STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, November 1, 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 1 Commissioner
Dee Clemmons, District 2 Commissioner
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, Vice-Chair/District 4 Commissioner
Bruce Holmes, District 5 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, November 1, 2022 at 9:00 a.m. to order.

The Agenda was modified today and announced by the Chair, as follows:

- *Added:* **PRESENTATIONS**: Mighty Hero Homes Presentation
- *Moved:* **COUNTY MANAGER (B)** Update on Local Option Sales Tax (L.O.S.T.) Re-negotiation *up to beginning of the Regular Agenda*

PRESENTATIONS

Henry County Employee Retirement Recognition

Harold Cooper, HR Director, announced the following employees about to retire from Henry County:

- *David Lenning – Henry County Fire Department – 17 years*
- *Cherry Sansbury, Henry County Tax Commissioner's Office – 14 years*

Mighty Hero Homes

Drew Walston, founder, Mighty Hero Homes, Inc., approached to give remarks on this project and foundation. He gave background information on the organization as a way to help the homeless veterans in the country, and looks to share in this with Henry County at a pilot location. He then described the design, planning and construction of the proposed homes with amenities that benefit the veterans in interacting with the community.

Master Sergeant Patricia Baisden, U.S. Army (retired), approached to give remarks on the statistics of the homeless veterans and the agencies that are dealing with these critical issues, with some of the veterans being female, with and without children, in various homeless situations (eviction, foreclosing, inability to afford housing).

Chair Harrell remarked that partnering with local government, non-profits and other organizations gives way to finally addressing and moving forward with putting this presentation into action to better serve the veterans who have served this country. There were no questions from the Board.

City of Stockbridge Police Department Services

City of Stockbridge regarding request for reimbursement of $1,500,000 for Police Department Services (Presenter: Chief Frank Trammer, City of Stockbridge Police Department)

Frank Trammer, Chief of Police, City of Stockbridge Police Department, approached to address the Board to consider reimbursement of approximately $1.5 million dollars to the Police Service District Funds. He gave accompanying reasons for this request and how the money exchange transacted.

Chair Harrell had some questions and called upon the Tax Commissioner and the Financial Services Director to come forward. The Chair asked why there was not a rollback as described by Chief Trammer in his presentation. **Michael Harris, Henry County Tax Commissioner,** responded that the office was determining whether or not the City of Stockbridge was to incorporate its own millage and if not, an agreement had to be coordinated between the City and county in regards to a specific rollback amount for police services. The Chair asked if there was any response; Mr. Harris explained that the response was the City was not moving forward with that, according to the former City Manager at that time, this being based on correspondence he received in 2021.

Chair Harrell then noted that there appears to be a discrepancy in the numbers since the county has one set of numbers yet the chief presented a different set of numbers and asked for an actual accounting of this. **David Smith, Financial Services Director,** approached and explained that the chief presented the full-year number, approximately $2.4 million dollars; the actual half-year number would be $1.2 million dollars, from the July 1st timeframe to now. The Chair asked if the proper paperwork been submitted for ensuring the rollback; Mr. Smith responded it has not. **Bruce Holmes, District 5 Commissioner,** asked if this is the amount owed and if so, it should be paid. Mr. Smith stated he has no position to where money is owed to the City as it did not follow proper procedure nor did they come up with an Intergovernmental Agreement as required. The Chair advised that before the Board can make a decision, the numbers from July 1st to current are needed – Mr. Smith interjected that would be $1.2 million dollars – and **Cheri Hobson-Matthews, County Manager** confirmed that the timeframe would be from July 1st to December 31st in the amount of $1,224,415.69 is correct. The Chair asked for the amount from January 1st to November 1st; Mr. Smith stated it would be the balance of the difference of the $2.4 million dollars for the entire year. The Chair stated that going in to 2023, the City should have the paperwork in place. **Mr. Harris** clarified that the figure was arrived by looking at the City of Stockbridge's Digest, deducted exemptions and left a balance of $1.2 billion; from there, the millage rate of 1.904 left a net amount of $2,448,831.38 multiplied by .5 would leave a 6-month balance of $1,224,415.69. The Chair remarked that Stockbridge has started its Police Department and if this is their money, the City needs their money but the Chair needed the amount up to this point. Whatever documentation is to be in place afterward for them to collect starting next year, that can be done as well.

Dee Clemmons, District 2 Commissioner, asked for consideration of staff working with the City to ensure the amount and if a vote is needed, to include having staff handle this and pay the City what is owed. **Chair Harrell** added that whatever the Board votes on, it is on the actual figure and not an estimate. **Frederick Gardiner, City Manager, City of Stockbridge,** explained that the amount collected for millage rate is going to be a little off and he recommended that the language includes "what is collected" versus coming with a figure in the event that they do not match based on amount collected; the Chair agreed.

Commissioner Clemmons made a motion to approve the City's request to be reimbursed based on the amount that was collected from the City of Stockbridge and that staff handle the reimbursement.

Commissioner Holmes asked where the $1.5 million figure originated; **Mr. Gardiner** responded that a mill is about $1.2 million, and multiplying $1.2 million by the millage rate currently at 1.904, it comes up with $2.4 million, divided from July to December to come up with the $1.2 million. The District 5 Commissioner asked what the Board of Commissioners (BOC) needs to do to make the City of Stockbridge whole; Mr. Gardiner stated that this could do it and it is in a motion. **Ms. Matthews** asked for clarification on the cutoff of collections and asked if this would be from July through December 31st or if it is for the entire $2.4 million. From January 1st to July 1st, Henry County provided services to those Stockbridge taxpayers. On July 1st, Stockbridge Police Department handled their 911 calls. **Mr. Harris** stated that tax bills are not due until November 16th and right now, 23-24% has been collected. He explained the collection rate falls around 98% which continues to increase every year due to collection of delinquent taxes.

Commissioner Clemmons wanted to amend her motion with the understanding that there may be an increase; **Mr. Gardiner** explained that if taxes are collected in November, that means that the taxes collected in November 2021 were budgeted as part of the FY22 budget and ended in June. If this Board cuts it off in December, it leaves a gap for January through June. **Ms. Matthews** added that it would leave the county having to reduce its budget by $1.2 million. **Commissioner Holmes** explained that the number is subjective so the Board can vote with no number which leads way to confusion, which is not what the City wants to do. Mr. Gardiner stated that it can be from midnight July 1, 2022, which is the start date. The county budgeted for the police services for Stockbridge for the year and only 6 months was utilized; July 1st, the City of Stockbridge went "live". Ms. Matthews added that was part of the budget that was approved and a building had to be purchased as well. The Chair advised that will be adjusted accordingly.

Commissioner Clemmons made a motion to accept the request from the City of Stockbridge to reimburse them for Police Department services, from July 1, 2022 to December 31, 2022 with an amount to be determined by staff based on the collection received during that period.

Ms. Matthews clarified that the motion on the floor is for county staff, in collaboration with the Tax Commissioner, to determine the amount to be reimbursed to Stockbridge based on collections from July 1, 2022 through December 31, 2022; **Mr. Harris** affirmed same and clarified that the number calculated is $1,199,927.38 based on a 98% collection rate. As far as the rollback for police services, this will be discussed between the City and County.

From January 1, 2023 to June 30, 2023 the City needs to follow the process and need an amendment to their Service Delivery Strategy; **Ms. Matthews** stated that it will be brought to the Board and the Board will agree that Stockbridge has its own Police Department and that will amend the SDS; going forward, the Tax Commissioner will work with the City to ensure that the residents are not being charged the 1.904 mill for police services. **Mr. Gardiner** stated that this will be brought before the end of the year and will have it by the November 29th meeting (at the request of the Chair).

Commissioner Holmes seconded the motion. Motion carried (6-0-0).

Henry County Sheriff's Office regarding Sprung Structure

Michael Yarbrough, Chief Deputy, Henry County Sheriff's Office, approached to give the presentation involving housing facility for the inmates in Henry County Jail. This would use a "Sprung" structure that would take about 12 weeks to construct and complete, with a cost estimate of $2.2 million dollars. Forwarding to 10 years, the structure could be removed and/or repurposed. He further shared the benefits of having this specific design to address the housing shortage in the jail and asked for approval of this project.

Chair Harrell asked to review the slide showing the different setup types; she asked what the proposal is as well as the cost of such a setup. **Chief Deputy Yarbrough** responded that the cell construction is estimated at $2.3 million but is not a true figure until the design phase is reached with more accurate costs. The Chair asked if this type of cell construction is recommended; Chief Yarbrough affirmed same. Chair Harrell asked if the $2.3 million is for the completed project or if there will be additional costs with this; Chief Yarbrough clarified it would be for the completed structure and that this is a rough estimate; only additional expenses would be ancillary such as beds, linens, etc.

Chair Harrell asked if there is the space to accommodate these structures; **Hutch Purvis, Cluster Leader for Asset and Information Management,** approached and identified the basketball rec yard as the location.

Vivian Thomas, Vice-Chair/District 4 Commissioner asked if this is a temporary structure; **Chief Deputy Yarbrough** explained that it can be a temporary structure or can have a functional life span of 25-30 years without any other improvements made to it. The District 4 Commissioner asked if this is presented instead of the Annex presently considered for refurbishing. Chief Yarbrough explained that this construction would be concurrent for an immediate fix to get within the 3-month period of addressing the overcrowding at the jail. The Commissioner asked if the kitchen renovation will continue with discussion as well with this, or if this is a particular facility to be looked on its own to include the kitchen and everything else that is needed; Chief Yarbrough explained that this is a housing solution and the kitchen at the Annex is separate. **Chair Harrell** asked if this includes the external only and not the internal components of what is needed, such as beds and outfitting this; and if so, what the cost is for outfitting this structure. Chief Yarbrough explained that the bed and other ancillary items will cost up to $100,000-200,000 more.

Commissioner Holmes asked the County Manager about moving forward with the facility across the street and bond it, move forward and construct it; **Ms. Matthews** stated that proposals are being solicited for the Judicial Complex. The design was expensive and steps are being taken to figure out the financing of that piece. A resolution was brought before the Board last year for a Public Facility Authority to be created to help finance the project. These are immediate needs and the county can move forward with the project across the street with a timeline on the design of approximately 12-18 months and another 2½ years for construction. Commissioner Holmes stated that this has been in the works for about 4-5 years – however, he was informed that this is for the Judicial Center, not the pending jail pod issue. The Commissioner urged this to move forward as well.

Commissioner Thomas asked if there are now two (2) different spaces to be looked at and 2 different costs to alleviate the immediate overcrowding problem, and determine if they need 2 different spaces to take care of this immediate problem. The District 4 Commissioner also asked if any type of miscellaneous funds was put somewhere in the Sheriff's budget for something like this. **Ms. Matthews** stated that this request did not come up during the Budget period. In the 5-year Capital Improvement Plan, there is an item for an additional pod for the Sheriff's Office but there is nothing beyond that. **Chief Deputy Yarbrough** added that there were ADP estimates before the Budget cycle started and that it is difficult to project that much of a jump; however, looking at what was before 2020 and now, the 900-1,000 range is ongoing and increasing each year. **Chair Harrell** also stated that the next presentation will include the remodeling of the kitchen at the Annex which is a separate structure with a separate cost associated with it. This is for the temporary structure to house the inmates.

Dee Anglyn III, District 3 Commissioner, asked how much a new pod would cost; **Chief Deputy Yarbrough** responded an estimated $6 million dollars which is concurrent as they would need both the pods and the Sprung structure moving forward. The pod can hold approximately 128 in its current design. **Chair Harrell** asked if the space for the Sprung structure also be appropriate for a pod and was told for future use, it would.

Commissioner Clemmons stated that a pod was to be built conducive to what the projected growth of the county is and that this is not a pod for 128 inmates; it would be based on what the consultants recommend regarding county growth. She also noted that she did not see any costs for other aspects of the construction included (water, power, etc.). The District 2 Commissioner agreed that the Board needs a full amount for this project, including interior work (painting, trim, etc.) and staff needed. She asked the Financial Services Director take a look at identifying where this funding is in the Sheriff's budget. **Chair Harrell** did not think that there was funding in that budget for a pod.

Johnny Wilson, District 1 Commissioner, asked how many additional staff would be needed for these structures; **Chief Yarbrough** responded that between 42-46 detention officers for an approximate 1:6 ratio of staff to inmate.

Commissioner Anglyn remarked that last month, a new pod was needed at that time but Sprung was not presented at that meeting. Between October and this meeting, he asked what led to going with a Sprung structure needed vs following up with the pod project; **Chief Deputy Yarbrough** responded that it was within the base presentation the Sprung structure was included but was not discussed at this level of detail. The intent is to look at the most cost-efficient and effective to go forward with resolving this population crisis at the jail. **Chair Harrell** added that there was discussion on finding temporary housing and to come up with options for temporary housing; this was one of those options. Chief Yarbrough added that with the temporary housing, they were looking at $85/inmate/day with the only location being in Rockdale which is limited anyway; and staff would have to be provided as well. The Chair asked if there is the ability to build up on the current pods instead of out; **Mr. Purvis** stated that they would have to add a new location and build up from there.

Facilities Maintenance regarding kitchen needs request by Henry County Sheriff's Office

Mr. Purvis returned to the podium to present update on the conditions of the kitchen at the Jail Annex as well as the equipment. He presented the list of the equipment and what needs to be replaced; he then presented a list from the Sheriff's Office on the requested equipment for the kitchen.

Commissioner Thomas noted that the cost presented is for the equipment; she asked if the kitchen itself needs anything other than equipment. **Mr. Purvis** responded that the vent hood and the flooring would be the only renovations needed to the kitchen. There was a new roof put on the building a little over a year ago.

There were no further questions from the Board.

CONSENT AGENDA

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

Annexation(s)

A. AX-22-06 (Not a Public Hearing) The City of Stockbridge has received a request for annexation and rezoning of property located at 630 Flippen Road, 384 Flippen Road, and undeveloped land on Flippen Road - (Parcels 030-01003001, 030-01004000, and 030-01004008) consisting of 278.394 +/- acres. District 5 (Presenter: Toussaint Kirk, Planning & Zoning Director/Cluster Lead)(Exhibit 1) ***This item was initially tabled during vote on the Consent Agenda; it was later heard and voted upon towards the end of this* meeting**

Capital Projects

A. Resolution approving the purchase of furniture for the H.C. Police Headquarters from Jasper Seating Company, Inc. (JSI) in the amount of $132,548.91 through Statewide Contract Number 99999-SPD0000100-0048 using Capital Improvement Plan (CIP) funds (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 2) *Resolution #22-269*

E-911

A. Resolution of the Henry County Board of Commissioners authorizing approval of annual reoccurring broadband data purchase through Loudoun Communications for LTE systems on public safety radios at a cost of $98,190.00, E911 Fund/Repairs & Maintenance, Account #21500120-522200 (Presenter: Tamika Kendrick, E911 Director)(Exhibit 3) *Resolution #22-270*

Financial Services

A. Resolution to request the Board of Commissioners' approval to accept and enter into a hosting and services agreement with the 3rd-party Prism Compliance Management ("PCM")as the project administrator and technical and online reporting software to administer Henry County's

$45,560,764 American Rescue Plan's Fiscal Recovery Funds (ARP-FRF) awarded from the U.S. Treasury Department's program. (Presenter: David Smith, Financial Services Director)(Exhibit 4) *Resolution #22-271*

Police Department

A. Resolution approving the acceptance of the Governor's Office of Highway Safety (GOHS) grant in the amount of $98,760.48 for the Highway Enforcement of Aggressive Traffic (H.E.A.T.) program (Presenter: Lt. W. Powell, HCPD)(Exhibit 5) *Resolution #22-272*

B. Resolution approving the acceptance of the Governor's Office of Highway Safety (GOHS) grant in the amount of $98,760.48 for the Highway Enforcement of Aggressive Traffic (H.E.A.T.) program (Presenter: Lt. W. Powell, HCPD)(Exhibit 5) *Resolution #22-273*

C. Resolution approving the acceptance of a grant from the Bureau of Justice Assistance FY2022 Edward Byrne Memorial Justice Assistance Grant program in the amount of $16,691.00 (Presenter: Lt. Powell, HCPD) (Exhibit 7) *Resolution #22-274*

D. Resolution approving the acceptance of a grant from the Georgia Emergency Management Agency and Homeland Security Agency in the amount of $3,000 (Presenter: Lt. Powell, HCPD)(Exhibit 8) *Resolution #22-275*

Recycling Center

A. Resolution of the Board of Commissioners Awarding a Bid for Waste Wood Grinding Services for the Henry County Recycling Center (Presenter: Roque Romero-Muniz, Public Works Director/Cluster Lead)(Exhibit 9) *Resolution #22-276*

SPLOST

A. Resolution approving the purchase of LED Sports Field Lighting from MUSCO Sports Lighting, LLC in the amount of $198,211.00 for the football field located at Mickey D. Cochran Park in District 4 using SPLOST V funds (SP5401). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 10) *Resolution #22-277*

B. Resolution approving the purchase of a Bobcat UW56 with attachments for the Atlanta Speedway Airport through Sourcewell Contract #040319-CEC in the amount of $78,486.50 using SPLOST IV funds (SP4002). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 11) *Resolution #22-278*

C. Resolution approving a Change Order from Southern A&E in the amount of $76,070.00 for additional survey, and water & sewer design services for the District 2 Recreation Center using SPLOST V funds (SP5202). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 12) *Resolution #22-279*

Stormwater

A. Resolution of the Board of Commissioners approving the construction of Aiken Chafin Road drainage pipe replacement and improvement to Sol Construction, LLC from Atlanta, GA in the amount of $202,757 District 4 (Presenter: Francis Alomia, Civil Engineer III) (Exhibit 13) *Resolution #22-280*

Tax Assessor

A. Resolution of the Henry County Board of Commissioners approving a contract with Pictometry International Corporation for a 2023 flight to obtain oblique imagery of Henry County in the total amount of $124,249 (with payments divided equally over a three year period). Funding available in the Tax Assessor's budget (Presenters: John Selfe, Chief Appraiser; and Cooper Keller, Deputy Chief Appraiser)(Exhibit 14) *Resolution #22-281*

This ends the Consent Agenda

Commissioner Wilson made a motion to approve; **Commissioner Anglyn** seconded.

Commissioner Clemmons had a question referencing the Consent Agenda item on the annexation item, wanting to know why this is listed as an annexation. **Ms. Matthews** called for Planning & Zoning staff to come forward but explained that the request was received from the City of Stockbridge and there were no grounds to object after staff reviewed it.

Annexation *(Matter heard after motion and second made; during discussion)*

AX-22-06 (Not a Public Hearing) The City of Stockbridge has received a request for annexation and rezoning of property located at 630 Flippen Road, 384 Flippen Road, and undeveloped land on Flippen Road - (Parcels 030-01003001, 030-01004000, and 030-01004008) consisting of 278.394 +/- acres. District 5 (Presenter: Toussaint Kirk, Planning & Zoning Director/Cluster Lead)(Exhibit 1)

Kamau As-Salaam, Planner III, explained that this is to annex Reeves Creek, zoned in 2019 with nineteen (19) conditions. He cited that a county's objection to annexation is valid if the proposed annexation would create a significant change in the zoning or land use, or increase density or infrastructure demands. Staff thought that this request would not create any significant change in the surrounding land uses or the Future Land Use Map (FLUM) designation for properties. Planning & Zoning encourages the City of Stockbridge to consider the zoning conditions as part of RZ-19-01 and the findings of the Notice of Decision for DRI #3799. **Commissioner Clemmons** clarified that the conditions cannot be mandated on the site; the Chair has worked with the Fire Department about large projects outside of the county that still need to be managed by the county; and whether or not the property owners have been duly notified and if so, their response. She asked that this be taken off of the Agenda until these factors are dealt with on these 278 acres; she asked that it be brought back after these conversations have taken place. *(motion implied by **Commissioner Clemmons**)*. **Commissioner Thomas** seconded. Motion carried (6-0-0).

Chair Harrell clarified that this item is coming off of Consent Agenda. She further clarified that the District 2 Commissioner requested that staff meet with the City's Fire Marshal, the County's Fire Marshal and perform the due diligence on this item. *This item will be heard at another meeting.*

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

REGULAR AGENDA

COUNTY MANAGER (Moved by Chair Harrell)

Memorandum of Agreement between Henry County and City of McDonough

Resolution Approving Memorandum of Agreement between Henry County and the City of McDonough for Inspection and Approval of Plan Review for County Owned Property within City Limits of McDonough (Presenter: Cheri Hobson-Matthews, County Manager; and Nancy Rowan, County Attorney)(Exhibit 19)

Ms. Matthews clarified the motion, second and final vote for the Consent Agenda and the associated item singled out by the District 2 Commissioner. **Chair Harrell** clarified the response for the County Manager which was stated above.

Nancy Rowan, County Attorney, approached to give the details of the Resolution for inspection approval of Plan Review for County-owned property within City Limits of McDonough. There are upcoming Facility projects to take place in McDonough and the County is not required to follow the Planning & Zoning Ordinances of the City, the County does have to follow those Ordinance regulations for Building activities, including inspection and Plan Review. A Memorandum of Agreement was reached to include approving the plan and review of inspections of County projects in all stages of their developments while applying City standards during these inspections and the County will allow the City's inspectors to also view these inspections. Both a list of the County's Duties and the City's Duties to be included in this MOA were highlighted for the Board and public viewing along with the 1-year contract term with 5 automatic yearly renewals. **Chair Harrell** noted that this is directly related to the Aquatic Center; Ms. Rowan affirmed same but added that it would also include any future County projects planned in that time period.

Commissioner Anglyn moved to approve; **Commissioner Clemmons** seconded the motion.

A question was raised regarding this item and the County Manager explained that the County has not reached out to the mayor of McDonough regarding this as of yet.

Ms. Matthews approached asked the Board to recall the discussion of the Aquatic Center, specifically when the County was going to work with the City of Stockbridge on this project and that the Plan Review fees would be waived. At the time that the property that was chosen was in the City of McDonough, Mayor Vincent was present for that meeting and within that discussion was the County taking on the responsibilities of doing the Plan Review yet nothing was formalized. This would make this formal and official; however, if the Board wishes to have discussion with the mayor and go over the details of this Resolution, that could be done. The staff's position does remain the same in terms of having the ability to conduct the inspection, Plan Review and other processes that go along with these projects. The Judicial Complex would be included as part of the future projects guided by this Resolution since it is also located within the municipal boundaries of McDonough. **Ms. Rowan** added that this Resolution specifically allows the County to sign their portion of the MOU and will also allow the Chair or County Manager to amend the MOA where required.

Commissioner Clemmons believes that Mayor Vincent's position on this Resolution is out of respect and not an objection. **Chair Harrell** announced that this should be on the meeting for

November 29th to allow staff time enough to talk to the mayor and gain a better understanding of the details within the MOU.

Commissioner Anglyn made a motion to table this to the meeting on November 29th; **Commissioner Clemmons** seconded the motion. Motion carried (6-0-0). *No action was taken.*

Local Option Sales Tax (L.O.S.T.)

Ms. Matthews approached and stated that she will turn this over to the Financial Services Director. She summarized what happened at the last Board meeting regarding the proposal that the County had submitted in comparison to what the Cities had presented. The Board voted based on the recommendation received from the District 1 Commissioner regarding a 66.75/33.25 split. The District 2 Commissioner then requested that this be brought back with three (3) charts with the different requests. The Board should have gotten this last week from the Budget Director and it is also available on the display. She yielded to Mr. Smith.

David Smith, Financial Services Director, presented 3 different slides as previously requested by the District 2 Commissioner – one with a 69/31 split, the second with a 66/34 split and a third with all the criteria included. The Population Only slide was shown, splitting the $627.4 million dollars and keeping everything as-is. The Criteria Based County Proposal was then displayed, with a 77/22 split which was not preferable. The Impact of No Change was also provided for the Board.

Mr. Smith continued that with the request from the District 2 Commissioner, another request was made to run a proposal with a 67/33 split.

Chair Harrell thanked staff for doing this job and have gone beyond in helping navigate the information for this L.O.S.T. negotiation between the Cities and the County. She applauded the communications maintained between each of the officials with the Cities and County and supports a Resolution put forth by the Cities to keep the L.O.S.T. at the current split at 66/34 which will further benefit all resident in the end. She yielded to the Vice Chair/District 4 Commissioner for further comments.

Commissioner Thomas also thanked the staff for their hard work on this. In reading the proposal, she became concerned that the eight (8) criteria listed are not being used to divide the L.O.S.T. She does not like the appearance that the County is not doing what it is supposed to do in following the process, but asked the Cities to follow this process. The consultant did not use the 8 criteria to determine the L.O.S.T. dollars and the language is not specific. She asked to go back to the slide where all the criteria was listed out and explain them to the Board; she then asked if the consultant is present at the meeting. **Mr. Smith** stated the consultant was not present at today's meeting. To the issue of not using all 8 criteria, he stated that several options were presented such as, all 8 criteria were used which was not well-received by the Cities, at the 80/20 split which included the point in not double counting the citizens in terms of population. While the 80/20 split was the opening offering, it has since been negotiated down to the present 66/34, or status quo. The District 4 Commissioner surmised that using all 8 criteria and, in that proposal, the numbers would show that the County should receive more money; Mr. Smith agreed to same and explained that the logic is based upon the number, level and dollar amount of services provided as well as tax equity included greater weight towards tax equity and General Fund expenditures of all the Cities as well as the County.

Commissioner Thomas also relayed that the numbers received from the City using all 8 criteria would also show an increase to the County; **Mr. Smith** affirmed same. He added that the largest disparity with that is utilizing point-of-sale as one of the criteria; it is the City's belief that it collects the majority of the sales tax in their corridors. The District 4 Commissioner explained that the write-ups that she receives makes it appear that the County is not using the 8 criteria set forth to make these decisions. The Commissioner contends that the County has used the criteria as well as the Cities. She added that she can support the current status quo but wanted to clarify that the County is using the structure as presented to make the correct percentages. While the County is trying to work for all constituents, so the Cities are looking out for their citizens while sitting within the County. The Commissioner supports further discussion as necessary in order to keep the Cities healthy and strong.

Commissioner Wilson remarked that the Chair's recommendation has his support.

Commissioner Clemmons remarked that the process has taught her that leaders should not be confused with "positions of authority;" this is not a military government and that a good leader will collaborate with everyone.

Commissioner Anglyn thanked the Financial Services staff, the mayors and their staff for their work on this issue. He believes that the 69/31 split would be the appropriate and is supported in the slide the Cities put together as well as the numbers that the District 1 Commissioner had put together with staff. While he is confident in his preference of the split, the Commissioner emphasized that he is also to do the right thing by the citizens within the Cities and the County; therefore, he would support the current 66/34 split. *Commissioner Anglyn made a motion to that effect.*

Commissioner Holmes thanked everyone for their comments on this issue and that the County is doing the right thing today for itself and the Cities.

Chair Harrell stated that the District 3 Commissioner has a motion on the table to keep the split at 66/34 and called for a second. **Commissioner Clemmons** seconded the motion. Motion carried (6-0-0). *Applause*

Resolution #22-282

Chair Harrell recognized that the City Mayors had signed up for Public Comment and that would normally be held at the end of the meeting, but she asked all of the mayors present to come forward to make remarks at this time.

The Honorable Anthony Ford, Mayor, City of Stockbridge, remarked that not only do the Cities and County win on this, but also the citizens whom they represent.

The Honorable Ann Tarpley, Mayor, City of Hampton, thanked all of the mayors for their input on the proposal presented to the County, she then thanked the Board for the decision based on the community as a whole. She expressed appreciation to the District 2 Commissioner for taking the stand to support the Cities and their proposal; she further thanked the District 5 Commissioner in rescinding his opposition after listening to further explanation on this L.O.S.T. issue.

The Honorable Robert Price, Mayor, City of Locust Grove, also thanked staff in working to get the figures to be appropriate and beneficial to all involved. It shows Henry County as united as a whole for the benefit of its citizens.

The Honorable Sandra Vincent, Mayor, City of McDonough, also thanked the Board for giving a spirit of true collaboration in this endeavor. She thanked the District 2 Commissioner for requesting the information to provide further transparency regarding this split and how it would benefit everyone as a whole. She also thanked the Board and specifically the District 2 Commissioner and District 5 Commissioner for their service to the County in moving it forward in a great way and expressed her appreciation for the work they have done.

FINANCIAL SERVICES

Piedmont Henry Hospital Observation Unit

Resolution approving a subrecipient agreement with Piedmont Henry Hospital, a subsidiary of Piedmont Healthcare, Inc., in the amount of $3,500,000 of ARP-FRF Funding for the construction of a new Observation Unit (Presenter: David Smith, Financial Services Director/Cluster Lead)(Exhibit 17)

Mr. Smith returned to give highlights of this Resolution for the Board. During the pandemic, the hospital had disproportionately and overwhelming demands to meet with hospitalizations and patients staying in non-traditional spaces within the hospital. Piedmont Henry Hospital submitted a proposal to meet these unforeseen demands both now and in the future during health crises which is presented to the Board today. He then introduced Dr. Henson to make a few remarks.

Dr. Lily Henson, CEO, Piedmont Henry Hospital, approached to make some remarks on this request for the grant. She gave some details on the impact of COVID-19 and the patients who needed beds in the hospital during the pandemic. Piedmont Henry Hospital actually had 5% of all COVID-19 patients in the State of Georgia within the hospital with associated labor changes and restricted after care facilities, which resulted in a significant increase in length of stay for these patients. At one point, the hospital was at 126% of bed capacity. She further explained some of the non-traditional spaces that needed to have patients put there simply because there was absolutely no other place to put these admissions. With the closure of WellStar Atlanta Medical Center last month has significantly impacted the emergency room and ambulance arrivals in bringing much sicker patients to Piedmont Henry.

Dr. Henson explained that the proposal is to create an Observation Unit on the second floor of the hospital, move the Adult Wound Care Clinic into the medical office building and allow sixteen (16) bays with vertical recliners for patients who require being in the hospital for less than 23 hours, with a dedicated provider and equipment in that space to allow real-time decisions to be made about keeping patients in the hospital by 18 hours. The projected expenses as of May 2022 would be about $2.4 million dollars with the cost of equipment estimated at about $800,000 with the cost of the IT at about $90,000 with a contingency of $200,000 totaling $3.5 million dollars. Based on the tremendous growth in Henry County, the hospital will undergo a survey by the State for Level 3 Trauma which will allow quality care for patients who come into Piedmont Henry's Emergency Room, as well as bringing in 24/7 surgical coverage for these trauma patients as well as a neurosurgeon who will work on cranial cases, which has never been in the hospital previously.

Commissioner Holmes stated that Piedmont is the number one employer and top revenue driver in Henry County and that he supports this Resolution. He expressed his appreciation for Dr. Henson and the staff for all they have done for Henry County.

Commissioner Thomas stated that District 4 is the "medical hub" for the County and is excited about the expansion to the hospital. She asked if the Observation Unit will have beds or chairs; **Dr. Henson** stated that observation patients are those deemed by their insurance companies to require less than 23 hours in a hospital so they are admitted for observation to undergo tests to determine whether or not they meet criteria for full admission. The units would have recliners unless the patient is bedridden. Sixteen (16) patients would be placed in this Unit while a decision is made regarding discharge or admission by the 23-hour mark. The District 4 Commissioner asked that they reach out to the Cities in the hopes of gaining support for this initiative as well to make the hospital even greater than it already is.

Commissioner Holmes moved to approve this Resolution; **Commissioner Clemmons** seconded the motion.

Commissioner Clemmons asked for the total cost of the project; **Dr. Henson** stated that the presented figure is the total cost. When asked about the timeframe for completion, Dr. Henson estimates within six (6) months. The District 2 Commissioner asked that once the ARPA funds are sent to the hospital if that is designated for this project and if there is an agreement to state that these funds are for this Observation Unit project. **Mr. Smith** stated there would be an Award Letter, an Agreement, a period of performance in terms of how the funds will be received and then the timeframe, with a deadline of December 31, 2024 to fully expend the funds. The Commissioner asked about the service area that Piedmont Henry is currently servicing and if there are plans to work with other jurisdictions now pouring into the hospital. Dr. Henson explained that the focus has been with caring for the citizens in Henry County. There have been no discussions as of yet with officials from surrounding counties; however, with the impact of the closure of AMC, the hospital has been in touch with Senators Warnock and Ossoff to discuss the implications of the center's closing.

With a motion and second on the floor, and no further discussion from the Board, motion carried (6-0-0).

Resolution #22-283

Dr. Henson added that Piedmont Henry's promise is to make a positive difference in every life and they are grateful for this opportunity to serve the citizens.

Henry County Water Authority (HCWA)

Resolution approving American Rescue Plan Act (ARPA) Funds for Henry County Water Authority (HCWA) in the amount of $7,300,000 for various projects (Presenter: David Smith, Financial Services Director/Cluster Lead)(Exhibit 18)

Mr. Smith clarified that this Resolution is for water and sewer infrastructure improvements. In June 2021, the Board approved Resolution #21-181 to accept the Treasury Funds in the amount of $45,567,064; in June 2022, Henry County then requested proposals for entities in need of assistance addressing improvements in the County's infrastructure specifically regarding water and sewer. The Water Authority proposed a list of prioritized projects that were in phases and ready to be completed, for a total amount of $14.6 million dollars. Staff recommends entering into this Agreement with the Water Authority. The Water Authority must abide by all federal restrictions that apply to the expenditure requirements. He introduced the director of the Water Authority to present the Project List.

Chair Harrell asked for a definition of "supplanting." **Mr. Smith** responded that the federal government requires that a project not be started or budgeted if money has already been assigned to that project; if there is funding for a project and more money comes in for that project, that represents "supplanting."

Tony Carnell, General Manager, Henry County Water Authority, approached and disclosed that the Water Authority has a $965 million dollar Capital Improvement budget for the next 30 years. He gave an example of one of the projects in operation right now. The first list presented was approved by Resolution around May 2021. The projects did not start construction until March 2022 and the only project not started was the Western Parallel Connector Waterline Extension, which will be designed once the roadway project is constructed. This was part of a bond refinance done in late 2020/early 2021. The other two (2) projects are system improvements projects. As of October 3rd, the Western Parallel Connector Sewer Line was designed at $110,278 to date. He provided details on other projects as well.

Mr. Carnell then presented the second list of projects which represent the feedback received from the Commissioners, such as the North Ola Water Line Replacement project, of which he gave an overview. He gave a quick summary of the other projects on this list for the Board. Mr. Carnell stated that the Water Authority is ready to carry out the list at the Board's discretion but to bear in mind that these costs associated were done a while back so inflation has to be taken into account on possible increase in these cost estimates and there might not be enough funding to do all of them.

Commissioner Wilson asked if the Water Authority would be putting the water and sewer on the county right-of-way for the Western Parallel Connector; **Mr. Carnell** replied that they would and the sewer line will not be on the right-of-way; that is in design now and about 95% complete, looking to start construction in the first part of next year and the road does not have to be in place for that. The District 1 Commissioner noted the Water Line Extension is at $1.6 million dollars and asked if that is something that the County needs to do, once the road is cut, as he noted that according to Georgia Department of Transportation (GDOT), they will be reimbursing the County $6 million dollars for the right-of-way purchases for the Western Parallel. He asked why the land owners could not purchase the water line since they will have the money from being paid for the right-of-way. Mr. Carnell responded that the Water Authority is obligated due to the bond refinance to do these two projects – the Western Parallel Connector Water and the Sewer. In summary, the Commissioner then stated that the property owners will have the use of the sewer line without having to pay for the line but all other developers in the county have to pay for their sewer lines; Mr. Carnell affirmed same. The Commissioner stated he is not in support of that section. Mr. Carnell explained that while he understands, the bond refinance obligates the Water Authority to do this.

Chair Harrell remarked that a Resolution was passed regarding the Western Parallel; **Mr. Carnell** affirmed same. **Commissioner Clemmons** added that there were businesses already in that other that had no sewer and there was no access for the existing businesses there.

Commissioner Wilson asked about the mentioned Resolution; **Chair Harrell** stated that a Resolution was passed with regards to the bond financing that if the Water Authority was allowed to do the bond refinance, then the savings from that bond would be utilized for the Western Parallel Parkway; the Chair stated she recalled that resolution because she was on the Water Authority Board during that time and that the only way this would pass is if every District got some funding from it. **Ms. Matthews** affirmed same and that it did not specify a project; each District would receive a specific dollar amount. **Mr. Carnell** added that it was about $325,000 for each District which turned out to be roughly half of the bond refinance savings. He does not recall language pertaining to the Water Authority regarding the Western Parallel Connector. He presented a letter from Mr. Farmer dated January 5, 2021 which had the Water Authority's commitment to the Board that it would do the Western Parallel Connector Water and Sewer. The Chair asked that the pertaining portion be read, as follows (by Mr. Carnell):

The Authority Program System Improvements into its Capital Improvement Plan on December 9, 2020 Roderick Birch provided you with the Authority's 2015 CIP. The Authority is presently working on a proposed 5-year CIP update to the 30-year CIP. This 2020 Plan has yet to be presented to the Authority Board but will be soon. As part of those planning efforts, the Authority has committed to include the CIP projects for both Water and Sanitary Sewer Services along the Connector for the service area described above. To expedite service in this particular area we would need the County to include water and sewer line easements in the right-of-way acquisition for the new roadway. The planning schedule for these CIP projects will mimic the planning schedule for the proposed Western Parallel Connector Road Project.

Commissioner Wilson asked for the date of that letter; **Mr. Carnell** stated it was January 5, 2021. The Commissioner asked how this was to be paid if this was in January 2021 because the funds received from ARPA did not arrive until around the 1st of June. Mr. Carnell stated that they would have to find the funding to pay for it from the bond savings, half of which went to the Authority and the other half went to each Commissioner's District. The dollar amount for this particular project has not yet been voted upon at this time.

Chair Harrell wished to understand the list better and this pending Resolution states $7.3 million and asked if that consists of the projects listed on Exhibit B and A, or if there are certain projects selected from each list. **Mr. Carnell** stated that his preference for the $7.3 million would be used for the Walnut Creek Wastewater Treatment Plant which he believes would be in the best interest of Henry County and it would be easiest to track. The only project on this current list that the Water Authority would do, whether or not the funding would come, would be the North Ola Road Water Line Replacement, because the line is undersized and is in need of enlargement. The Chair stated that a lot of the projects may or may not fit in accordance to the guidelines set forth; Mr. Carnell, however, stated that the projects would all fit the guidelines but will confirm with the attorney's office on conformity with those requirements and he further noted that no money has been spent on these yet. The Chair recapped that two (2) lists were presented – Exhibit A and B – that was based on conversations with each Commissioner (Mr. Carnell affirmed same). The Chair further recapped that the $7.3 million would be better spent for Walnut Creek, in Mr. Carnell's opinion (Mr. Carnell affirmed same). The Chair then asked if the Water Authority would still be able to do the projects on Exhibits A and B whether or not ARPA funds would be received. Mr. Carnell responded that the projects on Exhibit A will be done and the first project on Exhibit B would be done; but he would have to consult with the Water Authority CFO on the Exhibit B projects 2-5.

Upon questioning by Commissioner Holmes, **Mr. Carnell** clarified that on Exhibit B, projects 2-5 are optional as far as system improvements and things that the Water Authority has to do to maintain its system; however, he stated that if the Board directs the Water Authority to do certain projects, then it will comply. **Commissioner Holmes** stated there should be more investment in sewer in the northern part of the County. Mr. Carnell understood and responded that those projects for the north end of the county were put on this list and if this is the list chosen to build the projects from, to allocate the $7.3 million towards this list, the Water Authority will complete as many of those projects as it can.

Commissioner Clemmons asked if the $7.3 million will complete Exhibits A and B because A is already committed; **Mr. Carnell** affirmed same. **Chair Harrell** added that if that is the case, she can support Exhibits A and B and is aware of the issues with Anvil Block and Fairview. The Chair stated that she can support the lists and called for a motion.

Commissioner Clemmons recommended a motion to approve Exhibits A and B with the $7.3 million, in collaboration with what the Water Authority is already spending on Exhibit A. **Mr.**

Carnell affirmed same but added that not all of the projects will be done for the $7.3 million when they need $8 million. Therefore, **Commissioner Clemmons** made a motion to approve this with $8,155,915 and invest in the water and sewer throughout the County for projects listed on Exhibits A and B; **Commissioner Thomas** seconded the motion.

Commissioner Wilson indicated item #3, Countywide Waterline Extensions which is to provide what the citizens have been paying a 2-mill water tax with water that they did not have, as well as hydrants for Fire Safety situations. He believes that $1.6 million dollars should be pulled from the Western Parallel Connector Waterline and applied to the citizens that need water for the above-mentioned purposes, to extend the water lines and service as many people as they can. **Chair Harrell** remarked that the Countywide Waterline Extension at $4.1 million would encompass what the District 1 Commissioner is referring; Commissioner Wilson stated that would include all the roads without water.

Mr. Carnell presented a breakdown of the different roads in the County which meet the criteria, about 29 parcels per mile with the exception of 2 or 3 and would also have system improvements – however, the majority of the roads that do not have waterlines are in District 1; with a couple in District 2 and this list is based on the new Commission Districts. There is one (1) in District 3, none that met the criteria for District 4 and there are a few in District 5. **Commissioner Wilson** asked if this would include all the roads in the County without water; Mr. Carnell responded it would not. The District 1 Commissioner asked if he has a cost on that; Mr. Carnell responded he does not. The District 1 Commissioner suggested a conversation on extending water lines to every resident who presently does not have water and recommended same, pulling money off of the Western Parallel Connector Waterline project and put it towards waterlines needed on roads that currently have none.

Ms. Matthews noted that there is a motion on the floor and wanted to ensure that the resolution does not support anything beyond that $7.3 million. The project list needs to be reviewed and there is a Rec Center in District 2 currently on septic; the Water Authority was asked to include it as part of this project list. In looking at this Countywide, then they need to look at what will specifically impact the County. If this amount is to be increased, the County Manager asked that the Rec Center be added to the project list to get it off of septic and connected to sewer. She further understood from conversations with Mr. Carnell, that the Water Authority would match the County's commitment and if that is so, then all the projects can get completed and the Resolution should reflect same. Ms. Matthews further stated that there should be more specifics in what is to be done and that Mr. Carnell has already obligated some funds and the County Attorney should be consulted on this as well. The County Manager wanted to make sure that the County is not paying money back to the federal government on these funds. The County Manager does not object to the Water Authority receiving ARPA funds but the federal law must be followed and the listed projects are appropriate with the County committing in part and the Water Authority committing in part.

Commissioner Clemmons hereby rescinded her motion to approve and thus moved to table this item to November 29th, allowing staff to work with Mr. Carnell in putting all the project lists together, not removing any already listed, and getting the commitment from the Water Authority on its portion.

Mr. Carnell introduced the sewer line extension for Mt. Carmel Park, of approximately 4,400 feet, as well as water irrigation to be separated at around $660,000; another request was received in writing the other day for the Police Precinct on Hwy. 42 to have sewer service – at this point, that has not been reviewed for pricing.

Chair Harrell announced that the District 2 Commissioner has rescinded her motion to approve. She recommended reviewing the Countywide projects to ensure proper service to the residents in the best way it can with the ARPA funds. **Ms. Matthews** noted that November 29th is fine as there is a deadline on utilizing the ARPA funds.

Commissioner Clemmons repeated her motion to table this item to November 29th and that staff would bring back the complete list for a vote; **Commissioner Thomas** seconded. Motion carried (6-0-0).

The item was tabled to November 29, 2022.

Chair Harrell announced that Executive Session must be taken at this time for the purpose of real estate acquisition.

COMMISSIONER HOLMES LEFT THE MEETING

Commissioner Clemmons made a motion to convene into Executive Session; **Commissioner Thomas** seconded the motion. Motion carried (5-0-1). *(**Commissioner Holmes** was absent from the vote)*

EXECUTIVE SESSION IS TAKEN
11:48 a.m.

<u>RECONVENE</u>

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

Regular Meeting reconvened at 12:40 p.m.

Amendment to the Regular Agenda

Chair Harrell announced an amendment to the Agenda to include the following item:

Resolution to amend agenda and approve purchase of real property for court functions located at 12 N Zack Hinton Parkway which includes the adjacent parking lot. Parcel #'s: M19-05009000 and M19-05011000

Ms. Matthews approached at the Chair's request to present this item to the Board. This is regarding a tract of land located at 12 N. Zack Hinton Parkway, to approve the purchase of this property and the adjacent parking lot, with the above-stated parcel numbers. **Chair Harrell** asked for the purpose of this purchase; Ms. Matthews responded for court functions to relocate the District Attorney's Office and Probate Court. The Chair called the District Attorney and the judge for Probate Court forward for remarks on the needs for their specific offices.

The Honorable Kelley S. Powell, Judge, Henry County Probate Court approached and stated that extra space has been needed at Probate Court for a long time. She stated that the court has been borrowing courtrooms for 9 years as it gave up its own courtroom to provide office space for its employees. The current moving around to courtrooms is inefficient and there is trouble with parking as it is inadequate. The purchase of this facility would give Probate Court drive-thru access which would be convenient for anyone requesting certain documents; if they are not readily available, they can be contacted later when they are for pickup. The current building has no sprinkler system and is not ADA-compliant and there is no Family restroom, which can be built into the new facility.

Darius Pattillo, Henry County District Attorney, approached and stated that his office has space issues where they are currently located. This property would house the staff and have conference and filing space which would be adequate for his staff's needs.

Commissioner Thomas made a motion to approve the purchase of the building and the adjacent parking lot in the amount of $2 million dollars; **Commissioner Anglyn** seconded the motion.

Commissioner Wilson understands the needs from the District Attorney and the Probate Court Judge. He stated that he appreciates that every single County Department needs more space but these needs should be prioritized and this is where he struggles with this item. He has no further information on this other than his conversations with each official and he has visited their offices. The District 1 Commissioner stated that there are more pressing needs yet to be met that should be prioritized. **Chair Harrell** agreed with the Commissioner's concerns and added that Henry County has grown at a facer past than the previous government leaders could keep up with. When the departments have a presentation brought to the Board such as this has been brought today for the DA's Office and the Probate Court, the Board will duly listen and determine on the best course of action to accommodate those departments. Currently, this is for the Probate Court and for the DA's Office, with a space having been identified to address their needs.

A motion and second having been made, motion carried (4-1-1).

*(**Chair Harrell, Commissioners Clemmons, Anglyn** and **Thomas** voted in favor; **Commissioner Wilson** voted in opposition; **Commissioner Holmes** was absent for this vote)*

AFFIDAVIT & RESOLUTION PERTAINING TO EXECUTIVE SESSION

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

PLANNING & ZONING

ULDC-AM-22-08 *(Discussion Only)*

Ordinance by Henry County, Georgia, to amend the Unified Land Development Code (ULDC) of the Henry County Code of Ordinances to allow for wineries with/without vineyards under Section 4.03.00 of the ULDC, to amend Section 12.02.06 of the ULDC regarding the limitation on the number of special events permitted in the RA (Residential-Agricultural) zoning district, and for other purposes. Countywide (Presenter: Kamau As-Salaam, Planner III) (Exhibit 15)

Kamau As-Salaam, Planner III, approached to provide details on this Ordinance Amendment and stated it is for discussion only. He presented the three (3) parts of the Ordinance for the Board regarding permitted use of wineries with and without vineyards, supplemental use standards for wineries and removing the limit of five (5) special events per year for event facilities in the RA (Residential-Agricultural) zoning district. Language for Supplemental Standards including the permitted use of vineyards by right in a RA zoning district; if they wish to operate a winery, a Conditional Use permit must be obtained from the Zoning Advisory Board (ZAB).Wineries would be treated as economic drivers and therefore, separate facility, for Henry County. Wineries would have to meet commercial building standards and standards for vineyards with and without wineries were also presented. Mr. As-Salaam went through these charts for the Board as they were presented for the

Board and public viewing. It will be modified prior to bringing back to the Board for a vote and he believes that it will be an economic benefit for the County.

Commissioner Clemmons has concerns on the enhancements such as lowering the land size from 3 acres to 2 acres and believes that it should stay at minimum 3 acres all around. The reason for the 5 special event limit was because residents were complaining about the noise. She will meet with staff concerning this. She also voiced concerns about the lack of signage being addressed in this as well.

Commissioner Wilson explained that the number of special events was done due to the amount of traffic in the small areas. He does not believe that 3 acres of land is adequate and that it should be 6 or 8 acres so as not disturb the neighbors with traffic and with noise. He will also talk to staff about his concerns as well. **Mr. As-Salaam** noted that vineyards are already allowed in the RA use but with the wineries, that is where the buffer increases would come in. **Commissioner Clemmons** believes that a clear definition of "vineyards" for ULDC standards should also be identified with stipulations to be implemented within the county as well.

No action was taken at this time.

<u>COUNTY ATTORNEY</u>

Resolution rescinding objection to City of Stockbridge Annexation re: AX-22-05 (Presenter: Nancy Rowan, County Attorney)(Exhibit 16)

Ms. Rowan approached to give some details on the property located on Hwy. 42 around Jodeco Road. The property originally came before the Board on July 19, 2022, to rezone from OI (Office-Institutional) to MU (Mixed Use) at 2125 Hwy. 42. The Board approved the change to MU with several conditions (24). On August 23, 2022 the County received a notice from the City of Stockbridge advising its intent to annex the same property. The Board decided to object to the Annexation based on the fact that the Board thought it to be unduly burdensome upon the County. When the objection was sent to the City of Stockbridge, Ms. Rowan reached out to the City Attorney after the Henry County Planning & Zoning Director talked to the City Planner; it was advised that the City of Stockbridge would adopt the majority of the conditions in the Mixed Use approval. These would include limited to 100 units on the property; the central property would not be developed as a traditional single-family and/or multi-family residential development or any other residential type community that does not require each single-family attached or detached unit to the house, or individual who requires care provided by the assisted living facility. The dwelling units would be required to be designed in approved Craftsman style, approved by Community Development, and other conditions approved by the BOC.

Ms. Rowan then noted that the conditions ***not approved*** when the property was changed from OI to MU included the condition of no more than 15% of the homes shall be rented out at any time (#11); only the management of the owner/operator of the existing rehabilitation center or assisted living facility of the subject property, per current public tax records, would be allowed to rent out the dwelling units (#12); the dwelling units to be limited to condominium units, with 2 or 3 bedrooms, with each having a minimum of 2 full bathrooms; and each permitted home shall be compatible with existing homes as determined by Planning & Zoning.

Ms. Rowan stated that Condition #21 requested by the County, for the dwelling units to be reserved to those leaving the care of assisted living facility, and no permits shall be approved unless all four (4) transitional units are included. On Condition #22, the City of Stockbridge suggested modifying it to have an adequate number of dwelling units reserved for those leaving the care of assisted living and who need transitional living arrangements. If the City of Stockbridge adopts the Resolution with Conditions 1-19, that would address the BOC concerns regarding the issues with the Fire Marshal. The Resolution would allow for the actual objection to be rescinded after they have actually approved the Conditions. This was going to be put on an earlier calendar, but it has not been placed yet.

Chair Harrell asked for the reasons for the objections with the limit up to 15% of the homes to be rented out at any time by the City of Stockbridge; **Ms. Rowan** stated there was no reason given; it was simply a provision that the City of Stockbridge did not want included.

Commissioner Thomas recalled having a discussion with the County Attorney on this subject, being that this is a brain trauma center that wanted to expand with transitional living facilities, to help patients become independent, transitioning from one level to another level until they are independent. The other living facilities are target-age restricted. There was the concern of access to them by Public Safety and the current design of the property. The District 4 Commissioner noted that the conditions are so placed to protect property values, to protect citizens, ensure Fire and Public Safety have access to these citizens, etc. The Commissioner voiced her continuing objection to this and will continue to protect the citizens, the medical citizens who may be going through trauma, that Public Safety has access when it is needed.

Chair Harrell asked for the reasons the City of Stockbridge objects to these conditions. She also remarked that a portion of the property is already in the City limits; **Ms. Rowan** affirmed same. The Chair also remarked that the City is trying to annex everything because of the development they want to do on the property already within City limits because it improves their financing options. The Chair agrees with Commissioner Thomas on this stance.

Ms. Rowan suggested tabling this item to give her the opportunity to talk to the City Attorney again and the Planning & Zoning Director to talk to the City Planner and see if some of the objections can be modified and agreed upon. **Commissioner Thomas** added that Fire and Safety concerns be included, with the additional road to be put in the back of this facility which the City would agree to pay if this is approved.

Commissioner Clemmons noted that the County Attorney suggested that the City would go ahead and adopt the conditions on the other part of this prior; **Ms. Rowan** clarified that prior to rescinding the objections as this item was not on the City calendar for adoption; it was proposed that once the City actually adopts the conditions then the County withdraws the objections, to ensure that the conditions will be met. **Chair Harrell** also wanted to know more about what is being proposed on the property that is already in the City of Stockbridge. **Commissioner Thomas** stated that is being planned for extended housing facilities for target-age restricted individuals.

Commissioner Thomas moved to table this item to gain additional information; **Commissioner Clemmons** seconded the motion. Motion carried (5-0-1). *(**Commissioner Holmes** was absent for this vote)*

<u>PUBLIC COMMENTS</u>

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.

Ms. Angie Collins *had signed up for Public Comment, but was not in attendance.*

Ms. Matthews advised that the Board needed to go back to the Annexation item under the Consent Agenda where the District 2 Commissioner asked that it be tabled and brought back. The County Manager advised that there is forty-five (45) days to act on this and that a Special Called Meeting will have to be held to provide a response. **Commissioner Clemmons** stated that the County Attorney needs to advise on this or the Board could object to it now.

Commissioner Clemmons made a motion to object to the 278 acres being annexed out of the County into the City of Stockbridge, referenced in Agenda Item **AX-22-06**; **Commissioner Thomas** seconded the motion. Motion carried (5-0-1) ***(Commissioner Holmes*** *was absent for this vote)*

APPROVAL OF MINUTES

Commissioner Wilson moved to approve the Minutes from *September 20, 2022 (Regular BOC Meeting)* and *October 4, 2022 (Regular BOC Meeting)*; **Commissioner Clemmons** seconded. Motion carried (5-0-1). ***(Commissioner Holmes*** *was not present)*

UPCOMING MEETINGS AND EVENTS

A. *(CANCELLED)* November 15, 2022 at 9:00 a.m. is a regular BOC Meeting

B. 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 1:18 p.m.***
sg

Carlotta Harrell, Chair

Stephanie Braun, County Clerk