



Henry County Water Authority

MINUTES

BOARD MEETING

August 10, 2023 – 8:30 a.m.

A meeting of the Henry County Water Authority Board, duly advertised, was held on Thursday, August 10, 2023, at the Authority's Walnut Creek Water Reclamation Facility, 1682 North Ola Road, McDonough, GA. The following Board members were present: Jimmy Carter, Chair; Sandra Rozier, Vice Chair; Myra Lott, Secretary/Treasurer; Bruce Holmes, Member; Warren Holder, Member; Fred Mays, Member-At-Large

HCWA Attendance: Administration - Tony V. Carnell, General Manager; Karen Lake-Thompson, Clerk; Dave Peterson, CFO. Directors: Tamara Woodie, Human Resources; Tara Brown, Strategic Planning; Dan Newcombe, IT. Division Managers: Allen Rape, Pat Hembree, Scott Sage. Staff: Jason Jeffares, Water Pollution Control, Manager; Buster Cook, Water Reclamations Operations Superintendent; Bill Banks, Project Manager, CIP; Travis Jackson, Strategic Coordinator; Kelly Prescott-McDaniel, Water Reclamation Compliance Superintendent; Patrick Kelley, Sr. Water Resources Engineer; James Estes, LAS Supervisor.

HCWA Counsel: Andy Welch (Smith, Welch, Webb & White)

Henry County Board of Ethics: Obrézhiah Bullard, Ethics Officer and Gloria Banister, Ethics Administrator

GEOSAM Capital Group: Brett Embry, Division President and Patrick Brooks, Vice-President

1. CALL TO ORDER/WELCOME VISITORS

Chair Carter called the meeting to order at 8:31AM and welcomed all in attendance.

2. INVOCATION

Mr. Carter introduced Reverend Dr. Davis Bailey, McDonough Presbyterian Church who gave the invocation.

3. ACCEPTANCE OF AGENDA

Motion was made by Mr. Holder and seconded by Mr. Holmes to accept the agenda as presented. The motion carried (6/0).

4. PUBLIC COMMENT None

5. REPORT OF ATTORNEY

Resolution Authorizing the General Manager to sign Non-Disclosure Agreements in order to provide Water & Sewer information for prospective economic Opportunities (Resolution 2023-13)

Mr. Welch reported that the Henry County Development Authority has initiated Non-Disclosure Agreements (NDAs) in order to provide water & sewer information to economic prospects looking do business in Henry County. The NDA's will be reviewed by counsel prior to the General Manager review/signature. Mr. Welch also stated that the NDAs usually expire within three (3) years, once the development is completed.

There being no further discussion, motion was made by Mrs. Rozier and seconded by Mr. Mays to adopt Resolution 2023-13 as presented. The motion carried unanimously (6/0).

Update – Daigle Settlement

Mr. Welch provided an update regarding the Daigle settlement stating that the litigation was dismissed with a consent order to comply. Mr. Carnell stated HCWA has since implemented many changes including meeting with the Heron Bay HOA Board to explain buffer guidance along shoreline and regulations of reservoir access. Mr. Rape also reported that staff was recently invited to Heron Bay town hall meeting to educate the community on rules and regulations of reservoir use and access. He also shared that Ken Presley, Reservoir Manager and staff, have met with County officials to review protocol set in place to protect shoreline buffers. He also noted challenges with some developers and realtors who are misleading the public by promoting/listing properties as full waterfront access and as fishing/boating communities. HCWA has started contacting agents who are using these deceptive sales tactics (including being proactive with checking Zillow and MLS sales listings).

6. REPORT OF GENERAL MANAGER

GEOSAM Presentation

Brett Embry with GEOSAM started his presentation by stating that he was looking to make us aware of what GEOSAM was looking to do. Mr. Embry stated the project will be roughly the size of the City of Hampton when completed. During Mr. Embry's presentation, he recalled the discussion in a meeting with CCWA and HCWA regarding proposed buffers. Mr. Embry wanted to be sure that HCWA understood that GEOSAM was not looking to interfere as suggested in the letter received. Mr. Embry's next concern was regarding paying for the feasibility study upfront. His first point was regarding having to invest over \$11 million for sanitary sewer infrastructure improvements in conjunction with the feasibility study. Mr. Embry's second concern with paying for the feasibility study upfront was because generally they do not pay up front due to revisions during the process. Mr. Embry emphasized that this left the impression they would have no input in the study.

Mr. Carnell reminded everyone that the three-month period with HCWA's engineering consultant BARGE has expired for the study, yet BARGE would allow an extension of 30-days from today. Mr. Carnell explained that previous feasibility studies were paid upfront by past developers. An explanation was provided that past developers have gone bankrupt or left projects during the feasibility study period. He also noted that GEOSAM included in their application packet to the County to amend the Comprehensive Land Use Plan included language to exempt the development from Development Impact Fees, and allow the development to install low-pressure force main systems, without any authorization from HCWA. Mr. Carnell noted that low-pressure force main systems were not allowed in HCWA's system due to the maintenance and liability of individual pumps being placed on future homeowners. Furthermore, the \$11 million-dollars referred to by Mr. Embry was for project improvements on GEOSAM's project site, not system improvements to the HCWA water/sewer system. Mr. Carnell stated that (having HCWA pay for the feasibility study and system improvements) would put the burden on current HCWA rate payers. He also reiterated that GEOSAM will be updated periodically during the feasibility study, and that HCWA would reach out to their design consultants if additional information is needed.

Mr. Embry informed everyone that they were looking at options to create a special Tax Allocation District (TAD), which if approved, the local government would agree to use a portion of the additional property tax revenue generated by the TAD to fund the specified water/sewer improvements needed. Mr. Carnell explained that it's too early to know the amount of system improvements needed and that no feasibility study has been done. In regards to the Clayton County Water Authority (CCWA) reservoirs, Mr. Carnell made it known that HCWA is willing to provide services, but not at the expense of HCWA or CCWA water withdrawal permits being that the current plan does not meet Henry County Watershed Protection, nor GPA EPD buffer/setback requirements.

Mr. Welch inquired "What public entities can provide services for this project but not at the expense of withdrawal permits?" Mr. Carnell stated that currently neither Hampton, Clayton County Water Authority (CCWA), nor HCWA can provide this service without expansion. Mr. Welch stated that the upfront payment requirement has been a part of the history of HCWA's Board unless they (the Board) are willing to change it.

Mr. Welch stated that the study is going to be needed; maybe three studies (one by each entity). Most importantly, he emphasized that BARGE would have to stay in contact with GEOSAM during the feasibility study to get the needs of the study, so this interaction would keep GEOSAM in the loop. Mr. Welch stated that upfront payments for feasibility studies and impact fees have been a policy of the Authority for over three decades.

Mr. Embry concluded that GEOSAM is not concerned with the dollar amount, yet would like to make sure that HCWA is aware that they do not intend to interfere, and would like to be kept in the loop during the feasibility study.

Mr. Carter thanked Mr. Embry for addressing his concerns with the Board.

Public Hearing – Development Impact Fee Ordinance

Mr. Welch explained the legal formality of the public hearing process and that it was duly advertised in the legal organ on July 12 & July 19th respectively. This is the first public hearing being conducted and he opened up the floor for comments. Mr. Peterson went over the proposed new rates and provided a history of impact fees and stated that HCWA has not increased impact fees since 2014.

	<u>Current</u>	<u>Proposed New Rates</u>
<i>Water Residential</i>	\$700	\$1,500
<i>Water Commercial/Industrial</i>	\$350	\$750
<i>Sewer Residential</i>	\$2,700	\$4,000
<i>Sewer Commercial/Industrial</i>	\$1,350	\$2,000

Public comments:

Don Veum, stated that Heron Bay is expanding into Spalding County and inquired as to whether or not they (Spalding County residents) will pay a higher impact fee. Mr. Carnell responded that they pay the same impact fees, and noted they do not pay millage rates; however, they pay a higher water/sewer usage rate than Henry County customers, at a 1.25 multiplier for the water that they purchase. The higher rate is due to Henry County residents paying the 2-mil tax.

Mr. Holder asked what would it cost to tap onto ¾" line. Mr. Rape responded it would cost \$2,550 (\$1,750 meter + \$700 water impact fee + \$100 deposit), not including sewer impact fees or deposit.

There being no further discussion, Mr. Peterson stated the 2nd public hearing will be held on September 14th at 8:30AM in HCWA's Administrative Offices (Engineering Building) located at 100 Westridge Industrial Blvd, McDonough, GA.

Comprehensive Plan Agreement Updates: Flippen Road Development & Singley Road Development

Mrs. Brown provided an update regarding a letter received from City of Stockbridge (City) on July 7, 2023 and their desire to provide water and sewer services to a development off of Flippen Road. This is in violation of HCWA's Comprehensive Plan Agreement with the City which states services surrounding that property will be served by the HCWA. Mrs. Brown also shared that staff has met with City officials to explain that the subject development was part of HCWA service area even before recent annexation into the City. HCWA has also responded by letter to the City's attorney.

Mrs. Brown went on to explain that the sewer line extension required to serve this development will run through a portion of a mitigation property owned by Fayette County. HCWA learned that restrictive covenants were placed on the property by Fayette County so HCWA would have to work with the US Army Corps of Engineers (USACE) to determine whether or not sewer could be extended through the property. Since that time, HCWA has been working through that process for about 1 ½ years, including designing alternative routes for the sewer line.

Mr. Carnell stated that HCWA is currently in receipt of an Open Records Request concerning the Flippen Road development and staff is in the process of responding.

The City of Locust Grove has contacted HCWA about a similar situation in which they recently annexed property and are reviewing a development on South Ola Road and Singley Drive. The matter with the City of Locust Grove, HCWA providing water services without a Master Meter has been resolved. Both of these instances open the door on Comprehensive Plan Agreement discussions that will be going on over the next year. The Comprehensive Plan Agreements have an expiration date of June 2024.

Mrs. Rozier thanked staff for their good work.

Indian Creek Storm Damaged Timber Sales Update

Mr. Hembree provided an update regarding the January storm that caused damage to 220 acres along the Indian Creek Land Application System and stated that Mr. Estes worked with Georgia Timber and was able to salvage 65% of timber before it became diseased, and recouped \$120K in Authority funds.

Walnut Creek Biosolids Handling

Mrs. Prescott gave a brief presentation on the expansion to the Walnut Creek Water Reclamation Facility that is the backbone of our system serving 41% of the County. In the early 2000s, the 30-Year CIP Master Plan predicted a need for a 4MGD expansion, fast forward to 2022 Henry County population growth has resulted in the need for a 6 MGD expansion, which totals 14 MGD capacity to handle wastewater needs. HCWA's Walnut Creek WRF expansion will include a state-of-the-art solar dryer (giant green house), the size of a football field, that will further breakdown biosolids removing up to 70% of liquids resulting in compressed "cake". Mrs. Prescott also noted that this solar dryer will be the first of its kind in the Southeast. These solar dryers reduce the volume and weight of biosolids to counter decreasing land application sites.

Mr. Carter thanked Mrs. Prescott for her presentation that displayed the skill and expertise of our (HCWA) staff.

Letter from Congressman David Scott – (HCWA Citizens Academy)

Mr. Carnell shared a letter received from Congressman David Scott congratulating the graduates of HCWA's Citizens Academy and the hard work of HCWA staff. Mr. Carnell also stated that he sent an open invitation to Congressman Scott and his staff to tour HCWA facilities. Mr. Holder stated that Congressman Scott was also former Chair of Agriculture and that he makes himself accessible to his constituents.

7. PROJECTS and ADJUSTMENTS

Mr. Hembree addressed the Board concerning the Upper Walnut Creek Pump Station Wet Well Lining project, which is needed to preserve the structure due to the hydrogen sulfide damaging the concrete and steel. He also provided an update regarding Big Cotton Indian Creek Pump Station Automatic Transfer Switch (ATS) Replacement project, which is the Authority's largest pump station. Mr. Hembree stated both projects are going well. The main challenge is the emergency generator which is old and still working, however, the ATS power switches are not working properly and will cost \$413K to repair electrical work and to rent a portable generator in the interim. Mr. Hembree also discussed the East Lake Ground Tanks Site Improvements, and the concern of residents in the area regarding safety due to the falling trees and over growth of the walking trail near the tanks. HCWA contacted arborists who are clearing the decaying/falling trees and have designed a new landscape plan that will include more durable trees and a safer walking trail for residents. This project is also going well. Mr. Sage addressed the Board concerning the remaining new projects which are all within the Authority's policy.

- New Projects: EXT2672A Upper Walnut Creek Pump Station Wet Well Lining
 EXT2687C Big Cotton Indian Creek Pump Station ATS Replacement
 EXT3850B Harris Drive Water Line Ext.
 EXT3871 571 Babbs Mill Road Water Line Ext.
 MTRUPG3485A Route 207 Meter Upgrade
 MTRUGPG3484G Route 107 Meter Upgrade
 WATDIST3172A East Lake Ground Tanks Site Improvements

Motion was made by Mrs. Rozier and seconded by Mr. Mays to approve the New Projects as presented. The motion carried (6/0).

Mr. Sage addressed the Board concerning the developer projects and the budget adjustment which are all within the Authority's policy.

- Developer Projects: EXT3769 Reserve @ Hickory Hill Sewer Ext
DEV3858 James Street Sewer Ext
DEV3845 Emblem Mill Road
DEV3825 Eagles Landing Pkwy Industrial
- Budget Adjustment: SPLOST2977B Peeksville Rd – Phase 2

Motion was made by Mrs. Lott and seconded by Mr. Holder to approve the Developer Projects and Budget Adjustment as presented. The motion carried (6/0).

8. APPROVAL OF MINUTES

Motion was made by Mr. Holder and seconded by Mrs. Lott to approve the June 8, 2023 Board minutes. The motion carried (5/0/1). Mrs. Rozier abstained from the vote.

The meeting went into Recess at 10:13AM

9. EXECUTIVE SESSION

Motion was made by Mr. Holder and seconded by Mr. Mays to enter into Executive Session at 10:34AM in order to consult with the attorney for litigation matters. The motion carried (6/0)


Motion to end the Executive Session and return to Regular Session was made at 10:48AM by Mrs. Rozier and seconded by Mr. Holmes. The motion carried (6/0).

10. CODE OF ETHICS TRAINING

Mrs. Bullard with the Henry County Board of Ethics (HCBE) gave a presentation to the Board and staff on the duties of the Board of Ethics as well HCBE's investigation process. The presentation was very thorough giving specific examples of conduct that an official (HCWA) or employee of Henry County would be in violation of engaging in.

11. ADJOURNMENT

Motion was made by Mr. Holmes and seconded by Mr. Mays to adjourn the meeting at 12:22PM. The motion carried (6/0).


Jimmy Carter, Chairman

Karen Lake-Thompson, Clerk