STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting at 9:00 a.m. on Tuesday, February 2, 2021. Due to the increasing COVID-19 numbers this meeting was held via teleconference. Henry TV has streamed this online at the county website, as well as streamed Charter/Spectrum Channel 180 and Facebook Live. This meeting was advertised in the *Henry Herald*. Those present on the teleconference were:

Carlotta Harrell, Chair
Johnny Wilson, District I Commissioner
Dee Clemmons, District II Commissioner
Gary Barham, Vice-Chair/District III Commissioner
Vivian Thomas, District IV Commissioner
Bruce Holmes, District V Commissioner

Also joining the meeting: Cheri Hobson-Matthews, County Manager; Patrick Jaugstetter, County Attorney; and Stephanie Braun, County Clerk

Carlotta Harrell, Chair welcomed everyone.

INVOCATION

Don Ash, E-911/EMA Director led the invocation.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

Chair Harrell called the Regular Public Meeting of the Henry County Board of Commissioners for Tuesday, February 2, 2021 at 9:00 a.m. to order.

ACCEPTANCE OF THE AGENDA

Prior to accepting today's Agenda, changes were made as detailed below.

The following Planning & Zoning items were advertised for this meeting but have since been postponed or withdrawn by applicants:

XVIII. PLANNING & ZONING

A. **Public Hearing (MC-20-04)**: *General Holdings Unlimited, LLC of Stockbridge, GA requests a modification to zoning conditions for property located on Walker Drive north of Klinetop Drive. The property consists of 183.58+/- acres, and the request is to modify amenity requirements* **District II Exhibit #28**

B. **Public Hearing (MC-20-05):** *Builders Professional Group, LLC of Fayetteville, GA requests a modification to zoning conditions for property located on Amah Lee Road west of West Main*

Street. The property consists of 33.48+/- acres, and the request is to modify conditions pertaining to the facade requirements. **District II Exhibit #29**

C. *Southern Crescent Rehabilitation of McDonough, GA requests Site Plan Approval for property located at 2125 Highway 42 North in Land Lot 31 of the 7th District. The property consists of 20.0+/- acres, and the request is for site plan approval as required by zoning conditions.* **District IV Exhibit #30**

Cheri Hobson-Matthews, County Manager and **Vivian Thomas, District IV Commissioner** asked the Chair to consider further amendments to the Agenda as follows:

1) *Change the heading on the Finance item listed on the Consent Agenda to say "FY20-21" instead of "FY19-20"*

2) *Remove the Finance/Grants Item (**XV. (A)/Exhibit #22**)*

3) *Hospital Authority nominee to be changed from Dr. Gayla Sylvain to Dr. Michelle Nichols Gibson; and Natosha Reid Rice (attorney)*

4) *Remove the BOC Item regarding location of the Aquatic Center on Mill Road (**XX. (B)/Power Point Presentation**)*

5) *Mark SPLOST Item regarding the Memorandum of Understanding for the I-75/Bethlehem Road Interchange as "Discussion Only" (**XVI. SPLOST (A)/Exhibit #24**)*
   (At the request of **Dee Clemmons, District II Commissioner**)

   Johnny Wilson, District I Commissioner *disagreed with the changing of the SPLOST item and noted that it should have action taken upon it and move forward.* ***Commissioner Clemmons*** *rescinded her request.* ***Patrick Jaugstetter, County Attorney*** *advised that it can be brought back again to the Board upon request if no motion passes.*

There being no further changes made to the Agenda, **Commissioner Thomas** made a motion to approve the Agenda with the following changes:

1) *Change the heading on the Finance item listed on the Consent Agenda to say "FY20-21" instead of "FY19-20"*

2) *Remove the Finance/Grants Item (**XV. (A)/Exhibit #22**)*

3) *Hospital Authority nominee to be changed from Dr. Gayla Sylvain to Dr. Michelle Nichols Gibson; and Natosha Reid Rice (attorney)*

4) *Remove the BOC Item regarding location of the Aquatic Center on Mill Road (**XX. (B)/Power Point Presentation**)*

Commissioner Clemmons seconded the motion. The motion carried was carried by a vote of 4-2-0.

*(**Chair Harrell, Commissioner Clemmons, Commissioner Thomas** and **Commissioner Holmes** voted in favor; **Commissioners Johnny Wilson, District I** and **Gary Barham, District III** voted in opposition)*

RECOGNITION OF HENRY COUNTY EMPLOYEE RETIREMENTS

Harold Cooper, Human Resources Director, acknowledged the following Henry County employees who are retiring:

- *Marty Miller* - Henry County Fire Department - 32 years
- *Diane Reed* - Henry County Senior Services - 29 years
- *Cathy Reagan* - Henry County Senior Services - 16 years

TRANSIT MASTER PLAN UPDATE (PRESENTATION/UPDATE)

Taleim Salters, Transit Director, introduced Grady Smith from VHB, which is the consultant firm working in collaboration with the Atlanta-region Transit Link Authority (ATL) to undertake the Transit Master Plan and providing an update.

Grady Smith, VHB, gave a Power Point Presentation of the Henry County Transit Master Plan. He noted that several other counties are utilizing this process for their respective Transit Master Plans as well. He further remarked that the population growth changes how the Federal Transit Administration (FTA) looks at funding transit at the local level; Henry County has received the rural portion of this in the past. As Henry County grows and becomes "urbanized", there is an urban share of funding available which require different types of transit services, which would be viable to Henry County for pulling more funding from the FTA.

An overview of the Transit Master Plan's scheduled scope of work was then presented and an overview was given. **Mr. Smith** remarked that the technical and stakeholder committees were formed and they are meeting to discuss the needs and involvement/engagement of the Transit Master Plan. The Project website has now been launched and the Existing Conditions Memorandum is ready to be shared to the public. Mr. Smith then went over the timeline of various meetings and updates to the Board for 2021, with a look to presenting the final Transit Master Plan to the Board of Commissioners (BOC) in September 2021.

Mr. Smith remarked that the Existing Conditions previously presented include (a) Demographics & Land Use; (b) Economic Development; (c) State of Transit; and (d) Transportation.

Mr. Smith stated that the Henry County Transit (HCT) Services include the Demand Response Service which provides unrestricted transit services to Henry County residents with curb-to-curb pickup and drop-off. There are also Regional Transit Services with the ATL Xpress Bus route and Park and Ride facilities. This was followed by a presentation describing the Mode Split breakdown, still noting that less than 1% utilizes Transit services, but also seeing a huge increase in Shared Ride usage. Information was shared with the Board at the conclusion of his presentation.

Bruce Holmes, District V Commissioner, remarked that there was no reference made to rails, specifically the I-75 rail. He believes that the residents on the south side of the county would benefit from this service directly to the airport and/or downtown Atlanta. The District V Commissioner then moved to the dedicated truck lanes for truck traveling one way from Macon, northbound, into Henry County where the Bethlehem Interchange is proposed. This hopes to take the traffic off of the local roads but exiting the new interchange would still have truck traffic again on local road with no access out of Henry County going northbound or southbound towards Macon. The Commissioner believes that funding should be reallocated to rail service for the local residents in Henry County and south of Atlanta have a better system for commuting and not get stuck in traffic along I-75. **Mr. Smith** recalled discussing rail connections with the Commissioner but modal options viable to Henry County will include using rail connections, bus transit connections and newer technology such as micro-transit. While this is still in early stages, data is still forthcoming and when all data is received, the Board will be presented with the most viable transit options for the county going forward; however, long-term, rail would be considered for Henry County and its jurisdictions.

Commissioner Clemmons remarked that the Commissioners should also be included in communication with the stakeholders committee as they are answerable to their constituents who complain about traffic and transit problems. She hears residents complaining that they do not want mass transit into the community; however, if there is a way to commute outward and connect to other regional transit authorities to ensure transit to MARTA or GRTA locations from local transit, she would want to see that included in the Master Plan. The Commissioner also included transit holiday schedules to be improved for citizens who have medical appointments and must use this transit to get there, and that the Commissioners' inputs to the stakeholder committee are important as well. **Mr. Smith** acknowledged the Commissioner's request and added that a series of stakeholder interviews will be conducted. Each Commissioner will be met with individually to get their input as part of this process going forward. He explained how important the connectivity concern is to the County and that it will be part of the planning process as they do need to happen.

Commissioner Clemmons was concerned on the I-75 with two (2) transit systems available - one at Cleveland Avenue to get to Lakewood. She asked that a route be considered from Henry County to the I-75 rail systems and then get on the train from there instead of going to the airport. **Mr. Smith** responded that MARTA is looking at an additional opportunity along the I-75 corridor which poses another opportunity for Henry County to make suggestions on connectivity as well.

Commissioner Thomas agreed that the Commissioners are a part of the stakeholder group and emphasized that the committee needs to hear from the Commissioners who represent the county to the transit solution options. She asked that the presentation be emailed to each Commissioner for further review. The District IV Commissioner asked if the Master Plan process is being conducted under the supervision of the Transportation Director for the purpose of transparency and communication. The Commissioner asked if the options for transportation access roads can be considered from exit to exit for local traffic only, as she would find that helpful in getting closer to relieving the traffic congestion in the county. **Ms. Hobson-Matthews** responded that the Transit Master Plan is co-managed by the Transportation Director and the Transit Director. The Comprehensive Transportation Plan was on the Agenda and that has not been awarded as of yet; however, the Transportation Director will manage that project. The Trails Plan will also be managed by the Transportation Director. The District IV Commissioner explained that the transportation needs in the county are to be addressed and asked if there is one "point person" who will oversee all of this. Ms. Hobson-Matthews responded that he is overseeing it.

There were no further questions or comments. ***No action was taken.***

<u>GDOT PRESENTATION</u>

Georgia Department of Transportation (GDOT) presentation regarding slated projects for Henry County

Meg Pirkle, Chief Engineer, GDOT, gave a Power Point Presentation for the Board. She gave an overview of the projects that are ongoing. She then presented results from the various crash studies and noted that traffic is increasing and predicted to keep increasing in the northbound direction, which is why the project is focusing on two (2) commercial vehicle lanes northbound. She further gave overview of the proposed I-75 Commercial Vehicle Lanes for the Board. The total project cost estimate is $1.2 billion. It was mentioned that the use of the funds could be for potential rail project. Ms. Pirkle explained that the project will be procured through a developer and an agreement for design, build and finance will be entered and privately financed over about 30 years.

In completing the Interchange Justification Report, **Ms. Pirkle** stated that it has now been approved by the Federal Highway Administration (FHA) and this project may now proceed. She thanked the county for its $5 million SPLOST commitment as well, which is part of the P.E. and right-of-way acquisition for this project. She gave an overview of the features of the I-75/Bethlehem Road Interchange. The project is being developed in coordination with the Commercial Vehicle Lanes (CVL) and does include future northbound CVL direct access ramps.

Ms. Pirkle then turned the attention to the Western Parallel Connector from Hudson Bridge Road to Jonesboro Road. She gave some remarks of the features of this project for the Board. This project is on schedule. Other projects were presented to the Board, specifically four (4) widening projects which were shown to the Board and viewing public.

Commissioner Holmes asked for an example of other federal highways that have been privately funded and the names of those who have privately funded these highways; **Ms. Pirkle** responded that public-private partnership contracts are on two (2) other projects - the Northwest Corridor in Cobb County and the Interchange at I-285 and SR 400 in Fulton County, both of which involve private financing. She can get the financier names to the Commissioner later. The District V Commissioner mentioned the truck lanes coming to the Bethlehem Interchange from Macon and that it would reduce traffic. He added that if a mixture of semi-trucks is coming into the McDonough area, he asked if they would go to local roads or a system will be in place to reallocate that traffic to another area and then back on I-75. Ms. Pirkle responded that the majority of that traffic will remain on I-75. There are the additional express lanes on I-75 also. The truck traffic will continue coming whether or not these CVL lanes are built because of the growth through the Port of Savannah. The Commissioner asked if a significant amount of truck traffic is expected to exit on the Bethlehem Interchange; Ms. Pirkle replied that she did not have an exact estimate of that exit to the Interchange, as it does not exist yet and is hard to predict. She will review the Interchange Justification Report and try to provide information for the Commissioner.

Commissioner Clemmons shared some concerns that these projects have been planned for eight (8) years and nothing has happened. Right-of-Way acquisitions could further delay project completion. She asked for some completion dates on points of the project so that she can share this information with her constituents and county residents. She does not like to misinform the citizens by way of planning a project but it not being completed for several years. Regarding the Interchange, the Commissioner feels it is needed; however, until this project is on the Transportation Improvement Program (TIP) it does not benefit the county to spend the money right now when it needs to be spent on the local roads. Projects have to benefit Henry County at that level right now and then it allows for participation in state projects like the Interchange. **Ms. Pirkle** responded that the time length for projects is frustrating and she can get the Commissioner some reports showing projected completion dates for preliminary engineering as well as construction. The Commissioner pressed that the widening project for Jonesboro Road wound up not happening because of how long it took to get right-of-way which then exceeded the amount that was budgeted for this project. The projects planned in the county must be finished and not just promised and not completed. Ms. Pirkle mentioned that the funding is committed in the program but there are other projects that are unfunded, like Jonesboro Road, but it is in the long-range program and it may be that funding needs to be identified for it in the future.

Commissioner Wilson acknowledged the right-of-way purchase being time consuming. He asked if there is a study of how the Interchange will forward the tractor-trailer traffic off of Hwy. 155 and how it will work; **Ms. Pirkle** responded it may be included in the IJR which shows benefits to 155 from the construction of the Bethlehem Interchange. She will find that and forward same to the Commissioner.

Commissioner Thomas referred to the Western Parallel as a relief in traffic for locals and asked for dates on where they are with this project. **Ms. Pirkle** explained that the Western Parallel project is in the right-of-way acquisition stages. The right-of-way acquisition and design are on schedule and advertising for construction in the summer of 2022. Actual construction estimate is $44 million with an additional cost for moving utilities at about $1.2 million. That project is funded. The District IV Commissioner asked for a projected completion date, but Ms. Pirkle did not have a construction completion date but she noted that it typically takes about two (2) years, therefore, estimated around summer of 2024 to winter of 2024 to open for traffic.

Commissioner Holmes explained that these lanes are coming one-way only and exit on the proposed Bethlehem Interchange; he asked how that would relieve traffic on Hwy. 155. **Ms. Pirkle** responded that there will be an exit at Bethlehem Road but they can also continue north on I-75. She will find the section in the IJR for traffic benefits and submit them to the Commissioner.

Chair Harrell asked that a link be provided so that the Board may distribute it amongst their District residents and businesses. **Ms. Pirkle** provided that for the Chair.

Commissioner Clemmons asked for clarity about the Jonesboro Road widening project, as there are people who insist that this project can come back. **Ms. Pirkle** clarified that Jonesboro Road is a local road and GDOT has to prioritize where and how to spend their funds. Funds allocated to Henry County are on priority projects for both Henry County and GDOT. Jonesboro Road widening is still in the long-range program but it is not priority. At $80 million, there is no funding available as of yet for such a big investment and there was no interest in the widening. The county could seek other funding sources until it becomes a priority for GDOT in the future.

Commissioner Thomas asked how the managed lane on I-75 is seemingly "mismanaged" when traffic is backed up and at a complete stop, that lane is closed and is not accessible. Same thing happens in the other direction. She asked why this happens and why they could not be opened and let the trucks go through Henry County in those lanes and relieve the pressure upon that I-75 corridor at the major exits. **Ms. Pirkle** replied that traffic is heavy on both directions and the directional use is changed based on rush hour or what the projected traffic is going to be. There are special schedules in place as well but it is hard to flip it quickly in the event of a major crash (for example). Right now, trucks are not allowed in the express lanes but that could change. The District IV Commissioner asked if the express lanes schedule could be published and signed, since enough time has passed to know the traffic flow and times in that area to determine opening and closing of these express lanes to better manage those lanes. Ms. Pirkle advised that the times are published on the State Road & Tollway Authority website for times of the lanes and reversible times. She will let staff know that more notification attempts need to be made.

Commissioner Holmes asked who is financing the federal road projects; **Ms. Pirkle** responded that FHA will be giving approval to proceed with these projects and there will be federal funds spent. She explained the procurement process to the Commissioner for this project. Procurement is expected to start in a year and is a very lengthy process. The District V Commissioner asked when funding is expected to be in place for the Interchange; Ms. Pirkle responded it is for FY24 and working with the Atlanta Regional Commission (ARC) to get it added to the TIP, which will be a federally funded, not a private, project. ARC has to go through their conformity analysis prior to adding it to the TIP. GDOT is committed to building that project, however. The Commissioner asked what was taking so long, since the $5 million was approved back in 2013. Ms. Pirkle explained that GDOT agreed to proceed with this project and a consultant is on board and it is proceeding, and it is a complicated project.

There were no further questions or comments. ***No action was taken.***

CONSENT AGENDA

The following items shall be considered on the CONSENT AGENDA. Before voting on these items, the Chair will provide the opportunity for any of these items to be removed.

Consent Agenda items:

Building & Plan Review

A. Resolution approving the creation of a new Street Light District for Tuxedo Estates Subdivision on Austin Road. **District V Exhibit #1 Resolution 21-32**

B. Resolution approving the creation of a new Street Light District for Rowland Place, Phase I Subdivision on Elliott Road. **District III Exhibit #2 Resolution 21-33**

C. Resolution approving the creation of a new Street Light District for Traditions @ Crystal Lake, Phase III, Unit B Subdivision on Traditions Lane. **District II Exhibit # 3 Resolution 21-34**

D. Resolution approving the creation of a new Street Light District for Emporia @ Pembrooke Park Subdivision on Emporia Loop. **District III Exhibit #4 Resolution 21-35**

E. Resolution approving the creation of a new Street Light District for Fears Mill, Phase 3B Subdivision on Beckett Drive. **District II Exhibit #5 Resolution 21-36**

F. Resolution approving the creation of a new Street Light District for Luella Grove, Phase II Subdivision on Donavan Avenue. **District I Exhibit #6 Resolution 21-37**

SPLOST

A. Resolution approving Bid #21-20-41-16 for On-Call Design Services for Knight Drive to Falcon Design Consultants, LLC in the amount of $58,896. **District IV Exhibit #7 Resolution 21-38**

B. Resolution approving Budget Amendment to reallocate District I and District III SPLOST-III funds from various completed projects to respective District project accounts **Exhibit #8 Resolution 21-39**

C. Resolution approving Budget Amendment to allocate SPLOST-III funds to respective District project accounts **Exhibit #9 Resolution 21-40**

D. Resolution approving Budget Amendment to reallocate Countywide, Districts I, II, III and V SPLOST-IV funds from various completed projects to respective Countywide and District project accounts **Exhibit #10 Resolution 21-41**

Transportation Planning

A. Resolution approving an intergovernmental agreement with Georgia Department of Transportation to install connected vehicle technology at 20 road intersections **Exhibit #11 Resolution 20-42**

Finance - Budget

A. Resolution to amend the FY 2020-2021 Budget (Fiscal Year End Budget Amendment) **Exhibit #12 Resolution 20-43**

There being no changes to the Consent Agenda, **Commissioner Clemmons** made a motion to approve; **Commissioner Thomas** seconded the motion. The motion was carried by unanimous vote (6-0-0).

THIS ENDS THE CONSENT AGENDA

HENRY COUNTY DEVELOPMENT AUTHORITY

Resolution requesting increase in Board Compensation for the Henry County Development Authority **Exhibit #13**

Rod Meadows, Henry County Development Authority (HCDA) attorney, joined the call to provide details on this resolution for the Board. He gave a background on the appointment of members, how they are determined to be qualified through extensive training and how the compensation is factored. He noted that in the last 5 years, the Development Authority has had 33 projects which bring in an investment amount of $1.2 billion dollars to Henry County and creating approximately 6,500 jobs. The resolution is sought for approval to increase compensation to the HCDA Board.

Commissioner Clemmons asked for the amount of the increase; **Mr. Meadows** responded that it is included within the pending resolution and gave those numbers. When asked from where the funds increase will come, **Ms. Hobson-Matthews** explained that it is part of the Budget Amendment that was just approved for the mid-year Budget. If the amendment is not approved, the money will go back to General Fund; however, there has been an increase in revenue collections during this fiscal year which then prompted the request for an increase. The District II Commissioner asked if this will be for all of the Boards and if each one will be brought back to the BOC. The County Manager explained that the Development Authority Board passed a resolution during a previous meeting and that resolution was forwarded to her office and to the BOC, which is why this Resolution is before the BOC. The other ones will have to come back for Planning & Zoning and Board of Assessors. The Commissioner added that there were also increase requests from Parks & Recreation, Water Authority and all of the other boards within Henry County. Ms. Hobson-Matthews rebutted that it does not include all Henry County Boards and will get a list of the Boards that currently receive compensation. This is for the Development Authority only.

There being no further questions or comments from the Board, **Commissioner Clemmons** made a motion to approve; **Commissioner Thomas** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-44

COUNCIL ON AGING

Resolution approving restructuring of the Council on Aging Board in order to be in compliance as required by the Georgia Department of Human Services Grant (CSBG) **Exhibit #14**

Jonathan "J.P." Penn, Cluster Leader, Henry County Leisure & Public Services, joined the call to present this request to the Board. He gave the details on the Board and its requirements to comply with this grant.

Commissioner Thomas remarked that most of the Commissioners have three (3) representatives on this Board and asked if it possible to meet the compliance needs if the BOC were to form an advisory committee to the Council on Aging's Board and allow those members to continue to participate in an advisory capacity. **Mr. Penn** deferred to the new Senior Services Director and noted that there are other opportunities for those members to serve on other boards within the Senior Centers.

Shawn Norris, Senior Services Director joined the call and responded that there may be some opportunities for current participants to serve and they would need to be a community partners. **Commissioner Thomas** explained that she would not want someone to come off of this Board to meet requirements and suggested this advisory committee to maintain compliance if possible.

Commissioner Holmes asked if this grant was always rewarded prior to today and if fifteen (15) members is the maximum allowed on the Council on Aging's Board. **Mr. Norris** responded that the Board currently has nineteen (19) members. The District V Commissioner believes that the number is an issue with managing various individuals on the Board. Mr. Norris noted that increasing this number to allow for 3 appointees per Commissioner would not be beneficial. The Commissioner would not want to remove any of his appointees and asked if this item could be tabled for further discussion and avoid possible disenfranchisement from Council on Aging.

Commissioner Clemmons noted that with six (6) Commissioners appointing 3 people each, the total would be 18. Those sitting on the board and not appointed by the Commissioners can come off and the Council on Aging could still meet compliance with the Grant. She also suggested a restructuring of this Board and to have proper representation for the senior residents of the county.

Chair Harrell asked if some of the people appointed to the Board would fit in some other capacity and maintain compliance; she favors tabling this item.

Commissioner Wilson clarified that the number of members on this Board needs to be reduced to stay in compliance with the Community Services Block Grant (CSBG) requirements; **Mr. Norris** explained that is not correct but restructuring it is needed, but not the number of board members - only the number of members for each category within the Council of Aging - that 1/3 of the Board would have to be democratic-elected participants; another 1/3 would be appointees from the county leadership; and the final 1/3 comprised of community members and partners.

Commissioner Barham voiced his agreement with the rest of the Commissioners in tabling this item for further discussion.

Upon advice from the County Attorney, **Chair Harrell** called for a motion to table and to direct staff to explore this further to come back to the BOC at another time.

Commissioner Holmes made a motion to <u>*table*</u>**; Commissioner Barham** seconded the motion. The motion was carried unanimously (6-0-0).

Chair Harrell directed the County Manager to look into this for further discussion for return to the BOC at a later date. ***No action was taken.***

BOARD OF TAX ASSESSORS

Board Term

Resolution changing Board Term from 6 years to 3 years **Exhibit #15**

Mr. Jaugstetter was on hand to provide the details and reasoning for this resolution which was requested by the District II Commissioner. He gave the BOC an example of the timeline of this term and advised that a Board member's term cannot be reduced while that individual is currently in office; therefore, each existing Board member would have to serve out the term and upon appointment of the replacement or upon re-appointment, the new term of 3 years (if approved) would be carried.

Commissioner Holmes asked if the appointments are by District; **Mr. Jaugstetter** responded they are not and the law sets forth the manner in which members qualify and there is no District residency requirement needed in Georgia law. The BOC can make District-specific appointments but they are not required by Georgia law. The District V Commissioner believes that each District should have representation and be similar to the rest of the county boards; he asked that it be added to this Resolution upon agreement by the Commissioners. Mr. Jaugstetter explained that in doing so it would exceed authorization of Georgia law but the Commissioners could designate same informally.

Commissioner Thomas stated that the members will make decisions that will affect this County significantly pertaining to tax assessments and millage rates. She asked the County Attorney to read the requirements to participate in the Board of Assessors.

(As read into the record by the County Attorney)

Each member appointed to the Board of Assessors must be a resident of Henry County at the time of the appointment and service. They must be over the age of twenty-one (21) years. They cannot be related to a member of the Board of Commissioners. They must have a high school diploma or equivalency. They must complete forty (40) hours of training upon appointment in the first 6 months and must complete annual training as stated by the Georgia Department of Revenue (20 hours per year).

Commissioner Thomas explained that this now clarifies the importance of this position and the requirements are low, such as only requiring a high school diploma or equivalency. There are a number of people who wish to serve on behalf of the county and have not had the opportunity to do so. She suggested a rotation of people to represent the county on different authority boards. She expressed her concern that there should be appointments by people who can be decision makers and can volunteer their services to better the county. Those who have served long-term should allow others to come in and provide time on these boards as well. The 3-year term can be enforced and repeated as necessary. She asked for support on this resolution.

Therefore, **Commissioner Thomas** made a motion to approve this Resolution; **Commissioner Holmes** seconded the motion. The motion <u>*failed*</u> by a vote of 3-3-0.

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

(Roll call at the request of the District IV Commissioner was read into the record by Stephanie Braun, Clerk, Henry County)

Board Appointee

Appointment of Calvin Gleaton to the Henry County Board of Assessors **Exhibit #16**

Commissioner Thomas made a motion to approve the appointment; **Commissioner Clemmons** seconded the motion. The motion *failed* by a vote of 3-3-0.

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

(Roll call at the request of the District IV Commissioner was read into the record by Stephanie Braun, Clerk, Henry County)

NOMINEE SUBMITTALS TO HOSPITAL AUTHORITY

District IV Nominees

Nominees are *Dr. Michelle Nichols Gibson; Dr. Kenneth Collins; and Natosha Reid Rice, attorney* **Exhibit #17**

Commissioner Thomas made a motion to approve the nominees; **Commissioner Clemmons** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-45

District III Nominees

Nominees are *Joyce Rodgers; Hans Broder; and Rodney Bowler* **Exhibit #18**

Commissioner Barham made a motion to approve the nominees; **Commissioner Wilson** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-46

APPOINTMENTS TO DEPARTMENT OF FAMILY & CHILDREN SERVICES (DFCS)

Pastor Timothy McBride Exhibit #19

Commissioner Thomas made a motion to approve; **Commissioner Clemmons** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-47

Dr. Monica McIntyre Herron, DDS Exhibit #20

Commissioner Thomas made a motion to approve; **Commissioner Holmes** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-48

HENRY 1ST, INC. APPOINTMENT BY DISTRICT IV

Melissa Kornegay Exhibit #21

Commissioner Thomas made a motion to approve; **Commissioner Barham** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-49

FINANCIAL SERVICES & GRANT ADMINISTRATION

Resolution requesting BOC approval of the Small Business Restart and Non-Profit Assistance Program Committee's recommended submissions for award **Exhibit #23**

Kimberly Monast, Grants Director, presented the Small Businesses (Group 11, submitted December 29, 2020 - January 11, 2021) with successful Small Business Reapplications and Non-Profit reapplications (submitted on various dates). Staff requested approval of the awards to the named businesses and organizations.

Commissioner Clemmons expressed her concern on the number of businesses receiving money which were not approved by staff, yet was overturned by the Review Committee. She also expressed concern about the money moving to the non-profits that are helping out in the community. The District II Commissioner requested the number of business approved for this round were approved by staff and how many were not approved by staff and then overturned for approval by the Review Committee.

Commissioner Wilson suggested that staff alone handle approval or denial and not have a Review Committee stay out of it. Initially, the staff was going to handle this and then the BOC appointed a Review Committee. He suggested letting staff have the final say for approval or denial.

Commissioner Holmes agreed with the District I Commissioner's and District II Commissioner's comments and provided a brief explanation for same. He expressed concerns on this as well.

Commissioner Clemmons directed Ms. Monast to review the non-profits that have received funds and see how they have helped the community.

Chair Harrell voiced her concern about the non-profits which have received money and have not advertised the receipt of these funds anywhere on their sites. The Chair suggested implementing a better vetting process for application to receive funds.

Commissioner Holmes refers to non-profits as "churches and organizations working through the churches". He believes the commitments should go to those parts of the communities that are actually helping citizens with their rent, feeding families and assisting citizens on a direct level.

Commissioner Thomas supports the non-profits as she has been on-site to several of them and has seen their auditing processes. She specifically named Grace Baptist Church for the work they are doing in the community. **Chair Harrell** acknowledged the District IV Commissioner's and stated that she also knows what the church and other churches are doing in this community; however, she noted that there are some non-profits that have not provided the needed transparent information on their websites. She asked for a vote to approve the pending Resolution.

Commissioner Clemmons made a motion to approve **Commissioner Thomas** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-53

SPLOST

Resolution of the Henry County Board of Commissioners authorizing approval of a Memorandum of Understanding with the Georgia Department of Transportation for the I-75 and Bethlehem Road Interchange SPLOST IV Project **Exhibit #24**

Roque Romero, SPLOST Transportation Projects Director, joined the call to provide details on the Resolution before the Board. The design for the Interchange has started, as per PI#0017182. Georgia Department of Transportation (GDOT) has authorized $1 million dollars for construction and sent a Memorandum of Understanding (MoU) to Henry County and requests that Henry County contributes $5 million dollars for preliminary engineering and right-of-way acquisition per the MoU. Once the MoU is approved and signed, GDOT and Henry County enters into an Intergovernmental Agreement (IGA). Mr. Romero explained that the Resolution and the MoU have been updated as follows:

> *In the event that construction of the project has not commenced on or before five (5) years, then GDOT shall refund to Henry County its entire contribution of $5,000,000 and such refund shall be made in full within thirty (30) days of written demand by Henry County.*

Mr. Romero pointed out that in the MoU, paragraph E reflects the above-stated language regarding refund.

Commissioner Clemmons supports the refund language and added that the funds should not even be transferred until the commitment of the rest of the funds has been identified and an approval letter from the Federal Housing Administration (FHA) has been given. She believes more conversation with the FHA should be had. The concern is that the $5 million is out there and it states that the money is to be used to buy land; however, the Commissioner requested that the money be used for construction and not land acquisition. This would provide good stewardship to the county of this money to build the Interchange and not buy land first. The Commissioner believes that a resolution should contain language pertaining to after the rest of the funds having been identified, after the FHA gives a letter identifying that they are fully vested in funding the project and the project is placed on the Transportation Improvement Program (TIP) and that the ARC will put money in it, then this would satisfy the Commissioner's concerns. **Mr. Romero** responded that only about 30% of the design build will be funded prior to GDOT commitment. When that project for design build gets awarded, the project will move forward. The District II Commissioner explained that the funds are already there and do not have to be transferred, unless a referendum states otherwise. There are more immediate road needs in this County right now that could use this $5 million. When the state has the Interchange on the TIP at a later date, when the FHA commits the remainder of the funding, then Henry County will put in its committed $5 million in as well.

Commissioner Clemmons emphatically stated that this money does not need to be used for consultants and other businesses; this money needs to be spent on the critical road improvements needs that are necessary, more than staying in an account and waiting for the rest of the money to come for the Interchange. The Commissioner stated that she has pressed for this for the last five (5) years and will continue to press for this to be done.

Commissioner Holmes remarked that the $5 million was approved 10 years ago and yet today, there is not any money set aside to move forward with the Interchange. He echoed the District II

Commissioner's concerns as well as explained that the $5 million will be there when it is time to put it forth to the Interchange when the rest of the money is in. There are immediate road infrastructure needs and the money is right there to take care of those needs today and in the present - some of these road needs can no longer wait as they have in the past.

Chair Harrell called for the County Manager to join the call. Based on the concerns expressed by the District II Commissioner and District V Commissioner, the Chair asked where the $5 million would come from if the $5 million in waiting is spent on road improvements now. **Ms. Hobson-Matthews** responded it would either have to come from General Fund or Fund Balance. In the upcoming Fiscal Year Budget, that money could be set aside for the Interchange. The Chair asked if that amount is available. Ms. Hobson-Matthews referred to her most recent Budget sheet and responded that funds would be available. The Chair asked instead of using the money in the SPLOST - rather to use the money currently available and spend it on the roads that are of concern to the District II and District V Commissioners, which are in need of repair or upgrades. Ms. Hobson-Matthews responded that if there is a need to work on road projects now, this can be used through Fund Balance. A project list can be compiled and then brought back to the Board for further discussion and possible action. The County Manager recalled that there was a recommendation to allocate an additional amount of money per District for immediate projects - and this Board did not move forward with it. A list would be needed of the critical road projects that are not already on the SPLOST list. Ms. Hobson-Matthews does not want to take projects already on the SPLOST list off of that list and pay them out of General Fund. Critical infrastructure projects are not necessarily million-dollar projects - rather, they would be in the price range of $22-33 million projects and she wishes to avoid having the county over-commit Fund Balance for these projects. Infrastructure and roundabout improvement projects are more to what can be looked at for critical needs assessment.

Chair Harrell acknowledged the District I Commissioner and then the District V Commissioner for questions or remarks.

Commissioner Wilson recalled that a resolution was passed last year to purchase right-of-way from Fund Balance for the Western Parallel Connector, to the cost of about $4.5 million. **Mr. Romero** responded that GDOT gave the county $6 million and then anything above that would have to come from Fund Balance. The District I Commissioner asked if the cost of that right-of-way acquisition was around $10 million; Mr. Romero affirmed. The Commissioner then pointed out that GDOT was funding that at $45 million. The partnership is important between GDOT and Henry County. That partnership will be needed with the T-SPLOST also. If this money is not moved over via the MoU, the Commissioner feels it may jeopardize that partnership and some of the projects may get pushed back.

Commissioner Holmes explained that the District II Commissioner was not inferring any misappropriation of those funds - rather the concern is buying personal property without confirmation of this project going forward. GDOT had informed the county that it has no idea when this funding will come in for the Interchange. The District V Commissioner believes it to be a smart business practice to utilize the money for the critical road projects and infrastructure and not go to Fund Balance unless absolutely necessary. He knows that the funding is available right now for the critical local road projects and should be used for same, as it would benefit the community to act upon this now.

Chair Harrell remarked that the Commissioners have asked for funding for their Districts' projects and unless something changes, the Board is bound by law to do what is legally and financially responsible.

Chair Harrell recognized the District I Commissioner and then the District IV Commissioner for questions or remarks.

Commissioner Wilson asked the Transportation Project Director to go over a section in the MoU for the Board. **Mr. Romero** read as follows:

E. *Refund of Funding. In the event that construction of the project has not commenced on or before five (5) years, then GDOT shall refund to LOCAL GOVERNMENT its entire contribution of $5,000,000 and such refund shall be made in full within thirty (30) days of written demand by LOCAL GOVERNMENT.*

Commissioner Wilson explained that this would mean that if the county takes $5 million and buys land, but then the construction is not done, the County would get refunded anyway and the land is already purchased. The District I Commissioner believes this does not account for any loss to the County. **Ms. Hobson-Matthews** responded that she asked for that to be included in the Memorandum to alleviate concerns about this project not moving forward.

Commissioner Thomas remarked that the $5 million has been sitting in the account for 10 years plus another two (2) years and she asked if any interest has been gained upon that amount. **Chair Harrell** added the question of how long the money has been sitting in this account. **Ms. Hobson-Matthews** responded that the money would have been in SPLOST-IV and it would be six (6) years in the account, dependent upon when that money was collected. The County Manager then disclosed that .001% of interest is gained upon the SPLOST funds collected, or $100,000 in interest is the estimated amount. The Commissioner noted that the reason is to discover whether or not this money is working in any capacity in favor of the county. The Commissioner believes that using money from Fund Balance should be the last alternative, so as to not interfere with the county's financial stability or the bond rating. The Commissioner suggested putting a line item in the Budget to refund the money in phases so that it would be available whenever it is needed. The Commissioner asked if there is a refund issued but land has already been purchased, if the land ownership would revert to the state; Ms. Hobson-Matthews responded that is what would happen. The land will be purchased by the state. She also reminded the Board that policy was set in terms of Fund Balance to be utilized for one-time expenses for emergency purposes and as a reminder that 30% must be retained in Fund Balance as part of the policy.

Chair Harrell asked for a status on the Fund Balance; **Ms. Hobson-Matthews** responded that the amount is well above the required 30% and at the next Board meeting a close-out report of the 2019-2020 Budget will be presented and excess funds will be identified for possible set aside purposes for some Capital Projects and infrastructure improvements expressed this morning.

Commissioner Clemmons referred to a section on the Memorandum of Understanding. She read another section into the record:

C. ***Effective Date and Term.*** *The MoU shall become effective upon its execution by the Parties and shall continue for ten (10) years from the Effective Date.*

Commissioner Clemmons explained that this time period and the 5 years of construction time should run simultaneously and not concurrently. She repeated that the land purchased by the county will be owned by the state and referred to the language in the MoU about the funding of $5 million from Henry County citizens will go to the engineering and right-of-way costs; if the state is going to own the right-of-way, the Commissioner requests that it be changed to the money going towards the construction of the Interchange only and not to purchase land after the remainder of the funding has been identified. If the land is to be bought, the seller of the property should be identified for purposes of transparency, but the Commissioner believes that the money should sit in the account and only be spent on the Interchange only, which is for what the voters cast their vote. **Ms. Hobson-Matthews** offered a suggestion to include the changes such as contributing funding to the construction costs of the project only and that those funds will not be transferred to GDOT until the design build has been awarded. The District II Commissioner added that it should include that other financing has been identified, per the letter from the FHA that stated that until the Interchange is put on the TIP, the FHA will not look at the project. Ms. Hobson-Matthews explained that if language pertaining to not transferring the funds until after the design build has been awarded, then the funding would already be identified since the design build cannot be awarded. The Commissioner clarified that the $5 million would be transferred after other monies of commitment is sent and the project is on the TIP. The voters for the building of this project and not to pay for land and then maybe the project gets built. This is the reason the Commissioner asked for this item to be Discussion Only, to provide specific clarity for the MoU and clearly express the preferences by the Commissioners to reflect the wishes of the voters. **Mr. Jaugstetter** explained that the 10-year term applies to some obligations that go past the initial payment of the money, specifically provisions without any local enhancement. If the project is not committed within the 5 years of the county providing the money, the money is then refunded to the County. He further gave highlights of the 10-year term and what the time allowance would provide. If the money is used for construction, the District II Commissioner explained that the county would have a say in those local enhancements.

Chair Harrell asked the County Manager that when the SPLOST was originally passed, to what purpose the $5 million was given originally; **Ms. Hobson-Matthews** responded that it was for the I-75/Bethlehem Road Interchange and that it may have also included right-of-way, preliminary engineering and construction. She searched for the original but the County Attorney had the document in front of him, stating for funding of I-75 Interchange and subject to final determination of transportation facility. It did not specify the portion of the project for the funding. **Mr. Jaugstetter** clarified that regardless of when the $5 million would not apply to any local enhancements but would only apply to the project as designed by GDOT.

Commissioner Clemmons remarked that this has been discussed between the County Attorney and herself for the last 5 years and repeated that the money is for the Interchange, not the land acquisition. The County Manager read that it states the money is for the new Interchange at I-75 South at SR 155, with funding of Interchange at I-75 is subject to final determination that this project is a transportation facility under SPLOST law. The District II Commissioner asked that the funding would be used for construction of I-75 Interchange subject to final approval coming from the FHA.

Commissioner Holmes asked for the date of that Resolution referenced by the County Manager; **Ms. Hobson-Matthews** responded that she did not have the number in front of her but was reading the language of the Resolution from the SPLOST website. **Mr. Jaugstetter** responded that the date was August 6, 2013.

Commissioner Clemmons suggested tabling this item to perfect the language and understanding of the MoU.

Commissioner Wilson addressed the concern of the purchase of right-of-way at Bethlehem Road, but the county is buying right-of-ways for the Western Parallel Connector. He sees this as buying land for a project and does not see any difference. When the District II Commissioner requested identification of the land owners for the Interchange, the District I Commissioner noted that the land owners of the purchased land were not identified and that there are land owners in District II that need to be transparent who may be getting paid up to $15 million for their land. If there is a concern about spending the $5 million and if the project falls through it is refunded to the county but land gets purchased for GDOT on the Western Parallel Connector and if that project is not done by 2024, Henry County does not get refunded. The District I Commissioner finds it confusing that a provision for refund is made for one, but not another.

Commissioner Clemmons asked that the law be adhered to, which was voted upon in the SPLOST. The voters did not want that money spent on land acquisition.

Commissioner Barham asked if Ms. Pirkle is available; **Ms. Hobson-Matthews** did not see her listed and asked if anyone from GDOT is listed as a participant in today's meeting. It was confirmed that neither Ms. Pirkle nor any representative from GDOT was on the call today. The District III Commissioner supports the District II Commissioner's suggestion to table this item for further review and discussion. **Chair Harrell** agreed and would like to do what is possible to preserve the good relationship with GDOT as it is important to the county.

Commissioner Barham made a motion to *table* this item; **Commissioner Wilson** seconded the motion. The motion *failed* by a vote of 3-3-0.

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

Commissioner Clemmons asked if the changes she requested must wait until approved by GDOT. She remarked that the voters want the money for the Interchange only and that it should be stated as such in the Memorandum of Understanding. **Ms. Hobson-Matthews** suggested scheduling a meeting with all the Board members and GDOT staff to outline the concerns that are with the MoU. The District II Commissioner asked that this be for discussion only and asked at the beginning of this meeting that it us not brought up until a discussion can be had.

Commissioner Thomas asked that the comments made by the District II Commissioner for the MoU be added to it.

Commissioner Clemmons asked that the money be transferred to GDOT with the understanding that the funds will be used for construction of the Interchange after the other funding sources have been identified, specifically after the project is placed on the ARC TIP and after the FHA has committed money and approved the project and that the money would be for construction only, with the effective date and term of the Memorandum of Understanding to coincide with the 5 year time line. If the construction is complete after that time, the refund is issued to the county.

Commissioner Barham remarked that a meeting should be held with GDOT to iron out these details and get answers to the questions that the Commissioners have. He noted that the District II Commissioner was in favor of tabling this item just a few minutes ago and yet voted against tabling it. **Commissioner Clemmons** clarified that she wanted this item for discussion only and not for action to be taken. She would like to move forward with this today and stipulate the $5 million to be used for construction only and not for land acquisition, and to be withheld until the rest of the money is in place. The Commissioner also noted that the FHA requested that the project be added to the local Transportation Improvement Program in order for them to approve it. GDOT had also stated that they were working with the Atlanta Regional Commission (ARC) to get it added and that they needed to make sure that the county's commitment is there. This Interchange project is currently not part of the TIP list and there is no other funding committed to the project as of yet. The District II Commissioner was adamant in wanting assurance that this money would be used for construction only of the Interchange.

Ms. Hobson-Matthews stated that she would have to follow up with GDOT since the Interchange is not on the TIP but it is part of the ARC Regional Transportation Plan (RTP) as Project #AR-955. She stated that GDOT needs to submit a request to ARC to move this project into the 6-year Plan. The language can be added to the Memorandum of Understanding but the County Manager clarified that the District II Commissioner wants to proceed with the MoU with the changes recommended and to include that the project be placed on TIP and that the funds be used for construction only. **Commissioner Clemmons** repeated that this project has to be on the TIP and that the funds will be used for construction only; if it is not on the TIP, and if the FHA does not approve it, the rest of the money will not be there. The Commissioner is only trying to get this passed today with the changes she recommended to move this forward today or not to move it forward.

Chair Harrell asked that the recommended changes for consideration be stated for the record. **Mr. Jaugstetter** remarked that his understanding is that the proposal would be to approve the Memorandum of Understanding with the following changes:

1. The $5 million dollars be paid to Georgia Department of Transportation upon the following:
   a. The project is designated by the Atlanta Regional Commission on the Transportation Improvement Program list
   b. That the Federal Housing Administration approves this project and identifies/commits funds necessary for completion
   c. All funds paid from the county will be used for construction only and not for design and/or right-of-way acquisition

Commissioner Clemmons then added that the term of 10 years is a long time to have this in place and that it should be 5 years; if nothing happens in that 5 years, the refund gets issued to the county. The County Attorney stipulated that 5 years can be made the term in the Memorandum of Understanding. The Board can take action today but GDOT still would have to approve this. The risk in voting on a preliminary agreement is that it may be brought back to the Board again if not approved by GDOT and changes are to be made. The District II Commissioner pressed that a vote should be done today on this and the stipulation be included that the money is to be used for construction only and that the rest of the money is in place prior to spending the $5 million.

Chair Harrell asked when GDOT is asking for the $5 million to be transferred; **Ms. Hobson-Matthews** responded that it would be immediately upon the execution of the final document. There is a provision that the county enters into an Intergovernmental Agreement upon execution of the Memorandum of Understanding; the IGA would then address other concerns voiced by the Commissioners and payment would be due by June 30, 2021 to GDOT. **Commissioner Clemmons** suggested that this should be looked at all at once. Ms. Hobson-Matthews explained that this is typical with other agencies and MoU proceedings. This is the GDOT process.

Commissioner Clemmons then asked, with this new information, to rescind the motion as she does know the content or language of the IGA that would come after the execution of the Memorandum of Understanding.

Commissioner Thomas asked if the District II Commissioner would like to put forth a motion to consider for vote. **Commissioner Clemmons** believes there is no further need to deliberate on this for now. GDOT will come back and have a conversation on this at a later date. ***No action was taken.***

DEPARTMENT OF TRANSPORATION

Public Hearing

Resolution of the Board of Commissioners Abandoning and Declaring Surplus a Portion of Feucht Road (aka Feucht Drive) **Exhibit #25**

David Simmons, CE III, Henry County Department of Transportation, joined the call to provide an overview of the Resolution before the Board. This item was tabled in November and a revised Resolution is being presented today. The revision states that upon confirmation of the sale of the property, the area is requested to be abandoned and declared surplus would cease to be used by the public as no useful purpose is served by the public. This was duly advertised and all adjoining property owners have been properly notified. Mr. Simmons also noted that there was another revision that stated the property (Exhibit A) that adjoins Tract A and Tract C is under purchase and sale agreement between the current owner and a prospective buyer; upon sale of Exhibit A property, the properties sought to be abandoned will cease to be used by the public to the extent that no public purpose is served and is in the best interest of all concerned parties.

Commissioner Clemmons asked how this relates to the Western Parallel Connector. **Mr. Simmons** responded that the area indicated on the display is where old Feucht Road was before GDOT added the Jodeco/I-75 Interchange; therefore, GDOT relocated Feucht Road. He gave further explanation of this and Tract C will be brought to the Board at a later time. The area is part of the future Western Parallel Connector and will be modified for same. The District II Commissioner asked if the property owner was paid through GDOT funds. Mr. Simmons explained the property was deeded to the county years ago. This is to be abandoned and if this is approved, a subsequent item will be brought with the intent to sell the county-owned property if declared abandoned and surplus.

There being no further questions or comments, the Public Hearing began. Those wishing to speak *in favor of* the request, including the Applicant, would be given five (5) minutes to speak. Those wishing to speak *in opposition of* the request would likewise be given five (5) minutes. **Ms. Braun** advised that there was one (1) person signed up to speak and since he is the only speaker, was given five (5) minutes to make comment.

Brian McMeans, 2356 Flippen Road, Stockbridge, GA attempted to make comment but was having connectivity issues. A phone call was made to Mr. McMeans.

Commissioner Clemmons asked what staff's recommendation is on this request and whether or not this needs to be abandoned in favor of the Western Parallel Connector. **Mr. Simmons** responded that the reason is because the adjoining property is commercial; those owners seek to develop their site and they need the old road bed (Tract A and C), and eventually will seek to acquire the currently GDOT-owned Exhibit A property. This section is not needed to move the Western Parallel Connector project forward. Pending the property sale on Tract A and C, staff recommends approval of the abandonment as long as the property sale goes through to avoid land locking the applicant. This will not harm the applicant's sale but he would technically not have legal access if the property is declared abandoned. Mr. Simmons further explained where applicant has legal access to which portions of the former Feucht Road and how it would pertain to the request before the Board.

Ms. Braun advised the Chair that attempts to reach Mr. McMeans by phone were unsuccessful at this time. **Chair Harrell** closed the Public Hearing and called for a motion.

Commissioner Clemmons made a motion to approve per staff's recommendation; **Commissioner Thomas** seconded the motion.

Commissioner Wilson asked what legal remedy the applicant would have against the county if he becomes land locked from this property; **Mr. Jaugstetter** responded applicant could file claim against the county. The abandonment would be contingent upon the sale of the property. This would protect applicant's rights and achieve the goal of having that right-of-way abandoned without it having to come back before the BOC.

A motion and second made, the motion was carried by a vote of 5-1-0.

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

Resolution 21-50

Sale of County Surplus Property

Resolution authorizing sale of county surplused property shown on Exhibit "A" as "Tract A" containing 32,221 square feet (0.74 acres) **Exhibit #26**

Mr. Simmons explained that follows the previous item which has now been declared abandoned contingent upon the sale of Mr. McMeans' property to the adjoining owner. **Commissioner Clemmons** rebutted that there was no contingency stipulated in the approval of the previous item. Mr. Simmons noted the correction and stated that this Resolution gives authorization for the Board to sell the property shown as Exhibit A, as Tract A and Tract C, subsequent to obtaining appraisal for these properties. This request is to now authorize sale and declare surplus the subject property per O.C.G.A. §32-7-3 and §32-7-4 subsequent to receipt of appraisal to the county.

There being no questions or comments from the Board, **Commissioner Thomas** made a motion to approve; **Commissioner Clemmons** seconded the motion. The motion was carried by a vote of 5-1-0.

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

Resolution 21-51

Red Oak Road Name Change

Resolution approving name change of Red Oak Road (between Flippen Road and Tye Street) to Spencer T. O'Neal Road contingent upon a Public Hearing being held for property owners to voice comments and/or concerns **Exhibit #27**

Mr. Simmons presented this Resolution to the Board and specified that the section of Red Oak Road would be between Flippen Road and Tye Street for the portion to be renamed. The section of road would be named for Pastor O'Neal who recently passed on January 11, 2021 and was an influential member of the community and specifically with DFCS.

Commissioner Clemmons asked why the length specified in the Resolution does not extend to Rock Quarry Road; **Mr. Simmons** responded that the Board can determine the length of Red Oak Road and added that more residents between Tye Street and Rock Quarry Road will be affected with changes of addresses needed for the businesses located in that stretch of road, including hard address changes, changes of address on advertisement and various websites. The District II Commissioner asked if the length could be extended to Rock Quarry Road and that it will cause proactive petitioning from the parishioners of the late pastor's church to rally for support on this name change. The hearing could be held in March to give an opportunity to garner support or to identify opposition to this request.

Commissioner Clemmons made a motion to approve the name change of Red Oak Road to Spencer T. O'Neal Road to run from Rock Quarry Road to Flippen Road, with a Public Hearing to be held at the first meeting in March; **Commissioner Thomas** seconded the motion. The motion was carried by unanimous vote (6-0-0).

Resolution 21-52

Commissioner Clemmons further commented that Councilman Blount is helping to head this campaign and was duly recognized for his efforts and commitment to this request and stated that the BOC has unanimously voted to support this.

ANNEXATION - EVALUATION REPORT

(AX-21-1) Locust Grove Annexation

District 1 Location/Parcel: 245 Locust Grove Road (Parcel: 147-01025008) - 211.97 acres Location/Parcel: 375 Locust Grove Road (Parcel: 147-01025009) - 1.91 acres **Exhibit #31**

Stacey Jordan-Rudeseal, Chief Planner, presented the request which was received by the City of Locust Grove and showed the properties on display for the Board. If annexed, this would create an "island" of unincorporated area. Concerns regarding this were brought to the City staff.

Commissioner Thomas asked if there are any housing or commercial buildings in this area, or if this is vacant land; **Mr. Jordan-Rudeseal** responded that the current land use of the subject property is for single-family housing and that there is at least one (1) home on these two (2) parcels; otherwise, it appears to be largely undeveloped. The District IV Commissioner asked if this property has to be developed, what the number of homes would be allowed in that area. Mr. Jordan-Rudeseal responded that there are indications of a long-range plan are for future development of single-family residential subdivision and that the City was able to provide sewer service. However, he was assured that the annexation is for current zoning (Residential-Agricultural - RA) and that no requests for rezoning on this property will be heard by the City of Locust Grove for the next 12 months. The Commissioner asked how many housing units could be placed on this property; Mr. Jordan-Rudeseal responded that the Future Land Use Map, which is shared by the City of Locust Grove, calls for Low-Density residential, up to two (2) dwelling units per acre; the gross acreage for this area proposed to be annexed exceeds 213 acres, but not all of it would be available for housing lots. Since no site plan was included, it is unknown how many dwelling units would go in this acreage.

Commissioner Thomas asked for the size and capacity of the Locust Grove Fire Department. **Mr. Jordan-Rudeseal** explained that he does not know. The District IV Commissioner stated that she asks this in an effort to see if the City can adequately provide protection and Public Safety to the citizens affected independent of the County Public Safety needs. **Mr. Jordan-Rudeseal** was informed that the City of Locust Grove does not have its own Fire Department at this time; therefore, the impact of homes eventually placed would fall upon Henry County. The Commissioner remarked that the City could impose its taxes and property taxes, but the Public Safety of this area would fall upon Henry County; Mr. Jordan-Rudeseal specified that would be for Fire Department services and that the City of Locust Grove has its own Police Department. The Commissioner believes that impacts such as these should be considered on annexation requests. **Chair Harrell** remarked that the City of Locust Grove has an Intergovernmental Agreement with Henry County to provide Fire services; Mr. Jordan-Rudeseal concurred.

Chair Harrell noted that this was presentation only and looked to the County Attorney for further guidance. **Mr. Jaugstetter** remarked that the only basis to object to an annexation is if that annexation is accompanied by a change in land use. The property has been confirmed to not be rezoned if annexed and therefore, no objection is asserted as unlawful. The Board has no authority to approve an annexation - only to object in the limited circumstances where there would be a change in land use upon that annexation. There is no reason to consider approval of this Resolution, only if the BOC wishes to object, to which the County Attorney stated that there is no legal reason for objection. ***No action was taken.***

BOARD OF COMMISSIONERS

Truck Route Ordinance Discussion   Exhibit #33

Mr. Jaugstetter gave an explanation of how this Ordinance would be enforced and making any violation of this Ordinance as a County Ordinance - meaning that operator of a vehicle can be penalized for violating an ordinance if they are caught and go to Magistrate Court to face a fine. The fine cannot be imposed upon the truck company, which is a limited enforcement authority under the current ordinance by the County. There is a provision in Georgia law allowing the Department of Public Safety Enforcement Division to also issue citations but they are also transmitted to Magistrate Court for fine imposition. The other limitation is that the ordinance does not absolutely bar trucks to travel on non-designated truck routes. Exemptions and exceptions are provided if the destination of the truck is on a non-truck route designated road. He then read the designated truck routes identified in the Henry County Ordinance into the record:

- I-75
- I-675
- U.S. Hwy. 19/41
- SR 155
- SR 42
- SR 138
- SR 81
- SR 20
- Hudson Bridge Rd. (between Jodeco Rd. and Hwy. 42)
- (Rock) Quarry Rd. (between Hudson Bridge Rd. and Hwy. 42)
- Industrial Blvd. (East of I-75 between Hwy. 20 and Hwy. 155)
- Industrial Pkwy (West of I-75 between Hwy. 155 and Hwy. 20)
- Racetrack Rd. (from Hwy. 81 E to Hwy. 42)
- Noah’s Ark Rd. (between Jodeco Rd. and the Clayton County Line - limited only if truck is moving a house)
- Old Dixie Hwy/Old State Hwy. 3 (between Clayton County and Spalding County lines)
- Jodeco Rd. (from Hwy. 42 to the Clayton County line)
- McDonough Bypass (under construction)

Mr. Jaugstetter recommended directing staff (either professional planning or DOT) to review these routes to determine if there are any designated truck routes which need to be removed and to determine if any new truck routes are to be identified to divert truck traffic away from congested areas. He further recommended considering finding other avenues to discourage truck operators from traveling on non-truck route designated roads on a regular basis. At times, the truck operators will take the risk in traveling these non-designated roads and face the fine and call it the cost of doing business. Such measures of discouragement could negatively impact Public Safety vehicles if needed to travel down those roads.

Mr. Jaugstetter further recommended getting a truck route list entered into a system utilized by truck operators to alert them on their vehicle monitoring and route making mapping systems and to possibly lobby for state intervention and impose stiffer penalties to further discouragement of travel on non-truck designated routes. He has been working on text amendments to this ordinance to emphasize the need for discouragement for non-truck route designated traffic. He strongly recommended measures to get the trucks off of those roads and to stick to the designated truck routes only. Bringing this to the Georgia Legislature would also be of help to hopefully get assistance in enforcement of this ordinance.

Commissioner Clemmons requested that the posted restrictions are to be added as there are not enough heavily visible signs on the roads. The Federal Motor Carrier Service Administration (FMCSA) will enforce tickets of trucks caught on local roads if there are signs posted that do not allow for such traffic.

Commissioner Wilson suggested increasing the size of the posted road signs as well for better visibility and to place them on the approaches of the roads. In the last 18 months in District I, the Police Department has written 110 citations for this violation. The District I Commissioner believes that if these cases go through State Court instead of Magistrate Court, it would be more effective in the fine imposition. He asked if there can be a maximum fine indicated on these signs as well and to place the larger signage at the approach of the road to be highly visible and informative of the fine amount if violated. **Mr. Jaugstetter** noted that the maximum fine in Magistrate Court is $500. ***No action was taken.***

Aquatic Center Location Selection

Commissioner Thomas advised that this item was removed from the Agenda. ***No action was taken.***

Jodeco Road Presentation

Mr. Penn explained that the possible site for the Aquatic Center is located at Bridges Road at Jodeco Road, located at 2153 Jodeco Road which has a lot of potential. It is centrally located and accessible to I-75. The property owner submitted a letter declaring that he will donate a minimum of eight (8) acres and up to fourteen (14) acres to the county for this project. The site is graded with utilities available and is ready for development with the infrastructure in place. The site will be available for residential and commercial mixed community and will provide an opportunity to place shops, restaurants and other retail in the vicinity as well. There would also be full access to fiber connectivity. Plan for vertical construction on this site is ready for the next ninety (90) days to begin development.

Mr. Penn then pointed out that the number of overflow parking that would happen is a concern to this site. He pointed out the visual display for clarity to the BOC. He then showed the Board the comparison chart between this location, Red Hawk Park and Mill Road locations.

Commissioner Wilson asked if the consultant has looked at this location; **Mr. Penn** responded that the consultant has done and recommended that this location be chosen over the Red Hawk Park location as it is ready to go now and meets the needs for the aquatic center to be placed.

Bob McCallister LLC, Aquatic Consultant, joined the call and gave his feedback on his inspection of the site in question.

There were no questions or comments from the Board. ***No action was taken.***

PUBLIC COMMENTS

Chair Harrell advised that citizens are allowed to voice county-related concerns and opinions that are not listed on the Agenda during this portion of the meeting. Anyone wishing to participate in Public Comments must sign up and pre-registered with the County Clerk via email in order to be recognized. The instructions for Public Comments are in the link at the top of the posted Agenda on the county website.

Ms. Braun advised that *Robert Kolpak* and *Charles Marshall* have signed up for Public Comments.

PUBLIC COMMENTS WERE GIVEN

COUNTY MANAGER'S COMMENTS

There were no comments.

COMMISSIONERS' COMMENTS

There were no comments.

UPCOMING MEETINGS & EVENTS

A. Tuesday, February 16, 2021 at 6:30 p.m., Regular BOC Meeting
B. Tuesday, March 2, 2021 at 9:00 a.m., Regular BOC Meeting

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time, **Commissioner Wilson** made a motion to adjourn; **Commissioner Barham** seconded the motion. The motion was carried by a vote of 6-0-0. ***Meeting adjourned at 1:25 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk