

STATE OF GEORGIA

COUNTY OF HENRY

The Henry County Board of Commissioners held a "Called" Public Meeting at 9:00 a.m. on Monday, July 25, 2005, in the Community Room, County Administration Building, 140 Henry Parkway, McDonough, Georgia. Notice of this meeting was posted in the entrance foyer of the County Administration Building. *The Daily Herald* was notified of this meeting. Those present were:

Jason T. Harper, Chairman, presiding
Warren E. Holder, Vice-Chairman, District I Commissioner
Elizabeth ("B.J.") Mathis, District II Commissioner
Randy Stamey, District III Commissioner
Gerry Adams, District IV Commissioner
Lee Holman, District V Commissioner

Also attending were Patrick Jaugstetter, County Attorney; LaTonya Wiley, Deputy County Attorney; Shay Mathis, Deputy County Clerk; Mike Bush, Financial Services Director; Becky Zebe, Human Resources Director; Julie Hoover-Ernst, Communication Relations Specialist; and others.

Chairman Harper called the meeting to order and asked for an **Acceptance of the Agenda**; Commissioner Adams made the motion to accept the Agenda; Commissioner Holman seconded. Commissioner Mathis said she wanted to add to the Agenda a Resolution Pertaining to the Commuter Rail Funding from Henry County. Commissioner Holman said he would be glad to amend his second. After a short discussion among the Board Members, Commissioner Holman withdrew his second.

Chairman Harper stated, "Commissioner Mathis asked me to draw up this resolution; I tried to make it as mundane as possible to sound non-controversial, but I do not think we should take a position on it as far as whether we are for it or against it. This just verifies there is funding, but if the Board does not want to wade into the debate, then we should not add it to the Agenda."

Commissioner Adams did not have an opinion; Commissioner Holder stated, "sometimes I think the best position is to remain silent until you have to speak, and I do not think we have to speak at this point." Commissioner Adams and Commissioner Stamey agreed with Commissioner Holder.

Commissioner Holman reinstated his second for the **Acceptance of the Agenda**; the motion carried unanimously.

PUBLIC HEARING REGARDING THE MILLAGE RATE:

The Public Hearing has been cancelled. All of the Millage Rate Meetings will be rescheduled at a later date, and the Public will be notified.

APPOINTMENT(S) TO THE JOINT CITY/COUNTY PARKS AND RECREATION AUTHORITY:

Commissioner Holman said he would like to submit the name of Chris Marsengill. Chairman Harper said he has heard from Harold Thibodeaux, Tom Gabey, Carol Kelly, Chris Marsengill, and Charles Mobley. He said, "that is five (5); we get four (4) that the City has no say over. Regarding the fifth position, we have to jointly agree with the City, and that individual will act as the Chairperson."

Commissioner Adams asked how many positions will the City have. Chairman Harper answered, "two (2) plus they agree on the Chairperson position."

Chairman Harper said none of the five (5) names submitted live in the City of McDonough, but that is not required.

Commissioner Stamey made the nomination for Carol Kelly's name to be submitted as the Chairperson. Chairman Harper stated of the five (5) names submitted, the two (2) most likely to be Chairperson would be Carol Kelly or Charles Mobley.

Commissioner Adams seconded the motion made by Commissioner Stamey.

Chairman Harper said, "let's deal with the first appointment first, and that is the County's nomination for Carol Kelly to be the Chairperson, subject to the City of McDonough's approval." The vote was taken and the motion carried unanimously.

Chairman Harper said the four (4) appointments to the Parks and Recreation Authority, submitted by the County, will be Chris Marsengill, Charles Mobley, Tom Gabey, and Harold Thibodeaux. Chairman Harper asked if the Board wanted to make any changes or additions.

Commissioner Holman entered into the record stating, "Mr. Marsengill is a Professional Engineer and based on the presentation during the Joint Board of Commissioners and the McDonough City Council, it appeared that half of the park land or more was unbuildable. I would like to have an 'engineering eye' on this Committee."

Chairman Harper stated Chris Marsengill is an engineer, Charles Mobley is the financial guru, and Tom Gabey is a developer. "All of this is under the assumption these people will accept the position; Carol Kelly will accept it for sure. She is the only one of

the five who has expressed interest in wanting to be involved; if McDonough vetoes her, then she is off the Committee, and she is the only one who wanted to do it in the beginning.”

Chairman Harper suggested, “we could submit three (3) nominees and leave the fourth one undecided, and then if they reject Carol, then we could place her in the fourth slot, and nominate another person.” Commissioners Holder and Mathis agreed.

Commissioner Adams suggested submitting Charles Mobley for the Chairperson, and placing Carol Kelly as one of the four (4) on the Committee. “She will be strong whether she is the Chairperson or a member of the Committee.”

Chairman Harper made the following suggestion and Commissioner Holman made the motion for Harold Thibodeaux, Tom Gabey, Chris Masengill, and Charles Mobley to be submitted as the County’s four (4) appointees to the Committee, and Carol Kelly to be submitted as the nomination for the Chairperson. Should Ms. Kelly be rejected as the Chairperson, then Charles Mobley will be submitted as the County’s nomination for Chairperson, and then Ms. Kelly will become one of the four (4) on the Committee; Commissioner Adams seconded.

Commissioner Stamey said any of the five (5) are capable of being the Chairperson.

The vote was taken, and the motion carried unanimously.

REQUEST CONSIDERATION OF A CONDEMNATION:

WHEREAS, the American Civil War has had a profound impact on the history of the United States, Georgia and the Henry County region; and

WHEREAS, Civil War battlefields and encampment sites have significant cultural and historical value and should be preserved for future generations; and

WHEREAS, the Property described on Exhibit “A” attached hereto and incorporated herein by this reference (the “Property”) was the site of battles and encampments during the Civil War; and

WHEREAS, the County has determined that acquisition of the Property is in the best interests of the County and its citizens in that: (1) it will serve as a valuable cultural, historical and educational resource; and (2) it will serve to protect and preserve greenspace; and

WHEREAS, the County has determined there is a public necessity that the property be acquired to serve the purposes stated above; and

WHEREAS, in order to timely acquire the Property, judicial supervision of the condemnation proceedings is desirable in order to obtain a quick determination of the just and adequate compensation to be paid the owner of the property; and

WHEREAS, the County has determined that the need for quickly acquiring the property and determining the just and adequate compensation to be paid to the owner of the property necessitates the use of the condemnation procedures provided by O.C.G.A. § 22-2-100, et seq.;

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. That the County does hereby declare there is a public necessity that it acquire the property shown on Exhibit "A," attached hereto and incorporated herein by reference, for the purpose of providing historical, cultural, educational and recreational and/or park facilities to serve the residents of Henry County, Georgia.
2. That the County does hereby exercise its power of condemnation and authorizes the acquisition of fee simple title to the property shown on Exhibit "A" by the use thereof.
3. That the County stands ready to pay just and adequate compensation for said property, as well as any consequential damages to which the property owner is legally entitled.
4. The County Attorney is authorized and directed to file such condemnation proceedings and other proceedings as necessary to acquire title to the property shown on Exhibit "A" and to establish the just and adequate compensation to be paid to the owner thereof.

(Chairman Harper left the room.)

Commissioner Holder asked for the number of acres on the subject property.

Mr. Jaugstetter said there are approximately 202 acres.

Commissioner Holder asked of the 202 acres, how much can the County use.

Commissioner Mathis said the County can use all of it, if it is used as passive; she said there are about 65 to 70 acres on the back that would not be suitable for building homes because of the stream buffer, and also there is a lake sitting above it with a dam.

Commissioner Adams asked if the dam was in good shape, and Commissioner Mathis answered, "yes."

Commissioner Adams directed his question to Mr. Magnaghi, "how are we going to finance this?"

Mr. Magnaghi replied, "it will be financed by impact fees. The figures we reviewed were based upon \$11 million; \$6 million for this particular project, \$5 million

for the Y.M.C.A., and a debt incurred over ten (10) years would be approximately \$1.3 million. The two (2) combined would be about \$1.3 million a year for ten (10) years. That would constitute about 65% of the projected impact fees for the next ten (10) years. This would leave approximately \$500,000 a year for additional projects from impact fees.”

Commissioner Stamey asked, “only if we use the Y.M.C.A. money, correct?”

Mr. Magnaghi said, “I keep saying that because the figures have been run on both of these projects, and if we back that out, we said that would constitute about 55% of the \$11 million, so the \$1.3 million would probably go down to \$650,000 for just this project as debt service.”

(Chairman Harper returned to the meeting.)

Commissioner Adams said, “we are assuming growth is going to continue as it has, and impact fees will remain what they are. That is a little bothersome to me. We might want to think about if we are comfortable with five (5) years, go ahead and get the land ‘locked up,’ and delay the Y.M.C.A., because it is not a ‘done deal’ yet (just to make sure we have funds in hand).”

Commissioner Stamey added, “we also talked about on the next SPLOST fund, we could put something in there concerning parks and recreation, and maybe we could create a resolution to allow us for an expansion of parks and recreation and use a portion of the SPLOST money to pay off this early.”

Chairman Harper said he thinks the next SPLOST should have greenspace and park money; he said DeKalb County just developed a SPLOST for that purpose. He said DeKalb is leading the whole State in their Arabia Mountain Project, which is huge with the trail system. “On capital, if we built a new Administration Building today, and in two (2) years pass a SPLOST, we could put on the SPLOST we could retire the debt by putting it on there. I do not know if you can do that on land; I know you can on capital. Also, there is other land we have been considering, and it is a perfect place for a Y.M.C.A.”

Commissioner Holder said, “there are some different feelings about the Y.M.C.A., and for many reasons. This Board sat here on more than one occasion and committed to building the Y.M.C.A., but we have all talked about credibility, and I think the desire of this Board is to improve the credibility of the Board. We cannot improve out credibility, if we do not follow through with the deals we make. What happens if a future Board does not like the commitment we have made? Are they going to fulfill the commitment or are they going to say, ‘no, that was not us.’ That’s one reason why elected officials end up not being trusted, because many times we do not follow through with commitments.”

Chairman Harper said he has a meeting this week with Gail Notti and some of the City representatives, along with a second developer. He said the County has been offered eighteen (18) free acres, probably twenty something acres, and it is beautiful land. "This is flat land with a lake on it and is near Ray Lambert's at Kings Mill Road and Highway 42. The property has access onto Highway 42, and they think they can make it touch Kings Mill, with an access road. If someone is willing to donate for free (18 to 25 acres), the least we can do is go and look at it. They approached the Y.M.C.A. and offered the land, and Cousins Properties, who is building contiguous to this land, offered, as their contribution, to construct the entrance to the Y.M.C.A. Also they said they would provide all the shrubbery and the big signs, pave the road leading into the Y.M.C.A., and donate the grading for the buildings. But the Y.M.C.A., at that time, said, 'no, we are going to the hospital.' So they moved on and left the land vacant. Now, the developer got wind that we said, 'no, you are not going to the hospital,' so he has given the option again to take the land and is willing to approach Cousins about the donation again, and he thinks he can get it. So, before we slam the door in that person's face, we should go and look at it."

Commissioner Adams said, "I want to make a clarification and correct any misunderstanding when I mentioned impact fees awhile ago, when I said we could do this and not fund the Y.M.C.A. My comment did not mean to reflect that I want to pull out; I just want a safety button that we could push, if the County did not continue to grow. That is how we fund the budget.....by growth. What if a recession happened and growth is not there, and yet we are stuck with impact fee money, and we already have this land. Could we delay the Y.M.C.A. to make sure that we come through?"

Mr. Magnaghi stated, "in running these figures, we were estimating having 65% threshold of the impact fees. The difference in that additional \$500,000 would be to look at it in two different ways. First, you could add additional projects in the coming years, so you weren't incurring or taking all of that fund. The other position would be to leave it at that and then allow for some downturn in growth to give you some flexibility. If we fall below the 65% mark, we have gone to a major recession rather than slowing down in growth. We think that is a safe amount to do the funding, and the key would be through the ten (10) years, what additional projects you may want to do in that fund. I think you would have some cushion at the 65%."

Commissioner Mathis made the motion to approve the resolution of the Henry County Board of Commissioners authorizing the condemnation of the subject property; Commissioner Adams seconded.

Chairman Harper said, "if we adopt this resolution today, Commissioner Mathis, Mr. Jaugstetter and others will go and meet with the owner of the property, and then, at that time, we will determine whether to give the green light to actually file the condemnation."

The vote was taken; the motion carried unanimously.

EXECUTIVE SESSION:

Chairman Harper stated there will not be an Executive Session held.

UPCOMING MEETINGS:

The meeting on Monday, July 25, 2005, at 6:00 p.m. **has been cancelled** regarding a Public Hearing on the Millage Rate.

Chairman Harper stated, “on Thursday, July 28, 2005, the plan was to interview the top three (3) firms for the Comprehensive Land Use Plan with the Cities. The problem is only two (2) firms applied. We knew that five (5) were potentially going to apply, but it ended up there were only two (2). The two firms are Pond & Co., and Jordan, Jones, and Goulden. Both are reputable firms, and we have conducted business with both of them. Each firm will make a presentation and a bid proposal for forty-five (45) minutes. After the presentations, we will recess and have lunch and ponder over what we have heard, and then return an hour later and hopefully have discussion with all of the Committee Members to decide where we want to go and who we want to hire.”

Chairman Harper said, “before we adjourn, I would like to announce State Court Judge Jim Chafin’s father passed away, and the funeral (no visitation) is today at 5:00 p.m. at Kelly Presbyterian Church. We would like to extend our sympathy and prayers to the family.”

Commissioner Holman made the motion to adjourn at 9:49 a.m.; Commissioner Adams seconded. The motion carried unanimously.

Jason T. Harper, Chairman

Peggy L. Malcolm, Deputy County Clerk