

December 8, 2022

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Called Public Meeting *in-person* on Thursday, December 8, 2022, 9:00 a.m., at the Henry County Chamber of Commerce (Hudgins Room), 1709-GA 20, McDonough, Georgia.

Carlotta Harrell, Chair
Johnny Wilson, District I Commissioner
Dee Clemmons, District II Commissioner (*not present*)
Dee Anglyn, III, District III Commissioner
Vivian Thomas, Vice-Chair/District IV Commissioner
Bruce Holmes, District V Commissioner (*not present*)

Also in attendance:

Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; Stephanie Braun, County Clerk, Henry County; District V Commissioner-Elect Kevin Lewis (*taking in office in January 2023*)

Staff present:

(Cluster Leads): Hutch Purvis/Asset & Information Management; Roque Romero-Muniz/Public Works; Toussaint Kirk/Planning & Economic Development; Shannan Sagnet/Administrative & Constituent Services; and Jonathon Penn/Leisure & Public Services. Not Present: Chief Mark Amerman/Public Safety; and David Smith/Financial Services

(Directors): Chief Jonathon Burnette/HCFD; Harold Cooper/Human Resources; Lynn Planchon; Airport & Capital Projects; Jamie Pownall/Technology Services; Prentiss Redding and Brett Hanes/Building Department; Melissa Robinson, Nicholas Ivey, Kevin Williams/Communications; Zuwena Poole, Executive Assistant to the BOC Chair; Capt. Baker/Security; and Michele Weaver, Executive Assistant to the BOC.

Legislators present:

Senator Brian Strickland/District 17; Senator Rick Williams/District 25; Representative Demetrius Douglas/District 78; Representative Lauren Daniels/District 117; Representative Clint Crowe/District 118; Representative El-Mahdi Holly/District 116; and Representative Angela Moore/District 91.

Also present:

Joe Henning/CEO with Chamber of Commerce; Lori Schwartz/Bond Attorney with Squire/Patton/Boggs; and Murphy Talmadge/Public Policy with Squire/Patton/Boggs.

INVOCATION

The Invocation was given by Michele Weaver.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

The meeting of the Henry County Board of Commissioners for Thursday, December 8, 2022 at 9:00 a.m. was called to order.

Cheri Hobson-Matthews, County Manager, welcomed everyone and asked staff to introduce themselves and then moved forward with the agenda:

Brett Hanes, Assistant Director, Building Department, provided a brief summary of some modifications they are requesting (*handout disseminated and attached hereto*).

1) **O.C.G.A. §8-2-4: Fire Sprinklers in Townhomes:**

There is a current law that specifically prohibits any local authority having jurisdiction from requiring sprinklers in townhomes and the reason being is the state's definition of "single-family dwelling". We are not looking to reinvent the wheel altogether, but we are looking to increase our ability to provide life safety for our citizens with the significantly increased amount of townhome developments, build-to-rent communities and things of that nature.

2) **Private Professional Provider Inspections, a/k/a "Third Party"**
O.C.G.A. §8-2-26(g)(5) and O.C.G.A. §8-2-26(g)(20)

Due to the fact that a lot of Building Departments shut down during COVID-19 pandemic, it allowed builders to elect to use a private professional provider to do the inspection services without having to wait the 48 business hours that the Building Departments are allowed to perform those inspections. The verbiage in State law restricts our ability to regulate the inspections and provides little insight for potential conflicts of interest in how we can regulate these processes. We are not looking to modify the entire verbiage of the way the State law is written, but we are wanting to increase our ability as the authority having jurisdiction to regulate that process.

Chair Carlotta Harrell asked staff to come forward and explain why these delegation requests are needed.

Chief Jonathon Burnette, Henry County Fire Rescue, came forward.

Regarding Fire Sprinklers in Townhomes, he explained that we are mandated by State law which prohibits certain things for us to be able to do as the AHJ (Authority Having Jurisdiction). His concern as the Fire Chief is their definition of "townhomes" as a single-family residences. He gave an example that if someone's townhome catches on fire, it impacts multiple family homes. In other multi-family dwellings (i.e. apartments), they have the ability to place sprinklers in them, but they are unable to do that in townhomes because of how it is defined.

Regarding Fire Code Inspections, he explained that his department provides fire and EMS services to the entire county which is 327 square miles. Although the City of McDonough provides their own fire protection, we still as a county provide the EMS services to that city, as well as provide fire and EMS services to all of the other cities within Henry County. The concern he has is that the state mandates when you as a city or a county have a Fire Marshal service. There is also an option in the code which allows cities and counties to have their own (outside of the authority), and the cities have gone out and pulled away from us as the authority having jurisdiction to provide their own Fire Marshal services. Why do they do that? As a Fire Marshal, you have the authority and the responsibility to do pre-plans, building inspections, arson investigations and obtain the fees for those services and can charge whatever you want

within your city. There is also no mandate or law requiring them to tell us what they are doing in their cities; therefore, when a building catches on fire it then becomes our responsibility to go into the city and deal with something that we do not have all of the facts on. If their city codes or ordinances do not mirror the county's codes and ordinances, that is a potential hazard for us. There is a process that the cities can go through with the State in order to have their own Fire Marshal, but he suggests if they are going to do that they should start their own Fire Service as well.

Representative El Mahdi-Holly, District 116, stated that they appreciated the County bringing this to their attention. They take this matter very seriously, but also stated that it can be hard to try and change a code relevant to "all" houses in a manner to which we can see some immediate results. There is a process to which this can be presented to the Court, and they are curious to know whether this has been an issue in the past. This is where their offices come into play. They can research it and see if there is any case law on it because this is not a new issue. While they are trying to secure livelihood and safety for citizens in Henry County, they also have to look at the legislature and see how they can either add a statement into that law that can satisfy all of those that are in the room to push it, or would it be changing some bedrock standards within the industry. If there is some case law that can better support it, then it helps them be able to say "now is the time", but they need to make sure their legislative body has the momentum to push this forward and so therefore have to build up their best case.

Murphy Talmadge, Public Policy Practice Group with Squire/Patton/Boggs, credited the County Manager, Cheri Hobson-Matthews, with bringing this to their attention a couple of months ago and they started researching where it compares with other state codes what Georgia's language looks like. There are various industry groups that obviously represent the other side of this issue, but they have reached out to ACCG and have been talking to other municipalities trying to make sure that we would not be the only ones requesting an amendment.

Brett Hanes, Assistant Building Department Director, stated that he understood the affordability crisis, but reiterated that we simply want the ability from a locality to make the decision. He gave an example of a new development in Henry County with 273 townhomes (so the entire development will be townhomes only). If one catches fire and it is a windy day, you could have 273 townhomes on fire. That is why they are asking for the local ability to do that wherein some localities may not need that because they do not have that density for those developments.

Representative Clint Crowe, District 118, asked for some clarification regarding the code. He said the County presented 4 to 5 townhomes under one roof, but it says in the current code that a residential building contains no more than 2 dwelling units. In that situation, are you still not able to require sprinklers in those? If you have 3 or 4 units sharing an adjoining wall under one roof, would not that be considered one residential building? **Mr. Hanes** stated that is how they would like to interpret it, but the state further amends the specific definition of townhomes in the state amendments to specifically say that they are single family dwelling units no matter how many -- which is what is contradictory about the current code.

Murphy Talmadge, Principle/Public Policy with Squire/Patton/Boggs, stated that the County has asked the legislators to look into the above presented issues, as well as the next two items listed on the agenda regarding the creation of two Authorities:

- 1) **Airport Authority** – there were two Nascar races this year and the County received much praise regarding the airport and the beautiful new FBO which you could see from the Atlanta Motor Speedway. He explained that there are two very specific reasons the Airport Authority is important today which are timeliness, in that the infrastructure bill passed at the federal level is the most funding that has been made available for transportation infrastructure in the United

States since the early 1990's, and we will probably not see another one for a very long time. That, coupled with the Inflation Reduction Act, there is \$1.8 trillion dollars available for various infrastructure projects across this county. There are two federal grants immediately that the Airport Authority would qualify for to help with taxiways, extensions, investments into hanger space, etc. It would be a wonderful time for us to enter into an expansion period before they close out. Most of those windows close for us at the end of 2023, with some having already closed. The federal government did not get the rules defined for some of these programs until after the initial deadline so we are trying to play catch-up and get those things in. Secondly, it also allows us to enter into a multi-year contract. An Airport Authority allows you to enter into agreements with private parties who can inject capital into an airport in exchange for their ability to operate there and manage some either whole or portions of the airfield, which we cannot do as a County due to our inability to enter into multi-year contracts.

- 2) **Public Facilities Authority** – it is the mechanism by which we would deliver all of the great work that has been going on at the county to prepare for the update of our county infrastructure. They will transition the campus by building a new Courthouse Complex across from the existing Administration Building and move the Juvenile Justice Court into the Administration Building. The administrative staff currently in the Administration Building will move to the McDonough Square Courthouse. All of those things are happening in unison with one another which involves a fairly sizeable capital expense so we have to have a vehicle in order to finance it. The legislation that we are following is what Chatham County introduced last year and there were seven of these Authorities created state-wide last year. We do have a working piece of legislation with the legislative council that has already been completed with Chatham County and the County's Financial Advisor, Davenport & Company, has already reviewed same. Neither of the Authorities require a referendum, but advertising will be required.

Chair Harrell stated we would like to request that the delegation please consider:

- 1) **Memorial sign** placed on State Hwy 81 in honor of Officer Desai. Officer Desai was a Henry County Police Officer who we lost last year in the line of duty in a domestic call and we would like to honor him in this way. **Legislators** agreed to handle the request.

Chair Harrell asked the Board Members present if they had anything they would like to add.

Vice-Chair Vivian Thomas, District IV Commissioner, asked the delegation what they were proposing to bring to the County and what is being considered at this time?

Senator Strickland, District 17, shared some additional items that he would like to work on. First, being to finish the **Southern Crescent Building**. The campus is currently off of Hwy 81 and they received in the budget two years ago funds to take that old strip mall by the road and to purchase that property and also purchase the corner by the highway in order to place a sign so people would know the school is back there. They also included money to renovate those buildings up by Hwy 81 for a new campus. In the meantime, they received word that they cannot be renovated and need to be torn down and rebuilt. He wants to make sure the technical school makes that a priority and does not put it off too long. Second, would be the **train issue in Henry County**. They have been looking for a short-term solution, as well as a long-term solution. Long-term he would like to see new track and new siding laid between McDonough and Locust Grove where trains can stop in the future. Norfolk Southern wants that too because they have warehouses and property down that way. If it is included in the Governor's budget next year it could be a project completed a year out. Short-term solution may already be taken care of by stopping the trains a little bit further south.

Representative Demetrius Douglas, District 78, addressed the Board by saying that the legislators' role is to work for the County so the County needs to tell them what they need so they can go out and obtain the funds, if possible. That is why they are asking before session begins so they can get ahead of the curve.

Representative El Mahdi-Holly, District 116, added that they could provide updates to the Board of Commissioners once per month when they are in session and make it available via the Chamber of Commerce. Regarding what he has been working on, he stated that our state has one of the busiest airports, and one of the fastest seaports growing, especially with the addition of the Mason mega rail (85 acres over by Garden City) so we know the port traffic is coming. Right now you can go on your phone and pull up a website that is out of his office, but is a whole caucus: Georgia-africa.com. As legislators, they are able to support and promote the best interests of our state. Right now transportation is going to be Georgia's future. While we can respect all of the development that is happening in the area, we want to make sure that corporations, both large and small, will be able to have access to a free-trade area that is right now the largest in the world (by 55 countries, with a GDP of about \$3.4 trillion dollars). Because we already know that Georgia is quickly expanding, many of us are members of different caucuses at the State Capital/State House/State Senate, including Georgia/Japan Legislative Caucus which includes 638 Japanese businesses in Georgia. We help support that by making sure that we can put forth policies that drive the businesses in the area. He knows that Georgia has a very small number of minority-owned businesses that get contracts. This is an opportunity for opening that up and whether you are a person of color or not, if you have equitable policies in place for us to be able to get contracts and move the conversation forward that allows for businesses to grow in the area, then that is something that benefits not just Georgia, but America. We also have the World Cup that is coming to Atlanta. That is a lot of money and a lot of investment into the local economy and they have to make sure Georgians have a piece of the pie.

Angela Moore, District 91, stated that there were funds in the state budget, but there are other resources in state government as well that we need to look at. They just closed down one project that was funded to help people stay in their homes, but when that shut down then new funding opened in the Department of Community Affairs which was available for small businesses. She is a small business owner herself and the money drove her to where she could open her business. She also serves on several boards. She serves on board for higher education and she wants to give Henry County kudos because they have the highest GPA and graduation rates, and it is making a difference every day. She also serves on the Arts and Entertainment Board.

Senator Brian Strickland stated that the key is communicating to them on what the Board sees as their priorities. If there is a grant being applied for to let them know and they could be influential on certain projects with GDOT.

Chair Harrell stated that she does sit on some of the Committees with ACCG, and she does support all of ACCG legislative priorities that will be coming before the legislators.

Dee Anglyn III, District III Commissioner, thanked the legislators for coming today.

Senator Rick Williams, District 25, stated that he has served in the House for six years. He represents seven counties, but he will be supportive of this delegation, especially Senator Strickland and some of our representatives that live here. He stated that they do need the county's priorities and understands that transportation is definitely one of them. He appreciates these kind of meetings and he wants to learn more and work hard for us, but he wishes all of his counties had these types of meetings and thanked everyone for having this conversations.

Representative Clint Crowe, District 118, stated that they keep a constant ongoing dialogue with several departments (i.e. Georgia Department of Transportation, Georgia Department of Economic Development, etc.). He is also on the Study Committee for State and Local Law Enforcement Agencies and they are constantly trying to do anything they can do to get those folks some more money so they are taken care of.

Representative Lauren Daniels, District 117, echoed what Representative Douglas said in that they, as legislators, have to balance state and local priorities to get a majority to agree on anything they push forward. When you are talking about things like the fire issue, you have to make sure that it is beneficial for the entire state. She added that she lives in Henry County and also understands the traffic issue when we have the population growth we have had and wants the Board to know that she cares a great deal and will work towards improving same.

Representative El Mahdi-Holly, District 116, finished by thanking Chair Harrell for making this legislative breakfast possible. There is a lot of money coming into the area and one of the things that Chair Harrell has been adamant about is making sure we have a deeper conversation regarding building up the I-75 Corridor and working towards obtaining federal government funds for the project.

Chair Harrell asked the delegation to support the I-75 Corridor Coalition and advocate for funding for the south side.

Johnny Wilson, District I Commissioner, thanked the legislators for coming.

Cheri Hobson-Matthews, County Manager, reminded everyone about the Intergovernmental Retreat at Clayton State University to discuss the economic impact for the next ten years based on demographics, census numbers, and information on work force development, housing, and transportation.

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. *Meeting adjourned at 12:41 p.m.*

Carlotta Harrell, Chair

Stephanie Braun, County Clerk