The Henry County Board of Commissioners held a Regular Public Meeting at 9:00 a.m. on Tuesday, November 6, 2012, 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:

Elizabeth “BJ” Mathis, MS.
Randy Stamey, Vice-MS., District III Commissioner
Warren E. Holder, District I Commissioner
Reid A. Bowman, District IV Commissioner
Bruce Holmes, District V Commissioner

Not present was:

Brian Preston, District II Commissioner

Also attending were Shay Mathis, County Clerk; LaTonya Wiley, County Attorney; Fred Auletta, Deputy County Manager; Michael Harris, Planning and Zoning Division Director; Mike Bush, Finance Director; and others.

CHAIRMAN MATHIS: Good morning and welcome to the Regular Public Meeting of the Henry County Board of Commissioners for 9:00 a.m., Monday, November 19th, 2012. At this time, I’d like to call the meeting to order and ask for an acceptance of the agenda.

COMMISSIONER STAMEY: So moved.

CHAIRMAN MATHIS: Motion by Mr. Stamey; second by Mr. Bowman. All in favor? Motion carries 4-0.

The first item on the agenda is a presentation regarding the Henry County Stormwater Utility which is Exhibit #1 in the book and our presenter is Butch Oliver, our Stormwater Director. Good morning.
MR. OLIVER: Good morning, Chairman, Commissioners. Stormwater has been in existence now for about five or six years and we needed to review our ordinance to make sure that everything is in compliance and we’re doing what we’re supposed to be doing. We went out and contracted a company, Ecological Solutions, to do that for us. Today, Mr. Ron Feldner from Ecological is here to do a Power Point Presentation and bring you up to speed on what we’ve done with the ordinance and a few little changes we might need to look at changing; but other than that, everything looks good. At this time, I’ll give you Mr. Ron Feldner.

MR. FELDNER: Good morning. Thank you for the introduction, Butch. I’m Ron Feldner with Ecological Solutions. I’ve been working with Stormwater Utilities here in Georgia for about eight years and I’ve probably worked on about 15 of the 50 that are out there. What I’ve tried to do in coming on board and working with Henry County was to bring some of those experiences from some of those other utilities around the state to see how we could incorporate, or modify certain aspects of what we were doing here in Henry County. Every utility is different and unique in its own way. But I do believe that Henry County has a very solid Stormwater Management Program and, as we’ll see here, the program is well funded by the utility. Any Stormwater Management Program or Stormwater Utility has some basic services that it provides. I’ve listed those here on the slide. Obviously, drainage system maintenance and Capital Projects are some of the critical and higher cost elements of any Stormwater program, but the regulatory aspect is something that’s ever changing. In the next few weeks, in the early next year, the county and many other local governments in Georgia will be issued a new Stormwater permit for the next five years that will have new requirements, new regulations, in the ever changing arena that is regulatory compliance. Obviously, the long-term goal of any Stormwater program or regulatory compliance program is addressing the water quality issues and flooding and drainage runoff issues that are part of any community.

One of the issues we looked at as part of the project was how does the Henry County Stormwater Utility fee structure compare to other county utilities here in Georgia, but then also other utilities of the state’s size in the case of the City of Roswell. You can see that we compare favorably, or competitively, with regard to what we charge a typical residential customer here in Henry County for Stormwater services as we’ve outlined them on that previous slide.

CHAIRMAN MATHIS: May I ask you a question?

MR. FELDNER: Sure.
CHAIRMAN MATHIS: I know you did the comparisons. Did you compare that, because Stormwater has a lot to do with land mass, and Henry County is a particularly large county. Did you take that into consideration when you pulled the comparisons to look and see how our rates compare to those?

MR. FELDNER: Yes. We normalized the typical residential bill which, I believe, is about 4700 square feet here in Henry County and we applied other community rate structure to our base billing unit, or equivalent residential unit and came up with a comparison that was similar from resident to resident in terms of what they would pay in each jurisdiction. Then as you look at those other utilities in terms of Rockdale, Clayton, Douglas County, they have a similar rural and urban component in terms of how the land use is within the county. So we felt that it compared favorably and obviously competitively by how these rates are played out.

CHAIRMAN MATHIS: And the services are comparable as well?

MR. FELDNER: Very much so. All the utilities provide different levels of service and we’re going to talk about that here in a moment. One aspect of the Henry County utility that we’ve enhanced, or recommending to be enhanced, is the amount of money that we put in the capital improvements. I’m going to show a slide on that here in a moment.

We’re going to talk about two terms: Extent of Service and Level of Service. Let’s start with Extent of Service. Simply, the Extent of Service policy really defines where the county will perform work and allocate its resources within the jurisdiction that provides Stormwater services. In the case of Henry County and most Stormwater utilities, the Extent of Service is basically summarized in terms of County-Owned Property, County Road Right-of-Way, and then where there’s Easements and Rights of Entries that have been secured by the local government to allow access by resources of the Stormwater program.

The Level of Service defines what type of activities. So, Extent of Service is where, Level of Service is what. What those types and frequency of operational activities amount to, basically becomes the different activities and program elements that a local government will undertake in terms of maintenance, Capital Projects, inspections, any of those aspects that make up a program
are defined within the Level of Service policy. As I said, the Level of Service will change here in early 2013 as the new permit is issued for the county.

We’ve talked about the Extent of Service, we talked about the Level of Service, and the different activities of the program; and of course, this is all interconnected with the budgetary aspect of the Utility and this is really where the rubber meets the road. We’ve taken a look at some of the current issues that are related to the Stormwater Program and Utility here in Henry County and they’re basically focused on the bullets I have here in terms of working in the County Road Right-of-Way and the importance of developing a program and a supporting ordinance to provide financial and operational resources to deal with what is probably the most extensive aspect of the program, which is your drainage assets that are within the right-of-way; and developing a funding strategy such that the county can systematically in a prioritized way address the right-of-way issues that are critical with regards to drainage conveyance and the operational aspects of the drainage system. We’ve gone through and we tried to identify what the Extent of Service definition needs to be clarified to, what type of funding resources are available to support additional work within the right-of-way and then formulating a budget over the next five years in which to accomplish that goal.

So, the EOS clarification, as I said, we’re trying to enhance the work that we’re doing within the County Road Right-of-Way and making sure that the Stormwater Utility can support that effort, and then consultation with the County staff, specifically the County Attorney’s office, regarding the existing ordinance that has been on the books since I believe 2006, and then making any necessary modifications that clarify the resources of the utility can be utilized to address this high priority need of capital projects within the right-of-way, making any necessary revisions, which I believe you are going to have on your Board agenda, and then presenting that ordinance to you for review and consideration.

So as we start to look at how we’re going to fund the enhancement of the Capital Projects within the right-of-way, we took a detailed look at the budget and it goes without saying in the information that, I believe, you have already seen, that the Stormwater Utility is on a very healthy financial condition, in terms of the resources and fund balance that are part of the utility operating over the last five years. We tried to look at how we could utilize the existing fund balance to go ahead and reinvest some of those funds within the drainage system to address the Capital Project and maintenance replacement needs that are a part of the program that have been researched and identified by the County staff. So we’ve come up with a Fund Balance Policy recommendation in terms of balancing allocation of that current money with maintaining
adequate reserves so that if there is an emergency or need to tap those funds, we’ve got a good balance of funding available for that particular need, if it were to arise in the future. We’ll leave the Fund Balance details to the County staff and the Finance Director’s office to come up with. We’ve provided our recommendations, and any questions that arise, we’re ready to help.

As we talked about allocating additional money to Capital Projects, we’ve looked at increasing some of the expenditures when it came to purchase of equipment and materials in which to accomplish that work; and then allocating money over the next five years, really from two sources. Allocation of that additional, or surplus Fund Balance available, but then also adjusting some of the revenue and expense projections that we’ve looked at over the last several years, resulting in about a $400,000 increase in available funds. This does not involve any type of rate increase or things of that nature. It’s simply a financial exercise in which we’re utilizing our available money that is really in savings to go ahead and increase some of the work, but also to reformat the budget a little bit in terms of its annual makeup so that we can get additional funds to the tune of about $410,000 per year dedicated to Capital Projects. So I think that it was a beneficial and a productive exercise to really get into the budget and look at those issues and to, once again, earmark or identify money for Capital Projects in the future.

I had mentioned earlier I was going to get to a slide that talked about how we compare with some of the Stormwater Utilities. Once again, County Utilities or utilities of a similar size, some of those names are familiar. You can see that in the past, about 20% of the annual budget was dedicated towards Capital Construction and we’ve recommended that number be increased to more in the order of about 30% because – number one, the need is there. The County staff has done an excellent job of identifying the need, but also to get more in line with what some of the other utilities are allocating or earmarking for Capital Projects in the future.

The last issue, which was kind of ancillary to some of these, but I know it’s important and we’ve looked at it in other communities and tried to offer our recommendation to what I know is an issue that we want to get out in front of and deal with in an effective manner here with Stormwater Utility in Henry County; and that deals with private gated subdivisions and accessing those particular properties in which to perform drainage system maintenance, detention pond maintenance, things of that nature. First and foremost, we believe that the ordinance as it’s currently written to be amended in your meeting tomorrow night potentially, would allow for – and it would be conducive to performing work within private gated subdivisions provided, and this is the key issue, provided that the necessary Easements, Rights of Entry and Hold Harmless Agreements can be secured and executed between the county and the various entities that would
be seeking this particular service to be done. It’s something that has been on the evaluation and to-do list for the County staff. Now we think we’ve come up with a mechanism in which we can, once again, get the legal documents and then execute the Drainage Maintenance Program effectively within those areas to service those customers.

I’ll wrap up here with the last slide: Next Steps. Looking at the Ordinance and making sure that the Board of Commissioners is comfortable with the edits that have been made in terms of accomplishing those goals of expanding that Level of Service and Extent of Service to work within the Right-of-Way and address those Capital Project needs. I work with the County Finance Department on the Fund Balance policy and a future Budget Amendment. So as these different financial steps take place, that’s all documented and updated within the budget, and once again developing a standard procedure with which to go out, secure the necessary legal documents to access the drainage system components within the gated subdivisions to then perform the maintenance measures that are needed. That’s all I have.

CHAIRMAN MATHIS: That was a great presentation. I know we have been talking about amending this Ordinance. I believe, Mr. Holder, you can correct me if I’m wrong, since about 2008; would that be correct? Definitely needed to look at being able to address some of the culvert issues, especially in the county, those that go underneath the road in our aging infrastructure. Of course, that is Stormwater. The new mandates that are going to be coming out, are those necessitating also an update in our Stormwater Ordinance to be in compliance with those new mandates?

MR. FELDNER: No. I’ve seen the new permits that are going to be coming out for the county and other communities similar to Henry County. I don’t see any need to revise your ordinance. Once again, your internal procedures and policies with regard to what activities are going to be performed or need to be modified and how that’s done internally by the staff, I think, remains to be seen until the permit is issued. I think it will be here within the next two or three weeks. I don’t see any change in the Stormwater Utility Ordinance beyond what you’ll see in those ordinance modifications tomorrow night.

CHAIRMAN MATHIS: I am glad to see that the gated communities are included in this. They do pay the Stormwater fee. The goal is to make sure that we don’t have unnecessary things ending up in our reservoirs but actually comply with what the mandate has put in place to do. That is to control Stormwater runoff from all properties in the county, not just those outside of
gated communities. Does any Board member have a question or comment related to this presentation?

COMMISSIONER HOLDER: Madam Chair, I’d just like to make some comments and that is, when you mentioned ’08, as far as amending the Stormwater policies and basically what the responsibilities and duties were of Stormwater. I want to go back a little further than that, back to ’04 and ’05. The Water Authority brought to the Board of Commissioners the issue of Stormwater. Stormwater was the last leg of the Clean Water Act of 1972, am I not – if I’m saying anything wrong –

MR. FELDNER: You are correct, sir.

COMMISSIONER HOLDER: If I say something wrong, please correct me. That was the last leg. The Water Authority even paid for the first day, then the county enjoined them, obviously, because of the county as a whole. Legislation tried to be passed, and I have copies of it here today, of ’04 and ’05. We never could get the legislative delegation at that time to buy into, nor the Board sitting here at that time, to buy into the fact that the Water Authority might need to have the responsibility of Stormwater. That’s a side issue. But my point is, that history goes back that far and in coming forward, once the Stormwater actually was created and it was under the purview of the Board of Commissioners – ultimately it is anyhow. You can delegate that authority to other people if you so desire. In ’08, we started to recognize the fact with Terry McMickle with DOT. Various issues started to arise to limit Stormwater. We have culverts across roads, we have cross drains across roads, we have issues within gated communities that contribute to the Stormwater problem, if you want to call it a problem. So we started to think about that back then and my greatest concern, and I’ve talked with Commissioner Bowman and other commissioners from the north end of the county, the infrastructure in the north end of the county is aging much more than in other places. Why? Because Henry County developed from the north to the south. As those curb and guttered subdivisions, which became a requirement in the mid 90s here in Henry County, those are starting to be 15, some 20, some of them even more than 20 years old. If some money is not set aside and some funds allocated for the replacement and the maintenance of that infrastructure, at some point in time, some Board sitting here is going to be hit very hard. Am I correct or am I wrong?

MR. FELDNER: Yes, the financial liability of buried pipe systems on a local government is tremendous.
COMMISSIONER HOLDER: It’s tremendous. It will be and that’s going back to ’08, that’s right. When we started to see that and started to really get familiar with Stormwater; really familiar with it, and we may not be really familiar with it today. But we’re becoming more educated on some of the things with Stormwater. That’s when we started to do that. In fact, we hired your firm on this back in April or March?

MR. FELDNER: Yes, sir.

COMMISSIONER HOLDER: March or April of this year, so it’s not something that we’ve just immediately done or have done within the last month or two.

CHAIRMAN MATHIS: Any other questions or comments? If not, this will be on the agenda for consideration tomorrow night. So I encourage you just to read through that, and if you have any questions before then, you can get with Butch or LaTonya or with Brad. Thank you for your presentation.

MR. FELDNER: Okay, thank you.

CHAIRMAN MATHIS: The next item on the agenda is under Public Safety. We have a resolution requesting authorization to expend funds from the Seized Drug Money account for Command College. Our presenter is not Mark Amerman.

MR. MARLOWE: Major Amerman sends his apologies. He was unable to make it this morning. I’m Matt Marlowe. I’m a lieutenant with the Criminal Investigations Division. The amendment is here to request authorization and use Drug Funds to send Lt. Robbie Savage to the Command College in Columbus. He’s a 26-year veteran of the Department. As a part of the agreement, he’ll attend ten modules over a period of two years in Columbus. The total cost is $14,200; $9,000 tuition, $3,450 for housing, and $1,750 for meals. He will also enter into an agreement stating that at the end of this educational period, he’ll stay with the Department an additional three years. The Chief would also like to go on record and advised that he has never promoted anyone in the Department based on education by itself, but he believes that an
educational opportunity such as the Academy and Command College provide valuable training for the upper management by giving them the tools that we need to lead the Department in the future.

CHAIRMAN MATHIS: Do you know how many officers we have sent through Command College?

MR. MARLOWE: I don’t know the total number of officers. I do know that it’s the policy of the Department that they stagger and they only have two in session at a time, because of the monetary constraints and making sure that we don’t have too many supervisors that are out-of-pocket at the same time. But I know that it’s been going on for the last 6-7 years if I’m not mistaken. It’s been my understanding that it’s reserved for those who already hold their Bachelor’s Degree, and at the end of this program it gives them enough hours where they can obtain their Master’s Degree as well.

CHAIRMAN MATHIS: I just think it’s great that we are able to educate those within our Department, thanks to the generous contribution of our local drug dealers and I would just like to note that.

MR. MARLOWE: I agree, ma’am.

CHAIRMAN MATHIS: Does any Board member have any questions or comments pertaining to this item? If not, you have before you a resolution authorizing the expenditure and I’ll entertain a motion.

COMMISSIONER STAMEY: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Stamey; second by Mr. Holmes. All in favor? Motion carries 4-0. Thank you.
MR. MARLOWE: Thank you, ma’am.

CHAIRMAN MATHIS: Moving on to Judicial. The first item is a resolution requesting authorization to accept a grant for the Adult Felony Drug Court. Our presenter is Kelly Bush, the Court Financial Administrator; Exhibit #3. Good morning.

MS. BUSH: Good morning. There’s actually four and they all kind of intermingle. The first one is for the Adult Felony Drug Charge and it is an award from the Criminal Justice Coordinating Council, directly from the Governor, for $79,490. It got changed up a little this year from last year. This is an award that we received last year for Drug Court and our implementation grant for $75,000. The funds were smaller and usually, the way that it worked was the implementation grants were around $75,000 and then operational grants dropped down to $10,000 to $15,000 going forward. The Governor is a big proponent of accountability in problem solving courts and set aside an additional $10 million this year to go to those. The Adult Felony Drug Court this year received $79,490 as an operational grant. The Mental Health Court also received a grant, and the DUI Court also received a grant. One of the things that we have asked to do with this grant money is the Drug Court has a Drug Screen Lab, which helps us offset our Drug Screen costs. We can run a panel for about $4.80 as opposed to $15. We want to hire a Drug Screen Lab Manager and a technician so that we can offer our services outside of just the accountability Courts and maybe make some money to support the accountability Courts going forward. That was one of the things that we had asked for in this grant. The funding agency gave one-third of those positions to the Drug Court, and one-third of those positions to the Mental Health Court. That is also in this package.

CHAIRMAN MATHIS: Does any Board member have any questions or comments? You have before you a resolution accepting a grant in the amount of $79,490 from the Governor’s Office, the Criminal Justice Coordinating Council, and I’ll entertain a motion.

COMMISSIONER HOLDER: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Holder; second by Mr. Holmes. All in favor? Motion carries 4-0.
The next item is a resolution requesting authorization to accept a grant for the Resource Court; that’s Exhibit #4.

MS. BUSH: Same background. This grant is for $91,689. Something that I didn’t say also was that this is just for three-quarters of the year. It became effective October the 1st. So this isn’t even a whole year. This is just for three-quarters of the year, they’re giving us $91,689 for our Mental Health Court. It also would fund a part-time Case Manager, a third of the Drug Lab Manager, a third of the part-time Lab Tech, electronic tablets which is something they usually wouldn’t fund equipment. They’re funding equipment this time for the Mental Health Court team. Participant handbooks, drug screens, supplies, surveillance, home checks, emergency housing and medication and designer drug screen.

CHAIRMAN MATHIS: Does any Board member have any questions or comments? Mr. Bowman?

COMMISSIONER BOWMAN: I was going to ask on the previous one but it would cover this one also. Do we have any of our General Fund; are we having to do anything with General Fund with this at all? No matches?

MS. BUSH: No, sir. No match.

COMMISSIONER BOWMAN: Okay. That’s all.

CHAIRMAN MATHIS: Any other questions? If not, you have before you a resolution accepting the grant in the amount of $91,689 and I’ll entertain a motion.

COMMISSIONER BOWMAN: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Bowman; is there a second?
COMMISSIONER HOLDER: Second.

CHAIRMAN MATHIS: Second by Mr. Holder. All in favor? Motion carries 4-0.

The next item is a resolution requesting authorization to accept a grant for the DUI/Misdemeanor Drug Court, and that’s Exhibit #5.

MS. BUSH: This one is a little less. It’s for $26,510. I truly believe that the reason is because this is a Misdemeanor Court and it keeps people out of our County Jail. The Governor also, to offset this, made changes through House Bill 1176 and they added Driving Under the Influence, Sale of Alcohol to Minors and Vehicular Homicide when it involves alcohol to the charges that receive D.A.T.E. Funds, which is 50% of that original fine. I just did some calculations and last year, we had $400,957 in DUI charge collections. Being conservative, it started July 1st, so they’ve all got to go into place and we’ve got to start collecting it. But I conservatively believe that we will see at least an additional $80,000 in D.A.T.E. Funds this year, and $150,000-200,000 going forward once it’s all up and operating. The $26,000 for DUI Court is a no-match grant, but the next resolution is going to ask to spend D.A.T.E. Funds to fill out the remainder of the cost to support that program.

CHAIRMAN MATHIS: Does any Board member have any questions or comments? If not, you have before you a resolution accepting the grant in the amount of $26,510. I’ll entertain a motion.

COMMISSIONER HOLDER: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Holder; second by Mr. Bowman. All in favor? Motion carries 4-0.

The final item under Judicial is the resolution requesting approval of the expenditure of the Drug Abuse Treatment and Education Funds for the DUI/Drug Court, Exhibit #6.
MS. BUSH: This is the final one. It is asking to spend not more than $60,000 to cover the additional third of the salary for the Drug Screen Lab Manager, a technician, additional surveillance, benefits and salary for the Court Coordinator in lieu of a Case Manager, an electronic tablet for the surveillance officer and additional funding for Drug Screens.

CHAIRMAN MATHIS: And just for means of clarification to our citizens, this is not coming from General Fund. These are fees that are assessed on extra fines or fees assessed for these particular crimes that are committed that are set aside specifically to be used for these types of programs.

MS. BUSH: Yes, ma’am.

CHAIRMAN MATHIS: Are there any questions or comments pertaining to this item? Mr. Stamey?

COMMISSIONER STAMEY: Madam Chair, a question. Mike, I don’t know if it’s a question for you or Kelly. There is a cap on how low they could go; is that balance still safe?

MS. BUSH: After taking into account the first quarter of this year’s activity, we have $1,157,832.

COMMISSIONER STAMEY: So we’re still above the original balance that we had?

MS. BUSH: I said in the resolution that we would maintain that $1 million cap.

COMMISSIONER STAMEY: And this will not take us into that in any shape or form, correct?
MS. BUSH: No, sir.

COMMISSIONER STAMEY: Okay. Thank you.

CHAIRMAN MATHIS: Any other questions or comments?

COMMISSIONER HOLDER: Madam Chair?

CHAIRMAN MATHIS: Mr. Holder?

COMMISSIONER HOLDER: I think it would be good. I know we have three newly elected people here this morning as well as Judge Blount is here in the audience, to explain, Kelly; and if the Judge needs to, or whatever. The real purpose in these special Courts and what the intended purpose was in establishing these Courts and what it does to the jail system and repeat offenders. I think that the public should know and I know that some of the newly elected people may need to know. Why was there a million dollars set as a basement, or the low point; the balance could never go below the million dollars? We set it up that way so that you could not take everything out of the plan. I think it might be good for Kelly to explain that because we’ve taken the action, or are about to on the last one. I think it would be good for the people to know and possibly the new elected officials.

MS. BUSH: Problem solving Courts are proven to reduce recidivism and that’s taking people that, because of addiction, find themselves in our correctional facilities, either state or county, and they just keep repeating the pattern. They go in, they do their time, they get out, they re-offend, they go back in, they go through our Court systems and it’s just the belief that if you give them the counseling and you get them the help that they need, that they won’t re-offend. I think our elevator speech has turned them from tax burdens into taxpayers. I’m happy to share, I’m involved with the Adult Felony Drug Court and we have currently 12 participants. Two are graduating in March and these are usually heavy meth addicts that have been in the jail most of their lives. They have children that are in our Welfare system because they’re not supported. Our two graduates, I’m proud to say, one of them is a female and she’s received her GED. She’s received new teeth. She has re-established a relationship with her 16-year-old daughter. She has a house, she has a job and it is her goal to go five years without a re-offense and the Department
of Pardons and Parole will pardon her and take away her felony conviction, and her goal is to be a kindergarten teacher. It’s not just saving money for the taxpayers, but it’s actually reuniting families and saving lives. Our DUI Court has graduated 49 participants. They have only had two to re-offend, so that’s a 96% success rate of people not getting out and immediately going back out there and, in their case, getting in a car drunk and endangering the lives of my mom, my daughter; and they’re proven to work. In Henry County, I think the DUI Court has been in place for three years. The Adult Felony Drug Court just capped out their first year and the Mental Health Court, I think has been in place for a little longer, going right on four years. Nationally, there are some places that have been in place for 20 years and they show that they work. All three of our Courts follow the standard best practices that have been set for those successful Courts.

CHAIRMAN MATHIS: Kelly, do you know what it costs per day to house a prisoner at our local jail?

MS. BUSH: $47 or $48 a day.

CHAIRMAN MATHIS: So it adds up very quickly if you incarcerate versus using an alternative treatment.

MS. BUSH: Yes, ma’am.

CHAIRMAN MATHIS: Any other questions or comments pertaining to this? If not, you have before you a resolution that’s authorizing the expenditure of the D.A.T.E. Funds and I’ll entertain a motion.

COMMISSIONER BOWMAN: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Bowman; second by Mr. Holder. All in favor? Motion carries 4-0.
MS. BUSH: Thank you.

CHAIRMAN MATHIS: Thank you. Moving on to Transit, we have a resolution requesting authorization to purchase furniture for the new Transit office. Our presenter is David Williamson, Director of Transit; Exhibit #7. Good morning.

MR. WILLIAMSON: Good morning, Chairman and Commissioners. I believe you are all aware that the new Transit building will be opening with the dedication on December the 18th. We want to invite everyone to come. We are also in need of some new materials to equip the office over there. We did work with two vendors on the State of Georgia Contract Vendor List to look at new furniture for the building. Right now, we don’t even have enough furniture in our current building to seat all the staff. Funding is available in the FTA grant. It is an 80/20 match. Impact Office Interiors has proposed to equip the facility at $32,429.30; that includes shipping and all setup and delivery. Local match, 20%, is $6,485.86.

CHAIRMAN MATHIS: Did you have a chance to look through the surplus furniture that Don Ash has in storage prior to determining what your needs would be for the new Transit facility?

MR. WILLIAMSON: We have been looking at some of the surplus, yes, ma’am. We are going to use some of the stuff that we already have and continue to look what may be available.

CHAIRMAN MATHIS: Okay. I know he did very well bringing all that furniture back from one of the federal buildings downtown and it is quality furniture. So we want to make sure that’s put to use. Any questions or comments from the Board?

COMMISSIONER HOLDER: Just a comment right quick. David, over the years, I just want to say thank you for what you’ve done with the Transit and the way you’ve managed the dollars and you’ve done the very best you could with what you had. I think if you’ll look back in time, you see that as far as federal grants and the various grants that are needed to provide public transportation in the county, you’ve done a very good job. I just wanted to tell you that.
MR. WILLIAMSON: Thank you very much.

CHAIRMAN MATHIS: Any other questions or comments? If not, you have before you a resolution authorizing the purchase of the furniture for the new Transit office and I’ll entertain a motion.

COMMISSIONER BOWMAN: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Bowman; second by Mr. Holder. All in favor? Motion carries 4-0. Thank you.

MR. WILLIAMSON: Thank you.

CHAIRMAN MATHIS: Moving on to Communications. The first item is a resolution requesting adoption of the policies and operational procedures and guidelines for Henry County’s Government Access Channel, known as TV-14. Our presenter is Julie Hoover-Ernst, Director of Communications; Exhibit #8. Good morning.

4:45 P.M. – 1:45 P.M. – 12/15/12

MS. HOOVER-ERNST: Good morning. This is what I would deem more of a housekeeping issue. The majority of you sitting on the Board sat down with the County Attorney and me several years ago and spoke about what you wanted, how you wanted the TV-14 to operate. We worked out the policy and it just kind of slipped through the cracks, that this was never formally adopted by the Board of Commissioners. We had this discussion with you and I just realized that it had never been formally adopted despite the fact that we have had these discussions and I wanted to bring it before you for formal adoption.

CHAIRMAN MATHIS: Does any Board member have any questions or comments? I assume you all have had an opportunity to read through the whole policy. We had a partial one
last month, so thank you for giving us the completed one. If there are no questions or comments, you have before you a resolution pertaining to the policies and operating procedures and I’ll entertain a motion.

COMMISSIONER HOLDER: Move to approve.

CHAIRMAN MATHIS: Motion to approve by Mr. Holder; second by Mr. Bowman. All in favor? Motion carries 4-0.

The next item is a resolution requesting support of H.R. 1746, known as the Community Access Preservation (CAP) Act and again our presenter is Julie Hoover-Ernst; Exhibit #9.

MS. HOOVER-ErnST: Good morning again, Commissioners. As many of you may know, back in 2008, Georgia was one of many states that had passed State Franchise Agreements regarding cable companies and how they affect PEG channels, which is Public, Education and Government channel, of which Henry TV-14 is a Government Access channel. These State Franchise Agreements have adversely affected a number of channels across the nations and many of them that had initially been receiving PEG fees that were from the cable franchises that supported these channels, are shutting down. That’s what has really gotten the attention of a lot of congressmen in Washington. While we were not one of the channels that ever received those kinds of supporting fees from the cable franchise companies, this new legislation would actually provide a source of revenue for Henry TV-14 if it passes that will help to augment the Communications budget. The CAP Act, which is H.R. 1746, as it now reads would either restore the level of support that PEG channels once received, or it can receive up to 2% of the gross revenues that that operator receives in that county or city, so that it would provide a substantial revenue stream to help augment the Communications budget. Those new fees can be used for both operational and capital expenses. So it can be used to help support the part-time salaries that we’ve had to bring on board to help produce the programming of the original content that we are required under the State Franchise Agreement. So when I came across this, I wanted to bring it to your attention to see if you would be willing to support this because of how it would help our budget situation here in Henry County. If it would be your desire to send a resolution in support of it to Representative Westmoreland and Representative Scott in Washington.
CHAIRMAN MATHIS: One addition to that, we would have to, if the Board decides to support this and request this from our congressmen, is to add Paul Brown, who is our District 10 Congressman under the new redistricting. Does any Board member have any questions or comments? It’s not really an action, per se, it’s more of a letter encouraging support from our congressmen. If there are no questions or comments pertaining to this item, you have a resolution of support in front of you and I’ll entertain a motion.

MR. STAMEY: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Stamey. Is there a second?

COMMISSIONER HOLDER: Second.

CHAIRMAN MATHIS: Second by Mr. Holder. All in favor? Motion carries, 4-0. Thank you.

Moving on to Public Works. We have a resolution requesting award of a bid for recyclable materials. Our presenter is Terry McMickle, our Public Works Division Director; Exhibit #10. Good morning.

4:45 P.M.

3:15 A.M. – 12/16/12 – START TIME

MR. McMICKLE: Good morning, Chairman and Board members. Henry County Recycle Center continues to provide free recycling program to residents of Henry County and after well over a year of business, the county has re-bid the following recyclables to be purchased from the center. This proposal was processed to the Purchasing Department. The documents were posted on the county website and the bid notice was listed in the ACCG/GLGA website. Six vendors submitted bids for materials and we have provided the spreadsheet to show those different price comparisons. We propose that the awards would go as follows. We propose to award to LB Recycling and Waste our scrap metal, aluminum cans and batteries such as automotive batteries. In this particular case, LB Recycling will be providing containers if
needed and they will haul the materials, so they’ll place their containers at our site and then pay us. On the scrap metal, they’ll pay us per ton. Aluminum cans per pound and batteries is per battery. We propose to award to SP Recycling, our Number 1, 2, and 3 through 7 plastics, our office paper and the combination of newspapers, magazines and telephone books. Here, we’ll furnish the containers and haul the plastics to their site, so we’ll be furnishing those three containers, and then SP will furnish the containers and haul the office paper and newspaper to their site. To Sonoco, we want to award our cardboard and we’ll continue to furnish the container and haul to their site. On your Executive Summary, we have Waste Pro, but we do not want to award that, so if you’ll scratch through that. On motor oil, we want to continue using the vendor that we are currently using at Fleet, which I believe is Farmers Oil, so that will not be part of this resolution. That will conclude all the recyclables that we would like to award and I’ll be happy to answer any questions. The pricing on this is a little difficult. If there is some of that you don’t understand, I’ll be happy to explain it. If you’re not in the business, then it gets confusing. Some of this is based on Yellow Sheets, which is a standard commodity sheet and we get a certain percentage of that. The other one is an Orange Sheet, and when it says “over and under”, they have a normal price established. If the price is $100, this says 20 under, then we get paid $20 under that. If it said, $20 over, we’d get $20 over that. In this case, people bid under. One was 20, one was 50. We want the one that’s closest to it, so the least amount under. I know some of that is a little bit confusing. We have awarded, in essence, the higher bidder based on that. But if anybody is unclear on that, I’ll be happy to go through any particular item if you have any questions.

CHAIRMAN MATHIS: Terry, I was noticing on the bottom that there were no bidders for glass and I’m assuming we’re still going to continue to accept glass at the Recycling Center?

MR. McMICKLE: Absolutely. On glass, there’s basically one vendor in all of Atlanta that I know of, and it’s Strategic. They will accept the glass but they will not bid. They will not give us a bid. But we’ll continue using them and hauling our glass to them, but we couldn’t get a confirmation of price. I guess they know they’re the only show in town. We just can’t get a year contract bid out of them. Now if you call them up and say, hey we got a container of clear glass, they’re going to say I’ll give you X amount a pound for it. They always take it but they will not commit to an annual contract.

CHAIRMAN MATHIS: We seem to get an exorbitant amount of glass when I take my recyclables, a tremendous amount of beer bottles and wine bottles, I might add, in the recycling bin. So I guess that’s recycling that and then there’s the alcohol tax that we charge. I’m sure
with our DUI tickets, we get other benefits from that as well. I’m glad to know that we’re still recycling glass because there is a lot of it. I hate to think of that going to the landfill.

MR. McMICKLE: We’ll continue to take clear, brown and green. The brown does fill up faster.

COMMISSIONER STAMEY: We’re just glad you’re recycling all those things.

CHAIRMAN MATHIS: Not me. Are there any other questions or comments pertaining to this item?

COMMISSIONER HOLDER: I have one question and it will be less complex. Since we have started the Recycling Center, where do we stand? Have we made money? Have we lost money? The last report was we were a little bit in the black. I think we need to know that.

MR. McMICKLE: I’d probably be the best to take that one. Last year I think our revenues exceeded our costs by just a slight amount. We will do a little bit better than that this coming year, I think, probably a little better. More and more people know that we’re there. We’ve added a few other things that we collect. I think by re-bidding this, and some of this, we’ve cut out some of our middle men in this bid. I think we’ll make a little bit more this year based on that. Right now, we have another vendor that he furnished the containers and they’re hauling it to the glass. With this, we’ll use our containers and haul them directly, so we’ll make a little bit more there.

COMMISSIONER HOLDER: In the expenses, the amortization of equipment and all is part of the black, is that correct?

MR. McMICKLE: No.
MR. BUSH: The depreciation of the amortization of it, is included as an expense in his expenses. But it’s over 10 years, so $10,000.

COMMISSIONER HOLDER: I understand that because it’s equipment that can –

MR. BUSH: It’s very small.

COMMISSIONER HOLDER: But you are taking depreciation off of it, so okay. That was my point. Didn’t want to say, well we made money but in essence we spent a quarter of a million dollars and we didn’t get anything back. That’s my point.

MR. McMICKLE: Well, there are some other side benefits that probably the public doesn’t know as well. There are a lot of occasions where we will use our rollback truck and our containers to assist other departments if they have cleanup, Mike Keeble’s department, we’ll place the bin at a building or something if they’re refurbishing. They’ll put that in there and then we’ll haul it to Clayton County. So we do a lot, that’s kind of intangible that we really have to put a hard number on. But we do a lot of that type stuff, too.

COMMISSIONER HOLDER: And we had that discussion when we talked about going to a Rolloff System. Rather than tying up a dump truck and a driver at a site where you’re going to fill it full of debris anyhow, set the container out there, the driver can go and be doing other things and come back, pick up the container when it’s full. Those are the things that can benefit and be of benefit to every department really.

CHAIRMAN MATHIS: Mr. Bowman?

COMMISSIONER BOWMAN: I think there’s another very large benefit and that’s all the phone calls that I’ve received over the past year about how much better it is and how helpful the people that we have out here. I don’t know who you have out here. I’ve actually never been to it. But the people have talked about how helpful our people are and how well it’s run and it’s over and above what it was the first three or four years that I was in office where I got the other phone
call, where it was just totally the opposite. I think it’s a benefit to the taxpayer, if we just got a breakeven situation and we’re providing that kind of service and it’s helpful for them, it pays a lot of dividends for the county to do that.

COMMISSIONER HOLDER: Well, let me inject this. If it broke even, prior to that it was costing us $35,000 a year to hire the guy to give us all those bad phone calls.

MR. McMICKLE: And he proposed going up to seventy or $80,000 when we made a decision to do it in-house.

COMMISSIONER HOLDER: Exactly, and he was the low bidder but it was still going to cost that much money.

MR. McMICKLE: Right. There were several bids I think we had.

CHAIRMAN MATHIS: You have done a phenomenal job with that because we do take our recyclables over there, and it is clean; whereas before, it was a total disaster, overflowing bins. You almost had to step through the recyclables to try to put yours in the bin and then the fact, too, that when you get there because trustees are there to assist and they are right there to help you unload all your recyclables and take them to the different bins. It is night and day difference between the way it was a few years ago and I can not say enough good things about that center.

MR. McMICKLE: One other thing that the public probably may not be aware of, and I think it’s very important out there, Beth and I have visited several other centers. As a matter of fact, we just came back from one last week. The majority of those centers, by far, haven’t found anybody yet that operates like we do. If you bring a refrigerator or anything with Freon in it, at any other center that I know of, they charge you anywhere from $10, $15, up to $20 to take that because they have to spend the time to remove or vacuum out the refrigerant in it. Of course, we tax Mr. Keeble again with coming to our site and doing that. So we do have some assistance. But we don’t charge for taking appliances. It’s another way to generate money but we felt like if we could continue operating the way we have without having to do that, that’s what we would do. That’s another thing. We’re kind of a little bit unique from a lot of the other centers in that we don’t charge for certain things that other centers do. A lot of other centers charge for yard
waste. They bring in yard waste and they attach a fee with that, if they do that. One other thing just for future kind of planning. In looking ahead, there are a lot of things that we can continue to make improvements on at the Recycling Center. Some of those will cost some money. We were looking at the possibility of it being a huge saving if we’re able to bale those things. A good example is plastics. A 40-yard container, a 30-yard container of plastics will weigh about seven or 800 pounds; that’s all you can get in because it’s just mostly air. By the time you haul that to a vendor, one truck load, 700 pounds and I forgot what we get a pound. It’s very little. It’s just barely breakeven at that point with plastics. But if you bale that plastic, you can get about 1000 pounds in bale. So that whole 40-yard container would make one bale of plastic. If you can get 24 bundles or so on a flat bed trailer for the same amount of fuel and trucking, you get 24 bales versus one and that’s what makes it almost a breakeven, is just trucking it over there. So we have some plans coming up in the future to propose to you down the road, that we think will pay for itself in a very short time period; but will allow us to take on a lot more recyclables and kind of upgrade our service and tie it in overall with Mike in some county-wide recycling effort. There’s more coming down the pipe as soon as we can get all those plans together.

CHAIRMAN MATHIS: Any other questions or comments on this item? If not, you have before you a resolution to award the bids for the recyclable materials, and I noticed in this resolution, it is correct. It does not include Waste Pro in the resolution. With that, I’ll entertain a motion.

COMMISSIONER HOLDER: Move to approve.

CHAIRMAN MATHIS: Motion to approve by Mr. Holder. Is there a second?

COMMISSIONER STAMEY: Second.

CHAIRMAN MATHIS: Second by Mr. Stamey. All in favor? Motion carries 4-0.

The next item is a resolution requesting award of a bid to purchase quarry aggregate and that’s Exhibit #11.
MR. McMICKLE: Our DOT doesn’t require quarry aggregate for various county projects. Having an annual contract for this material allows quick access to the product without the necessity of bidding each time and each product that we need. It guarantees the prices will remain firm during the contract period. At this time, it will replace the existing contract which expires September 30, 2012. We sent out bids. We had two responses. We would like to award to Vulcan Materials Company as the overall low bidder and recommend this award. It’s a unit price contract with no fixed quantities and the prices will remain firm for the contract period. I’ll be happy to answer any questions you may have on this.

CHAIRMAN MATHIS: Does any Board member have a question? Okay, if not, you have before you a resolution awarding the bid for the quarry aggregate to Vulcan with no fixed quantities and I’ll entertain a motion.

COMMISSIONER HOLDER: Move to approve.

CHAIRMAN MATHIS: Motion by Mr. Holder; second by Mr. Bowman. All in favor? Motion carries 4-0. Thank you.

MR. McMICKLE: Thank you, Chairman; thank you, Board.

CHAIRMAN MATHIS: Moving on to County Manager. We have a resolution regarding the implementation of an excise tax. Our presenter is Fred Auletta, our County Manager; Exhibit #12. Good morning.

MR. AULETTA: Good morning Chairman and Commissioners. The State of Georgia will be eliminating the sales tax collections on energy used and the manufacturing process in the State of Georgia starting the first of the year. This is a process that will take four years at 25% per year being repealed and pulled back. The first year, 25%, in 2013; then 50% the next year and 75, and so on, until it’s all 100% eliminated. They not only pulled back the sales tax that was at the state level, the 4%, they did the same thing for the county tax which included our LOST and SPLOST. The 1% for the Board of Education’s SPLOST will not be pulled back. The biggest problem, whether it’s us, Henry County, is the same and that is, there is no way to really know exactly the dollars will be losing. I’ve done some homework that I’ll present and try
to answer our best case how. I spent this weekend at Commissioner Holmes’ fundraiser for his Youth Foundation, spoke with commissioners from Rockdale, Clayton and DeKalb. Rockdale and DeKalb basically said the same thing as everybody else. They don’t know what they’re going to do. The key reason is they don’t know what they’re losing or gaining permanent for their back-end. Clayton did and a couple of weeks ago, go ahead and put the replacement tax, the excise tax, in to replace it. If you so choose today to impose this excise tax, again which would be equal to what is coming off of sales tax each year, the poor cities would have the ability to join in and receive a portion of that sales tax, LOST sales tax dollars. There will be a governable agreement to receive these funds. Also we have the go-ahead to present an ordinance and the intent is to the extent that you so choose to put this tax in. Again, it is not a new tax. It is, by name, but it is not an additional tax on the manufacturers in the county or the cities. In your booklet, there is a write-up that I did back in the middle of October, to call for the ACCG to see if there is anything further on it. There’s no additional information. But the best we could determine at this point, the three of our companies, the energy companies that I have been studying, which is not all of them, Georgia Power, Central Georgia EMC and Snapping Shoals, the best that I could come up with from each of them. The total tax that manufacturers in Henry County pay at the 7% rate is almost a million dollars, $959,000. Of that, the state gets $548,000, that’s the 4% and it will go away. Our 3% for the SPLOST, LOST and the Education SPLOST, is $137,000 apiece. Today, we’re talking about the 2% LOST and SPLOST that are 137 apiece, or $274,000 on an annual basis. Again, at the present levels of 25%, that would equate to $68,501; but again, that’s just based on those three energy providers. Also in the write-up I have is the ACCG, who did poll or surveyed the various counties. They only 73 of 159 counties in the state responding to it. At the time they did it, they had not counted up. I spoke with them last Friday and they won’t have another one till sometime in December. But 29 counties have already agreed or were going to implement the tax. Twenty-six have said no, and 18 do not know what they’re going to do yet. I’ve tried to indicate those counties and if you’ll take a look at the map that is attached. You could see here’s Henry and you can see most of the counties surrounding us are in yellow, which is an uncertain at this point, that they had not made a decision. Clayton right here is in yellow, but as I said recently, did go ahead and put in the tax. You can see green as well, which are “yesses”, and the grays are the “no’s”. One of the items in here, I mentioned is that Butts is indicated as a yes. Correspondence between the email chain that I’ve received, although Butts is indicated as a yes, the last word I got was that there was some concern that they may not implement it, but the city of Jackson does want to keep it in there. So, between the city of Jackson within Butts, I don’t know what the outcome is going to be. I haven’t had any additional update.

COMMISSIONER HOLMES: Fred?
MR. AULETTA: Yes?

COMMISSIONER HOLMES: Has there been any feedback from these energy companies and, if so, do you think this will have the ability or the potential to hurt us with business here in this county?

MR. AULETTA: I think if you go to the write-up, as far as hurting us goes, this excise tax put in, you can pull it out at any time. So to the extent the county has an opportunity or the public opinion, if you would, of the manufacturers are such that it’s a concern, you can drop the tax at any time. There are a bunch of numbers, but I’ll try to show some. As I indicated in the write-up, Central Georgia EMC gave us five companies of what they were paying in sales tax. They’ve been identified as Henry County manufacturers. They didn’t give names, they just indicated that these are the five manufacturers and what they pay. The total in one company or two, three, four and five, as you can see, the annual cost, again, this is per Central Georgia EMC, these five companies paid annually $96,000, or about $8,000 a month. The state’s portion of that 96 was $55,000 and again, you can see the varying amounts from as low as $5800 up to as high as $12,000 and by month, again, the same thing. The local tax is 41 of the 96 monthly, that’s $3400 and you can see that’s as little as $367 up to $1228. Breaking that down by the 2% and 1%, the 1% again being the BOE, which SPLOST would continue to stay in place. This is the piece here that we’re talking about at least for these people that the county would be putting back in place. Again, for the first year, it’s only 25%. The highest figure, you’re talking $200 a month is what we would be losing or putting back in place in Year 1 at the 25% of the $800. Again, the next year it would be 50% that the energy providers would not be collecting unless we did put the excise tax in to replace the LOST sales tax.

COMMISSIONER STAMEY: Fred, would you mind putting that diagram back up?

MR. AULETTA: The map?

COMMISSIONER STAMEY: Yeah, the map that showed the counties’ yes and no.

MR. AULETTA: Yes, sir.
COMMISSIONER STAMEY: I can’t see it from here. What is Jackson County, not Jackson, Georgia? What is Jackson County?

MR. AULETTA: I believe Jackson’s a no.

COMMISSIONER HOLDER: That’s up here in Commerce.

COMMISSIONER STAMEY: They’re a no?

MR. AULETTA: They’re a no.

COMMISSIONER STAMEY: Alright. What about Newton County?

MR. AULETTA: Newton is a no.

COMMISSIONER HOLDER: That’s where all the big business is already gone. That’s why they’re saying no.

MR. AULETTA: Newton on the map is a “do not know”. They did not respond. I have some emails and correspondence of various counties and discussion and dialogue back and forth, and Newton is saying they probably will not, have not affirmatively, unless recently and I haven’t seen it said no or yes.

COMMISSIONER STAMEY: What about Savannah and around the ports?

MR. AULETTA: To tell you the truth –
CHAIRMAN MATHIS: Got a lot of residents down there, but they don’t really depend heavily on –

MR. AULETTA: I didn’t concentrate, quite frankly, outside of our more competitive area. That county is Chatham.

COMMISSIONER STAMEY: Chatham is a yes?

MR. AULETTA: I can’t read through this. Yes, Chatham is down here, I’m sorry. Chatham right here is green, which is yes. Thank you.

COMMISSIONER STAMEY: Thank you.

MR. AULETTA: What’s interesting is that the green along here is along where there are green, which is yes, are along the border of the Carolinas.

COMMISSIONER HOLDER: Planet (sic) Vogtle and all the others that’s called the heavy industry there, they certainly don’t want to do anything about it. There it is right there along the Savannah River.

MR. AULETTA: One of the considerations that our offer is this, that I’ve been to, and Mike has joined me in a couple of these meetings as well, where discussions of various county items, state items have been discussed and upcoming legislation and so on. This subject has come up at each of the last three meetings I’ve attended. One of them is very brief and didn’t say much. The other two that spoke of it, didn’t offer anything more than to tell everybody we don’t know what to tell you other than the best thing is to implement it and see what happens. Along those lines, the data that I hear is not all the energy providers. One thing I did ask, at one of the meetings because it wasn’t clarified, was that what are they going to do, the energy providers, for the office space which is obviously not directly involved in the manufacturing process; and the answer is, it covers all energy that they get and they’re not going to split it out. So it will be
exempt and the only thing is that the headquarters is in another place or doesn’t do the manufacturing process. They will pay the tax. It’s not by the CITGO, if you would, of the company. It’s just the location that does the manufacturing and it is all energy consumed in the buildings, be it office or out in the plant. One thought, again this tax can be repealed. My thought was that we put it in for six months, there’s not a lot of money that is going to be imposed back at 25% during the 6-month period. We can go ahead and get with every energy provider, provide our certificates to them to collect it. We would be getting monthly checks. During the first six months, we would add them up, determine what that is, multiply that times two, hoping seasonality is not a factor in the first six months versus the last six months; and from that, at least, we can then take that times four, because it’s only going to be 25%. That would allow us to determine what it’s going to cost us in four years when it’s 100% removed. Again, the option is there at any time to repeal the ordinance and do away with it. But at least if there is something that’s put in place for the first six months to next year, we have a history of the dollar figures to take a look at and study. It also is going to be at the lowest amount of loss that our existing manufacturing would lose because it’s only the 25% that’s coming out, not the full amount. So it’s a situation of evaluating it the only way you can, which is to find out how much is it that we’re presently collecting or won’t be collecting and the only way to do that is to have these checks come directly to us to understand and calculate that figure. Without it, we’re just in the dark as we are already now.

CHAIRMAN MATHIS: I think the wrestling with this part comes in with trying to assure that Henry County continues to remain competitive when it comes to attracting industry. You know it’s not just the energy tax that has to be factored into that. You have to also look at the fact Henry County has a great advantage over some other locations because we do have I-75, which Spalding County does not have. We are in close proximity to the airport. We are on the port side of the airport. We have rail accessibility to move freight in and out of the county, so we do have some other things that you can’t really compare to other counties throughout the state, that also make us competitive for attracting industry. But you have to factor all of those in, not just yes or no to the energy tax.

MR. AULETTA: That is the difficulty every commissioner or county manager I’ve talked to has, just that. The same was in the discussion we had last time I presented this, was just that; are we going to put ourselves in a non-competitive situation. Some of the counties, still, are not knowing what they’re going to do. I think everybody is watching to see what everybody else is going to do. If somebody puts it in, they can put it in and either remain just as competitive or not put it in and hope to be more competitive. It is definitely something that I think the Economic Development people will put on their charts of “do you have it” or don’t you have it”, so it could become a negative. Again, I’m just offering from the standpoint of trying to quantify something
that can’t be quantified. That is the only way to do it and then take it back after we’ve got calculations determined, or we just don’t put it in as a sales tax. The only difficulty will be we won’t know if the reduction in sales tax is because of less sales, the holidays, next year or over the summer or whatever else. If they go up, we won’t know if it’s because we have more sales or more retailers providing sales tax income. So, we’re going to be flipping a coin trying to understand which it is and what the effectiveness of this is.

COMMISSIONER HOLMES: If we don’t support this today, could we turn around and implement it based on the other counties moving forward with it sometime next year?

MR. AULETTA: My understanding is this. You don’t have to put it in. You can do it at any time you want. If we’re going to implement it, it would be effective the first of the year to keep it in place. We really need to have the county approve today that, and then the next step is to tell the cities that you do so they can have an intergovernmental agreement to join in and come back on the 4th with an intergovernmental agreement and an ordinance and then we can put the word to the various state and out-of-state energy companies. At the same time, if you so choose not to want to do it, we still would advise the city that the county is not going to do it and they can go ahead and do it on their own.

CHAIRMAN MATHIS: Mr. Stamey, you have a question?

COMMISSIONER STAMEY: Warren could probably answer this question for me. I’m looking at Houston County as a yes and probably one of the largest employers in the state is based in Houston County being the base. Is the base already exempt because it’s government owned?

CHAIRMAN MATHIS: We’re talking about manufacturing.

COMMISSIONER HOLDER: This manufacturing that surrounds that base, that is supporting, they’re getting ready to close the base down, too. Go to Burke County, where the nuclear power plant is, Plant Vogtle. They say no.
COMMISSIONER STAMEY: What about Columbia County, too?

COMMISSIONER HOLDER: I don’t know. Columbia is an up and coming county. I can’t answer the question, Randy, about the government, because I know there’s a lot of manufacturing going on, on the base, but there are also a lot of ancillaries that are around it. One thing we haven’t seen here. We’ve looked at electric providers. Georgia Natural Gas is not in there. I’m going to use Briggs & Stratton Snapper as an example. All of their paint system in there is fired by natural gas. I’m assuming Southern States was the foundry. It’s not going to be fired by electricity. It’s going to be fired by gas. Tommy, I don’t know if you’re familiar with some of that. They have both. But when we said it was going to cost us $274,000, that doesn’t necessarily mean that’s what it is because it also says artificial gas. What if the propane people are out here? That’s considered an artificial gas. They are providing some sort of manufacturing. You see some very large propane tanks in this county, where natural gas is not available, that people are using. Smead Manufacturing is one at one time, just as an example. It is truly an unknown, it’s a double-edged sword. You don’t want to make yourself non-competitive but at the same time, you don’t know how much revenue you’re giving up. Fred, I think you made a good point in the fact that this 25% in the first year keeps someone from coming to Henry County because the 75% of the tax is going away. The 25% would remain, correct?

MR. AULETTA: The 75% remains next year; 25% goes away.

COMMISSIONER HOLDER: But the state’s portion goes away.

MR. AULETTA: They’re actually doing the same thing, 25% as well, and their 4%.

COMMISSIONER HOLDER: It could, but you’re playing with an unknown. I think it’s probably a pretty good solution to implement it. If you see that it’s going to cost you, one major business could eliminate the taxes that you’re getting in this sales tax that you’re getting from the power companies. I know when somebody mentioned also about what position did the power companies take. That’s a pass-through, it doesn’t matter to them whether or not they’re sending it on to Henry County or not collecting it at all. It’s a pass-through for them.
MR. BUSH: Commissioner? I just want to reiterate that yes, we are implementing an excise tax, but this is nothing more than a continuation of a tax that they have been paying as long as they’ve been paying it. So it’s not a new tax at all. It’s just continuing to pay our 2% versus what’s going to go away with the 4% from the state. So they’re still in a better shape than they were before this happened.

MR. AULETTA: And again, in the write-up that I’ve done, I did speak with what I felt were five of the – what I felt would be more the energy using industries, companies in Henry County. Southern States, you mentioned. Inline Plastics, because plastics is usually a pretty big user of energy. Ken’s Foods, which is rather large. Smead Manufacturing you mentioned, and Atlas Roofing. Atlas probably, in my opinion, is one of the larger users of energy not only for electricity but natural gas as well. They are a 24/7 use. They have to keep everything warm 24/7 for the products so they are that consumer of it. In speaking with each of the manufacturers, they are very happy to get the reduction and would love to see it all go away but I didn’t get any one of them telling me - - as a matter of fact, some of them said, we’re not going to go anywhere if it did stay in. The recognition on their part in the county not knowing how many dollars has to run the county and provide services. Quite frankly, if it was a big chunk of change that was coming out of our budget because of it, the concern they said was, how are you going to replace it. Not that they want to stroke a check or continue to be in that status; that’s again, to be competitive with new, the opportunity if we knew there was manufacturer that was looking at Henry County, we still have the opportunity to, at that time, repeal it and move on. The only reason I’m mentioning a 6-month period is to get some numbers that we can’t get a handle on. Otherwise, like I said, we’re guessing if we don’t put it in place, how much we’ve lost because we don’t be able to know if it does go down, if it’s all because of that or loss of sales during the future months and years. Likewise, if it goes up, you don’t know if it’s because of something else or what the amount is. It’s not an easy decision. It is Economic Development and if you want to have that competitive advantage, I’d love to have it. At the same time, I’d love to be able to tell you – what nobody can tell anybody – how much this is going to cost a family if you don’t do it. Next year, only 25%, you’re not putting back on the table a lot because it’s still our paying 75% of it.

CHAIRMAN MATHIS: Any other questions or comments? Mr. Bowman?

COMMISSIONER BOWMAN: Obviously, it’s a gamble. None of us have a crystal ball and can’t tell what business is looking in Henry County manufacturing or otherwise that might
be able to benefit from having this tool for our Development Authority. Being on board for the first 25% is not – we do have an out. If it doesn’t work, we can rescind it.

MR. AULETTA: Or just repeal the ordinance, I guess.

COMMISSIONER BOWMAN: Just repeal it?

MS. WILEY: Madam Chairman, I’m sorry, Commissioner Bowman. I would be remiss if I didn’t also add in that the law allows the State Economic Director to waive for any business that seeks a waiver even from the local tax. That individual can do a complete waiver. I don’t know what those parameters are. I think that we’re still developing what those standards would be. But there is an out for, I guess, an industry or a company that meets certain criteria that would allow it to be exempt. That’s just for your own edification and I think that’s important to state.

COMMISSIONER BOWMAN: The largest businesses that we’ve had, not coming to Henry but coming to the state, Baxter obviously and Caterpillar. These things didn’t affect them in any way. They came anyhow. It’s kind of hard to write a blank check and say we’ll figure it out later.

MR. AULETTA: Again, to that extent, I did make a notation here in this write-up that Clarke County and Spalding County are no, as opposed to waiting and thinking. But again, both of them have been recipients of jobs and investment in their counties recently from Caterpillar and I’m sure that was a heavy consideration. The other is, as you mentioned, was Newton. Newton is not a yes or a no. They didn’t reply but in recent emails I’ve gotten on the subject from various counties, they’ve indicated, “They’re opted to revisit the topic at a later date.” So they’re basically a no, but they’re not done with it. They’re not looking at it, but they may be. Same thing when I talked with the people at Rockdale on Saturday night, DeKalb was the other one on Saturday night. Again, they just don’t know what to do. I did speak with some commissioners at one of the meetings I mentioned earlier, from Cobb and they again are throwing their hands up and don’t know what to do, just like everybody else, just like the discussion here. You take a chance, you may not get somebody; an opportunity could bring them to the county and try to bring that manufacturer here, or do you stand to lose substantial dollars that your budget needs.
CHAIRMAN MATHIS: I know, Mr. Holder, I saw that look on your face after the County Attorney made her comment, that the state has the right to overrule home rule in a situation where they deem it appropriate to do so as it applies to this energy use tax. I think that’s quite interesting.

COMMISSIONER HOLDER: I think it is, too. That’s one of the questions that I’ve had about what they eliminate and what they left in place in the taxes as far as eliminating some and keeping some. But if they determine that a business has the economic significance to warrant them bringing them here, and they are exempt from the taxes, now what position does that put other manufacturers in that are in the same business? So they will be exempt right along, correct? So they have a right to just basically say, any county, you don’t really have enough sense to run your business. We’re going to tell you how to do it and tell you who can be exempt and who’s not. That, to me, sends an extremely bad message from our legislative delegation and I think we have one of the best we’ve had in a long time. But I totally disagree with what they’re doing.

CHAIRMAN MATHIS: Any other questions or comments on this? If not, you have before you a resolution and you have the option of imposing or implementing the excise tax on energy use in manufacturing or not implementing the excise tax on energy used. I will look to a Board member to make a motion on this item.

COMMISSIONER STAMEY: I make a motion we not implement the tax.

CHAIRMAN MATHIS: We have a motion to not implement the excise tax. Is there a second to that motion?

COMMISSIONER BOWMAN: I’ll second.

CHAIRMAN MATHIS: We have a second by Mr. Bowman. All in favor of not implementing the excise tax, please raise your hand? All opposed? Motion carries with Holmes, Stamey and Bowman in favor of not implementing; and Commissioner Holder in opposition.
MR. AULETTA: I will notify the cities of your decision; thank you.

CHAIRMAN MATHIS: Thank you.

No one has signed up for Public Comment. Ms. County Attorney, anything for Public Session?

MS. WILEY: No, ma’am.

CHAIRMAN MATHIS: Mr. County Manager, anything for Public Session?

MR. AULETTA: No, ma’am.

CHAIRMAN MATHIS: Upcoming Meetings and Events. Tomorrow, November 20th at 6:30 p.m., we have a Regular Meeting. Thursday, November 22nd and Friday, November 23rd, all county offices will be closed in observance of the Thanksgiving Day holiday. Monday, December 3rd at 9:00 a.m., we have a Workshop Meeting; Tuesday, December 4th at 9:00 a.m., we have Regular Meeting. Monday, December 17th at 9:00 a.m., we have a Regular Meeting. There will not be a meeting on Tuesday, December 18th.

At this time, I need a motion to convene into Executive Session for the purposes of potential pending litigation, personnel and/or land acquisition matters. Motion by Mr. Holmes; is there a second?

COMMISSIONER STAMEY: Second.

CHAIRMAN MATHIS: Second by Mr. Stamey. All in favor? Motion carries 4-0.

RECONVENE
CHAIRMAN MATHIS: I need a motion to reconvene into Public Session.

COMMISSIONER HOLMES: So moved.

CHAIRMAN MATHIS: Motion by Mr. Holmes; second by Mr. Stamey. All in favor? Motion carries, 4-0.

At this time, we need to amend the agenda out of public necessity and add an item for consideration. Mr. Holder?

COMMISSIONER HOLDER: So moved.

CHAIRMAN MATHIS: And second?

COMMISSIONER STAMEY: Second.

CHAIRMAN MATHIS: Second by Mr. Stamey. All in favor? Motion carries 4-0. Mr. Holder, I’ll turn it over to you for this item.

COMMISSIONER HOLDER: I have two items, Madam Chair. One is a resolution to authorize the acquisition of 0.3447 acres of right-of-way, more or less, and .096 acres of permanent easement, more or less, and .076 acres of temporary easement, more or less; and .013 acres of driveway easement, more or less; in Land Lot 243 of the 8th District of Henry County, more easily identified as Henry County Parcel ID #170-01007003. The physical address of the property is located at 2140 New Hope Road, Locust Grove, Georgia. This is for the purpose of the pavement of New Hope Road.
CHAIRMAN MATHIS: Alright. We have a motion on the floor for the approval of that acquisition by Commissioner Holder. Is there a second? Second by Mr. Holmes. All in favor? Motion carries 4-0.

COMMISSIONER HOLDER: Madam Chair, the next one is a resolution to authorize the acquisition of 0.1553 acres of right-of-way, more or less; and .024 acres of permanent easement, more or less; and .145 acres of temporary easement, more or less; in Land Lot 243 of the 8th District of Henry County, Georgia. That does not have a physical address, because there’s nothing on it. It’s raw land. But the Parcel ID number is 170-01007002. It’s vacant land.

CHAIRMAN MATHIS: And that is for the purpose of?

COMMISSIONER HOLDER: Of the pavement and the widening of New Hope Road.

CHAIRMAN MATHIS: Alright. We have a motion.

MS. WILEY: Authorizing the condemnation.

COMMISSIONER HOLDER: Authorizing the condemnation.

CHAIRMAN MATHIS: We have a motion on the floor to approve that by Commissioner Holder. Is there a second? Second by Mr. Bowman. All in favor? Motion carries 4-0.

Is there any further business to come before this Board?

MS. WILEY: Did you approve the affidavit?
CHAIRMAN MATHIS: Thank you. I need a motion to approve the Executive Session affidavit and resolutions.

COMMISSIONER STAMEY: So moved.

CHAIRMAN MATHIS: Motion by Mr. Stamey; second by Mr. Holder. All in favor? Motion carries 4-0.

If there is no further business to come before the Board, I’ll entertain a motion to adjourn. Motion by Mr. Holmes; second by Mr. Stamey. All in favor? Motion carries 4-0. We stand adjourned.

END OF MEETING

5:45 A.M. – END TIME