**STATE OF GEORGIA**
**COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, June 21, 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, June 21, 2022 at 6:30 p.m. to order.

**Announcement from Chair**

**Chair Harrell** announced the following Planning & Zoning item which is tabled at the request of the applicant:

- **PLANNING & ZONING: RZ-21-07 (Not a Public Hearing)** *Lennar Multifamily Communities of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to MU (Mixed Use) for property located at 243 Mill Road. The property consists of 42.4+/- acres, and the request is for a mixed apartment and future commercial development. District 2*

**Chair Harrell** then announced the following two (2) Consent Agenda items under **Transportation Planning** have been tabled by Staff:

- *Resolution approving the Henry County Transportation Plan: 2022 Update (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 18)*

- *Resolution Approving the Henry County Trails Plan (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 19)*

## CONSENT AGENDA

**Cheri Hobson-Matthews, County Manager,** presented the Consent Agenda as follows:

**Courts**

A. Resolution accepting a grant in the amount of $175,718.00 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) for the Adult Felony Drug Court (Presenter: Craig Ogilvie, Director of Accountability Court)(Exhibit 1) *Resolution #22-148*

B. Resolution accepting a grant in the amount of $144,744.00 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) for the Resource Court (Presenter: Craig Ogilvie, Director of Accountability Court)(Exhibit 2) *Resolution #22-149*

C. Resolution accepting a grant in the amount of $89,575.00 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) for the Veterans Treatment Court (Presenter: Craig Ogilvie, Director of Accountability Court)(Exhibit 3) *Resolution #22-150*

D. Resolution accepting a grant award in the amount of $101,751.00 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) to fund the Henry County Misdemeanor DUI/Drug Court (Presenter: Hon. Chaundra D. Lewis, State Court Judge; and Lisa King, DUI/Drug Court Coordinator)(Exhibit 4) *Resolution #22-151*

E. Resolution approving the expenditure of Drug Abuse Treatment and Education Funds (D.A.T.E.) in the amount of $95,000.00 for the purpose of supporting the Henry County Misdemeanor DUI/Drug Court (Presenters: Hon. Chaundra Lewis, State Court Judge; and Lisa King, DUI/Drug Court Coordinator)(Exhibit 5) *Resolution #22-152*

F. Resolution accepting a grant award in the amount of $30,895.00 from the Criminal Justice Coordinating Council to fund the Henry County Juvenile Mental Health Court for FY 23 (Presenters: Angela Craig, Director of Court Services; and Monyato Tolbert, Behavioral Health Clinician)(Exhibit 6) *Resolution #22-153*

**Department of Transportation**

A. Resolution approving an Intergovernmental Agreement with Clayton County for resurfacing and base improvements to Bouldercrest Road, with a cost to Henry County not to exceed $30,000 (Presenter: David Simmons, CE III)(Exhibit 7) *Resolution #22-154*

B. Resolution to perfect the record for the contract with Heath and Lineback for Rabbit Run Road Bridge Design in the amount of $135,380 (Presenter: David Simmons, CE III)(Exhibit 8) *Resolution #22-155*

**E-911**

A. Resolution authorizing the approval and execution of an intergovernmental agreement to share Henry County Government's FCC Radio Station License with the City of Stockbridge Police Department (Presenter: Tamika Kendrick, E911 Director)(Exhibit 9) *Resolution #22-156*

**Police Department**

A. Resolution authorizing the use of State Seized Funds for Major Joseph Smith to attend the FBI Academy in Quantico, Virginia for the amount of $5,056 (Presenter: Major R. McGlamery/HCPD)(Exhibit 10) *Resolution #22-157*

**Leisure Services**

A. (Senior Services) Resolution approving the Community Services Block Grant Program (CSBG) Contract with the Georgia Department of Human Services (DHS) for Federal Fiscal Year 2023 in the amount of $266,051.00 with no local match (Presenter: Jonathon Penn, Leisure Services/Cluster Lead)(Exhibit 11) *Resolution #22-158*

**Planning & Zoning**

A. Resolution approving a request for the creation of a new Street Light District for Hawthorne Ridge Subdivision located on Mount Carmel Road District 2 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 12) *Resolution #22-159*

B. Resolution approving a request for the creation of a new Street Light District for Southern Hills Phase 1A Subdivision located on Walker Drive District 2 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 13) *Resolution #22-160*

C. Resolution approving a request for the addition of 3 lights to an existing Street Light District for The Ivys and Arbors at Westridge Subdivision on Highway 20 W District 2 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 14) *Resolution #22-161*

**Risk Management**

A. Resolution accepting a grant award from the Association County Commissioners of Georgia (ACCG) in the amount of $10,000 for safety items in efforts to reduce workers' compensation claims (Presenter: Holly Lafontaine, Risk and Safety Management Director)(Exhibit 15) *Resolution #22-162*

**SPLOST**

A. Resolution awarding a contract for Design/Build Services for the Renovation of Mickey D. Cochran Park located in District 4 (RFP #22-52) to J.R. Bowman Construction Co. in the amount of $3,599,247.00 using SPLOST V funds (SP5401) (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 16) *Resolution #22-163*

**Transit**

A. Resolution authorizing the purchase of one (1) 16 passenger bus utilizing the Federal Transit Administration (FTA) Cares Act Grant in the amount of $96,238.25 (Presenter: Taleim Salters, Director of Transit)(Exhibit 17) *Resolution #22-164*

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

There being no changes to the Consent Agenda, **Vivian Thomas, Vice-Chair/District IV Commissioner,** made a motion to approve; **Dee Anglyn, III, District III Commissioner,** seconded the motion. Motion carried 6-0-0.

# REGULAR AGENDA

## COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

**Public Hearing**

Public Hearing to receive public comments on the DRAFT FFY2022 Annual Action Plan in the amount of $1,042,369 (Presenter: Shannan Sagnot, Cluster Lead/Director of Community Development) (Exhibit 20)

**Shannan Sagnot, Community Development Cluster Lead/Director,** approached to present this Annual Action Plan draft for FY2022 for the CDBG program. She gave the background information on the expectation to receive $1,042,369 as part of the FY2020 through 2024 Consolidated Plan. Among the recommendations, $603,000 (est.) could be used to assist with public facility and infrastructure improvements. Other uses include assistance to the Hampton Housing Authority, rehabbing of single-family owner residential properties and the McDonough Housing Authority, with other housing rehab assistance. Under Economic Development, there is a proposal for façade improvements for small business owners needing assistance for their exteriors to their commercial properties that receive customers on a regular basis within their physical locations. $155,000 is proposed to be used for non-profits including A Friend's House, Africa's Children's Fund, Connecting Henry, Crosswalk Ministries, Flint Circuit Council on Family Violence (a/k/a Haven House) and other agencies with services varying to those for individuals and families to stay in their homes or to provide safe shelter to those who need same.

**Ms. Sagnot** also identified unexpended CDBG funds, which are the funds awarded from the Coronavirus Aid, Relief and Economic Security (CARES) Act, to be reprogrammed to stay in compliance with the CARES program, which were displayed for the Board and public viewing. Ms. Sagnot also disclosed a reduction of $550,000 for administrative and production costs where the money can be used elsewhere in the program to better serve the needs of the underserved residents within the county. There is also opportunity with partnership with the Home Investment Partnerships (HOME) program. She went into how that would benefit being part of the Annual Action Plan for the Board. With these new funds and the need to be aware of the policies and procedures to go with same, this Annual Action Plan would not be ready to finalize before the Board until August (not July, as previously hoped). For the $512,877, HOME funding, the focus hopes to be on the Down Payment Assistance (DPA) to home buyers and for rehabbing single-family owner-residential homes.

**Chair Harrell** called on the County Clerk to name anyone who has signed up for the Public Hearing on this matter. **Stephanie Braun, Clerk, Henry County,** responded that no one has signed up for the same. Chair Harrell closed the Public Hearing.

**Dee Clemmons, District II Commissioner,** recommended that staff look at the nearby counties regarding the Community Housing Development Organizations (CHDOs) and to work with Southern Crescent Habitat for Humanity to partner with this, as this would be beneficial to the county. **Ms. Sagnot** responded that staff has had discussion with her "counterpart" in Clayton County as well as Southern Crescent regarding these recommendations.

**Chair Harrell** announced that no action is to be taken at this time. **Ms. Sagnot** affirmed same. She added that as the HOME funds were not included in the original advertisement, the advertisement will be re-submitted for additional Public Comments as well as on the full draft as it is updated to come back for an additional Public Hearing, since they were not originally included. ***No action was taken.***

## COUNTY ATTORNEY

Resolution approving Memorandum of Understanding with the City of Stockbridge for use of the Henry County Public Safety Training Facility for POST firearm certification (Presenter: Nancy Rowan, County Attorney) (Exhibit 21)

**Nancy Rowan, County Attorney,** provided details on this Resolution, including that the City of Stockbridge announced that it will establish its own Police Department for police protection to citizens in Stockbridge on July 1, 2022. She explained the Post certification details and noted that the Board should have a copy of the Memorandum of Understanding to that effect. She further explained the important provisions found within the MoU as well. Ms. Rowan further stated that right before the meeting, the Mayor of Stockbridge did send her a signed copy of the MoU, which was forwarded to the County Clerk and the appropriate court; if approved today then this will become an actual signed copy for records.

**Chair Harrell** asked if there is an accidental shooting occurrence at the range, whether or not the county is held liable; **Ms. Rowan** responded that liability would be on the City of Stockbridge, but it is not listed as an indemnification, but their employees will still be City employees; if the county is sued and damages are paid, the City of Stockbridge would reimburse the county. The Chair asked what agencies use the firing range. Ms. Rowan responded that it could be better answered by a representative of the Police Department. An officer representing the Police Department responded that no one other than the Sheriff's Office and Police Department use the range; the Cities use the Hampton firing range.

There being no further questions or comments from the Board, **Commissioner Anglyn** made a motion to approve; **Commissioner Thomas** seconded the motion. Motion carried 5-0-1.

*(**Chair Harrell, Johnny Wilson, District I Commissioner, Commissioners Clemmons, Anglyn** and **Thomas** voted in favor; **Bruce Holmes, District V Commissioner,** did not vote)*

*Resolution #22-165*

## DEPARTMENT OF TRANSPORTATION

### Public Hearing

Resolution to approve renaming a portion of South Ola Road as "Old South Ola Road" and naming a newly constructed section of roadway as "South Ola Road" (Presenter: David Simmons, CE III) (Exhibit 22)

**David Simmons, CE III, Henry County Department of Transportation,** approached to give the details of this Public Hearing for the Board. He noted that the road has recently been constructed with alignment on 81 South which aligns with the signaled intersection of North Ola Road and SR 81 for better traffic flow. Staff proposes renaming the section to provide better clarity, as “Old South Ola Road” and the newly constructed portion to be named “South Ola Road”. There are eight (8) property owners along the section proposed to be renamed; however, their street mailing addresses shall be the same. This will go into effect upon the opening of the new portion of the road to public traffic. Staff notified property owners via certified mail and regular mail; legal advertisement was placed in *Henry Herald* on Saturday, June 11th, Wednesday, June 15th and Saturday, June 18th, 2022.

**Chair Harrell** opened the floor for the Public Hearing and called for anyone wishing to come and make comment, allowing three (3) minutes. *No one came forward.*

**Commissioner Thomas** asked how many residents would be directly impacted with change of address information; **Mr. Simmons** responded that 8 with South Ola Road that will become “Old South Ola Road” but will keep their street number.

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

*Resolution #22-166*

## HUMAN RESOURCES

Resolution awarding RFP22-49 to perform a Classification and Compensation Study to Evergreen Solution, LLC in the amount of $62,500 (Presenter: Harold Cooper, HR Director) (Exhibit 23)

**Harold Cooper, Human Resources Director,** presented the Resolution for the above-stated matter on behalf of Henry County. On November 27, 2018 the BOC approved two (2) Resolutions (18-245 and 18-246). The policy guidelines were attached to the first Resolution; the second Resolution agreed upon the Archer Group beginning the Class & Comp Study during that timeframe. In the wake of COVID-19, three meetings were held between the Department of Human Resources, Financial Services Department and the County Manager to present pay increases for the employees to the Board. An agreement was reached on March 1, 2022 for an 8.5% pay increase to all eligible county employees. During the meetings, there was a concern for the need of an updated Class & Comp Study, which is why the Resolution is presented today. He provided the details of the process of bringing this before the Board today and went over the six (6) steps for the Request for Proposal (RFP). He also advised that the Study itself is a 6-step process and outlined them for the Board.

**Commissioner Thomas** asked about a timeline on the completion of this Study; **Mr. Cooper** responded that the process would start in July and would be completed within a 5-month time period. As to the cost for the entire Plan would be $62,500.

**Commissioner Wilson** asked if these steps can be done in-house through Human Resources; **Mr. Cooper** responded that it was attempted earlier; however, staff seeks to follow proper RFP process in this study in an attempt to be good stewards of the taxpayers' dollars. The District I Commissioner acknowledged same and voiced the same intent of good stewardship. He recommended saving the $62,500 and performing this study in-house.

**Commissioner Anglyn** asked how this differs from the feasibility study completed this past November. **Mr. Cooper** responded that this study will be statewide and will call upon market data study nationally, which gives the county better clarity of where it needs to be in terms of competitiveness. The District III Commissioner asked for details of the plan moving forward, in a timeline manner, whether it is a 3-year plan or 5-year plan. Mr. Cooper stated that this will be reviewed bi-annually and noted that the consultant will train HR staff to monitor this from a statewide and nationwide perspective going forward. Commissioner Anglyn asked if the plan can be done in-house as opposed to using outside resources; Mr. Cooper explained that it was tried before and that there are resources to fund this project.

**Commissioner Holmes** noted that inflation and interest rates are high, companies will be laid off and this will start to impact the county. He asked if there is a plan in place on how to get through the decrease in housing values; **Mr. Cooper** responded that once the consultant provides staff with a plan and staff will proceed. This was attempted in December 2021 when inflation was high, when HR came before the Board with the pay increase scenario. The District V Commissioner commented that there is speculation of a future recession and that spending should be better monitored to get the county through the possible pending recession once it comes. Mr. Cooper acknowledged same.

**Commissioner Clemmons** asked about best practices of having the Class & Comp Study and how often it should be done, adding that the feasibility study was performed earlier than December 2021. **Mr. Cooper** responded that the feasibility study was initiated in 2018 and carried into 2019. The District II Commissioner asked him to speak on the best practices and what the Class & Comp Study does for his department; Mr. Cooper explained that it provides maintenance which allows the county to be competitive going forward and identifying what positions would need to be re-classified and to look at pay increases as needed. The Class & Comp Study also identifies where certain positions belong in the labor workforce and whether or not there has been expansion of any particular position, or if it needs to be re-classified. Commissioner Clemmons added that this Class & Comp Study would provide training for staff which is different than before.

There being no further questions or comments from the Board, **Chair Harrell** remarked that this has been ongoing and delayed for some time in the wake of inflation and recession; however, the county must provide services to its residents and staff needs the tools to do their jobs. To that end, she called for a motion.

**Commissioner Clemmons** made a motion to approve; **Commissioner Thomas** seconded the motion. Vote 3-3-0 (no action taken).

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

**Chair Harrell** asserted that the employees are to be given their raises when it comes forward.

## TRANSPORTATION PLANNING

Resolution authorizing Henry County staff to solicit proposals to conduct a streetlight assessment study (Presenter: Sam Baker, Transportation Planning Director) (Exhibit 24)

**Sam Baker, Director of Transportation Planning,** presented the matter to the Board and noted that the lack of streetlights is a safety hazard for pedestrians and drivers. A study was discussed back in 2020 but no action was taken. On June 7, 2022, the Board instructed staff to bring forth a Resolution for soliciting proposals from consultants to conduct the above-stated assessment.

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

*Resolution #22-167*

**PLANNING & ZONING**

**COMP-AM-21-07 (Public Hearing)**

The Reservoir Group, LLC of Madison, GA requests an amendment to the Comprehensive Plan for property on the north side of Jonesboro Road to the north of Heritage Way in Land Lot 98 of the 7th District. The property consists of 72.1 +/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential to Mixed Use. District 3 (Presenter: Stacey Jordan-Rudeseal, Assistant Director) (Exhibit 25)

**Kenta Lanham, Planner II,** appeared on behalf of Mr. Jordan-Rudeseal to present this item before the Board, for property located on Jonesboro Road north of Heritage Way. The Future Land Use Map (FLUM) designation of Low-Density Residential does support up to two (2) dwelling units per net acre. The request is to amend the FLUM from Low-Density Residential to Mixed-Use, for the purpose of a concurring rezoning request (RZ-21-23) to be heard following this item. The FLUM would support up to sixteen (16) dwelling units per net acre; the proposed Mixed-Use development would have a Net Density of 2.96 dwelling units per net acre. On September 30, 2021 the Zoning Advisory Board (ZAB) recommended approval of this request to change the FLUM designation from Low-Density to Mixed-Use.

**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

**Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Ct, McDonough, GA** approached on behalf of the applicant. He gave further details on the request and why applicant requests the amendment in the FLUM. The Mixed-Use intent is for single-family residences, townhomes and office use, totaling 185 lots in the development. Applicant is requesting just over 3 units per net acre on this development. He also presented some beneficial features to the development as well as different access provisions and an amenity center in the back of the community. Mr. Moore further presented renderings of each phase of the development for illustration to the Board and public viewing.

*No one else approached to speak in favor of this request.*

**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

**Tabitha White**, **no address given**, spoke of a concern of proximity of this development to where she lives. She hopes that the development does not take up the green space in her backyard that she presently enjoys; other than that, she stated she has no real issue with the request. But she opposes the request if it comes too close to the rear of her property.

*No one else came forward. The Public Hearing was closed.*

**Commissioner Thomas** noted that this project sits in District III and will merge to District IV in January. She stated that this is a great development for the county and added that Condition #21 did not include the percentage to which the HOA will gain control of the community; that needs to be at least 70% and cannot be tied to another subdivision being built. The District IV Commissioner also requested that the retention pond be on its own property and not tied to anybody else's property. There is no internal lighting plan which must be made part of the Conditions as well. Commissioner Thomas noted that there are different parking pockets throughout the development that should be clearly stated as well and made part of this development.

**Commissioner Thomas** also stated that the renderings presented should be those as submitted to ensure that 70% of those houses are all sides' brick; 30% may be of Craftsman style; no other developer may come along and purchase this from the first developer and stray from this architectural ratio on the home designs. The District IV Commissioner also mentioned that around the area for the commercial portion, those sidewalks should be at least 8-10 feet and not 5 feet. **Ms. Hobson-Matthews** clarified that all the conditions the District IV Commissioner is going through will be made part of the requested changes in the following rezoning request and not the present request of amending the Comprehensive Plan. Commissioner Thomas responded she will highlight these again at the next request.

There being no questions or comments, **Commissioner Anglyn** made a motion to approve; **Commissioner Thomas** seconded the motion. Motion carried (5-1-0).

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

*Resolution #22-168*

**RZ-21-23 (Public Hearing)**

The Reservoir Group, LLC of Madison, GA requests a rezoning from RA (Residential-Agricultural) to MU (Mixed Use) for property located on the north side of Jonesboro Road to the north of Heritage Way in Land Lot 98 of the 7th District. The property consists of 72.1+/- acres, and the request is for a mixed single-family residential, multi-family residential and commercial development. District 3 (Presenter: Stacey Jordan-Rudeseal, Assistant Director) (Exhibit 26)

**Mr. Lanham** presented this rezoning request to the Board regarding the same subject property. Applicant requests to rezone the property to Mixed-Use for mixed single-family residential, multi-family residential and commercial development. This property now has a FLUM designation of Mixed-Use which supports up to 16 dwelling units per net acre. The Site Plans, both original and updated, were submitted and displayed for the Board and public viewing.

**Chair Harrell** asked to see the displays regarding departmental feedback and comments to gather information on what the impact of this development would have. **Mr. Lanham** continued with the presentation after the Chair reviewed the display, adding that the Site Plan indicates sixty-one (61) single-family lots and one hundred and twenty-four (124) townhome units with office rental suites towards the front. The property is within the Highway Corridor Overlay District and would need to meet those standards as well. On September 30, 2021 the ZAB recommended approval of this request. Since that time, staff made some changes to the recommendations for language clean-up purposes. The Conditions are as proposed and the applicant pointed out that the number of units for townhomes and single-family were incorrectly altered on the slide display as well as the Resolution. The actual townhome total should be 124 and the single-family home total should be 61 units (listed incorrectly on Condition #10).

**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>

**Mr. Moore, Moore Bass Consulting,** approached and **Chair Harrell** asked him to disclose how close this development would be to the rear of the residents who live in the subdivision directly back and alongside of the development, as this was a concern in the previous Public Hearing. Mr. Moore pointed out where the Monticello subdivision was located and the associated buffers which are heavily wooded. The intent is to restrict any clearing out of that area, unless it is to extend a utility or to get a road built; in that case, the foliage would be replanted to create the 30' buffer appearance. The houses would be located another 25-30' from that line to the back of the house. Addressing the District IV Commissioner's concerns regarding parking, Mr. Moore added that there cannot be parking in a public right-of-way as it presents a Public Safety concern. He pointed out a section where there can be parking which would prevent that concern. In response to a lighting plan, since the property is located within the Overlay District, pedestrian lighting will be required for all internal streets and a plan will be submitted for permit review.

*No one else came forward.*

**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.

*No one came forward. The Public Hearing was closed.*

**Chair Harrell** called applicant (Mr. Moore) forward and asked what type of commercial will be proposed; **Mr. Moore** responded that there will not be commercial but strictly limited to office and meeting space. He went into some detail for the Chair and added that a meeting space could be created for the residents of the community, or has a clubhouse type environment. The Chair also noted that there are no renderings that show what the townhomes will look like. Mr. Moore presented same for the Board and public viewing.

**Commissioner Anglyn** noted that in Condition #9 it states that the homes shall be four-side brick or stone; he asked if applicant seeks to remove that Condition; **Mr. Moore** recalled that there was a 70/30 ratio on the materials. **Commissioner Thomas** stated that the Condition mentioned four-side brick but she mentioned 70% all brick and 30% craftsman to complement the townhomes. Mr. Moore explained that the renderings shown are more in line with a 70/30 split. The District III Commissioner is amenable to that ratio but asked that the townhomes are made with three-side brick for safety reasons (back and sides) with the front being complimentary and all townhome units sprinkler-equipped; Mr. Moore agreed to same. **Chair Harrell** pointed out that Condition #13 detail the sprinkler compliance.

**Commissioner Anglyn** remarked that with the efforts put forth from the developer and the applicant on the buffers, the materials for the units, he thanked their work done on this and pointed out that the density on this is 2.51 dwelling units per net acre and it was important to keep Birch Creek protected as 62% of this property is open space (44.9 acres out of 72.1 acres). There is also a 3% rental cap and all townhomes will be sprinkler compliant; there will be two (2) large amenity areas and adding a common workspace for people living in the townhomes. He thanked all involved parties for their input and efforts in bringing this forward.

Prior to motion, **Ms. Rowan** asked that whenever the motion is made, the amendments are to be included as part of the motion, for purposes of recordkeeping. She pointed out the other details on the Conditions as made by Commissioner Thomas in the previous hearing as well as the lighting plan which is included in the requirements of the Overlay District. The Conditions amended would be #9 and #13 as well as having a retention pond on its own property. **Mr. Lanham** also pointed out that the number of townhomes and single family units are to be corrected (124 for the townhomes and 61 for the single-family units), as noted in Condition #10; and those totals are the maximum allowed as well. He further clarified on how Condition #9 should be worded. **Commissioner Thomas** remarked that 70% of those houses need to be all-side brick and 30% can be a mixture; **Commissioner Anglyn** added that on the townhomes, there would be three-side brick (back and sides) and the front could reflect the renderings that were submitted. **Mr. Moore** responded that applicant thought that it would be 70% of the total house would be brick or stone and 30% would be accent areas. The District IV Commissioner emphasized that the Board wants 70% of all the houses to be full brick and that 30% can be mixed to craftsman style. The renderings presented reflect the mixed to craftsman style and that there are currently no renderings to reflect the full brick (70%). Mr. Moore stated that 100% or full brick may not allow for doors or trim and asked for specific clarity. The District IV Commissioner responded that 70% of all homes shall be four-side brick and 30% of the homes may have accent material and fiberboard in craftsman style. This does not mean the doors or shutters have to be brick and the District IV Commissioner emphasized "brick". The District III Commissioner was amenable to either brick or stone.

**Commissioner Thomas** addressed the County Attorney on the changes being made and that when the Resolution is finalized that the changes are indeed captured and made part of the final Resolution. **Chair Harrell** asked if the Conditions could be read into the Minutes so that they are accurately captured by the County Clerk. **Mr. Lanham** read the Conditions, starting with #9, into the record per the Chair's request, as follows:

*9. Seventy (70%) percent of all homes shall be four sides brick or stone. Up to thirty (30%) percent of all homes shall be a mixture of materials. The mixture shall be 70% brick or stone, 30% of each elevation may be of different accent material such as cement fiberboard. Vinyl shall only be permitted in soffits or eaves.*

*10. The number of total dwelling units shall not exceed one hundred eighty-five (185) or a Net Density of 2.96 dwelling units per acre (net), whichever is fewer in number. Single-family lots shall be limited to no more than sixty-one (61) dwelling units. Townhome units shall be limited to no more than one hundred twenty-four (124) dwelling units. Compliance with zoning conditions and development standards may further limit the number of dwelling units.*

*(Condition #13 regarding sprinkler systems is already existing in staff recommended Conditions)*

*37. No portion of any Stormwater Management facility that is not landscaped, maintained as a feature of the development with walking trails included around the entirety of the pond shall be located on any portion of a building lot. Stormwater Management facilities which are not landscaped,* *maintained as a feature of the development with walking trails included around the entirety of the pond shall be secured by a 5' high fence and shall have a minimum 10' undisturbed or enhanced screening buffer meeting the standards of Chapter 5 of the ULDC. All driveways, access easements and emergency access easements must be paved and dust-free. Those Stormwater Management facilities shall be on their own lot.*

**Commissioner Thomas** added that at 70% capacity the HOA must be released to the community and it cannot be tied to any other community for any other purpose and all lots must be completed and not held - this must be made part of the Conditions as well.

**Commissioner Anglyn** asked if the material for the townhomes is included; **Mr. Lanham** pointed out that Condition #9 bears that change, including that the townhomes shall be three-side brick, being the rear and sides.

**Commissioner Anglyn** made a motion to approve with the above-stated changes to Conditions (9, 10, 13, 37 and 21); **Commissioner Thomas** seconded the motion. Motion carried (5-1-0).

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

*Resolution #22-169*

**RZ-21-14 (Public Hearing)**

The Reservoir Group, LLC of Madison, GA requests a rezoning from C-2 (General Commercial) to RS (Residential Suburban) for property located on the west side of Willow Lane south of Bridges Road in Land Lots 129, 130, 159, and 160 of the 7th District. The property consists of 102.00+/- acres, and the request is for a single-family residential and townhome development. District 3 (Presenter: Kamau As-Salaam, Planner III) (Exhibit 27)

**Kamau As-Salaam, Planner III,** approached to present the rezoning request. He gave details on the property and the applicant's request to rezone from C-2 (Neighborhood Commercial) to RS (Residential-Suburban). He presented the Site Plan with a proposed four hundred forty-two (442) proposed dwelling units - one hundred fifty-one (151) single-family and two hundred ninety-one (291) townhomes. Applicant requests rezoning for the purpose of building mixed single-family residential and townhome development, consisting of the above-stated dwelling unit number. FLUM designation is Mixed-Use, which allows for residential development of up to sixteen (16) dwelling units per net acre. The density of the proposed development is 9.72 dwelling units per net acre based on the latest Site Plan. On July 8, 2021 ZAB recommended approval with staff conditions.

**Mr. As-Salaam** included slides with various departmental feedback and comments regarding infrastructure and Public Safety within the development. The development lies within the vicinity of future plans regarding the Comprehensive Transportation Plan, including a proposed extension of Bridges Road over I-75 and a new I-75 collector/distributor lane. He further presented the accompanying documentation from the Police Department, Fire Department concerns about volume in Fire Station #1, which is their busiest station; and that staff has evaluated this request. Staff recommends approval with conditions, both in the presentation and submitted to the Commissioners just prior to tonight's meeting.

**Chair Harrell** asked if there is any provision for road widening in this development; **Commissioner Anglyn** responded that it should be completed sometime during the summer of 2023 at Willow Lane and Bridges Road. **Commissioner Thomas** added that she will work with staff regarding the Willow Lane area on how sidewalks can be added throughout as well as a center turning lane, since it is a very busy street. She would want to see if DOT can exercise prohibiting tractor-trailers to use this road as a bypass. **Mr. As-Salaam** remarked that a Traffic Impact Study would be required and any improvements to be brought forth will be the responsibility of 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

**Steve Moore, Moore Bass Consulting,** approached in representation of the applicant on this request. He provided clarification of the details and that the commercial developments in this area are concentrated at the interstate interchanges; this would be considered second- or third-tier retail property. He gave further clarification on the location of the property and the surrounding developments to the subject property. The development is split into two residential "pods" - single-family and townhomes. He presented renderings of the homes as well for the Board and public viewing. Mr. Moore further noted that this property is not located within the Highway Corridor Overlay District; however, applicant agreed to install 8' sidewalks, landscape and pedestrian lighting along Willow Lane as well as interior 5' wide sidewalks where it is adjacent to a home and 8' wide sidewalk adjacent to an open space or amenity area to provide additional pedestrian room. He stated that 25% of the site is open space and applicant agrees to all recommended conditions.

**Chair Harrell** asked where the entrances are to this development; **Mr. Moore** responded that the Bridges Road intersection at Willow Lane has an entrance with another entrance to the townhome component. Applicant also stubbed out access for another ingress/egress point out to Bridges Road (indicating on the display).

**Commissioner Wilson** asked about the concerns of the Fire Department on the ingress/egress on the Public Safety impact; **Mr. Moore** responded that all roads will be county roads and built to county standards for Public Safety access. The District I Commissioner specified that there was a concern at the back of the development, to get back there. Mr. Moore explained that Bridges Road is along the boundary and applicant could stub out an emergency access to Bridges Road for Public Safety use.

**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

**Hazel McBride, no address given,** expressed concerns about the close proximity to her property in Ashton Court, which was not mentioned as having the subject property so close. She expressed concern about traffic in that area and getting in and out of the subdivision or the speeding that occurs through that area.

**Dorothy Thornton, no address given,** also expressed concern about the closeness of the trees in her backyard abutting the subject property line and whether or not they will be cut down, adding that last year (in June) a tree fell onto her house. This is a concern every time it storms in the area, as the trees are hanging over the fences and posing dangerous to homeowners. She further commented that there is only one way and one way out of Ashton Court, where she resides, and it will be negatively impacted.

**Chair Harrell** and **Commissioner Anglyn** asked the applicant to speak to the concerns regarding Ashton Court. **Mr. Moore** displayed the overhead map and explained that there is a power line easement between Ashton Court and the subject property, along with a buffer between that subdivision and the power line easement which will not be touched. There will be no access to Ashton Court subdivision.

**Ms. McBride** further remarked that she discovered the party responsible for cutting down the trees behind her house only, which made things worse because of the power lines and that her bedroom is to the back. The trees have now re-grown but while they were down, the noise from the highway was distracting. **Ms. Thornton** added that one of the trees is touching her kitchen window.

**Commissioner Thomas** explained that effective January 2023, their homes will be in her District and she has been working with the existing Commissioner for this area regarding this development. She stated that she will investigate this further on how to resolve the issue with the trees so close to their yard. She further agreed that the access and traffic must be relieved in that area and will work with DOT to try and resolve that and move that traffic along.

**Chair Harrell** asked the speakers who made public comment regarding this request to provide their names and addresses to the County Clerk so that staff may follow up on their concerns.

**India Henry, no address given,** spoke in support of changing from commercial to residential; however, she asked for a couple of the conditions to be modified, such as #7 to extend the pedestrian lighting as well as the 8' walkable sidewalks to the Bridges Road side instead of just on Willow Lane; under the buffer and Stormwater management (#26), to extend the buffer there from 40' to 50'.

*No one else came forward. The Public Hearing was closed.*

**Commissioner Anglyn** remarked that this has been ongoing since the late Commissioner Barham was in office and it was his hard work that has been realized to make this an attractive community with townhomes and thanked applicant for reducing the density as well as removing the commercial portion to get the 100' buffer. He added further comments on the Conditions that address further access, rental cap, green space, traffic concerns and other aspects of the development that will be favorable to the community.

**Commissioner Thomas** also assured that the HOA will be released at 70% occupancy (#34) and the retention pond is on its own property and not attached to anything (#27). This is a modified gate community which would have the look of a gated community without the gate. The pocket parking lots were not shown in the renderings and asked that they are scattered throughout the whole subdivision to prevent parking on the street or in the green space areas. The townhomes will be three-side brick with 70% all-brick homes and 30% craftsman style homes. **Mr. As-Salaam** explained that the Resolution is written that all single-family and townhomes shall consist of four-side brick or stone, with 20% accent material provision on the front façade which can include Hardiplank. **Commissioner Anglyn** agreed to same with the addition of three-side brick on the townhomes.

**Chair Harrell** asked if the development will run along Willow Lane as well as Bridges Road; **Mr. Moore** responded it would back up to Bridges Road on the gravel portion. Sidewalks will be along the frontage of Willow Lane and none along Bridges Road, which is a dirt road.

**Commissioner Anglyn** made a motion to approve with the staff conditions; **Commissioner Thomas** seconded the motion. Motion carried (4-1-1).

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

*Resolution #22-170*

**RZ-21-30 (Public Hearing)**

Vista Realty Partners of Atlanta, GA requests a rezoning from R-2 (Single-Family Residence) and C-2 (General Commercial) to MU (Mixed Use) for property located on the north side of Jonesboro Road to the west of Mount Carmel Road in Land Lot 112 of the 6th District. The property consists of 33.34+/- acres, and the request is for a mixed multi-family residential and commercial development. District 3 (Presenter: Kamau As-Salaam, Planner III) (Exhibit 28)

**Mr. As-Salaam** presented this request for the Board with details displayed, including the Site Plan, for public viewing. The planned development would include four (4) apartment buildings, two (2) Mixed-Use buildings with retail on the bottom floor and multi-family units above, and two (2) standalone commercial units. The Site Plan would also show various amenities including open space along the rear of the property. Applicant seeks to rezone to MU with 26.68 net developable acres. This property was rezoned from RA (Residential-Agricultural) to C-2 (Neighborhood Commercial) and R-2 (Single-Family Residence) by the Henry County Board of Commissioners on November 15, 1994; further review indicates that the property was rezoned from C-2 and R-2 to C-2 and R-2 with modifications of a previous zoning condition on September 5, 1995. Applicant intends to develop a total of three hundred forty-eight (348) multi-family units, with seventy-two (72) of the multi-family units situated above commercial retail space within the two (2) buildings aligning Jonesboro Road, with a proposed Net Density of 10.76 units per acre. FLUM designates Mixed-Use with a Net Density of up to 16 dwelling units per acre.

**Mr. As-Salaam** then displayed the feedback regarding infrastructure and Public Safety for the Board and public viewing, which includes the required Traffic Impact Study with associated improvements to be done based upon the results. Staff recommends approval with conditions.

**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>

**Mr. Moore, Moore Bass Consulting,** representing the applicant in this rezoning request, approached to give further details in favor of this request to the Board. He presented the renderings and pointed out that this development would feature the flat roof concept atop all buildings within the community. Mr. Moore noted that the applicant has many property portfolios which have been very successful communities and they have retained a commercial broker to help fill the occupancy spaces in the Mixed-Use buildings. Further renderings were submitted and displayed for the Board and public viewing as well.

**Mr. Moore** stated that the target market on this is more for commuter-oriented demographic looking for 1- or 2-bedroom units. The project is in a great location, with very attractive amenities and a good blend for the Mixed-Use and developer is ready to proceed with same.

**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.

*No one came forward.*

**Chair Harrell** confirmed that applicant is agreeable with the stated sizes of the apartments; **Mr. Moore** did a quick review and found the language to be appropriate.

**Commissioner Anglyn** had no comment except to thank the parties involved in moving this forward. **Commissioner Thomas** expressed her thanks and appreciated that this will be an authentic Mixed-Use development in Henry County for modern type housing to attract professionals and provide opportunities for small businesses to come in with a sort of built-in client base. The District IV Commissioner asked about the security to be provided for this area, as this is not a family-focused area, but there should be at least one playground within the facility. **Mr. Moore** also assured the Commissioners that there are gates off of the roundabout and to be placed around the development to provide security with the installation of security cameras, RING doorbells and electronic security devices placed throughout for the residents' safety. Regarding the pavilions, two (2) are proposed as well as the clubhouse and separate fitness center. While the plan does not show a playground, it does show pocket parks and a playground can be placed along the area or along the back side of the property.

**Commissioner Wilson** noted that Conditions #14 and #15 designate those 1-bedroom units shall not exceed 70%; and those 3-bedroom units shall not exceed 30%, but that the majority of the units would be 2-bedrooms and asked for clarification on that. **Mr. Moore** clarified that they would be 1- or 2-bedroom units. **Mr. As-Salaam** explained that if that needs to be cleaned up in the conditions, that it can be done. **Chair Harrell** noted that applicant submitted there would not be many 3-bedroom units and asked what the breakdown of 1-, 2- and 3-bedroom units are proposed. The District I Commissioner did a quick review and remarked that the way it is written, it does not appear that there will be many 2-bedroom units, if any at all. Mr. As-Salaam explained that the Conditions offer the developer some flexibility but, out of 100; **Commissioner Thomas** suggested if there is 50% for 1-bedroom units, 25% for 2-bedroom units and 25% for 3-bedroom units that it could work. Chair Harrell countered that the applicant wants 70% of the development to have 1-bedroom units. **Commissioner Anglyn** suggested capping the 3-bedroom units at 10% of total and the balance to be 1- and 2-bedroom units. The Board was in agreement with same.

**Mr. As-Salaam** addressed the playground and stated that all amenities are listed in Condition #22 except for a playground and that can be changed to include the playground; **Commissioner Thomas** affirmed same.

In summary, Condition #14 would include language to cap the 3-bedroom units at 10% and the remainder a mix of 1- and 2-bedroom units; and for Condition #22 to list all amenities as required, including a playground.

**Commissioner Thomas** made a motion to approve with the staff conditions and amended language as stated above; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

*Resolution #22-171*

**<u>PUBLIC COMMENTS</u>**

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.*

**APPROVAL OF MINUTES**

**Commissioner Anglyn** made a motion to approve the Minutes from *June 7, 2022 (Regular BOC Meeting)*; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0).

**UPCOMING MEETINGS & EVENTS**

A. Wednesday, July 6, 2022 at 9:00 a.m., Regular BOC Meeting (moved due to holiday)
B. Tuesday, July 19, 2022 at 9:30 a.m., Called Meeting re: Millage Rate (1st Public Hearing)
C. Tuesday, July 19, 2022 at 6:30 p.m., Regular BOC Meeting (including 2nd Millage Rate Public Hearing)
D. Tuesday, July 26, 2022 at 9:30 a.m., Called Meeting re: Millage Rate (3rd Public Hearing and Adoption)

**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 8:56 p.m.***

*Carlotta Harrell, Chair*

*Stephanie Braun, County Clerk*