STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, April 19, 2022, 6:30 p.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

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

Also in attendance: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; and Stephanie Braun, Clerk, Henry County

HENRY COUNTY CODE OF CONDUCT

(Sec. 2-2-128: Conduct during public meetings)

INVOCATION

The Invocation was given.

PLEDGE OF ALLEGIANCE

The Pledge was recited.

CALL TO ORDER

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, April 19, 2022 at 6:30 p.m. to order.

Announcement from Chair

Chair Harrell announced that the following item was posted at the property site for the meeting, but has since been postponed:

- **PLANNING & ZONING: RZ-21-16** *(Not a Public Hearing)*: Halpern Enterprises, Inc. of Atlanta, GA requests a rezoning from C-2 (General Commercial) to MU (Mixed Use) for property located at 5855-5905 East Lake Parkway and 38 Oak Valley Road in Land Lot 6 of the 7th District. The property consists of 20.26+/- acres, and the request is for a mixed multifamily residential and commercial development. District 4

Additionally, the Chair announced the following amendments to tonight's Agenda:

- **PLANNING & ZONING: RZ-21-14** has been tabled by the applicant;
- **PUBLIC SAFETY:** Purchase of two (2) Command Vehicles has been removed;

- **<u>EXECUTIVE SESSION:</u> (Re: Litigation)** has been moved up to be the first item on tonight's Agenda

<u>EXECUTIVE SESSION</u>

Dee Clemmons, District II Commissioner made a motion to convene into Executive Session; **Vivian Thomas, Vice-Chair/District IV Commissioner** seconded the motion. The motion carried (6-0-0).

EXECUTIVE SESSION

<u>RECONVENE</u>

Commissioner Clemmons made a motion to reconvene from Executive Session; **Dee Anglyn, III, District III Commissioner** seconded the motion. The motion carried (6-0-0).

<u>AFFIDAVIT & RESOLUTION</u>

Commissioner Clemmons made a motion to accept the Affidavit and Resolution pertaining to Executive Session; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

<u>PROCLAMATION</u>

National County Government Month

Nicholas Ivey, Communications Specialist, read the following Proclamation into the record:

PROCLAMATION DECLARING APRIL 2022
NATIONAL COUNTY GOVERNMENT MONTH

WHEREAS, The National Association of Counties (NACO) maintains the nation's 3,069 counties, parishes and boroughs serve more than 315 million Americans providing essential services to create healthy, safe and vibrant communities; and

WHEREAS, Counties provide public health services, administer justice, keep communities safe, foster economic opportunities, service roadways, collaborate in crisis and much more; and

WHEREAS, Henry County takes pride in its responsibility to protect and enhance the health, wellbeing and safety of our residents in efficient and cost-effective ways; and WHEREAS, For 2022 NACO has designated this year's theme as "Counties THRIVE," especially in supporting residents and businesses during the coronavirus pandemic; and

WHEREAS, each year since 1991, the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs and services; and

WHEREAS, Henry County Government provides service to more than 240,000 residents and throughout the pandemic continued those services finding new and creative ways to continue the work of the government for residents, businesses and other stakeholders while maintaining rigorous health and safety standards.

NOW, THEREFORE, BE IT PROCLAIMED THAT, the Henry County Board of Commissioners recognizes April 2022 as National County Government Month and encourages all county officials, employees, schools and residents to participate in county government activities not only in April but throughout the year.

PRESENTATION

Impact Fees (Discussion Only)

Toussaint Kirk, Planning & Zoning Director, approached and stated that this was started in 2021 and the first presentation of this was approximately in September; discussions with the home building community were held and recommendations were made, which are in this presentation. He stated that staff hopes to bring this back for the May meeting for the two (2) required Public Hearings per the Department of Community Affairs (DCA); at that time, including the home building community, can make comments on the impact fees. He then began his presentation, with comparisons amongst cities and counties.

Mr. Kirk gave an overview of the impact fees and suggested allocated to the different services per the displayed schedule, including comparison of impact fees generated by new houses approved for zoning from 2019-2021. Also, he gave a list of further considerations for these impact fees as well as phasing in over a 2-, 3- and 4-year period. While no one wants impact fees to increase, Mr. Kirk explained that they will have to go up, at some point, to catch up to where they may need to be. He gave a brief explanation of how staff arrived at the proposed impact fees. The T-SPLOST will help, but transportation is to be included in the services provided by the impact fee collection as well.

Commissioner Clemmons asked for a letter or email from Council on Quality Growth. She recalled that at the last meeting it was stated that there were people who have a vested interest in impact fees would be here to speak to the Board and would prefer that to happen prior to taking any action on this. She also wants to see a side-by-side comparison of the increase on different things so it does not look like the housing market is targeted as exclusive. She also expressed concern that raising these impact fees and there is more housing in an area and the money does not stay in that area, there is a risk of fewer services provided to that specific area provided by impact fees. If fees are going to be raised, then there should be equity where the fees are being generated as well. **Mr. Kirk** responded it should be done that way by law, to accommodate a specific district. The District II Commissioner stated that this has not been done for years and asked the County Attorney to check on that law citation; **Nancy Rowan, County Attorney** acknowledged the Commissioner's request.

Cheri Hobson-Matthews, County Manager noted that the Resolution would have to be brought back because this Board approved how the impact fees are distributed and now this will have to be changed; this will be brought back at the next meeting to rescind the current resolution. She assured the Commissioners that the Financial Services Department is distributing those funds based on where the permits are being pulled.

Mr. Kirk stated that representative from Council on Quality Growth will be present for the Public Hearings, as well as the home building community and anyone else with an interest in the impact fees will be speaking at that time, during the course of the two (2) Public Hearings. **Commissioner Clemmons** asked that when they speak, to also have them make their recommendations known at that time as well.

There being no further questions or comments from the Board, the item was concluded. ***No action was taken.***

Chair Harrell advised that there is a further adjustment to tonight's Agenda, to move up the following item to be heard next:

- **LEISURE SERVICES:** Resolution awarding Bid #22-44 to Barfield Holt Construction for the purchase of ADA Upgrades to Warren Holder Park in the amount of $157,774 using funds from the Capital Improvement Funds (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 2)

Leisure Service Dedication *(Moved up at the Chair's request)*

Resolution awarding Bid #22-44 to Barfield Holt Construction for the purchase of ADA Upgrades to Warren Holder Park in the amount of $157,774 using funds from the Capital Improvement Funds (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 2)

Jonathan "J.P." Penn, Cluster Leader, Henry County Leisure & Public Services, approached to present this Resolution for the Board, dedicating Field One at Warren Holder Park to be named Summer Lee Field. **Chair Harrell** noted that Ms. Lee's family is present and called them forward during this presentation.

Mr. Penn read the tribute to Summer Lee while Ms. Lee's parents stood at the podium. Afterward, **Kimberly Lee** made a few remarks.

PHOTOGRAPHS WERE TAKEN

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

Resolution #22-105

American Rescue Plan Act (ARPA) Fund Update

David Smith, Director of Financial Services, presented the update for the Board. This presentation has been updated recently and went through the presentation, adding that the first installment in the amount of $22.7 million dollars was received and the next installment will be here in May 2022, in the amount of $22.7 million dollars. These funds must be spent by December 31, 2024 and a report on the spending plan must be completed by April 30, 2022. He went through the eligible uses of the funds for the Board. A survey was done for requested projects to the community and he presented a summary of those requests for the Board, a copy of which is in the packets of the Commissioners.

Mr. Smith then presented the initial Project Request Summary, which itemized recommendations from both the community and internal stakeholders; he also presented results from the survey which ranked areas that needed most help from these funds. While there are amounts allocated for small businesses, Mr. Smith addressed the category for assistance to households as it provides help for affordable housing for regular and senior residents, the amounts of which are listed in the schedule. He further recommended a cash assistance program to provide direct assistance to families with a stipend. Assistance to non-profits were also included in this list as the former program for small businesses and non-profits are closing out; use of the ARPA funds would allow the program to continue and applications to be reviewed. He went through the other services as well as Stormwater. He explained what can also be included within these services, such as vehicles, Capital Projects, etc.

Commissioner Clemmons asked for detail on the senior housing provisions; **Mr. Smith** deferred to a representative to respond.

Shannan Sagnot, Community Development Director, approached and explained that Georgia Communities is a non-profit organization assisting in the development of a tax credit application for the development of multi-family residences for senior citizens. There is a property located on Hwy. 155 that is being considered for this project. **Commissioner Clemmons** asked if the County is assisting this group; Ms. Sagnot stated that the organization is assisting the County in preparing these applications to the Georgia Department of Community Affairs while applying for tax credit to assist in development of this property for senior housing. The District II Commissioner asked if this will be county-owned property; Ms. Sagnot deferred to Mr. Collums for response. **Joe Collums, Vice-President, Paladin,** responded that the project would consist of privately owned senior housing which is the subject of a later Agenda item where it will be explained in further detail. There would be a mixture of market rate and lower-rent units to benefit the seniors in the County. The non-profit would be the owner. The District II Commissioner expressed an interest in discussing this further with the applicant and the Financial Services Director.

Commissioner Thomas stated that she has met and seen firsthand to see how it would impact the community, which she found to be a positive impact. She asked how the price point will be such that seniors can afford this housing; **Mr. Collums** responded that it is done through a financial plan, as the development is partially private-financed with a conventional debt. It is kept affordable by seeking grant funding through Department of Community Affairs and other programs to generate equity for this project in the form of tax credits; this will be guaranteed to stay affordable in the measure of the area's standard median income, meaning that any rent cannot be increased beyond the median income of the area. The District IV Commissioner asked how long this organization has been doing this; Mr. Collums responded that Georgia Communities has been around for 6 years and was created by Paladin, Inc., which has been around since 1997. There have been over 40 similar communities developed through this company around the southeast. The Commissioner asked how many units this development proposes; Mr. Collums responded there would be seventy-two (72) units and age-restricted to ages 55 and older for residents. Commissioner Thomas noted that the development was very spacious and shared the visit of a resident to their unit, which the Commissioner found to be "gorgeous". She supports this as a positive for the senior citizens in the community; she added that medical services can be provided onsite for the seniors as well. This provider needs to move forward because there is a deadline for this project; **Ms. Sagnot** concurred that there is a deadline for the Georgia Department of Community Affairs application and there is a specific Agenda item which will address the property itself, as the item before the Board is addressing the financial services aspect.

Commissioner Thomas further asked if this is a presentation for discussion to come back; **Mr. Smith** responded that this is presentation and recommendations from the County Manager and the Financial Services Department, for discussion. When this comes back, this can move forward with distribution of funding to the various organizations that need the funding. The District IV Commissioner voiced concern on allocating $3.5 million dollars for Piedmont Henry, while the federal government has allocated $78 billion dollars for the hospital industry and Piedmont can have a portion that; she would like to further discuss an amount to be given, if any, of this ARPA funding. Infrastructure in Henry County is a need as well and expressed concern that funds are allocated for the racetrack's surface, but there are other county surface streets/roads that need rejuvenating first, and she asked for more information on these concerns. She also asked for accountability of the spending on these needs.

Mr. Smith indicated that the currently displayed slide, which **Commissioner Clemmons** stated that the Water Authority was not included in this list but is included in the next slide. She wants that added as well as Infrastructure. For Parks & Recreation, the District II Commissioner asked that the parking lots, the fields, the paved areas in the parks and make sure to get money to pave those areas and bring the parks up to ADA standards in all of them. Mr. Smith acknowledged same.

Ms. Hobson-Matthews advised that there must be some decisions on this as the funding has to be reported to the federal; $24 million dollars must be spent and one of the things that the Board asked is that staff brings back each project and place it in a category based on that project's eligibility, which has now been done. She emphasized that staff needs to know what projects can be moved forward, as there is a need to spend those funds. Referring to the allowable uses of recovery funds, the County Manager explained that there are specific categories such as Public Health Response, replacing Public Sector revenue loss, Water and Sewer Infrastructure, Negative Economic Impacts, Premium Pay for Essential Workers and Broadband Infrastructure, and based projects under those categories to address needs; some of them may not be ARPA eligible, but may be eligible under other financial options. While the County Manager is aware that this is a Discussion Only item, staff needs guidance on this from the Board. Funding has been set aside for each District; if there are needs in the Districts that fall under the above-stated categories, they would be eligible. While the Commissioners are asking for more information, these are funds that have to be spent in a timely manner and when the second amount is released to the County at the end of May, an accounting of what has been spent up to that point will be requested, with the point being that this is for COVID recovery uses. The list is of appropriate projects eligible under this category. Ms. Hobson-Matthews continued that while there is no action tonight, staff needs authority to move forward with the funding, understanding that if there are particular groups the Board would like additional information on or have a representative present to make remarks, that can be done. She respectfully asked the Board to allow staff to proceed with the eligible categories as set by the federal government.

Bruce Holmes, District V Commissioner, stated that he did not see the Aquaponics facility at the Fairview Library listed, which could be listed under Public Health Response; **Ms. Hobson-Matthews** agreed with same. The District V Commissioner asked for half a million dollars to be added for that.

Commissioner Clemmons remarked that once the money is given to an organization, the use is at its discretion. As an example, if Atlanta Motor Speedway is given money, she believes that it would help to have an accounting of its use and see if it falls under the eligible uses based on this project. The initial list was displayed but is not the revised list. **Ms. Hobson-Matthews** asked that the slide showing the description of the request be displayed. The District II Commissioner asked for further definition. **Chair Harrell** went through each request and when she reached Atlanta Motor Speedway's Recovery and Revitalization Plan, the District II Commissioner remarked that it does not meet the criteria; **Mr. Smith** stated that it does, as the funds have a compliance requirement for spending to make certain that the funds are spent with an eligible use, with a program to have outcomes that can be measured. Mr. Smith added that administration amount will be needed to make certain that someone is monitoring these programs and receive monthly and quarterly reporting for submission to the Treasury Department on what is being spent with this money. Infrastructure is an eligible use and if "parking lot" is on the Speedway, it falls under Economic Development and addresses the negative economic impact they had when they were not in operation during the COVID crisis.

Commissioner Thomas asked if this needs to be decided, if the Chair is going to entertain motion on this matter, as the County Manager is calling for a decision to move this project along tonight for reporting purposes; therefore, she wanted to know if this is going to be put to vote tonight. **Chair Harrell** deferred to the County Manager for clarification of the request; **Ms. Hobson-Matthews** stated this is Discussion only; they need the Board to take some form of action to go forward and present this list at the next meeting, if agreed upon tonight.

Commissioner Thomas asked if she is able to make a motion for the Georgia Communities aspect so they do not miss their deadline or if they have to come back to the next meeting; **Ms. Hobson-Matthews** explained that the Chair has the authority to amend the Agenda, adding a Resolution; however, this is a Discussion item tonight and not for action.

Commissioner Anglyn remarked that Mr. Smith should be given permission to go ahead and send the funds to strictly County projects at this time.

Johnny Wilson, District I Commissioner, indicated that $6.5 million dollars was allocated to the Water Authority; **Mr. Smith** responded that it was the initial request but is not a recommended item; an amount was set aside for Water and Sewer in the Water/Sewer and Broadband category for those projects that the Commissioners may need, as the money included several different projects - one of them was already included in the Assigned Fund Balance amount. The District I Commissioner noted that there is an opportunity to extend water lines to the taxpayers who have been paying a 2-mill water tax for years with no benefit. Having this done will also allow placement of fire hydrants thus giving those homeowners a reduction in their homeowners insurance. If this is done countywide, it will be more than what is set aside, since at last look there was 40+ miles of road without water services that would benefit from this.

Commissioner Holmes fully agreed with the District I Commissioner's remarks and sewer should be priority in infrastructure improvements. **Chair Harrell** also remarked that the 2-mill collection should be re-invested back into the county and not just the county's responsibility to come up with the total funding for water and sewer, but the Water Authority should be contributing since they collect the 2 mills from every District they collect for same. **Commissioner Clemmons** also voiced her agreement. The money should come out of federal dollars that can be used and should be at the top of the list.

Chair Harrell asked to see the list displayed again and went through the items (first slide) and to decide on agreement with the Board. She asked for detail on the $2.5 million dollars for Broadband. **Mr. Smith** responded that there was a state grant that was worked on with the Technology Director. There was a request from AT&T to participate with the county and provide them with ARPA funds. Their presentation was 80/20, with County taking on 80% of the cost to provide broadband for people who did not have it; it was decided that if County partners with AT&T, County should have the lesser participation so that AT&T can charge their customers and make more profit. The Chair asked if she could get some clarity on this and come back with it at a later date. She then noted that the District II Commissioner made a request for Mr. Penn to get an assessment of all the parks (under Parks & Recreation) and get a better figure submitted to the Board. The Chair suggested moving forward with the half million, and then address additional costs at a later time. She then asked what projects were listed under Stormwater; **Alex Mohajer, Stormwater Director,** approached and responded that this is a request to fund countywide flood plain analysis based on as-built information. It gives staff an accurate depiction of where flood plains are for certain homes. There are homes that have flood insurance but are not in a flood plain, and vice-versa. This is necessary information to regulate during permit process of new homes. This would also align the County with the requirements of the National Pollution Discharge Elimination System (NPDES) and provides the County with a community rating system, currently providing 10% flood insurance discount with a possible (up to) 35% discount for citizens and provide free elevation certificates. The Chair asked if they can agree that Stormwater would get their amount; agreement made. Regarding the Department of Public Health, **Chair Harrell** stated this is a responsibility to have funded; this was agreed upon for stated funding.

Commissioner Thomas referenced McIntosh Trail line item, she stated that there is no mental health hospital in Henry County as of yet; **Chair Harrell** agreed with the Board to fund the McIntosh

Trail line item. For all the Commissioners to receive funding for their eligible projects in their Districts, this was agreed upon as well. **Commissioner Holmes** asked if projects can be specified; the Chair responded that the Commissioner for their District has that discretion to identify the projects, as long as they meet the eligibility for receiving those funds.

Commissioner Thomas mentioned that the Financial Services Director needed a program administration; **Mr. Smith** clarified that this is to add or hire additional staff (grant funded from ARPA) to be spread out over the 3-year timeframe. This will require software and experienced admin to monitor and audit for compliance. **Chair Harrell** asked if this is agreed upon; Board agreed. The Chair stated that any projects that are left over can be further reviewed. She asked what the amount is for the Western Parallel Connector; Mr. Smith stated that no amount was given to him from the Water Authority but several different projects are listed that total $6.4 million dollars. **Commissioner Wilson** gave a list of the Water Authority projects to the Chair and stated it may not be updated, as this was 2 months old. **Ms. Hobson-Matthews** stated that the Water Authority list included the Western Parallel Connector waterline extension, the Western Parallel Connector sanitary sewer extension, Hwy. 20 W Loop and Hwy. 81 GST Supply Line. The County Manager stated that additional projects will be submitted to ensure that water and sewer coverage starts at the north end and goes to the south end of the County and they will need to provide additional projects for consideration, as the Board indicated it wants infrastructure to be one of the key projects for funding.

Commissioner Clemmons also remarked that there is $2 million set aside in Fund Balance specifically for infrastructure and the Chair could move that to specify it to be for the north end of the county; **Commissioner Holmes** stated that the cost and scope of the project would have to be determined but it does sound good.

Chair Harrell advised that there are some projects and the County Manager affirmed that she is clear on the eligible projects as stated by the Board; this was for discussion and added that Mr. Smith will move forward on where funds can be allocated. The groups not identified will be brought back in the form of a Resolution to authorize any funding. Anything that is Sheriff's Office-related, county-related and infrastructure-related is moving forward, as the County Manager understands. For the record, **Ms. Hobson-Matthews** included the Aquaponics piece for the District V Commissioner as an eligible expense.

Commissioner Clemmons added that the Parks & Recreation and Senior Centers, those still need to be upgraded and is concerned about coming into ADA compliance and people getting in and out of parking lots, as part of Infrastructure. **Ms. Hobson-Matthews** asked what the Board wants to do with Georgia Communities; **Commissioner Clemmons** voiced some concern about that property and would like a full presentation on how that property is currently zoned and if it has to be modified. The County Manager responded that is part of the Agenda for tonight. Because the zoning conditions are being modified, a condition can be added to create some sort of a development agreement between the county and applicant, specifying funding for them.

Chair Harrell advised that this will move forward with countywide projects so named and the Financial Services Director will get a remaining total and bring it back to the Board; **Mr. Smith** acknowledged same. ***No action was taken.***

APPOINTMENT

Resolution approving reappointment of Retired Judge James Chafin (Term: 4/19/22 - 4/19/25) to the McIntosh Trail Community Service Board

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

Resolution #22-104

CONSENT AGENDA

Ms. Hobson-Matthews presented the Consent Agenda as follows:

Department of Transportation

A. Resolution authorizing Chair and/or County Manager to sign all utility easements needed for road construction (Presenter: David Simmons, CE III)(Exhibit 1) *Resolution #22-106*

Leisure Services

B. Resolution of the Board of Commissioners declaring a Whitney Piano at 10 Cleveland Street in Locust Grove, GA 30248 (Locust Grove Recreation Center) as surplus. (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 3) *Resolution #22-108*

C. Resolution of the Board of Commissioners declaring Disc Golf Baskets (at Windy Hill Maintenance Facility located at 100 Ronnie Stewart Drive, McDonough, GA) as surplus. (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 4) *Resolution #22-109*

SPLOST

A. Resolution approving award for design services of Bill Gardner Parkway Widening to Kimley-Horn and Associates, Inc. in the amount of $2,061,800.00 (Presenter: Roque Romero-Muniz, SPLOST Transportation Director)(Exhibit 5) *Resolution #22-110*

B. Resolution approving award of Design Services for Intersection Improvements of McDonough Parkway @ Henry Parkway to Heath & Lineback Engineers in the amount of $127,750.00 (Presenter: Roque Romero-Muniz, SPLOST Transportation Director)(Exhibit 6) *Resolution #22-111*

Stormwater

A. Resolution to the Board of Commissioners approving an annual contract to inspect County Owned Dam to GeoLogic. LLC from Marietta, GA with the following rates: Individual Dam Inspection $250, Engineer of Record inspection $859 and Engineer of Record technical assistance hourly rate $180. (Presenter: Alex Mohajer, Stormwater Director)(Exhibit 7) *Resolution #22-112*

****This ends the Consent Agenda****

There being no further changes to the Consent Agenda, **Commissioner Wilson** made a motion to approve; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

REGULAR AGENDA

HUMAN RESOURCES

Resolution to approve and adopt the Henry County Employee Benefit and Medical Insurance Plans for 2022-2023 (Presenters: Harold Cooper, HR Director; Mike Gasses, The Michael Gasses Agency; and James Ford, Epic) (Exhibit 9)

Harold Cooper, Human Resources Director, approached to give presentation on the above-stated Resolution. He introduced Mr. Ford from Epic Insurance and Mr. Gasses from the Gasses Agency. Mr. Cooper went through the presentation, first naming those who responded to Requests for Proposal (RFPs) which were submitted by them. After further review, it was recommended to have a "hybrid approach", self-funded proposal from United Healthcare (2.6% decrease in expected cost) and a renewal from Kaiser (12% increase in expected cost), with a total increase (in dollars) amounting to $380,000. He went through the dental offer from Delta Dental with no increase to premium rates and a 3-year no change in rate guarantee; for the vision plan, EyeMed offers a comparable no increase in rate and a 4-year no change in rate guarantee. For life insurance and disability insurance, Standard Insurance will match current life insurance rates with Equitable and the County is in a multi-year rate guarantee with New York Life with no renewal on disability coverage. Meetings will be held with employees to give further detail on the plans and options of coverages for them.

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

Resolution #22-113

PLANNING & ZONING\

MC-22-02

Paladin, Inc. of Atlanta, GA requests a modification to zoning conditions for property located on the east side of Highway 155 North, south of Kelleytown Road in Land Lot 58 of the 11th District. The property consists of 22.32+/- acres, and the request is modify conditions to allow senior independent living as a permitted use. District 4 (Presenter: Kamau As-Salaam, Planner III) (Exhibit 11)

Kamau As-Salaam, Planner III, gave an overview of the applicant's request for the Board. The applicant requests modification of conditions to allow senior independent living for allowable use. While the senior independent living is already allowed under Resolution #20-135, applicant requests that it also specifies "senior living facility" are spelled out clearly on this Resolution. Mr. As-Salaam also noted that Conditions #5 and #6 specifically clarify assisted living facility. Opposition notice was received from Ms. Dorothy Green, which detailed concerns she has on this request. Staff recommends approval of this request, to modify Conditions 5 and 6 of Resolution #20-135 to include "independent senior living" as a named allowed use; and to add Condition #10 as follows:

10. A development agreement will be drafted between the County and the developer.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, including the applicant, to come and make comment, allowing a total of ten (10) minutes.

In Favor

Mr. Collums returned to the podium and introduced Phil Ellen, President of Paladin, Inc. Mr. Collums gave a brief background on the organization and stated that these types of developments are owned on a long-term basis and not "flipped". He noted that senior independent living is a statewide crisis as it is in short supply and the goal is to provide more senior housing that senior citizens can afford, especially in light of the rising costs of living. Currently, there are facilities under construction or completed in Cobb County, Clayton County and DeKalb County. He further indicated some details on the property that was rezoned to Mixed-Use, focusing on a 6.98-acre which will allow for multi-family, up to 16 units per acre, totaling 110 units, with restrictions that it would be assisted living or a number of other commercial uses. Applicant proposes a smaller concept to fit this area better, 72 units, with no other commercial components. Amenities would include pedestrian connections for seniors to have walking access to grocery store, pharmacy and a doctor's office while allowing them to live independently.

Mr. Collums further remarked that programs to promote healthy lifestyles will also be offered, as well as a bus stop provided for seniors who can no longer drive and wish to stay active. He provided further illustration in distinguishing senior independent living from assisted living and presented some renderings of properties developed by Paladin for senior independent living. He also presented some renderings of unit interiors, including bathrooms customized for seniors' uses. While the minimum age is 55 years old, average residential age in these living facilities are 75 years old. It is hoped that the average range for these units will be between $600-900 a month, which would be in line with making it affordable for senior citizens, and it is not subsidized or Section 8 housing. Regarding the earlier discussion about the ARPA funds, he stated that the funds would help lower the debt required to finance the property and would go to reducing the rental rates for senior residents, which he would like to discuss further if this modification request is approved.

Chair Harrell called for anyone else in favor of this request to come forward. *None approached.*

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes.

In Opposition

Billy Russell, 105 Ashlyn Ridge, McDonough GA 30252 spoke with concerns about the design. There is a small intersection nearby that is already problematic with traffic. Adding 140 parking lots will increase the traffic and make getting through that intersection, in and out, more difficult for residents who already live there.

Mike Harrod, 676 Kibbee Road, McDonough GA 30252 spoke with concerns about the lack of a sight line in the area. He stated that part of the concessions given to the residents were a modification to the conditions and he feels that the Board is now backing out on that by allowing this request. While one of the conditions was to keep truck traffic off of Kelleytown Road, there is a loading dock behind the new Publix. He further stated that a property owner nearby is already planning on putting a subdivision on his property, which will add to the congestion of the area. He believes that senior independent living with multi-story buildings will have a negative impact in the area, while assisted living facilities which are generally single-story, would not.

There were no further comments.

Chair Harrell advised that this is a DCA project and is for senior citizens aged 55 years and older; and that it is income-based. **Mr. Collums** affirmed that all but 10% of the units will have income verification for serving seniors who would need it most.

Commissioner Thomas repeated, for the record, all the amenities which were mentioned by the applicant becomes part of this record for this facility, including the bathrooms equipped for seniors (grab handles, tub modifications as necessary, etc.). Elevators would be provided for seniors needing to go from one level to the next; a common meeting area was shown as well as a medical care area to be part of the facility. The Greenspace and covered areas would be added for seniors to congregate outside. There would be 10’ sidewalks to go from the facility to retail area and the District IV Commissioner wanted to ensure that is specified as well. She noted that there would be an exercise facility for seniors as well. A lighting plan from the Publix to the facility will be needed (i.e., pedestrian lighting). **Chair Harrell** advised that this request is for modification of zoning conditions to add “independent senior living” to what is already in place. **Mr. As-Salaam** added that the District IV Commissioner’s specific requests can be made part of Condition #10 in regards to the development agreement.

Commissioner Clemmons asked the County Attorney to clarify that the items mentioned by the District IV Commissioner are added to the development agreement; she also wants to add that funds are contingent upon the DCA project being approved, and should be stated in the development agreement. Also in the development agreement, it should be stated that the funds are specific to this Henry County project. **Chair Harrell** remarked that the funds would not be allocated until the application has been approved. **Mr. Collums** stated that there is a competitive process and when DCA makes the announcement, it does take several months to work with Planning on the design and plan elements; it could be by 2023 that closing would happen. The District II Commissioner added that if the money is approved, applicant would need this money for closing prior to this project being approved by DCA. If money is being transferred to a private organization, not approved for this project as of yet and does not yet own the property, then some type of contingency should be in place. **Nancy Rowan, County Attorney,** discussed with the County Manager and this will be brought back to the Board on May 3, 2022 which will give staff an opportunity to further review and determine contingencies.

Commissioner Holmes asked about the threshold to be met in terms of number of tax credits from DCA, such as public transportation, shopping, etc. He believes that in that particular area, it would be difficult to meet the requirements for the credit; **Mr. Collums** stated that there is a very complicated scoring system that changes each year, one of which is access to nearby amenities which is tiered per miles. When the site was first evaluated, it was thought that it would not qualify but because the Publix is within walking distance, it is favorable to DCA for scoring - also the proximity to local schools fairs as well. He further stated that DCA rewards applications with a local government partner that has dedicated some of the funding.

Commissioner Clemmons voiced her support for this project and an appropriate use of ARPA funds. She understands that this is competitive and this will be competing with others that have public transit services (while this one does not). She wants to be sure that when the money is transferred and applicant does not get approved from DCA, that the money can be recovered with a deadline. **Mr. Collums** agrees with the District II Commissioner and added that the funds could not be allocated without approval, even after they receive it. He further remarked that they were successful in getting funding for Cherokee County even when it did not qualify for transit points, but it did have on-call transit, which translates to a close comparison with Henry County on those particular points.

Commissioner Thomas made a motion to approve with the addition of the language “Independent Living Facility” and to include the additions to the development agreement as previously stated; **Commissioner Clemmons** seconded the motion. Motion carried 5-0-1.

(***Chair Harrell, Commissioners Wilson, Clemmons, Thomas*** *and* ***Holmes*** *voted in favor;* ***Commissioner Anglyn*** *abstained from this vote.)*

Resolution #22-114

RZ-21-08 (Not a Public Hearing)

McGarity Commercial Properties, LLC of McDonough, GA requests a rezoning from C-3 (Highway Commercial) to M-1 (Light Manufacturing) for property located west of North Bridges Road and east of Interstate 75 in Land Lots 113 and 114 of the 6th District. The property consists of 53.85+/- acres, and the request is for a warehouse. Henry County Planning and Zoning Department staff recommends an alternate zoning classification for the subject property from C-3 to MU (Mixed Use). District 3 (Presenter: Stacey Jordan-Rudeseal, Assistant Director) (Exhibit 12)

(*When Mr. Jordan-Rudeseal approached, the meeting was interrupted by a court reporter that appeared. After a brief pause, the meeting continued.*)

Stacey Jordan-Rudeseal, Planning & Zoning Assistant Director, approached to give presentation of this request for the Board. The Public Hearing on this was held last October and the original request was to rezone from the current zoning of Highway Commercial (C-3) to Light Manufacturing (M-1). This is no longer the request and Planning staff had recommended denial of that request; however, it approved an alternate zoning of Mixed-Use (MU). The Future Land Use Map (FLUM) designates this property for Mixed-Use. The vote was tabled to November; however, the applicant further tabled it and then subsequently postponed till tonight’s meeting. Staff evaluated the request and recommends Mixed-Use with certain conditions. Since October 2021, staff has worked with the applicant to come to agreement on conditions that would be feasible to both parties. That said, staff has now recommended approval with conditions. Mr. Jordan-Rudeseal further stated that it was brought to Planning & Zoning staff’s attention that it is possible a multi-family component would be with this project; originally, a minimum size was not recommended for these units. Therefore, Condition #28 is added, to-wit:

28. The minimum apartment sizes shall be as follows:
a. One bedroom - 650 sq. ft.
b. Two bedrooms - 1,050 sq. ft.
c. Three bedrooms - 1,450 sq. ft.

Commissioner Clemmons stated that the apartments on Jonesboro Road are already priced out and asked why the size of the units could not stay as they are now; **Mr. Jordan-Rudeseal** responded that originally this was staff’s recommendation to have larger square feet - initially looking at 750 sq. ft. (1-bedroom), 1,100 sq. ft. (2-bedroom) and 1,500 sq. ft. (3-bedroom); it was brought down to stay in character with what South City was approved, by comparison.

Commissioner Anglyn thanked staff on working with this to keep away from having manufacturing brought into this area and keeping tractor-trailers off of the road. He hopes that this brings higher quality into that space with perhaps higher quality entertainment for families.

Commissioner Thomas asked if this is apartments and single-family homes; **Mr. Jordan-Rudeseal** responded that the applicant had requested M-1 for big box/warehousing distribution center; staff did not recommend approval of that. Staff alternatively recommended Mixed-Use for which the property owner does not have a buyer at this time. The MU would allow more flexibility for potential developer for entertainment or apartments or ground floor retail and residences above, townhomes or single-family units with appropriate conditions.

Commissioner Anglyn stated that the goal was to get this approved ahead of time.
Chair Harrell called for a motion and **Mr. Jordan-Rudeseal** specified that the rezoning would be from C-3 to MU.

Commissioner Clemmons noted that warehouses and manufacturing are allowed under the MU designation; **Mr. Jordan-Rudeseal** stated it is not permitted in the Mixed-Use pertaining to Code.

Commissioner Anglyn made a motion to approve, with conditions; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0).

Resolution #22-115

RZ-21-20 (Public Hearing)

Blue River Development, LLC of Cumming, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) (Sewer) for property located at 646 North Ola Road. The property consists of 81.028+/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kenta Lanham, Planner II) (Exhibit 14)

Kenta Lanham, Planner II, presented this request to the Board. The FLUM has that property designated for Low Density Residential, up to 2 dwelling units per net acre. He stated that the documents presented were updated as of yesterday, 4/18/22. The proposed development would include 95 lots and take access to North Ola and Snapping Shoals roads, with a Net Density of 1.75 dwelling units per acre, which is supported by the FLUM. On July 22, 2021, the Zoning Advisory Board did recommend approval with conditions. Staff has since revised the conditions shown in the packet, such as Condition numbers 6, 8, 9, 10, 11, 15, 16, 19 and 21. He read the revised conditions into the record as follows:

> *6. There shall be all way stop signs at the first and third internal intersections. All other intersections shall have speed tables designed and constructed to HCDOT standards.*
>
> *8. There shall be five foot (5') wide sidewalks with street trees, and pedestrian lights along interior streets along frontage of building lots in keeping with Figure 8.8; eight foot (8') wide sidewalks along interior streets in all other instances (common area, amenities, or buffer area)*
>
> *9.The numberof total dwelling units shall not exceed 95 lots. Compliance with zoning conditions and development standards may further limit the number of dwelling units.*
>
> *10. Each permitted home in the development shall be compatible with existing homes, as determined by the Planning and Zoning Department. The Planning and Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined. All homes shall be a minimum of 2,300 sq. ft. of heated space. The first 31 lots off of the North Ola entrance may be 18,000 square feet with lot widths of 100 (100') feet, and shall be within substantial compliance of the concept plan titled "North Ola Road" and dated April 18, 2022.*

11. Planning and Zoning Staff shall provide final approval for all elevations before any permits are issued.

15. There shall be a fifty foot (50') undisturbed or enhanced buffer around the property boundary, with the exception of any existing recorded easements but within the lots. The buffer shall meet the standards of Chapter 5, Section 5.02.00 of the ULDC.

16. There shall be a twenty foot (20') landscape buffer along the rear property line of those that share a rear property line (10' along each property line) which may be on the residential lots, meeting the requirements of Chapter 5, Section 5.02.00 of the ULDC shall be within substantial compliance of the concept plan titled "North Ola Road" and dated April18, 2022. Tree save practices shall be implemented for the buffer. Any trees removed s hall be replanted.

19. All Stormwater management facilities shall be on their own lot, secured by a 5-foot high fence, and screened from the view of the streets and building lots by a screening buffer, meeting the standards of ULDC Chapter 5.
All driveways, access easements, emergency access easements must be paved and dust free.

21. Amenities shall be provided to include the following at a minimum:
- *a. Minimum 1,500 square foot open air pavilion with fire pit and grilling area*
- *b. Children's playground*
- *c. Pocket parks*

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, including the applicant, to come and make comment, allowing a total of ten (10) minutes.

<u>In Favor</u>

Andrew J. Welch, III, Manager, Smith Welch Webb & White, LLC appeared in representation of the applicant to make some brief comments. He pointed out that the plan submitted with the application has changed as a result of discussions with staff and the Commissioner to address concerns, including, but not limited to, setback buffer, mailbox facility placement, access point for emergency only off of North Ola Road, pocket parks and other amenities. He stated that this complies with all criteria and that Planning & Zoning and Zoning Advisory Board both recommended approval and applicant therefore respectfully requests approval from this Board as well.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes.

A second call was made for opposition. *No one approached.*

Commissioner Anglyn thanked the staff for maintaining the high standards being in place. He made some brief remarks on the buffers for the Board and the citizens. He stated that no more than 3% of the homes shall be rented or leased.

Commissioner Anglyn made a motion to approve with conditions as presented; **Commissioner Wilson** seconded the motion. The motion carried (6-0-0).

Resolution #22-116

PUBLIC COMMENTS

We welcome citizens to voice their county-related concerns and opinions regarding items which are listed on this agenda or on the previous regular meeting agenda. All persons wishing to speak during Public Comment must pre-register with the County Clerk in writing or via email: sbraun@co.henry.ga.us no later than 12:00 p.m. on the day immediately prior to the meeting. Each speaker will have three (3) minutes to speak. No member of the public shall be permitted to make personal, impertinent, slanderous or profane remarks to any member of the board, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any board meeting shall, at the discretion of the chair or a majority of the council, be barred from further audience before the board during that meeting.

There were no Public Comments.

UPCOMING MEETINGS & EVENTS

A. Tuesday, May 3, 2022 at 9:00 a.m., Regular Board Meeting *(First Public Hearing for FY2023 Proposed Budget will be held during this meeting)*;
B. Tuesday, May 17, 2022 at 6:30 p.m., Regular Board Meeting *(Second Public Hearing and Adoption for FY2023 Proposed Budget will be held during this meeting)*

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 9:06 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk