STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, February 7, 2023, 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 Anglyn, III, District 3 Commissioner
Vivian Thomas, District 4 Commissioner
Kevin J. Lewis, Vice Chair/District 5 Commissioner

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

NOT PRESENT: Dee Clemmons, District 2 Commissioner

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

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, February 7, 2023 at 9:00 a.m. to order.

County Manager – Video

Cheri Hobson-Matthews, County Manager, presented the 2022 Year-in-Review for the Board of Commissioners (BOC) and public viewing.

VIDEO IS PLAYED

Ms. Matthews noted that Henry County government did not shut down during the COVID-19 crisis. She asked that the department staff present stand and be recognized.

APPLAUSE

APPOINTMENTS

Board of Tax Assessor

Dee Anglyn III, District 3 Commissioner moved to approve the appointment of *Lloyd A. E. Smikle, Sr.* to the Board of Tax Assessor; **Johnny Wilson, District 1 Commissioner** seconded the motion. Motion carried (5-0-0).

Resolution #23-54

Board of Tax Assessor

Commissioner Anglyn moved to approve the appointment of *William A. Thompson, Jr.* to the Board of Tax Assessor; **Kevin J. Lewis, Vice Chair/District 5 Commissioner,** seconded the motion. Motion carried (5-0-0).

Resolution #23-55

CONSENT AGENDA

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

Courts

A. State Court: Resolution awarding a contract for indigent defense services to Lister, Holt & Dennis, LLC. (Presenters: Judge Vincent Lotti; and Will Simmons)(Exhibit 1) *Resolution #23-56*

B. District Attorney: Resolution of the Board of Commissioners to accept victims of crime act (VOCA) sub-grant funding for the continuation of a contract for a victim compensation advocate position in the district attorney's victim services program for the federal fiscal year October 1, 2022, through September 30, 2023 (Presenter: Darius Pattillo, District Attorney; Kiauna Rosemond, Victim Services Director)(Exhibit 2) *Resolution #23-57*

C. District Attorney: A Resolution of the Board of Commissioners to accept victims of crime act (VOCA) sub-grant funding for the continuation of funding for the early notification advocate position in the district attorney's victim services program for the federal fiscal year October 1, 2022 through September 30, 2023 (Presenter: Darius Pattillo, District Attorney; Kiauna Rosemond, Victim Services Director)(Exhibit 3) *Resolution #23-58*

Department of Transportation (DOT)

A. Resolution of the Board of Commissioners to award a bid for pavement marking services to Mid-State Striping, in the estimated annual amount of Services of $362,238.80. (Presenter: David Simmons, CE III)(Exhibit 4) *Resolution #23-59*

Parks & Recreation

A. Resolution approving Memorandum of Agreement between Henry County and the City of McDonough as it relates to inspections, permitting, and plan review of the Henry County Aquatic Center and Waterpark project (Presenter: Jonathon Penn, Cluster Lead/Leisure & Public Services)(Exhibit 5) *Resolution #23-60*

Police Department

A. Resolution approving the purchase of a single source K-9 dog (Labrador Retriever) from K-9 Concepts (Louisiana), plus training, for the amount of $13,195 utilizing the Federal Seized Funds account for the Henry County Police Department K-9 Unit (Presenter: Lt. William Powell/HCPD)(Exhibit 6) *Resolution #23-61*

B. Resolution approving the purchase of 140 smartphone in□vehicle camera hardware kits (dual camera) including software from Visual Labs, Inc (sole source provider) for the amount of $221,200.00 using the Small Equipment account, #10002140- 531600, for the new 140 Utility Police Interceptors (Resolution 22-198) (Presenter: Lt. William Powell/HCPD)(Exhibit 7) *Resolution #23-62*

C. Resolution of the Board of Commissioners to update/purchase equipment for the Henry County Police Department School Resource Officers from West Chatham for twenty-one (21) vehicles using the Small Equipment funds account, in the amount of $41,532 (Presenter: Major J. Maddox/HCPD)(Exhibit 8) *Resolution #23-63*

SPLOST

A. Resolution to Authorize the Acquisition of 4,691 Square Feet of Right of Way, and 468 Square Feet of Temporary Easement, More or Less, in Land Lot 129 of the 7th District, Henry County, Georgia, by Negotiated Contract or Condemnation (Bridges Road at Willow Lane Parcel 6) (Presenter: Nancy Rowan, County Attorney)(Exhibit 9) *Resolution #23-64*

B. Resolution to Authorize the Acquisition of 255.02 Square Feet of Right of Way, and 2214.57 Square Feet of Permanent Easement, More or Less, in Land Lot 29 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation (Rock Quarry Road Widening Parcel 40) (Presenter: Nancy Rowan, County Attorney)(Exhibit 10) *Resolution #23-65*

C. Resolution to Authorize the Acquisition of 934 Square Feet of Right of Way, and 808 Square Feet of Temporary Easement, More or Less, in Land Lot 249 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation. (Fairview Road Sidewalks Parcel 46) (Presenter: Nancy Rowan, County Attorney)(Exhibit 11) *Resolution #23-66*

D. Resolution of the Henry County Board of Commissioners approving the Henry County Water Authority utility relocation cost for Racetrack Road @ Iris Lake Road in the amount of $165,246.63 (District 1 and District 3 50/50 cost share project) (Presenter: Roque Romero-Muniz, Cluster Lead)(Exhibit 12) *Resolution #23-67*

Tax Assessor

A. Resolution awarding RFP 23-27 to Traylor Business Services for Personal Property Auditing Services for the Tax Assessor's Office as a unit/price agreement with no fixed quantities for one

(1) year with two (2) mutually agreed upon annual renewals.(Presenter: John Selfe, Chief Appraiser)(Exhibit 13) *Resolution #23-68*

Technology Services

A. Resolution approving the purchase of Dell Computers, Monitors, Laptops and Docking Stations via Georgia State Contract in the amount of $307,828. Funds are in the Capital Improvement Plan for the Technology Services Department as approved by the Board of Commissioners. (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 14) *Resolution #23-69*

B. Resolution approving the purchase of Network Infrastructure Hardware in the amount of $217,223.07 to Byteworks under Ga State Contract. Funds are in the Capital Improvement Plan for the Technology Services Department as approved by the Board of Commissioners. (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 15) *Resolution #23-70*

C. Resolution approving purchase of the Community Room and Communications Room Hardware and Technology Refresh to CTI Technologies utilizing TIPS # 200904 in the amount of $578,554. Funds are in the Capital Improvement Plan for the Technology Services Department as approved by the Board of Commissioners. (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 16) *Resolution #23-71*

Transit

A. Resolution of the Board of Commissioners authorizing the approval and submittal of a public transportation agency safety plan (PTASP)(Presenter: Taleim Salters, Transit Director)(Exhibit 17) *Resolution #23-72*

This ends the Consent Agenda

Vivian Thomas, District 4 Commissioner, referred to item D under SPLOST concerning the Water Authority utility relocation, asking if the cost is related to the Water Authority or to the County. **Chair Harrell** called for Mr. Romero to come up and respond.

Roque Romero-Muñiz, Public Works/Cluster Lead, responded that this will come from the Water Authority, from the reissue of the bond and that the Resolution reflects same.

Commissioner Thomas then referred to the Courts and asked if the amount is also factored into the Budget; **Ms. Matthews** affirmed same and that the funding is already allocated within the respective Budget.

Commissioner Thomas then referred to Technology Services and asked about the proposed Community Room. **Ms. Matthews** pointed out that it is actually the room in which they are holding today's meeting and that upgrades will be purchased within the room.

There being no further questions or comments, **Commissioner Thomas** moved to approve the Consent Agenda; **Commissioner Lewis** seconded the motion. Motion carried (5-0-0).

REGULAR AGENDA

COUNTY ATTORNEY

Resolution approving amendment to Lester Mill Easement Agreement (Presenter: Nancy Rowan, County Attorney)(Exhibit 18)

Nancy Rowan, County Attorney, approached and gave an overview of the Resolution. She pointed out that the owner is acting for the county to reduce its easement, which is being used for piping in sewer and water lines; the size reduction is adequate and the county reached out to the Water Authority, which has two (2) easements on this property regarding water and sewer lines maintenance. Ms. Rowan recommended the reduction to the Board as there are no problems in doing so.

There being no questions or comments from the Board, **Commissioner Thomas** moved to approve; **Commissioner Lewis** seconded the motion. Motion carried (5-0-0).

Resolution #23-73

Chair Harrell asked if there was anything she needed to sign with regards to the above-approved item; **Stephanie Braun, County Clerk** , brought the document to the Chair for her signature.

DOT

Resolution Authorizing the Chair to sign a Georgia Department of Transportation Local Maintenance & Improvement Grant (LMIG) Application for fiscal year 2023 (Presenter: David Simmons, CE III)(Exhibit 19)

David Simmons, CE III, Henry County Department of Transportation, approached to give an overview of the Resolution for the Board. Regarding a bullet point which was displayed, Mr. Simmons indicated that combining the 30% local match to what will be provided by Georgia Department of Transportation (GDOT) provides for a total of $3,024,889.23, equating to $605,000 (approx.) per District.

Commissioner Thomas asked if the truck recently purchased for grading is being used; **Mr. Simmons** responded that it is being used this year and is being used with the various equipment for grading the roads. The District 4 Commissioner then commented that this truck does a type of x-ray over the road; Mr. Simmons affirmed same and gave a brief explanation of how that works on that truck in identifying problems in roads that need to be resurfaced/improved. The Commissioner explained that this is critical in ensuring that the roads get completely graded and is on the DOT website for Henry County. Mr. Simmons explained that this is driven by the funding that is provided and $605,000 may seem like a lot but there are many costs associated with grading and improving these roads within the Districts. He presented a cover letter to be sent to GDOT outlining what the Local Maintenance & Improvement Grant (LMIG) will fund. The Commissioner explained that she wanted to let the citizens know how detailed this project will be as well as provide transparency as to what will be forthcoming and what has been done thus far. Mr. Simmons then presented a list by District which listed the Road/Project Name, From/To (start to end of road), total Width, total Length, (brief) Description of Work, Cost, and the Sum allotted to each District. **Chair Harrell** asked that these be shared electronically with the BOC so they might review them.

There being no questions or comments from the Board, **Commissioner Anglyn** moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (5-0-0).

Resolution #23-74

January 12, 2023 Tornado/Storm Event Update (Added Agenda Item)

Chair Harrell asked that an update be provided at this time related to the storm/tornado(es) that occurred on January 12, 2023.

Kevin Johnson, EMA Deputy Director, approached with **Jonathan Burnette, Chief, Henry County Fire Department,** to provide an update regarding the weather event for the Board of Commissioners. Chief Johnson remarked that there have been many agencies that have assisted in clean-up and recovery since this event and made it a community effort and recognized the volunteers that helped. Mr. Johnson added that the Center remains activated with priorities as debris removal, recovery resources for citizens and documentation for county reimbursement. He gave brief details on these priorities and gave contact info for citizens to call for debris removal/pickup.

Chair Harrell thanked them for their presentation and for the volunteers and agencies involved in the outreach in the aftermath of this storm.

HUMAN RESOURCES

Resolution approving a pension amendment association by County Commissioners of Georgia defined a plan for Henry County employee's adoption agreement (Presenter: Harold Cooper, Human Resources Director)(Exhibit 20)

Harold Cooper, HR Director, approached to give details of the amendment to the Defined Benefit Plan pertaining to the pension. He emphasized a disclaimer that this is not an indictment towards any workforce group and is not a criticism; this is to be financially and fiscally responsible in handling the money in the county budget. This is also to prevent cases of pension spiking, which was defined as obtaining unscheduled overtime towards the end of employment cycle pending retirement in an effort to increase pension benefit amount post-retirement. Mr. Cooper added that this Resolution will not affect any *scheduled overtime* for employees during the last few months prior to their retirement and receipt of their pension. He explained that in 2022, $5.9 million dollars in overtime was paid to 1,378 employees.

Chair Harrell asked if someone is retiring, if said retirement affects the calculation of accrued vacation hours and if there is a max amount; **Mr. Cooper** responded that the annual leave pay will be a separate payout and is no longer applied to the pension amount.

Commissioner Thomas remarked that the overall pension goal would be around 125 and currently they are at 84. She asked if there is a goal that can be worked toward Henry County; **Mr. Cooper** assured the Commissioner that if this is approved, the potential exists for a 90% valuation. The pension is on track to remain robust out to greater than 20 years post-retirement from an employee.

Commissioner Thomas then referenced unscheduled overtime and remarked that there may be a gap between implementation and the actual payout; she asked if there is a process in place for that gap. **Mr. Cooper** stated that about eighteen (18) employees could retire, fully vested, today. If this is approved and those employees decide not to move forward but wait till February, all of the pension funds credited before then are still to be included. **Ms. Matthews** further added that conversations with department directors and leadership has been ongoing regarding this gap and departments that have had spiking issues, related to overtime. Forecasting on number of employees retiring with a pension is calculated into the budget and with overtime counted towards it, this could upset a few of the employees.

Commissioner Thomas continued and asked if individuals are helping to structure the exit plan; **Mr. Cooper** responded that there are those as well as opportunities provided to them upon retirement and that future meetings will be held to go into further detail.

Chair Harrell asked how this would impact her (by example) with all the vacation, overtime and other times built, after a 30-year valuation; **Mr. Cooper** explained that his focus is on the overtime accrued and a check will be cut for her annual leave/overtime accrued.

Commissioner Wilson remarked that employees that worked on the 36-month out of 60 months who worked overtime (2022) will count part of their past 36 months; **Mr. Cooper** affirmed same. The Commissioner noted that overtime this year will not go towards the pension since it will not be part of the highest year; **Ms. Matthews** affirmed same. The District 1 Commissioner asked for definition of "unscheduled" versus "scheduled" overtime. Mr. Cooper used firefighters' hours as an example, since Commissioner Wilson is a former firefighter. Firefighters work 2,756 hours per year and within those hours are overtime built in. To see overtime in real-time on the day they work the overtime is going from a 28-day pay cycle to a 14-day pay cycle for them, starting in March 2022. Scheduled overtime is for those units that have over the regular 40 hours and working alternate work schedules. It was noted that the Police Department does not have that same type of overtime scheduling.

Commissioner Wilson pointed out that Police Department or Sheriff's Office would have to go to court and would have to hold over a shift or go over 1-2 hours and asked if that is considered unscheduled; **Mr. Cooper** explained that if it is not within the 2,756 hours of the entire year, it would be considered unscheduled but they will still get paid. The Commissioner asked why it was not considered scheduled since they had no choice but to be there. **Ms. Matthews** stated that if a firefighter scheduled for 24 hours and a call makes that run over, that would be scheduled. She deferred to Chief Burnette on this matter.

Chief Burnette added that the 2,756 hours comes from the schedule that defines how firefighters get paid, at 106 hours every 2 weeks. In that work schedule, some weeks will allow only working 96 hours; other weeks, there will be 120 hours. He further explained how the base salary amount is arrived as well. **Commissioner Wilson** maintained that if Public Safety has to go to court or is forced to complete a call should be considered scheduled and should be credited towards their pension. The Commissioner emphasized that if personnel has no choice but to go to court or to complete an existing call, while it is not scheduled, it should be considered scheduled overtime since they did not choose to have that overtime; the County Manager explained they are still getting paid and if there was a full staff, that model would work, but they do not have a full staff.

Chair Harrell called the Henry County Police Chief to discuss same.

Mark Amerman, Chief, Henry County Police Department, approached and stated that he was a patrolman on the force 30 years ago and would not want to give up overtime and have it count for pension. He asked about Public Safety having 8% to the pension fund and if employees are not credited for overtime, then the 8% would not be credited through that overtime; **Mr. Cooper** affirmed same. Mr. Cooper added that the rate of overtime pay was at 1% last year. The main issue is with staff on overtime, with which the District 1 Commissioner agreed.

Commissioner Anglyn remarked that it is important that the Board has a fiduciary responsibility for the health and improvement of the pension plan and the 84% needs to be improved and the pension plan needs to be protected. The overload in the spiking will put the greatest impact on the health of the pension plan. **Mr. Cooper** responded that he has spent a lot of time with the Police Chief and Fire Chief discussing this matter.

Chair Harrell remarked that vacation time would not be tied to pension; **Mr. Cooper** affirmed same. The Chair stated she understands the overtime piece but noted that the vacation time accrued will be paid separately but not credited towards the pension; **Mr. Cooper** affirmed same. To get to the 125%, what is presented would be the best way to get there for the greater good of the organization. **Ms. Matthews** explained that sustaining the budget is also accounted for in the fiscal year. She gave explanation on how difficult vacation is paid out after retirement.

Mr. Cooper explained that in the coming 5 years, seventy-two (72) could potentially retire. **Chair Harrell** asked if employees have the option to have more taken out to contribute to their retirement; **Ms. Matthews** stated there are options available for that.

Commissioner Wilson remarked that pension started when he was employed with the county. He asked what the maximum years of service for retirement; **Ms. Matthews** responded that she believed it was 35 years. He explained why employees in the past would build up their sick time, vacation time, as well as overtime to work in their benefit, but also understands why it needs to be stopped in order to be financially and fiscally responsible in handling the pension fund.

Commissioner Lewis clarified that the pension is based upon worked hours and that vacation hours were not worked hours; **Mr. Cooper** affirmed same.

Chair Harrell called for a motion.

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

Prior to the vote, **Ms. Matthews** reminded the Board that the Resolution would be amended that Public Safety's 8% contributed to the pension fund should not include the overtime. **Chair Harrell** asked if this was acceptable; **Commissioner Thomas** affirmed same in her motion.

Motion carried (5-0-0).

Resolution #23-75

PLANNING & ZONING

Resolution approving bid award (RFP #23-29) to TSW for consulting services in the amount of $187,700 for the 2023 Comprehensive Plan Update (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 21)

Kamau As-Salaam, Planner III, approached on behalf of the Planning & Zoning Director to present the Resolution to the Board. He gave an explanation of the Comprehensive Plan and the required update every 5 years which is due October 2023. He then went through the bidding process and review from the panel; TSW scored the most points in review and is pending approval as selected vendor; their scope of work was also presented for the Board. Staff recommends award of this contract to TSW and that the associated cost is a budgeted item.

There being no questions or comments from the Board, **Commissioner Thomas** moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

Resolution #23-76

PUBLIC COMMENTS

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

No one signed up for Public Comment

APPROVAL OF MINUTES

Commissioner Thomas moved to approve the Minutes from the *November 29, 2022 Regular BOC Meeting*; **Commissioner Lewis** seconded the motion. Motion carried (5-0-0).

UPCOMING MEETINGS AND EVENTS

A. Tuesday, February 7, 2023 at 5:30 p.m. will be a Called BOC Meeting for Planning & Zoning items

B. Tuesday, February 21, 2023 at 6:30 p.m. is a regularly scheduled BOC Meeting

EXECUTIVE SESSION

Chair Harrell called for Executive Session regarding personnel matters. **Commissioner Anglyn** made a motion to convene into Executive Session; **Commissioner Lewis** seconded the motion. Motion carried (5-0-0).

EXECUTIVE SESSION
(10:17 a.m.)

RECONVENE FROM EXECUTIVE SESSION

Chair Harrell announced that litigation was also discussed during Executive Session. She called for motion to Reconvene. **Commissioner Lewis** made a motion to reconvene into Public Session; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

AFFIDAVIT & RESOLUTION

Commissioner Wilson made a motion to approve the Affidavit & Resolution pertaining to Executive Session; **Commissioner Anglyn** seconded. Motion carried (5-0-0).

Leave of Absence Request from District 2 Commissioner

In accordance with SB639, **Ms. Rowan** brought forth a request for a leave of absence for Dee Clemmons, District 2 Commissioner. She went through the eligibility requirements and that the Commissioner's request is within the guidelines of the Senate Bill. The Chair requested that the section of the Senate Bill be included for the record.

Ms. Rowan read said section of SB639:
(iii) A board member failing to attend one-third of the regular meetings of the board in a three-month period without being excused by the board; provided however, that absences due to the following shall automatically be excused:

(I) A personal accident, emergency, illness or injury; or
(II) An accident, emergency, illness or injury of an immediate family member

Ms. Rowan stated that the Commissioner's request falls within these guidelines and it is brought before the Board for approval of the request for leave of absence by Commissioner Clemmons.

Commissioner Thomas moved to approve the leave. Motion ***failed*** due to lack of second.

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 11:57 a.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk