STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Monday, August 14, 2023, 6:30 p.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

Carlotta Harrell, Chair
Johnny Wilson, District 1 Commissioner
Neat Robinson, District 2 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

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 Monday, August 14, 2023 at 6:30 p.m. to order.

Announcement

The following item was advertised for the August 14, 2023 Board of Commissioners meeting, but has been postponed by staff:

AP-23-04 (POSTPONED) Kelleytown Senior, LP of Atlanta, GA requests an appeal to an administrative decision for property located on the east side of Highway 155 North, south of Kelleytown Road, The property consists of 22.32+/- acres, and the request is regarding a denied administrative waiver request. District 3

The following items were advertised for the August 14, 2023 Board of Commissioners meeting, but has been tabled by applicant:

COMP-AM-21-11 (POSTPONED) Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James Sutherland of Forest Park, GA request an amendment to the Comprehensive Plan for property located north of Highway 20/81 West at International Avenue. The property consists of

21.379+/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential and Commercial to High Density Residential. District 5

RZ-21-38 (POSTPONED) Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James E. Sutherland of Forest Park, GA request a rezoning from RM (Multifamily Residential), OI (Office-Institutional), C-1 (Neighborhood Commercial), and M-1 (Light Manufacturing) for property located north of Highway 20/81 West at International Avenue. The property consists of 21.379+/- acres, and the request is for a multi-family residential apartment development. District 5

CONSENT AGENDA

Chair Harrell called the County Manager forward, first announcing items from the Consent Agenda to be removed as well as items to be *moved* from the Consent Agenda and placed upon the Regular Agenda. **Cheri Hobson-Matthews, County Manager,** read the Consent Agenda as follows:

County Attorney

A. (*ITEM BEING REMOVED*) Resolution Authorizing Property Acquisition for Parcel 22/Hudson Bridge Crossing LLC (Presenter: Nancy Rowan, County Attorney)(Exhibit 1)

B. Resolution Authorizing Property Acquisition for Parcel 23/Western Parallel Connector – Hubbard Roberston Boulevard Property. (Presenter: Nancy Rowan, County Attorney)(Exhibit 2) *Resolution #23-216*

C. Resolution to Authorizing Property Acquisition for Parcel 16/Market Place Storefronts, LLC. (Presenter: Nancy Rowan, County Attorney)(Exhibit 3) *Resolution #23-217*

D. Resolution to Authorizing Property Acquisition for Parcel 17/Marketplace Storefronts LLC. (Presenter: Nancy Rowan, County Attorney)(Exhibit 4) *Resolution #23-218*

District Attorney's Office

A. Resolution reallocating funds from Position #3102 to cover the costs of supplemental pay for state employees in the Henry County District Attorney's Office in the amount of $91,034. (Presenters: Holly Lafontaine, Interim HR Director; and Darius Pattillo, District Attorney)(Exhibit 5) *Resolution #23-219*

DOT

A. Resolution approving amendment from the Georgia Department of Transportation (GDOT) clarifying the mileage of Temporary State Route 920 which is to be removed from the State Highway System. (Presenter: Roque Romero-Muniz, Public Works Director/Cluster Lead)(Exhibit 6) *Resolution #23-220*

Emergency Management Agency

A. Resolution awarding Bid #23-54 for AKA Tree Service, LLC for storm debris wood chipping services in Henry County at a rate of $2.25 per cubic yard. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 8) *Moved to the regular agenda.*

B. Resolution awarding Bid #23-59 for Debris Tech, LLC for debris monitoring services in Henry County at a rate of $23.27 per hour. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 9) *Moved to the regular agenda.*

C. Resolution awarding Bid #23-64 for AKA Tree Service, LLC for debris wood chipping services at Indian Creek Mobile Home Community at a rate of $8.00 per cubic yard. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 10) *Moved to the regular agenda.*

D. Resolution awarding Bid #23-65 for Witt O'Brien's, LLC for debris monitoring services at Indian Creek Mobile Home Community at a rate of $29.91 per hour. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 11) *Moved to the regular agenda.*

E-911

A. Resolution of the Board of Commissioners to approve the renewal of the L3Harris Radio System Maintenance Agreement for fiscal year 2023/2024 in the amount of $611,690. (Presenter: Tamika Kendrick, E911 Director)(Exhibit 12) *Resolution #23-226*

Facilities Maintenance

A. Resolution to award Trane US, Inc a contract for the replacement of the McDonough Library HVAC Control System in the amount of $247,319. Funding has been approved for this project in the FY24 Capital Improvement Plan. (Presenter: Hutch Purvis, Cluster Leader/Assets Management)(Exhibit 13) *Resolution #23-227*

B. Resolution to award Trane US, Inc., using the Omnia Partners Contract, for Turnkey Installation of HVAC 3 90-ton IntelliPaks and new controls for the Judicial Building in the amount of $1,194,663. Funding has been approved for this project in the FY2024 Capital Improvement Plan. (Presenter: Hutch Purvis, Cluster Leader/Assets Management)(Exhibit 14) *Resolution #23-228*

C. Resolution awarding contract to Georgia Power for upgrade of five (5) County facilities with LED lighting through their Small Commercial Direct Install Program. The total estimated cost of the upgrades is $200,496 with only 30% ($71,472) of the expenses to be contributed by the County. Funding for this project will be made available through the Facilities Maintenance Department's budget. (Presenter: Hutch Purvis, Cluster Leader/Assets Management)(Exhibit 15) *Resolution #23-229*

D. Resolution awarding RFP 23-51 for HVAC Maintenance and Repairs (Annual Contract) to Maxair Mechanical, LLC of Marietta, GA in the amount of $267,020 as a unit/price agreement with no fixed quantities for one (1) year with two (2) mutually agreed upon annual renewals (Presenter: Hutch Purvis, Facilities Maintenance Director/Cluster Lead)(Exhibit 16) *Resolution #23-230*

Fire Rescue

A. Resolution of the Board of Commissioners Awarding a Bid (#23- 62) to BoundTree Medical of Dublin, OH for the purchase of miscellaneous medical supplies (not to exceed

$424,000/annually) for Henry County Fire Rescue. Funds available in department budget. (Presenter: Fire Chief Jonathan Burnette, HCFR)(Exhibit 17) *Resolution #23-231*

SPLOST

A. Resolution of the Board of Commissioners approving a Georgia Power Lighting Proposal and Utility Agreement for Parking Lot and Area Lighting at the Henry County Aquatic Center in the amount of $188,650 using SPLOST V funds (SP5001). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 18) *Resolution #23-232*

B. Resolution of the Board of Commissioners to perfect the record of Resolution 23-143 regarding TSPLOST ROW Acquisition for SR81 Widening, Phase I (Lemon Street to Bethany) due to an increase in funding from the Georgia Department of Transportation in the amount of $376,000. (Presenter: Roque Romero, Public Works/Cluster Lead)(Exhibit 19) *Resolution #23-233*

C. Resolution approving additional cost in the amount of $167,075 for the South Ola Road Extension Project in order to add upgraded traffic signal required by GDOT (SP5113). (Presenter: Roque Romero, Public Works/Cluster Lead)(Exhibit 20) *Resolution #23-234*

D. Resolution of the Henry County Board of Commissioners to approve a Budget Amendment in the amount of $100,000.00 and the Central Georgia EMC utility relocation estimate cost for Selfridge Road in the amount of $34,125.00.(Presenter: Roque Romero, Public Works/Cluster Lead(Exhibit 21) *Resolution #23-235*

Stormwater

A. Resolution of the Board of Commissioners to award a contract (RFQ#23-52) to Goodwyn Mills & Cawood in the amount of $124,800. (Presenter: Roque Romero, Cluster Lead)(Exhibit 22) *Resolution #23-236*

Technology Services

A. Resolution of the Board of Commissioners Authorizing the Recycling of Technology Surplus items and Equipment (Presenter: Jesse Dobbs, Technology Services Assistant Director)(Exhibit 23) *Resolution #23-237*

B. Resolution of the Board of Commissioners approving the purchase of a license from Surelock Technology (NCPA Contract #01-86), with a yearly cost of $80,000 for the first two years and $88,000 per year for the subsequent three years, resulting in a total five-year cost of $424,000. (Presenter: Jesse Dobbs, Director of Technology Service)(Exhibit 24) *Resolution #23-238*

Transportation Planning

A. Resolution to accept a Community Development Assistance Program grant in the amount of $100,000 from the Atlanta Regional Commission (ARC) for the development of the Henry County Bus Stops Creative Placemaking Plan with a local match in the amount of $25,000. (Presenter: Sam Baker, Transportation Director)(Exhibit 25) *Resolution #23-239*

This ends the Consent Agenda

Kevin J. Lewis, Vice Chair/District 5 Commissioner, referenced Stormwater and asked what the contract is for; **Roque Romero, Cluster Lead,** approached to explain that there has been no fee schedule increase since Stormwater was formed in 2006 and that the contract serves to review the level of fees and services for the purpose of increasing said fees within the department. Vice-Chair Lewis asked for the time length of this contract, to which Mr. Romero replied it would be 6-9 months.

Chair Harrell asked if this is for conducting a study, to which **Mr. Romero** replied that a study would be conducted and a proposed increased fee schedule would be brought back to the Board for consideration of approval. The increases would be for residential and commercial.

Dee Anglyn III, District 3 Commissioner, moved to approve the Consent Agenda, as amended, with Exhibits 8-11 to be placed on the Regular Agenda; **Vivian Thomas, District 4 Commissioner,** seconded the motion. Motion carried (6-0-0).

REGULAR AGENDA

COUNTY MANAGER

Resolution of the Board of Commissioners approving to rename what is currently known as North Ola Park in McDonough Georgia to Gary Barham Park in honor of the late Commissioner Gary Barham who served as the Henry County District 3 Commissioner from 2013 to 2021. (Presenter: Cheri Matthews, County Manager)(Exhibit 26)

Ms. Matthews recognized former District 3 Commissioner, Gary Barham, by presenting a Resolution to rename North Ola Park as "Gary Barham Park." She gave the background on the former Commissioner who passed on March 2, 2021. Members of Commissioner Barham's family were present. **Chair Harrell** called for a motion to pass this Resolution.

Commissioner Anglyn moved to approve; **Johnny Wilson, District 1 Commissioner** (at the request of the Chair) seconded the motion. Motion carried (6-0-0). *Applause*

Resolution #23-240

PHOTOGRAPHS WERE TAKEN

EMERGENCY MANAGEMENT AGENCY *(Moved from Consent Agenda to Regular Agenda)*

A. Resolution awarding Bid #23-54 for AKA Tree Service, LLC for storm debris wood chipping services in Henry County at a rate of $2.25 per cubic yard. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 8)

B. Resolution awarding Bid #23-59 for Debris Tech, LLC for debris monitoring services in Henry County at a rate of $23.27 per hour. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 9)

C. Resolution awarding Bid #23-64 for AKA Tree Service, LLC for debris wood chipping services at Indian Creek Mobile Home Community at a rate of $8.00 per cubic yard. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 10)

D. Resolution awarding Bid #23-65 for Witt O'Brien's, LLC for debris monitoring services at Indian Creek Mobile Home Community at a rate of $29.91 per hour. FEMA to provide a 75% reimbursement match. (Presenter: Kevin Johnson, EMA Director)(Exhibit 11)

Kevin Johnson, EMA Director, approached to provide synopses for the requests. He explained that Federal Emergency Management Agency (FEMA) categorizes reimbursements through the types of events that take place. Debris Removal is noted as category A, which is broken down into projects – Countywide Debris/Chipping and Indian Creek Mobile Home Community (which still has debris on its roadways). The debris would be removed and shipped off for disposal. With this reimbursement, the federal government requires monitoring services for each project. Therefore, there are two (2) bids referencing the pickup and chipping wood, and two bids for two separate companies to monitor that work by the contractors. The federal government reimburses 75% while the State of Georgia's Emergency Management Agency (GEMA) reimburses 10%; the remainder of the cost stays with Henry County. With this documentation and approval for straight-time pay, equipment costs and tracking by the team, all projected costs for this bid process puts Henry County ahead.

Commissioner Anglyn moved to approve all four (4) EMA items; **Vice-Chair Lewis** seconded the motion. Motion carried (6-0-0).

Resolution #23-225

<u>DEPARTMENT OF TRANSPORTATION</u>

Name Change of South Bethany Road (Public Hearing)

Resolution requesting approval of a road name change of a portion of South Bethany Road to Bethany Lane (Presenter: David Simmons, DOT Interim Director)(Exhibit 27)

David Simmons, Interim Director, Henry County Department of Transportation, approached to present the Resolution. He explained that the renaming is necessary because of SPLOST project calling for the change of that certain portion presented with five (5) properties upon it (with South Bethany Road addresses) and three (3) properties (with South Bethany Lane addresses) listed on the Tax Assessor's website. This would provide more clarity for the addresses of these parcels which take access on this section.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak will have three (3) minutes to address the Board.

John Dewberry, 1010 S. Bethany Lane, expressed concern at the name change of the road prior to sending the letter of said change to the residents. This was asked to be done in 2009 when the project started, whether or not the stretch of road presented would have a name change; the Board at that time stated it would not. This road name change will inconvenience affected property owners who have to make several changes impacted.

Carrie Ryals, 1001 S. Bethany Lane (stated as "Road"), remarked that she is indifferent on the name change; however, she stated that the associated impact address changes will be expensive and asked for means to ensure that this does not affect their identity or homeownership because of this name change.

No one else came forward; the Public Hearing was closed.

Chair Harrell asked for an explanation on this name change. **Mr. Simmons** explained that the post office notified him a few months ago on difficulty in finding some of the addresses (particularly by the newer postal carriers), as well as one of the properties is not recognized by the USPS by the Bethany Lane address name, yet that address was shown on the Tax Assessor's site as "Lane" for a long time. One of the homes cannot file for homestead and that the Department of Driver Services (DDS) will not issue license to the resident(s) of said home as the Bethany Lane address is not recognized by the post office.

Commissioner Wilson expressed concern about Public Safety's ability to find these addresses with the Bethany Lane address and asked if anyone from Public Safety could speak to this concern. **Amanda Maddox, Assistant Director, E-911,** came forward and remarked that it would be easier to change the road name for Public Safety to find the addresses for first response.

Vice-Chair Lewis spoke to Mr. Dewberry's point regarding lack of notice on this name change and understands the purpose behind this name change. He asked if all associated changes to be made on the affected properties is to be the responsibility of the homeowner without county assistance; **Mr. Simmons** responded that has been done in the past.

Ms. Matthews recalled that a similar issue was had regarding Kelleytown area several years and a Resolution was brought forth to consider changing the addresses; a decision was made at that time that it would not be deemed a county expense. **Mr. Simmons** stated that he is unaware of this was to be done during the project in 2010 or if happened along the way; it just never came before the Board until now.

Commissioner Wilson made a motion to approve; **Commissioner Anglyn** seconded. Motion carried (6-0-0).

Resolution #23-241

Holloway Road Right-of-Way (Public Hearing)

Resolution to abandon and declare surplus a portion of Holloway Road Right of Way as shown on Exhibit "A". District 4 (Presenter: David Simmons, DOT Interim Director)(Exhibit 28)

Mr. Simmons presented this request to the Board and explained this was to abandon and declare surplus, located on the section of Holloway Road that is west of Patrick Henry Parkway, with the area as 29,393.96 square feet, 0.675 acres. Applicant is aware of the communications tower located on adjoining parcel to the area of abandonment and the existing utilities which will remain. This is necessary for combining parcels in that area. There are seven (7) parcels with frontage in that abandonment and notice was sent to the impacted owners. There will be a subsequent request to this upon approval. There is a communications tower on parcel #3.

Chair Harrell asked what this would do for the property owners; **Mr. Simmons** responded that this would be a first step and the following item would be to sell the "blue area" as regulated in Georgia Code for disposal of abandoned county property/right-of-way. The Chair remarked that the owners of parcels #3, 4, 5, 6 and 7 would wish to purchase the property in the "blue area"; Mr. Simmons affirmed same, adding that it would be parcels #2-8 and #6 might have some frontage overlap.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak will have three (3) minutes to address the Board.

No one came forward. The Public Hearing was closed.

Commissioner Thomas did not see a need for the county to take advantage of this property section and if residents can utilize this for the betterment of the area, she would support same. **Mr. Simmons** added that the County Manager expressed a concern on the communications tower and that the term "surplus" may not be useful but staff is unsure as to whether or not this portion can be abandoned. The District 4 Commissioner remarked that the tower could have been abandoned as well. **Ms. Matthews** added that the EMA staff informed her that there is a tower there and would have to confirm that it is not a county tower, but instead a cell phone tower. She asked if the Board could table this item until that determination is made. Commissioner Thomas asked if the following item associated with this would include the easement. Mr. Simmons stated that in the Resolution an easement can be granted for access to the communications tower. **Chair Harrell** directed that reference to the easement should be included in this Resolution and in the next to provide clarity.

Commissioner Thomas moved to approve to declare this property surplus and to insert the statement to include an easement provided with the sale of the property for as long as the communication tower is upon the property; **Mr. Simmons** stated that the language can be modified to reflect same. **Vice-Chair Lewis** seconded the motion. Motion carried (6-0-0).

Resolution #23-242

Holloway Road Sale of Surplus Property

Resolution authorizing the sale of county surplus property from abandoned Right of Way of Holloway Road shown on Exhibit "A." (Presenter: David Simmons, DOT Interim Director)(Exhibit 29)

Mr. Simmons stated that this would authorize the sale of county surplus property from abandoned right-of-way as shown on the exhibit. This is the next step upon approval of the prior item and disbursement of said property is per O.C.G.A. §32-7-4. The appraisal value is approximately $35,600 (just over $1.21 per square feet). Any entity acquiring said property is to provide easement to the parcel that has the communications tower if that portion required is within the limits of the necessary easement for access to the tower. He further noted that parcel #6 does have some frontage on the abandoned right-of-way.

Commissioner Thomas moved to sell this property as provided by staff with the inclusion of the easement; **Vice-Chair Lewis** seconded. Motion carried (6-0-0).

Resolution #23-243

<u>ANNEXATIONS</u>

AX-23-06 (Not a Public Hearing)

The City of Stockbridge has received a request for annexation of property located at 2206 and 2250 Jodeco Road, consisting of 20.138+/- acres in Land Lot 78 of the 6th District - (Parcels 053-01017005 and 053-01017000). District 5 (Presenter: Toussaint Kirk, Cluster Leader)(Exhibit 30)

Toussaint Kirk, Cluster Lead, presented this annexation request to the Board. The Future Land Use Map (FLUM) designation on this property is Mixed Use (MU) supporting developments with Net Density of 16 units per net acre. This portion was zoned from General Commercial (C-2) to Mixed Use (MU) by the Board of Commissioners (BOC) on November 29, 2022 with thirty-two (32) conditions. Planning & Zoning staff encourages the City of Stockbridge to consider the zoning conditions placed upon this property, per the Zoning Advisory Board (ZAB) approval of same on November 29, 2022. Staff also encourages the City of Stockbridge to consider the newly adopted development standards for multi-family developments, per the June 20, 2023 approval of Unified Land Development Code (ULDC) Amendment #23-01. Staff determines that this request would not create a significant change in the surrounding future land use designations of this property.

Vice-Chair Lewis remarked that the property owner initiated this request for annexation and staff recommends that Stockbridge follows the conditions set forth; however, is the City of Stockbridge *required* to follow these conditions; **Mr. Kirk** responded it is not required. The Commissioner asked if anyone from the City of Stockbridge was present at tonight's meeting or whether or not the City is aware that this property owner has been deficient in other properties developed in the county, specifically in District 5 (old District 2). Mr. Kirk stated he is unaware of this and did have a conversation with the City Manager about the subject property and he is aware of what the property should look like. **Chair Harrell** added that the City Council and the Mayor make that decision as its governing board. The District 5 Commissioner does not support this request knowing that the property owner is unreliable in development of properties in other areas within the county, stating that they would do certain things for development and have not followed through. The Commissioner added that the BOC would be remiss in granting this request to "leave the county" if they do not get what they want, when they still owe the county.

Nancy Rowan, County Attorney explained that the statute regarding annexation when the county can object is very specific. With the land owner not necessarily providing an accurate description of intent for the property, it does not form a basis upon which to properly object to this annexation. **Chair Harrell** noted that they might be trying to get around the conditions that the county has for development upon this property. Ms. Rowan agreed to same and emphasized that the statute for objection is very specific and this does not fall within that purview. **Vice-Chair Lewis** restated his objection to this annexation and generally people coming to Henry County and doing whatever they want, with the county just allowing same. The Chair seconded the District 5 Commissioner's comments upon objection.

Commissioner Thomas remarked that the reports sent to the Commissioners from the County Manager about the support work provided by Fire and Police to the surrounding cities were made public at some of these meetings to better understand the concerns stated by the Board. **Ms. Matthews** approached and explained that Public Safety is a concern with running into issues (particularly with Fire) in ability to respond or to go into situations with the outcome unknown due to a lack of communication received from the cities. The Fire Chief has expressed that they do not know what is happening in the cities until the department gets a dispatch call. The county can provide services but not at the level that is needed because of not enough information on what is needed; the cities have their own fire marshals as well but she is unsure if this is a strong enough basis for objection to this annexation. The District 4 Commissioner is aware of the support work provided through the reports from the County Manager; but the public does not know this and it is an issue when this comes before the Board, to supply additional services that are not within the unincorporated county area. The Commissioner suggested making those reports more available to public for a better understanding of the Board's concerns on annexation requests such as this.

Chair Harrell made a motion to object on the basis of unavailability to provide adequate Public Safety services; **Vice-Chair Lewis** seconded the motion to object.

Ms. Rowan explained that there are 3 reasons for objection: (1) proposed change in zoning or land use; (2) proposed increase in density and (3) infrastructure demand on the area. If the Board believes that there would be a proposed increase in density and, as a result, adequate provision of Public Safety services are unable to be provided – and associated documentation shows same – that would be a valid objection under the current law. ***Chair Harrell*** *moved to object with the above stated reason.*

Vice-Chair Lewis seconded this motion, explaining that this particular developer has already exceeded the density on property developed on Jonesboro Road, with one development involving 30 units per acre (allowable on that property is 16 units per acre). This is the same developer requesting annexation and thus, objection is made to this annexation request. **Chair Harrell** added that this non-compliance puts Henry County Fire personnel at risk when having to respond to dispatch calls, as well as other Public Safety personnel.

A motion and second to object made, and no further discussion had, motion carried (6-0-0).

Resolution #23-244

AX-23-07 (Not a Public Hearing)

The City of Stockbridge has received a request for annexation of properties located to the west and southwest of Brannan Road, consisting of a total of 134.31+/- acres in Land Lot 3 of the 7th District - (Parcels 088-02055000, 088-02055000, a portion of 088-02057000, and 070-01005001). District 4 (Presenter: Toussaint Kirk, Cluster Leader)(Exhibit 31)

Mr. Kirk presented this annexation request for property adjacent to Hickory Flat Elementary School. The current rezoning (RZ-22-02), the Comprehensive Plan Amendment (COMP-AM-22-01) and the Conditional Use (CU-22-01) requests were submitted on February 3, 2022. The Conditional Use request was tabled by the applicant at the ZAB on May 12, 2022 before Public Hearing was held. The FLUM designates this property as Low Density, 2 dwelling units per acre, and the other property portion is designated as Medium Density-Residential, up to 6 units per acre. Applicant proposes 1.96 dwelling units per acre; however, staff determined upon further calculation a proposed Net Density of 2.54 dwelling units per acre, which exceeds the allowable density within the portions of this property designated as Low Density. Staff recommends objection of this annexation.

Commissioner Thomas made a motion to object to this annexation based upon staff's findings presented in addition to the statement made earlier by the County Attorney. **Ms. Rowan** reiterated that the objection is based on proposed change in zoning and land use which is proper in this objection. **Vice-Chair Lewis** seconded the motion. Motion carried (6-0-0).

Resolution #23-245

COUNTY ATTORNEY

Resolution approving Agreement with the Henry County Development Authority regarding Mighty Hero Homes Project (Presenter: Nancy Rowan, County Attorney)(Exhibit 32)

Ms. Rowan recalled that on November 1, 2022, representatives from the Mighty Hero Homes appeared to speak about a proposal to create a wrap-around project providing housing for U.S. Army veterans. A new rendering of the homes has been submitted to the Board which provides a wrap-around center with tiny homes surrounding that center. The county sought to identify land for building this campus and there is property off of 160 Henry Parkway. There was an issue as to how Mighty Hero

Homes would lease the property as the current Code only allows Henry County to provide short-term leases of county-owned property. A meeting was held between the County Attorney and the attorney for the Henry County Development Authority and attorney for Mighty Hero Homes to come up with a lease allowing Henry County and the Development Authority to convey the property to the Development Authority; the Development Authority would then, in turn, long-term lease to the Mighty Hero Homes to develop this project. Ms. Rowan continued that negotiations have been ongoing and believes that the parties have reached as best a conclusion on terms as possible. She went over some of the terms for the Ground Lease agreement as well as the terms of the Lease agreement between Mighty Hero Homes and the Development Authority, which will have to be approved by the BOC prior to its execution. Mr. Strickland, attorney for Mighty Hero Homes, would also add some proposed terms to this Lease. The terms proposed included if a sale of the property would be conveyed to Mighty Hero Homes during the negotiated 50-year time of lease. Ms. Rowan stated that Mr. Strickland would go into that further upon his presentation. She then yielded to Mr. Meadows for remarks.

Rod G. Meadows, of Counsel, Meadows, Macie & Morris, appeared on behalf of the Henry County Development Authority to provide remarks regarding this project, stating that the Development Authority does have better flexibility in regards to this project. At this point, the developers are well-intentioned and worked hard to come up with this idealistic project; however, at the present time, they do not have the funding to buy the property. An Intergovernmental Agreement with the Development Authority was set up for 30 years with a 20-year renewal to honor the terms of time limit restrictions. This would be basically the same type of transaction that the Mercer campus next door has with the county at present. The future intent is to be able to sell these houses to the veterans which would ultimately require the property to be declared surplus and made for sale on the open market. Mr. Meadows stated that he will work with the county attorney and Mighty Hero Homes' attorney to make this work at the Board's request.

Brian Strickland, Senator (R-17), appearing as attorney representing Mighty Hero Homes, approached and provided further remarks on the IGA as proposed. He asked for one change to be made to the Ground Lease. The goal is to ultimately provide these veterans a chance to own the residences on the property, through fee-simple ownership; however, the challenge is that the county still owns the property and it cannot be deeded. The county aligns with Mr. Strickland's client that the goal is to provide long-term housing opportunities for these veterans and in working with Mr. Meadows, an IGA with a Ground Lease was formed. He asked that the Board consider one change to the Ground Lease, specifying the section as follows:

> *"The County shall within thirty (30) days of its receipt of said notice from the Authority, the County may approve the sale of the Land and declare the Land to be surplus…"*

Mr. Strickland asked that the word "may" (the County may approve) and have the sale become automatic that in the event Mighty Hero Homes has raised the money and is ready to move forward, that they can cause the Board to declare this property as surplus to allow for purchase by Mighty Hero Home, and to have "may" changed to "shall" in this section. The other change would be in the Lease (paragraph 7.3, Board Membership) stating that the terms of this Lease between the Authority and Mighty Hero Homes will have at least one (1) Board member on the Board of Directors to be designated by the County and at least one (1) Board member from the Mighty Hero Homes. Mr. Strickland views this as a potential issue with putting Board members on a non-profit and would not serve anyone's best interest. Language such as "after commencement of construction as contemplated in this Lease" would then allow for Board members to be added. If Mighty Hero Homes decides *not* to purchase the land, then someone can be appointed by the BOC.

Mr. Strickland believes this to be a win-win for the veterans in the community as well as Henry County and thanked the parties involved for making this project work and allowing county government to let Mighty Hero Homes to come in, at some point, and potentially buy this property with the goals of helping these veterans become homeowners.

Chair Harrell called Mr. Walston up for remarks.

Drew Walston, founder/CEO, Mighty Hero Homes, stated that the issue is 33,000-75,000 homeless veterans in the United States today which is unacceptable, as these veterans sacrificed their bodies, their time for their families, to give the country its current opportunities and freedoms. He states that the purpose is for veterans to go from homeless to homeowners within a period of two (2) years by following certain guidelines and provisions. Henry County/McDonough would be the very first base for these homes in the country and the intention is to build 450 of these communities. This project is being watched nationwide as the model develops for replication nationwide. He went through some of the services to be provided within the project as well as the housing opportunities.

Ms. Rowan explained that there were a lot of edits done today which she recapped for the Board, in line with Mr. Strickland's suggestion earlier stated. The Board is being asked to approve the Ground Lease between Henry County and the Henry County Development Authority and to approve the Lease between Mighty Hero Homes and Henry County Development Authority. **Chair Harrell** asked why a 50-year term would be in the Lease and then not give the developer an opportunity to purchase the land. Ms. Rowan stated that once the request is made, it should not be automatically granted and the Board should be allowed to consider, but if the Board wishes to have it automatic in this case, as in changing the word "may," she will follow through.

Commissioner Wilson asked if the City of McDonough expressed any concerns; **Ms. Rowan** did not know if they have concerns on this. **Mr. Strickland** explained that this was presented to the City Council and he spoke with the Mayor; ultimately, the zoning of this falls back to the City which is cited in the Lease as well. The District 1 Commissioner asked if a land swap with the City of McDonough would be easier and then have the City of McDonough put this property under its Housing Authority would be a better way to gain the property. Mr. Strickland responded that he has not worked with the City of McDonough Housing Authority but the process would have to restart if done so. On the issue of "may" versus "shall," hopefully they can say that there is now property secured and they can start raising funds for it. Commissioner Wilson wondered if this property will be tied up 2-3 years to allow for Mighty Hero Homes to raise funds and purchase the property at public auction in the hopes of them being the highest bidder. Mr. Strickland stated that would be best-case scenario, but really the land is being tied up for a 50-year lease. The District 1 Commissioner persisted that the goal of the developer was to purchase the land in 3 years; if that purchase does not take place in the 3 years' time, then it would fall back upon the 50-year lease. The concern would be that the homes would be in place, the land would go up for sale, the Mighty Hero Homes would not be able to purchase, and potentially investor(s) could come in and buy them up with the structures on it, thus leaving the veterans potentially homeless again. Mr. Strickland explained that the best-case scenario would have no construction right now, only fundraising, during the first 3-year period. The other part says that the lease runs with the land, so if an investor comes in, they would also be subjected to the terms of this lease. With the Board's approval, this land would be tied up in a 50-year lease and this would be a better scenario and that Mighty Hero Homes would ultimately purchase it, and therefore, not being a concern in the county any longer. The Commissioner stated there would be potential bidding situation.

Mr. Strickland further explained that Georgia law cannot be changed and this was cited in the added paragraphs on the Ground Lease and Lease when it comes to surplus property; it would be put out for bid and someone would bid upon it and then be subjected to holding the current lease on it. Mighty Hero Homes would be taking that risk on this.

Commissioner Anglyn referenced paragraph 7.3 and asked the County Attorney regarding that section on Board membership. **Ms. Rowan** explained that this has gone back and forth several times and there was an issue with Board membership. The county would have oversight on the architectural use and that this is the first of its kind in the nation; the county government would want some type of say to the property. If the Board would like to reserve it for the 3-year time period, there would be no objection. **Mr. Strickland** agreed that it could commence after construction in lieu of a 3-year time period because once construction is begun, at that point, if there is no purchase by Mighty Hero Homes, the county might then take an interest in having Board members appointed. The next paragraph, however, does speak to accounting and reporting from Mighty Hero Homes. **Commissioner Anglyn** asked Mr. Meadows if the Development Authority would want a Board member appointed. **Mr. Meadows** stated that there is no strong opinion on that and the format of this began with the Kinsley Grace project. The Development Authority Board has not yet voted on this document.

Neat Robinson, District 2 Commissioner, asked if there was a reason the county did not work with the City of McDonough on this project. **Ms. Rowan** responded that early on, there was a Memorandum of Understanding proposed to the City of McDonough to allow the county to make certain decisions regarding permitting; there was no response from the City other than an Open Records Request. She understands that Mr. Walston did make presentation at the City of McDonough meeting, to which she was unable to attend due to scheduling conflict. **Mr. Walston** affirmed that there was a meeting with the mayor, and that he received favorable feedback and response in support of the project. The Housing Authority is consulted on zoning requirements and a packet was submitted.

Commissioner Anglyn asked if the County Attorney could further review this and move forward until the property is purchased by Mighty Hero Homes; **Ms. Rowan** stated that change can be made. The District 3 Commissioner explained that up until sale of the property, the county would still own the property. **Mr. Strickland** stated that if approved, the county would then, in effect, have a Board member appointed. He had proposed to wait until the county had a bigger interest (i.e., construction started) in the project. The District 3 Commissioner stated that the county owns the property, the developer is unable to purchase same and the county will have a representative on that Board.

Vice-Chair Lewis remarked that the sale would be triggered in 3 years if money has been raised to do construction; **Ms. Rowan** explained that in a 3-year time period, a request for sale can be made and the Development Authority would be notified, who would then let the BOC know; the Commissioners would declare the property surplus and then place it on sale on open market for anyone to purchase, but hope that the Mighty Hero Homes will have funds at that time. With the lease on the land for the next 50 years, the property value could decrease and make it affordable for Mighty Hero Homes. Vice-Chair Lewis asked what the threshold is to start construction (amount). **Mr. Walston** stated that they hope to raise the money within the 3 years for this property as well as 10-20 other properties and there are donors waiting for a sign to go forward with this initiative. Some donors require ground-breaking prior to making donations, or to have the lease in the name of Mighty Hero Homes. This is a $16 million base and the goal is to raise the money and then complete the project as set forth, in this area as well as 6-7 other counties nationwide. Ms. Rowan cited Article II that the minimum funding for the project would be $15 million dollars and 90% of that has to be raised prior to starting construction.

Vice-Chair Lewis then addressed fee-simple ownership by the veterans. If a veteran purchases the property and then passes on, he wanted to know what would happen to that property. **Mr. Walston** explained that if a veteran acquires the property, a provision in the sale agreement would reserve the property for a veteran at risk of homelessness. The veteran's family would still own by legacy, but the family would then have an opportunity under a voucher system to provide a home to a veteran and receive a monthly stipend from the Housing Authority to provide that home to a homeless veteran. These bases and homes will always be reserved for homeless veterans. The Commissioner then asked if there will be a limit to the purchase amount for the veterans, or if this will be open market. Mr. Walston responded it is dependent upon local conditions and local markets. There will be a scale of eligibility provided to the veterans to live under HUD voucher, or self-pay or other financial provisions. The proceeds of the sale would stay within the non-profit foundation 501(c)(3).

Commissioner Thomas stated that as the mother of a veteran, she finds this project to be very important. She asked if a complete proposal has been submitted to this Board as of yet; **Mr. Walston** stated that they have not as they were instructed to follow a procedure; however, one can be provided at the Board's request. The District 4 Commissioner stated she would like to see a complete proposal, starting with Executive Summary through to Budget. Commissioner Thomas also stated that this is a "pilot" project meaning that this has not been done before, meaning that questions asked has no standard operating procedure basis or in an agreement. The Commissioner does not believe that this has been properly vetted as of yet, that the information is incomplete and the presentation made by the County Attorney gave the District 4 Commissioner the impression that this is already a deal.

Commissioner Thomas then asked staff if this project was thoroughly vetted and how it was vetted and how it would be listed on a financial profile of Henry County. She asked for the value of the land and how large the land is, in terms of acreage; none of which was presented today. **Mr. Strickland** responded that there is 20.31 acres. The Commissioner asked what the value is of the land at the present time or if there was an appraisal performed. **Ms. Matthews** stated an appraisal has not been performed as of yet. The Commissioner summarized that the project has not been vetted properly, no financial impact to the county has been determined, no appraisal value of the subject property has been determined. Ms. Matthews stated that Mr. Walston presented a portfolio outlining the intent of Mighty Hero Homes. An appraisal or financial report has not been conducted as of yet because the county is not selling the property; the county will still own the property. This is a transaction in terms of Mighty Hero Homes leasing the property. The Commissioner stated she has the Power Point Presentation but she asked for a complete proposal. She wants this project completely vetted, at what cost to the county for the impact, what the loss is (if any) and how that will be regained (if lost). A question of ownership then comes into play if Mighty Hero Homes were to fold. **Mr. Walston** responded to the question of how long they have been in business with March 2021. The Commissioner determined this to be a relatively new non-profit.

Commissioner Thomas disclosed that she has navigated the Mighty Hero Homes website in an effort to take a look at their financial reports for prior year but was unable to access same. The next issue was that the land would be transferred from Henry County to the Development Authority because that department can do a little more for this project than the county. The Commissioner takes that to be a concern and alluded to actions of money laundering. She further asked if the area has any infrastructure upon it, or any type of lights, gas, sanitation, etc. and if so, if the county has an investment in same. **Ms. Matthews** explained that the property in question is at the end of the road just outside and as of today, the county is not receiving any form of revenue off of that parcel. The District 4 Commissioner then referenced a 30-year lease with a 20-year automatic renewal option but for 3 years, Mighty Hero Homes has an option to start construction and asked for an explanation of that. There is no mention of whether or not the infrastructure will be completed or what percentage of the houses would be completed. **Ms. Rowan** stated that construction may start once 90% of the funds have been collected. All permitting still has to be obtained. The Code for Henry County allows for short-term leases. The Development Authority can use the governmental properties to lease or sell land on the county's behalf because they have the authority that the county may not necessarily have; this is not in any way usurping the county or doing something illegal.

Commissioner Thomas shared that this is uncomfortable for her to make these remarks, but finds it is relevant to know who will ultimately own this land and what its use will be. She then addressed that there is a need for more land for parks and recreation centers, land needed for a Public Safety training center, land for senior centers; she then asked why give up land the county owns when there is a need for county-owned land for these other purposes. She then noted that Henry County does not have its own Housing Authority and this could happen and form a partnership with Mighty Hero Homes with a task force put together to determine how to initiate a Housing Authority in that area, where the county would be in control of the land itself, not give up that asset, set aside portion of it specifically for Mighty Hero Homes, along with portions/units set aside for other members of the homeless populations with the possibility of a rental cap. The Commissioner asked how they can be sure that this is the best option for the veterans with 84 homes in this area, which is not a lot, when other types of homes could be built to help the veterans in the community to do better. She believes that a decision like this must be carefully and thoroughly deliberated and not rushed to the Development Authority for them to deal with it. There is no proposal or end result to this and the factors are unknown which the Commissioner deems to be potentially irresponsible. The county answers to its constituents and the Commissioner believes this would raise questions amongst them.

Commissioner Anglyn emphatically clarified that any allegation of money laundering involved between the BOC and the Development Authority is out-of-bounds (Chair added "inappropriate) and that the Development Authority is utilized in other projects to do the same thing, which is to help take care of these transactions as the BOC should not be in control of them. **Commissioner Thomas** rebutted that she did not directly allege, only that the transaction process is a pass-through, similar to – **Chair Harrell** and the District 3 Commissioner interjected by stating that it is not money laundering. Commissioner Thomas then repeated her question on how to properly vet this project and make it more effective.

Ms. Matthews explained that the property in question, prior to this agreement coming forth, was already named in an agreement with another non-profit – Kinsley Grace Aquatic Center. The center was unable to raise the funds and when that actual agreement expired, the county did not pursue same and that is why the property has been dormant. This provided a way to structure another agreement for Mighty Hero Homes. This developer has previously appeared and made presentation to the Board and recently had a community leaders summit and presented a lot of information. The goal is to ensure protection for the county. The County Manager expressed a concern on how the transaction would occur because the homes had to be sold. She cautioned against a Housing Authority as it will not sell the homes either. The county is willing to work with the City of McDonough on this and whatever is going to develop at the end of the parkway is going to represent what this Board would require from any other developer; because it is in the City of McDonough, they will have full control over design and zoning. On the issue of county needs, the County Manager agreed with the Commissioner and added that there is an item referencing property owned by the county that must be dealt with but the only difference is the property had a group under a long-term lease agreement and the county cannot enter into long-term lease agreements; if that were possible, the Development Authority would not even be involved and the presentation would be made directly from county to Board. If the Commissioner needs additional information from staff, she will provide same to her. There were no steps skipped in this process; the county is simply not purchasing this property but it is still owner of the property the way the agreement is structured. If this is approved, the Development Authority will be listed as "Henry County Development Authority as the pass-through" making them part owners of the property. The County Manager's biggest concern is how the final transaction will occur if there is no agreement reached on whether the structures will be retained by the county and/or owned by Mighty Hero Homes. If the county declares this property surplus it is the only way the county can get rid of the property. This property will not be given away as that would be in violation of the law.

Commissioner Thomas remarked that she wants to ensure protection for the county and thus is the reason why she asked for the value of the land and how it would be reported on the county's financial portfolio and how that transaction would end. There is a need for a complete proposal from Mighty Hero Homes with financials include and full disclosure to inform the county of what it is investing in and not rely on a conversation or presentation.

Chair Harrell called for a motion.

Commissioner Anglyn made a motion with the change to the County's Ground Lease, Article 30, removing the word "may" and replacing it with "shall", as well as Article 7, Section 7.3 on the Lease, to leave the language on having someone on a Board to be reviewed by the County Attorney until the subject property is purchased; **Commissioner Robinson** seconded.

Commissioner Wilson asked if a Board member as suggested by the District 3 Commissioner would be one of the Commissioners or if it would be an appointee (referenced made to the latter).

Motion and second made, motion carried (4-2-0).

*(**Chair Harrell, Commissioners Wilson, Robinson** and **Anglyn** voted in favor; **Commissioner Thomas** and **Vice-Chair Lewis** opposed)*

Resolution #23-215

As an aside, **Chair Harrell** asked Mr. Walston if he knew the number of homeless veterans currently within Henry County; **Mr. Walston** estimated thousands and the ones seen on the streets are a small fraction of the hidden homeless. He stated there are a couple at the end of the road selling their microwave and what is left of their belongings to get one more night at a hotel. The Chair stated that there is an opportunity for any and all non-profit organizations to bring proposals to the Board and Mighty Hero Homes is the only organization who is stepping up to offer housing/tiny homes for the veterans in the county.

PLANNING & ZONING

(Public Hearing)

Presentation by TSW of Atlanta, Georgia to present the draft of the Henry County Comprehensive Plan 2040 Update and Future Land Use Map. Countywide (Presenter: TSW of Atlanta, GA)(Exhibit 33)

Mr. Kirk introduced Allison Stewart-Harris with TSW, adding that the Comprehensive Plan update was started in March of this year and staff thought it best to do a full rewrite for accurately reflecting the short- and long-term trends and characteristics of Henry County. Ms. Harris will present a working Comp Plan draft and FLUM for consideration; the draft will then be sent to the Department of Community Affairs (DCA) for a 30-day review for adoption hopefully in October to meet the deadline.

Allison Stewart-Harris, AICP, Senior Associate Planner, TSW, approached to make presentation to the Board of the update to the Comp Plan, talking about the goal of updating the plan, main needs and opportunities identified and the proposed changes to the FLUM policy. She gave an overview of how this came about and that they started the updating in March, adding that they are in the final phase of this update. She stated that the presentation is not to adopt this plan but rather to approve submission of the plan to the state for review. Public Hearings, stakeholder interviews, public workshops, committee meetings and online surveys were conducted as well as future land use analysis were utilized in the creation of this Plan draft. The major needs and opportunities identified including issues with traffic, development process aligning with infrastructure, lack of options for entertainment, housing diversity and the desire for more transparent communication. She went through each facet through visual graphics.

After providing details on the updates to the FLUM and determination of infrastructure needed for certain developments, **Ms. Harris** then shared comments from the community; and that about twenty (20) comments were received including questions regarding how to access materials, how to access the Public Hearing at tonight's meeting, requests for specific land uses and whether or not it is consistent with the infrastructure outlined on the FLUM and why more wetlands are not shown on the FLUM.

Chair Harrell asked if TSW has the ability to pull up each map by District; **Ms. Harris** and **Mr. Kirk** stated they were not loaded for the presentation and asked for a moment to see if one can be put together. **Ms. Matthews** took hers out and allowed it to be displayed for the public, as the Commissioners have them in their packets but the Chair wanted it for public viewing. During this, the County Manager suggested that Public Hearing be held while the display gets prepared for viewing. Chair Harrell stated that she wants the maps displayed prior to Public Hearing being conducted.

Ms. Harris pointed out that a few changes were made to the maps as a result of the comments received. Starting with District 1, a minor change was made in adding a parcel in the southeast in the Ola area where there is a gas station that is now changed to commercial. In District 2, no additional changes were made in the past week. District 2 goes up to Stockbridge and the darker gold area is Medium Density-Residential. In District 3, there were no further changes this past week. **Commissioner Anglyn** thanked TSW for listening to those comments. In District 4, a change was made to Pates Creek, the reservoir area, there is a parcel shown in dark green which is privately owned and mistakenly labeled as green space; it has been changed to Medium Density-Residential at the request of the property owner. On Mt. Carmel, there is a parcel shown in red that has been changed to Medium Density-Suburban in District 5.

Chair Harrell had a question about the Mt. Carmel-Chambers Road area, and asked if the orange area is to be changed; **Ms. Harris** responded that is now Medium Density-Suburban (now gold). The Chair asked if this is part of what is being adopted. **Mr. Kirk** explained that this is not to be adopted until October. The Chair stated the changes need to be made to the map and then sent in for review for the state to approve it. Mr. Kirk explained that the changes will be made but not done in time for tonight's presentation. Ms. Harris affirmed that the maps to be submitted will reflect the changes discussed tonight and updated copies will be provided to the Board tomorrow morning.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak will have three (3) minutes to address the Board. *The Chair asked for the displayed copies of the maps as well.*

Tina Coria, 660 Chambers Road, McDonough, GA approached to represent the homeowners of District 5. She stated that the Board received correspondence. She states that there is a comprehensive land use map that stays current on the land use and it has to be amended when exceptional rezonings not consistent with the current FLUM have to be applied for and regulated. She read from a prepared statement alleging certain developers seeking annexation in order to avoid adherence to Henry County development standards which has become a serious problem.

No one else approached. The Public Hearing was closed.

Vice-Chair Lewis noted that on the other side of Mt. Carmel and Chambers would be changed to Medium Density as well. *There was a pause while staff attempted to present the maps for reference.* He further pointed out that the north end (as indicated on the display) should be Medium Density, not High Density; **Ms. Harris** stated that the request is to change it to that (Medium Density); Vice-Chair Lewis affirmed same. **Chair Harrell** directed Mr. Kirk to meet with the District 5 Commissioner to accurately reflect the changes to the corner of Mt. Carmel and Chambers Road.

Commissioner Wilson noted that outside of District 1, at 19/41, is a property at Talmadge Lake; **Ms. Harris** stated that area is Low Density-Mixed Use.

Vice-Chair Lewis moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

Resolution #23-246

FIRE RESCUE

Ordinance Amendment amending sections 3-4-113(e)(4); 3-4-136; and 3-4-137(e)(h) of the Henry County Code setting forth a new fee schedule for the Henry County Fire Rescue (Presenters: Jonathan Burnette, Fire Chief; and Michael Black, Assistant Fire Chief)(Exhibit 36)

Jonathan Burnette, Chief, Henry County Fire Department, approached to give an overview of the amendment regarding the new fee schedules. This was on the Consent Agenda at a prior meeting and it was brought to the department's attention after that fact that it needed to come back to the Board for editing of some language. The Chief then yielded the floor to Chief Black for further remarks.

Chief Michael Black, Assistant Fire Chief/Fire Marshal, Henry County Fire Department, stated that this schedule has not been updated since 2016. The purpose is to provide compensation for services already performed and to increase overall revenue in assisting with qualified employee retention. He gave a breakdown of the fees within the Fire Department and that any increase in the schedule will have a minimal impact on residential development; the increase would be from \$100 to \$200 on Site Review Plans only. The priority is to move away from a tiered schedule on the commercial side. He provided a list of the current fee schedule for the Board and public viewing as well as the proposed updated fee schedule.

Chief Burnette thanked Mr. Haynes for his assistance on getting this prepared for the meeting and to Josh Fenn with the Development Authority.

Commissioner Anglyn moved to approve; **Commissioner Robinson** seconded the motion. Motion carried (6-0-0).

Ordinance #23-09

CAPITAL PROJECTS

Resolution approving a contract for Architectural Design and Construction Administration Services, through Sourcewell EZIQC Contract #GA-A10-040820-PLA for the design of the E911/EMA facility, Public Safety Driving Pad, Fire Department Burn Tower Pad, and associated site improvements, with Place Services, Inc. in the amount of \$2,591,951.69 using E911 Funds and Capital Improvement Plan Funds. (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 37)

Lynn Planchon, Capital Projects Director, presented the Resolution to the Board. The funding source will be from E-911 funds as well as the funds from the Capital Improvement Plan. There is an urgent need for a safer E-911/EMA facility that would meet FEMA standards for a "hardened" facility, meaning a special design and construction to a building that would resist wind pressures and debris during a high-wind event. The work orders and project scope are included in the packet for the Commissioners for further review.

Commissioner Wilson asked about the timeline for the design to get it back; **Ms. Planchon** responded that design for all of the items listed is about 10 months for design and then to be submitted for Plan Review.

Commissioner Robinson had a question as to whether the burn tower could have been placed on the opposite end. **Chief Burnette** responded that there will not be a concern where it is currently situated on whether or not it can be seen from the water park. This will not be site visible from where it is placed and the materials burned will not produce thick black smoke. **Ms. Planchon** added that a substantial buffer will be maintained as well as the existing tree line. The District 2 Commissioner thanked the department for its service.

Commissioner Wilson asked if the design is for a burn building pad and a different design will be submitted later for a burn building; **Chief Burnette** affirmed same and explained that the foundation will be built to spec.

Vice-Chair Lewis asked the Fire Chief to disclose why a burn building is needed; **Chief Burnette** responded that ISO ratings are conducted and since 2020, the training facility that was used by the department had to be condemned due to age and safety factors attached. There has not been a Board to approve the building of a training facility for the Fire Department in Henry County, which serves between the 5th and 6th largest career Fire Department in the State of Georgia. The current classroom is in a 40-year-old butler building that sits on a landfill and was condemned for 10 years.

Commissioner Thomas thanked the department for its work and thanked Ms. Planchon for bringing forth a proposal with a budget and a plan with activities. This is exactly how the money is being spent and invested and this is what she supports, and that the land is owned by the county and maximized for this purpose.

Chair Harrell called the EMA Director and E-911 Assistant Director to talk about their needs. **Mr. Johnson** stated that the agency has overgrown the current space which was an RV shop prior to EMA/E-911 moving in about 10 years ago. The building is falling apart but the team assembles there during a major storm event. **Ms. Maddox** added that the building is unsafe for personnel but it is all they have right now. **Mark Amerman, Chief, Henry County Police Department,** echoed the need for the new facilities and provided some incidents that have happened that puts the building and personnel at risk. The Chair thanked the department heads for their services and for the proposal submitted.

Commissioner Robinson moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (6-0-0).

Resolution #23-247

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.

Lynette Swint

APPROVAL OF MINUTES

Commissioner Anglyn moved to approve the Minutes from *Tuesday, July 18, 2023 (Regular BOC meeting), Tuesday, July 25,2023 at 10:00 a.m. (Millage Rate Hearing) and Tuesday, July 25, 2023 at 6:00 p.m. (Millage Rate Hearing)*; **Vice-Chair Lewis** seconded the motion. Motion carried (6-0-0).

UPCOMING MEETINGS AND EVENTS

A. Thursday, August 31, 2023 at 2:00 p.m. Henry County Airport Authority Kick-off Meeting with Henry County Board of Commissioners (HC Administration Building/Community Room)

B. Thursday, August 31, 2023 at 4:00 p.m. Henry County Building and Facilities Authority Kick-off Meeting with Henry County Board of Commissioners (HC Administration Building/Community Room)

C. Wednesday, September 6, 2023 at 9:00 a.m., Regular BOC Meeting *(cancelled due to room construction)*

D. Tuesday, September 19, 2023 at 6:30 p.m., Regular BOC Meeting *(cancelled due to room construction)*

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 9:39 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk