.

Commissioner Wilson asked if this Ordinance would apply to truck washes also; **Mr. As-Salaam** responded that it would apply to "primary use" car washes and would include truck washes. The District 1 Commissioner further asked if this would mean a truck wash in an industrial area to be separated 2.5 miles from each other. Mr. As-Salaam explained that truck washes are typically tied to another business and not necessarily set up as primary use truck wash. The Commissioner noted that if a truck wash was placed in an industrial area, that would further back up traffic from trucks coming in to be washed and if another one is not allowed beside it, it would create more traffic hazard. He does not believe that limiting truck washes to 2.5 miles apart in industrial areas would work and therefore, he cannot support this request.

Chair Harrell stated there is a motion on the floor to table the item *with the date changed to November 1, 2022*; **Commissioner Holmes** seconded. Motion carried (4-2-0).

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

Commissioner Thomas then moved for a moratorium on any further applications for car washes and truck washes in Henry County for a period of six (6) months. Upon further advice, the District 4 Commissioner moved to add this item to the Regular Agenda for discussion and action, for placing a moratorium on applications for car washes and truck washes in Henry County for a period of six (6) months to allow for further discussion; **Commissioner Clemmons** seconded.

Commissioner Wilson asked to include a moratorium on all new rezoning applications for 6 months to allow time for a better understanding on how to proceed. *(not included)*

Motion carried (4-2-0).

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

Ms. Matthews asked if the moratorium includes permits through the Building & Plan Review Department, or all applications through Planning & Zoning, or for land disturbance permits, building permits, as there are different types. **Commissioner Thomas** specified this relates to only new applications for car washes and truck washes. The County Manager asked to define "applications" and referenced the car wash application on Jonesboro Road. **Commissioner Clemmons** explained that will not be affected and the purpose of the moratorium would be to keep from being inundated with applications to get in the process prior to the change in Ordinance. Ms. Matthews further specified that if there is a set of plans submitted to the Building & Plan Review Department but no permit had been issued, if that is grandfathered; **Ms. Rowan** suggested discussing with Planning & Zoning as to where these applications are exactly in the process and provide an update later to the Commissioners.

COUNTY MANAGER (Moved down by Chair Harrell)

Purchase of Real Property

Resolution approving the purchase of certain real property located in Henry County, GA (12 North Zack Hinton Parkway, McDonough, GA) (Presenters: Cheri Hobson-Matthews, County Manager; and Nancy Rowan, County Attorney)(Exhibit 9)

Ms. Matthews deferred to the County Attorney for presentation and remarks.

Ms. Rowan explained that the terms include Henry County putting down $100,000 in earnest funds with the overall amount of the property is $2 million dollars. A Purchase and Sale Agreement is attached and the seller sent a draft of their Agreement for the property prior to the meeting, which is currently under review.

Chair Harrell asked the County Manager the purpose for the purchase of this property; **Ms. Matthews** responded that the Henry County District Attorney approached the Commissioners several months ago regarding expansion of his office location. This facility had come up a year ago and was part of a larger acquisition. Staff was notified a couple of weeks ago that the property is available and is ready to proceed with acquiring this facility to house the functions of the District Attorney's Office and to relocate the Probate Court. This is also due to the addition of the 4th judge.

Commissioner Holmes stated that he was not aware of this and asked for more information; **Ms. Matthews** stated this is the existing BB&T Bank building in the Square. Mr. Patillo asked some of the Board members about this property and at that time it was part of the entire Truist acquisition and seller was not interested during that time in selling off just the one building. This has since changed and staff was notified of the opportunity to purchase the property with a lower offer price than appraised, but seller accepted offer ($2 million dollars).

Commissioner Wilson asked the age of the building; **Ms. Matthews** stated she would get an answer to the Commissioner. The Commissioner estimated the building to be 30-40 years old. He asked what the renovation cost would be. Ms. Matthews stated there is a 45-day due diligence period on it and the Facilities Maintenance director will inspect it; but an initial assessment was done last year.

Commissioner Thomas asked of the approximate square footage; **Ms. Matthews** replied it is 21,017 square feet. The District 4 Commissioner asked if it is possible to build a structure that size, with all brick and 2 stories with parking in downtown McDonough for $2 million dollars; Ms. Matthews responded that it is not and that it is a 3-story, not a 2-story building.

Commissioner Clemmons stated that the Commissioners should be provided with a list of repairs and associated costs needed and that the Probate judge and District Attorney should walk through with Mr. Purvis during due diligence and have a comprehensive list of all needed repairs and associated costs in order to occupy the building.

Commissioner Anglyn asked which District this is in; **Ms. Matthews** stated District 3. The District 3 Commissioner stated this is near the McGarity property which is also three buildings away from his parents' home. He asked how many of the parking spaces will be accessible. Ms. Matthews explained that the deal includes all the parking spaces that is part of the bank and the adjacent property.

Commissioner Holmes recalled discussion on building an annex for the District Attorney and the Probate Court in this area and asked what happened; **Ms. Matthews** stated that is the Judicial Center the Board approved to go directly across the street. Staff worked for several months on obtaining proposals and no agreed amount was ever reached to pursue further and to bring to the Board; it has been placed on hold until funding sources can be identified to resume same. This purchase will help with the immediate needs of the court and can still be utilized when the move to the Judicial Center is completed.

Commissioner Thomas asked if this will allow the negotiations to start with a number of days for due diligence, or if this will move to closure. **Ms. Rowan** responded that the county has signed a Letter of Intent with the seller with a negotiated earnest amount and the closing is expected to be within a short period of time. The seller is ready to move forward and the earnest money is deposited. She agreed that more information on the needed repairs should be submitted but if the county can afford the building at the stated price, it can afford to also upgrade the building as well and still save money from building a new building. She stated that the District Attorney's Office needs to be relocated now and not wait till the Judicial Center is completed. While this building will need upgrades and it will be costly, the fact is that the building itself is sold at a very good price and supports this purchase.

Commissioner Clemmons stated that there is no funding source for the Judicial Center and there is no funding source for the Aquatic Center, either, but would like to move forward with the design of the Judicial Center. The Commissioner also thought there was a 45-day due diligence on this purchase. **Ms. Matthews** clarified that there is a funding source for the Aquatic Center, which is a SPLOST V project. This purchase is not under a SPLOST program, so any property acquisitions have to be brought to the Board and a funding source can either be Fund Balance or, in some cases, American Rescue Plan (ARPA) funding if approved by the Board. Staff was asked to look for space for the District Attorney and several buildings were discussed; a walk-through of this property was done and Mr. Patillo recommended this already. The County Manager reminded the Board that the county has purchased a number of properties over the last 6 months without full project cost identified. There is an existing courtroom within Probate Court and Mr. Purvis had recommended leaving that there as it is a fairly new courtroom. The Probate judge does not have a daily court docket and if there is a need for a courtroom, there is one right there. There is nowhere to park, however, at Probate Court. The 45-day due diligence is followed by a 30-day closing, thus providing time. For the design, a committee consisting of the SPLOST team and members of the judicial courts worked with proposals and based on the costs, staff did not feel it was in line to present to the Board. The County Manager suggested waiting a couple of months and see if the cost would go down but when this is brought to the Board, a funding source will have been identified. Commissioner Clemmons stated that it could be brought to the Board and then discuss a funding source; the county needs this building, to build the Judicial Center needed in this county.

Commissioner Wilson asked how long the property has been for sale; **Ms. Matthews** guessed it would be at least a year and a half. **Ms. Rowan** stated that the seller just purchased this property in August 2022.

Commissioner Holmes asked the purchase price the seller paid for the building; **Ms. Rowan** stated that she did not have that information. The District 5 Commissioner asked to get that information. **Chair Harrell** asked for the appraised value; **Ms. Matthews** responded it was $2.3 million dollars.

Commissioner Clemmons expressed concern about the building being purchased only to be sold to the county for a higher amount.

Commissioner Thomas moved to approve the purchase; **Chair Harrell** seconded. Motion failed (2-3-1).

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

Commissioner Thomas moved to have administration come back to the Board with the answers to the questions put forth by this Board before the due diligence period is up for reconsideration; **Commissioner Clemmons** seconded.

Chair Harrell asked for amendment to the motion, to add a Special Called Meeting prior to the next BOC Meeting; **Commissioner Thomas** so added to her motion.

Ms. Matthews recapped that the District 4 Commissioner made a motion, the District 2 Commissioner seconded, the Chair asked for an amendment to the motion adding language that if the requested information could not be provided before the next meeting, there would be a Special Called Meeting for real-estate matters only. The County Manager understands the questions posed by the Commissioners as follows:

1. (from Commissioner Holmes) How much the seller paid for the building upon its purchase;
2. (from Commissioner Wilson) How long the property has been for sale;
3. Confirmation that the square footage of the building is 21,017 square feet
4. (from Commissioner Clemmons) Allow the Probate judge and the DA to do a walk-through and identify their needs
5. (from Commissioner Wilson) What the cost of the repairs and what those repairs would be

Chair Harrell asked if the needs of the Probate Court and District Attorney would include fixtures, such as space to maintain records, as required by law; **Ms. Matthews** explained that once Probate Court is relocated, the front will be the courtroom and the rear will house the court records.

Commissioner Clemmons referred to the District 3 Commissioner's remarks about the parking and stated that there are other buildings that go with that parking and this is separate; she wanted to know what happens to those buildings when they are purchased and will need parking. She asked if a survey was done to break up the parking areas. The need is there, the money is there, but the Commissioner does not want to rush into purchasing this without having all the information beforehand. **Ms. Rowan** clarified that the Board has already voted against the current legislation so the Board would have to rescind its prior vote and table, or table the vote to a future date. After rescinding the vote to deny the purchase of the property, this can be brought back; right now, there is a vote that failed to purchase the property.

Commissioner Thomas moved to rescind the vote of this Resolution approving the purchase of this property. **Ms. Rowan** further clarified that the Board voted not to purchase the property – that vote needs to be rescinded and then have it added back on the calendar at a future date.

Commissioner Thomas moved to rescind the vote approving the purchase of the property; **Chair Harrell** seconded.

Ms. Matthews suggested that the Commissioners can move to direct staff to bring this back, since it is not a zoning matter. **Commissioner Clemmons** moved to direct staff to bring this back at the first meeting on November 1, 2022 with all corrections and to bring back another Resolution since this one was denied; **Chair Harrell** seconded. Motion carried (6-0-0).

Local Option Sales Tax

Update on Local Option Sales Tax (L.O.S.T.) Re-negotiation (Presenters: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; and David Smith, Financial Services Director/Cluster Lead)(Exhibit 8)

Ms. Matthews provided an update for the re-negotiation in terms of where it started, where it is and what the next steps will be. She then deferred to the County Attorney for remarks on the legality pertaining to the L.O.S.T. and then to the Financial Services Director to provide remarks and where the negotiations are presently.

Ms. Rowan explained that the county has the responsibility to re-negotiate the L.O.S.T. process on behalf of all eligible parties, including the cities (Locust Grove, McDonough, Stockbridge, and Hampton). The county and cities then have sixty (60) days to re-negotiate the distribution certificate. If an agreement is not reached, the law requires the county or cities to submit to a non-binding mediation, non-binding arbitration or an alternative dispute resolution. The deadline is December 30, 2022 to come up with an agreement before the current L.O.S.T. expires. She then went through the Condition Precedent displayed for the Board and public viewing. The criteria for the L.O.S.T. process was also displayed and read by the County Attorney. The county initiated this process and on July 19, 2022 there was a meeting between the county and cities to agree on a re-negotiation process. On August 25, 2022 the county's position on the distribution was presented to the cities; on August 31, 2022, the cities' position on distribution was then presented to the county; since that time, there were two mediations with the cities – first on September 12, 2022 and the second on October 5, 2022. Ms. Rowan clarified that the county is in compliance with the process as required. At this point, an agreement on the actual percentage to be divided between the cities and the county has not yet been reached. She then deferred to the Financial Services Director for remarks.

David Smith, Financial Services Director, recalled that in September 2019, the District 5 Commissioner asked both the County Attorney (Patrick Jaugstetter) and him to give a presentation on L.O.S.T. before the negotiations began. There was some concern as to whether or not the cities were receiving the appropriate amount; the amounts were determined to be fair, equitable and higher than the distribution percentages. Regarding the current distribution, Mr. Smith presented a chart with the Current Distribution from 2013 to 2022. This L.O.S.T. shifts the primary tax burden from the property owners to the visitors and residents. On the next slide showing the distributions, the sales tax collected $51 million dollars one year ago. This agreement was reached prior to the arbitration to resolve disagreements through mediation. Mr. Smith then presented the slide that highlighted Three L.O.S.T. Negotiation Issues.

Mr. Smith continued that Henry County and the Four Cities began negotiations in August and mediation in September with the goal of working together for a solution that benefits the entire county. The county has met its obligation to engage in alternative dispute resolution; the cities have rejected all offers to force public arbitration, of which the county is not required to go. Mr. Smith further advises against any such proposal. If there is no agreement between county and cities by December 30, 2022, L.O.S.T. collections will end; local sales tax rate will fall from 8% to 7%. A subsequent voter referendum could return the L.O.S.T. sales tax collections.

In addressing the fate of property taxes without L.O.S.T., **Mr. Smith** explained that the L.O.S.T. represents a major source of revenue, especially within the cities. Local officials would have to make a difficult decision, as the sales tax makes up 18.2% of the General Fund budget (approximately $37M). He then presented a chart of what the cities would have to find and replace without an agreement, showing a significant revenue reduction which will impact everyone. A timeline of what would happen without L.O.S.T. was also presented for the Board and public viewing.

Ms. Rowan stated that she received three Resolutions today from three of the cities concerning L.O.S.T. negotiations. She received a Resolution from Hampton, passed on October 11, 2022; Resolution from Locust Grove, passed on October 12, 2022; and a Resolution from McDonough, passed on October 6, 2022. These basically state that they approve a L.O.S.T. amount of 34% for the cities and 66% for the county, and if the county does not accept this proposal by tomorrow, the cities will move to non-binding arbitration.

Chair Harrell recognized the Vice-Chair/District 4 Commissioner for remarks.

Commissioner Thomas clarified that the County Manager and the "team" have been authorized to make presentations to the cities on behalf of Henry County; **Ms. Matthews** affirmed same. Commissioner Thomas asked if during those presentations, were any promises made about what the county would do; Ms. Matthews responded in the negative. The Commissioner asked if an opportunity was left for negotiations to take place in reference to the L.O.S.T., such as if one was rejected, then a second was put forth and back-and-forth in an attempt to reach resolution; Ms. Matthews responded that multiple offers were presented. The Commissioner emphasized that this has not been voted upon; all that has been done are negotiations and presentations. The Commissioner believes there is a way to work through this together without having to go to legal means. The Commissioner asked if the L.O.S.T. dollars received is for the entire county; the County Manager affirmed same. Regarding the Sheriff's Office, the Commissioner asked if the department is specifically for the unincorporated portion of Henry County or for the entire county; the County Manager responded that the department is for the whole county. The Commissioner asked if the County Manager has received a written response or counter proposal from the cities that can be considered and reviewed; the County Manager stated that nothing has been submitted to her in writing beyond the mediation discussions. The cities, on August 31st, presented their positions to county staff regarding the L.O.S.T. distribution, after the county made presentation on August 25th. Following those presentations, mediation was entered into and there was back-and-forth discussion on a percentage that could be brought back to the Board or that the cities would agree; beyond mediation discussion, staff has not received anything else from the cities. The Commissioner explained that she asked because she wants to know what the cities need to make this work. Beyond the presentation and what the cities have offered during mediation, there has been nothing else offered beyond the final mediation meeting on October 5th. The Resolutions presented by the County Attorney were received into her office today.

Commissioner Wilson stated that each Commissioner represents every citizen within the county, unincorporated and incorporated. He pulled up the SPLOST report which lists population as one of its biggest criteria. The population which was put together by the Census in 2020 listed the unincorporated portion of Henry County at 68.7% in 2020; incorporated areas are 31.29%. The Commissioner had asked staff to put together starting next year from 66% moving forward and adding ¾% each year until there is an average of 69%. The Commissioner explained that this is what staff came up with to get the percentages to match the population put before the county by the Census in 2020. He asked Mr. Smith to explain how this will work.

Mr. Smith explained that the District 1 Commissioner was recommending a ¼% increase each year, from year 5-10, being at 70% so that on an effective rate it would average to 69/31, which would approximate the current population; this can be used to determine L.O.S.T. distribution. **Commissioner Wilson** recommended looking at this to move forward as this will be the closest on meeting the criteria, it is fair and equitable and the cities should consider same.

Chair Harrell asked what the cities are currently receiving; **Mr. Smith** responded approximately $17.4M with the current 66/34 distribution percentage, based on the prior collection. The Chair surmised that this would be a gain; Mr. Smith affirmed same. The Chair deferred to the District 1 Commissioner for formal motion.

Commissioner Wilson moved to approve the chart for the L.O.S.T. negotiations divisions for the cities; **Commissioner Anglyn** seconded. Motion carried (5-1-0).

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

Commissioner Clemmons remarked that she has not seen the county's proposal for distribution and should have seen it. The Commissioner stated her goal is to keep property taxes down for all taxpayers, city and county, and she wished to confirm that this is a reasonable distribution and it is too early to vote for this when the cities have not seen this. **Ms. Matthews** explained the initial split was 66/34 but because of the amount of growth, that amount is greater. This information came from the Financial Services Department, at the request of the District 1 Commissioner. On September 7, 2022, this was presented to the Board during Executive Session on potential litigation regarding L.O.S.T. Because at that time the cities mentioned potential arbitration, the Commissioners needed to be aware of this not coming to agreement. The District 2 Commissioner asked for the proposed amount of the county's distribution; the County Manager responded that the initial amount based on consultant review, was an 80/20 split. The cities then came back with 34/66 (county/cities) with discussion on how the county administered service delivery strategy in the Districts. The county's final offer was 70/30 split. The Commissioner does not want property taxes to raise in the city limits because they are losing money. The County Manager stated that when the final offer of 70/30 was made, the county gave up 4% net percentage point ($25.4M) over 10 years in an attempt to reach an agreement. Every proposal beyond the initial proposal presented is based on making sure the cities did not fall below their original current fiscal year numbers. **Mr. Smith** added that the cities would not lose any money even if the percentage goes down; it might even earn more if more sales tax was collected. He further clarified that the cities would have to implement a property tax and the county would have to increase the millage rate, at another 3.5 mils to that amount just to collect the L.O.S.T. revenue. The Commissioner stated that all citizens are county citizens and city citizens cannot be separated; negotiations should benefit everyone in Henry County. She voted against this because it is unfair that it was presented tonight and the cities have not seen it.

Chair Harrell remarked that just as the county received these drafts from the cities today, this has not been received by the cities yet since the District 1 Commissioner asked that this be put together; **Ms. Matthews** affirmed same and added she provided to the cities what they believe, based on conversations with the Board, this presentation. Because the District 1 Commissioner's request was not first voted upon, it could not be presented to the cities.

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.

Chair Harrell noted that no one signed up for Public Comments; **Stephanie Braun, County Clerk,** affirmed same. The Chair noted that some of the city mayors are in attendance and, out of respect for collaboration with them, she wanted to ensure that the cities do not lose any money. The Chair presented opportunity for comments to be made by the cities.

The Honorable Ann Tarpley, Mayor, City of Hampton, approached and commented that based on the presentation put together by staff and the District 1 Commissioner, she asserts that it will negatively impact Hampton. She does not believe that consideration has been given to the direction the City of Hampton is going; right now, about 1,200 homes will come online within the next 18 months and growth is happening within the city. Reducing the share of the city's L.O.S.T. percentage will take away from the Commissioners' constituents who are also county taxpaying residents. She provided further remarks on the unfairness of this split and noted that while Hampton may be the smallest, it does represent 55% of the commercial properties collectively and the city constantly adds to the Tax Digest.

The Honorable Sandra Vincent, Mayor, City of McDonough, approached and commented that she is stunned on taking a vote prior to hearing from the mayors and thanked the District 2 Commissioner for her stand. She echoed that the cities have all wanted to collaborate with the county and the cities recommended non-binding arbitration because nothing has really happened "in the daylight." This would require that the cities to increase their tax base as it is written right now. The no-increase of the millage rate has been offset by the increase in sales tax. Because the county wants more sales tax, the cities would have to increase property tax in order to recoup from the county's increase in sales tax, which is not fair and equitable. There was no public discussion on this, which is a problem since many citizens do not understand the process. The sales tax is driven by commercial activity, the majority of which resides in the cities. While all citizens, in and out of city limits, reside within the county, there is also a deeper problem taxing citizens within the county or subsidizing the taxing of citizens within the cities to supplement the county. Mayor Vincent stated that none of the categories which are charged for the purpose of determining how the taxes are going to move forward; they have not been discussed. One of the reasons that the mayor gave for an arbitration is a misunderstanding of the statute.

Mayor Vincent then indicated that remarks were made tonight regarding not enough funding for the Judicial Center. She stated she hates to consider that projected L.O.S.T. money would be utilized to fund a Judicial Center, since it would mean that every citizen within Henry County would be double-taxed; this is unfair for the citizens of Henry County and unfair for the cities who carry the majority of the revenue from these tax dollars.

The Honorable Robert Price, Mayor, City of Locust Grove, approached and deferred to Mr. Young for remarks.

Tim Young, City Manager, City of Locust Grove, stated that the City Council (present) will stand in unison, along with the cities, in its position. He stated that Locust Grove is growing and is now growing faster than Henry County; this measure would cut revenue for Locust Grove. He pointed out some inaccuracies in presented statistics for the Board, such as population stated and the Tax Digest is not doubled, which is not correct. He questioned the metrics but rather than argue, he would rather keep the split as it currently stands, which is before the Board right now. If it goes lower, the Cities of Hampton and Locust Grove will have the biggest cut and forced to raise taxes.

The Honorable Anthony Ford, Mayor, City of Stockbridge, approached and echoed that they ask for the 66/34 split. He read from a prepared statement regarding the impact the county proposal would have on increased taxes and millage rates within the cities and county, how it also would negatively affect commerce and economy/population growth.

Commissioner Holmes voiced his agreement with the city officials and rescinded his vote to go with the recommendations of the cities. **Chair Harrell** advised that the vote can be rescinded, but there are still 4 votes in support and therefore, a majority.

Chair Harrell asked when the City of Stockbridge passed its Resolution; **Ms. Rowan** replied it was passed on October 10, 2022. The Chair noted that with the cities' Resolutions passed from October 6th to October 12th, they were just received today; Ms. Rowan affirmed same. **Ms. Matthews** assured the Chair that Mr. Smith and she are providing information to the Board and not offering any rebuttal to comments made by the mayors and council. Every option made by the county was based on having a consultant on board and determining where the county needed to be, financially.

Ms. Matthews commented first on the Judicial Center and let the Board know that sales tax is not going to be used to fund the Judicial Center; only 18.3% of sales tax is collected for General Fund operations. A creation of Public Facilities Authority will require legislative action and she did not want to pass that on to the taxpayers, but it can be considered as a funding source for the Judicial Center. She then stated that 18.3% of the General Fund comes from sales tax but it is not the sole source of the General Fund operation. The cities are dependent upon the sales tax but it is not used as the sole source. This is to get the Board information and yielded to Mr. Smith for further comment.

Commissioner Holmes asked if there were meetings on this with the Commissioners; **Ms. Matthews** stated that there was a briefing during Executive Session on September 7, 2022 but no further meetings afterward. The Board was then made aware of two options; in early June, during the County Manager Comments, she notified the Board that they were in the middle of L.O.S.T. negotiations and the Chair had notified the cities to schedule a meeting, with notice to them no later than June 30, 2022. Ms. Matthews recalled that during the meeting with the Commissioners, the District 5 Commissioner had left prior to the County Attorney making presentation on this matter.

Commissioner Clemmons clarified that staff was given permission to start negotiation but at the time that the 80/20 was being presented to the cities, the city officials should have contacted the Commissioners; she stated she found out about the 80/20 split tonight. Staff did what they were instructed to do but if the city council officials rebuffed the initial offer and found it offensive, they should have contacted the Commissioners. It is now public and statements to that effect in opposition are now public but she disclosed that tonight was the first time she was aware of an 80/20 split, but not at the fault of staff, as they were doing their job to start negotiation. No decision has yet been made and this has not yet passed. If the decision is to leave it as-is, then leave it the same.

Mayor Vincent wanted to clarify that the people involved were not the elected officials past that initial meeting; the city administrators and city attorney were involved. The mayor stated she serves in both capacities at this time, so it would have been out of order for a city attorney to call an elected official or for a city administrator to call an elected official; this is a reason for putting it in arbitration, to give the city an opportunity to speak, from elected official to elected official.

Mr. Smith clarified that the eight criteria alleged to have not been considered was inaccurate; in fact, they were all considered and one of those was population share presented tonight and recommended by the District 1 Commissioner; another is share of total Property Tax Digest and not just commercial property, which is at 72.89% of services being provided to county and cities. The share of total expenditures is at 76.51% across the county; supplementary powers presented by the cities is 69.79% which were adjusted to remove items the cities felt should not be there. He clarified that he does not apologize for exercising good stewardship in maintaining Fund Balance and disputed the allegation that the cities were not considered.

Regarding the sales tax amount, **Mr. Smith** explained that it started at $17.4M and he made certain that over the next 10 years, it was forecasted to have a 3.5% growth rate included, meaning that the cities' amounts will grow, not lessen. **Chair Harrell** asked for the slide to be put back up that District 1 Commissioner requested earlier; the Current Distribution chart was displayed. The Chair remarked that these numbers are based on the criteria just discussed; Mr. Smith responded that they are based on the request from Commissioner Wilson on what the population share and was not run based on shared Property Tax Digest or shared total expenditures or supplementary powers. He tried to come up with a fairer solution similar to that of about 10 years ago where a 2-year sliding scale was allowed. The Chair recalled that the cities are at 32-33% and it was indicated that the "numbers" do not add up and asked for information on how they add up, even if it lessens the percentage. Mr. Smith explained that the numbers add up because of the growth percentage calculated into each sales tax year, at 3.5% each year, which is why it goes from the current $17.4M to (by year 10) $21M to be split. **Commissioner Clemmons** pointed out that the other figures considers more than population and she would rather do that comparison and asked if that can be submitted to the Commissioners later for review. Mr. Smith explained that the one requested for presentation by District 1 Commissioner is based only on population; the other was based to make certain that the cities did not lose any of their shares. **Ms. Matthews** clarified that the Board voted on the 66¾-33¼ .

Commissioner Anglyn asked if this would be more favorable to the cities as was the District 1 Commissioner's intent; **Mr. Smith** responded it would be more favorable to the cities and to the county.

Commissioner Wilson remarked that two cities had to agree to move forward; **Mr. Smith** specified it has to be 50% +1, meaning 1 large city and 1 small city. The District 1 Commissioner asked if there is time to look over the Resolution, have questions answered and then come back on November 1st to make a final determination with the cities agreeing to a number. **Ms. Matthews** advised that the Board has already taken action on the 66¾ - 33¼ but two cities have to agree. The cities sent over their Resolutions and the action taken by the Board will be sent to the cities tomorrow and they will be asked to consider same. **Commissioner Clemmons** asked how this would work if they agree that everything should stay the same – if they grow, they get more money. She stated that the cities have voiced what they want.

Commissioner Clemmons remarked that both Resolutions should be brought back for review, since there is already majority vote on the other one that just passed. **Ms. Matthews** specified that the District 2 Commissioner wishes to see the Resolutions provided by the cities in addition to what District 1 Commissioner has recommended. The District 2 Commissioner asked the Financial Services Director to take the chart and utilize all projections, including population, sales, etc., to get a comprehensive comparison to the difference of leaving it the same. **Mr. Smith** explained that the county is dynamic and is not staying status quo; the cost of services continues to increase. The District 2 Commissioner asked for three charts:

- Chart #1: Population only (Approved tonight)
- Chart #2: Current allocations (*County:* 66% and *Cities:* 34%*)*
- Chart #3: Based on 8 criteria – gradually over the years

Chair Harrell asked how does leaving everything the same affect the county; **Mr. Smith** replied that the cost of services continue to increase; inflation is currently at 8.5% and his projections are at 3.5%, which leaves a difference of 5% that must be made up somewhere in the budget.

Commissioner Thomas remarked that a couple of the mayors stated that their property taxes will increase, but she is under the impression that at least two of the cities have no property taxes; **Mr. Smith** affirmed same. **Mr. Young** affirmed that the City of Locust Grove currently has no property tax; however, their costs are increasing and insurance renewals for his employees increased by 33% and they face the same budget cuts as the county. It is anticipated that Locust Grove will have property taxes in the next 2-3 years and if this goes forward, 55% revenues will be cut and they will have to initiate property taxes next year. **Mayor Ford** also came forward and confirmed that the City of Stockbridge currently has no property taxes but inflation is also affecting them as well.

Chair Harrell asked the County Manager to repeat next steps; **Ms. Matthews** explained that the Board took action on the proposal presented by Commissioner Wilson, beginning in calendar year 2023, at 66.75% County and 33.25% Cities, to increase from 2024 through 2032, getting to a 70/30 split by year 2032. There is a request to bring back the three above-listed charts. She would like to submit what was initially presented, what the cities presented, what the options have been and the subsequent charts that Commissioner Clemmons asked for; the District 2 Commissioner had also asked for two Resolutions – one with the cities in terms of what they submitted to the County Attorney today and another Resolution based on what the Board has voted upon. **Chair Harrell** asked that this be given to the Board before the next meeting to be able to review it and bring questions to staff. The Chair is interested in the impact on the county and cities if the Resolution stays the same. Ms. Matthews explained that based on the 66/34, the county would give up about $3M over 10 years. **Commissioner Clemmons** requested to see that on a chart, considering if the cities continue to grow and not just population. The County Manager explained that it is not population-based but keeping it at 66/34 over the next 10 years. The Chair also requested the Resolution be ready to vote upon review and discussion of the requested data.

Mr. Smith noted that the greatest growth projected between where they are now, in 2020, and 2030 will be in McDonough and Locust Grove, and shows Stockbridge and Hampton having a negative growth which is why they are having annexation discussions. **Commissioner Clemmons** stated that some cities are going to have raise their taxes without having loss. **Ms. Matthews** stated that the county will continue to provide services for every resident, even if those services are the responsibility of the cities and it will be at the cost of the county. On the 66/34, that is not based on the criteria. **Chair Harrell** stated they can continue negotiations and come back with the requested information ahead of time, to give the Commissioners the opportunity to review this before the next meeting. **Ms. Rowan** advised that if the Board does not proceed with the vote tonight on the 66/34 split, the cities are indicating they will proceed to arbitration and unless the county agrees to arbitration as well, that will not happen. There would be associated arbitrator fees paid by the taxpayers and the cities would want the county to pay 66% of those costs.

APPROVAL OF MINUTES

A. **Commissioner Anglyn** moved to approve the Minutes from *September 7, 2022 (Regular BOC Meeting)*; **Commissioner Clemmons** seconded. Motion carried (6-0-0).

UPCOMING MEETINGS AND EVENTS

A. November 1, 2022 at 9:00 a.m. is a regular BOC Meeting

B. *(CANCELLED)* November 15, 2022 at 6:30 p.m. is a regular BOC Meeting

C. November 29, 2022 (*will take the place of the first regular meeting in December) at 9:00 a.m.

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 9:19 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk