

July 19, 2022

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STATE OF GEORGIA COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular BOC Meeting/Millage Rate Public Hearing #2 ***in-person*** on Tuesday, July 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 (*Arrived at 6:57 p.m. after the Consent Agenda*)
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.

MOMENT OF SILENCE TAKEN IN MEMORY OF STACEY JORDAN-RUDESEAL

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, July 19, 2022 at 6:30 p.m. to order.

Announcement from Chair

Chair Harrell announced the following Planning & Zoning items were tabled at the request of the applicant:

- **PLANNING & ZONING (B) COMP-AM-21-08 (Public Hearing)** *Blue River Development, LLC of Cumming, GA requests an amendment to the Comprehensive Plan for property located on the south side of Mt. Carmel Road south of the intersection of North Bridges Road in Land Lots 113 & 144 of the 6th District and 128 & 129 of the 7th District. The property consists of 38.90+/- acres, and the request is to amend the Future Land Use Map designation from High & Medium Density Residential to High Density Residential. District 3 (Exhibit 21)*

- **PLANNING & ZONING (C) RZ-21-31 (Public Hearing)** *Blue River Development, LLC of Cumming, GA request a rezoning from M-1 (Light Manufacturing) and C-2 (General Commercial) to RM (Multi-family Residential) for property located on the south side of Mt. Carmel Road south of the intersection of North Bridges Road in Land Lots 113 & 144 of the 6th District and 128 & 129 of the 7th District. The property consists of 38.90+/- acres, and the request is for a multifamily townhome development. District 3 (Exhibit 22)*

PRESENTATIONS

T-SPLOST Update

Roque Romero-Muñiz, SPLOST Transportation Director, approached to give the update and started with an overview of T-SPLOST which was passed in November 2021. Collection for T-SPLOST began in April 2022 and will continue for the next five (5) years. He began with the Hwy. 81 project's update for the Board and moved on to other roads that have been approved and gave brief updates on each. He then presented a list of each of the Districts and their road projects falling under the T-SPLOST funding.

Vivian Thomas, Vice-Chair/District IV Commissioner, asked if this update will be placed on the county website for public viewing; she also asked that when it is posted, that a brief description be provided as well. **Mr. Romero-Muñiz** stated that this will be posted on the website, which also has the lists and descriptions to be updated on a monthly basis. This will be the same for other 80+ roads that will be improved and the current resurfacing projects from last year.

There were no further questions. *No action was taken.*

APPOINTMENTS

Tax Assessor's Reappointments

Nancy Rowan, County Attorney, presented the following appointees for the above-stated reappointments. The Board of Commissioners (BOC) has the authority to appoint members for the Board of Tax Assessors, which must consist of 3-5 members who must have a term of no less than three (3) and no more than six (6) years. She explained the duties of the Board of Tax Assessors for the BOC and for the public. She then gave the qualifications for the members of the Board of Tax Assessors. The following are up for reappointment:

- Brad Fawcett (Term: July 20, 2022 to July 20, 2028)
- Victoria Lifftridge (Term: July 29, 2022 to July 29, 2028)

Ms. Rowan explained that legislation passed by the BOC has five (5) members of the Board of Tax Assessors with terms of 6 years. The above-named appointees are reaching the end of their current term and are currently up for reappointment. Lloyd Smikle, Chair of the Board of the Tax Assessors, will reach end of his term in December 2023. The issue is that there is already one holdover on the Board, meaning that person can be on the Board and serve; however, they do not have a term. Once the Board appoints someone to take his place, he would be replaced or that person could be reappointed by the Board. If there is no appointment by the BOC today, individually or collectively, as is for today, then the Board of Tax Assessors will designate them as holdovers. The Board of Tax Assessors is also involved in creating the Tax Digest and the Department of Revenue certifies those individuals based on the fact that they have a term. Since it is unclear on the term of the appointees and if the Department of Revenue does

not confirm certification, this may present an issue with the Tax Digest in the future, and the County Attorney wanted to make the BOC aware of same.

There being no questions or comments from the Board, **Dee Anglyn, III, District III Commissioner**, made a motion to approve the above-named reappointments; **Commissioner Thomas** seconded the motion. The motion carried (5-0-0). (*Dee Clemmons, District II Commissioner, was not present for this vote*)

Resolution #22-172

Resolution #22-173

Commissioner Thomas also made a motion to reappoint *Sam Chafin* to the Board of Tax Assessors. **Ms. Rowan** asked for a brief pause to check what the term expiration would be for Mr. Chafin.

BRIEF PAUSE

Chair Harrell asked if a motion can be made to include with a term not to exceed 6 years, until a definite date of term is established; **John Selfe, Chief Appraiser, Henry County Tax Assessor's Office**, approached and stated that the issue is that the members' terms are staggered to prevent any more than three (3) members in any one year to be appointed to the Board of Tax Assessors. He would recommend maintaining the 6-year term increments as they are. Chair Harrell asked what Mr. Chafin's term would have been, had he been reappointed at that time; this will be brought back to the BOC for that reappointment. Mr. Selfe acknowledged same.

Commissioner Thomas thus withdrew her motion for the reappointment of Mr. Chafin until further clarification and information on his term is received. ***No action was taken.***

Board of Health Appointment (Consumer/Advocate for Health Services)

- Charlie Tomlinson (or)
- Dr. Ken Collins

Commissioner Thomas made a motion to appoint *Dr. Ken Collins* to the Board of Health; **Chair Harrell** seconded the motion. The motion carried was carried by a vote of 3-2-0.

(Chair Harrell, Commissioner Thomas and Bruce Holmes, District V Commissioner, voted in favor; Commissioner Anglyn and Johnny Wilson, District I Commissioner, voted against; Commissioner Clemmons was not present for this vote)

Resolution #22-174

CONSENT AGENDA

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

County Attorney

- A. Resolution Authorizing the Acquisition of 7,617.68 Square Feet of Right of Way, 20,889.98 Square Feet of Permanent Easement, More or Less, and 2700.72 Square Feet of Driveway

Easement in Land Lot 29 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation Pursuant to Provisions of O.C.G.A. §32-3-4 through §32-3-19 (Rock Quarry Road/Parcel 22) (Presenter: Nancy Rowan, County Attorney)(Exhibit 1) (*Resolution #22-175*)

- B. Resolution to Authorize the Acquisition of 1916.64 Square Feet of Right of Way, 5,907.80 Square Feet of Permanent Easement, More or Less, and 1611.72 Square Feet of Driveway Easement in Land Lot 29 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation Pursuant to Provisions of O.C.G.A. §32-3-4 through §32-3-19 (Rock Quarry Road (10 Banks Road) Parcel 38) (Presenter: Nancy Rowan, County Attorney)(Exhibit 2) (*Resolution #22-176*)
- C. Resolution to Authorize the Acquisition of 2,380.77 Square Feet of Right of Way and 637.87 Square Feet of Permanent Easement, More or Less Easement in Land Lots 35 and 36 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation Pursuant to Provisions of O.C.G.A. §32-3-4 through §32-3-19 (Rock Quarry Road (114 Rock Quarry) Parcel 64) (Presenter: Nancy Rowan, County Attorney)(Exhibit 3) (*Resolution #22-177*)

E911

- A. Resolution of the Henry County Board of Commissioners approving the renewal of the L3Harris radio system maintenance agreement with the first year totaling \$599,933, and a small increase for each additional year thereafter (Presenter: Tamika Kendrick, E-911 Director)(Exhibit 4) (*Resolution #22-178*)

Henry County Fire & Rescue

- A. Resolution Accepting a Reimbursement Grant from The Georgia Trauma Commission in the amount of \$23,957.60 to reimburse the purchase of Trauma Equipment and Emergency Medical Supplies for Henry County Fire Rescue (Presenter: Fire Chief Jonathan Burnette)(Exhibit 5) (*Resolution #22-179*)

Leisure Services

- A. **(Senior Services)** Resolution of the Henry County Board of Commissioners authorizing the Aging Subgrant Contract with the Atlanta Regional Commission for Fiscal Year 2023 in the amount of \$746,944.44 with a local match of \$58,784.30 (totaling \$805,728.74). (Presenter: Jonathon Penn, Leisure Services Cluster Lead)(Exhibit 6) (*Resolution #22-180*)
- B. **(Parks/Recreation: Golf Course Maintenance)** Resolution awarding RFQ through Sole Source to John Deere Financial \$994.50 (5 year term lease) for the purchase of Agrimetall Blower, Wiedenmann Terra Spike, Agrimetall Greens Roller; awarding RFQ through Sourcewell Contract #031121-DAC \$2,547.53 (5 Year Term lease) for the purchase of Precision Cut Fairway Mower, ProGator, SelectSpray, and ZTrak for the Cotton Fields Golf Course in the amount of \$3,542.11 monthly lease payment for 60 months, \$218,434.23 total using funds budgeted from general fund (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 7) (*Resolution #22-181*)
- C. **(Parks/Recreation: Park Maintenance)** Resolution of the Henry County Board of Commissioners awarding RFQ through State of Georgia Tractors/Mowers Contract for the lease of ten mowers to operate and maintain parks in the amount of \$100,440.20 by monthly lease of

\$2,554.79 for 36 months using funds from Park Areas 6220 - Rental of Equipment (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 8) (*Resolution #22-182*)

Purchasing

- A. Resolution awarding Bid #22-41 to ALS Van Lines, Inc., for moving services throughout Henry County Government. All departments will be responsible to budget for services as needed (Presenter: Susan Harris, Purchasing Manager)(Exhibit 9) (*Resolution #22-183*)

Sheriff's Office

- A. Resolution of the Board of Commissioners Accepting the State Criminal Alien Assistance Program (SCAAP) Grant Award from the Bureau of Justice Assistance in the amount of \$65,004 (Presenters: HCSO Chief of Staff, Billi Akins; and HCSO Commander of Jail Operations, Col. Jerry Harrison)(Exhibit 10) (*Resolution #22-184*)

Stormwater

- A. Resolution of the Board of Commissioners approving the construction of Drainage Improvements for Village Park playground and concession stand areas, located in District 5 to Zaveri Enterprises, Inc. from Lawrenceville, GA, in the amount of \$171,332.00 (Presenter: Alex Mohajer, Stormwater Director) (Exhibit 11) (*Resolution #22-185*)

Technology Services

- A. Resolution approving Sages SaaS Contract for Electronic Plan Review, Planning Development Review, Permitting, Mobile Inspections and Code Enforcement cloud software systems with an initial cost of \$229,287, and with an additional yearly cost of \$168,650 after implementation (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 12) (*Resolution #22-186*)

Transportation Planning

- A. Resolution approving the Henry County Transportation Plan: 2022 Update (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 13) (*Resolution #22-187*)
- B. Resolution Approving the Henry County Trails Plan (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 14) (*Resolution #22-188*)

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

There being no changes to the Consent Agenda, **Commissioner Anglyn** made a motion to approve; **Commissioner Wilson** seconded the motion. The motion carried (5-0-1). (Commissioner Clemmons arrived during final vote but did not vote)

COMMISSIONER CLEMMONS ENTERED THE MEETING

REGULAR AGENDA

COMMUNITY DEVELOPMENT BLOCK GRANT

Public Hearing

Public Hearing to receive public comments on the DRAFT FFY2022 Annual Action Plan in the amount of \$1,042,369 in CDBG and \$512,877 in HOME Funds (Presenter: Raven Bodine, Planner II) (Exhibit 15)

Raven Bodine, Community Development, Planner II, approached to present the matter for public comments regarding the federal fiscal year (FFY) 2022 Annual Action Plan for the Community Development Block Grant in the above-stated amount and for the Home Investment Partnerships (HOME) funds in the above-stated amount. These were presented at a previous BOC meeting specific to the CDBG, such Public Facility and Infrastructure projects including housing rehab and housing modernization, small business façade improvements for economic development and other services. Reprogramming of some of the COVID funds which were received in the FY2020 allocation were in the amounts of \$15,000 to \$50,000 for different public service activities. Amendments to previous Annual Action Plans for unexpended admin costs are to be deleted in an effort to be compatible with audit and not have expenditures excessive in one area. The new items will be HOME funds and she gave the background and intent of these funds. Ms. Bodine then presented the recommendations for the Board and displayed same for public viewing.

Chair Harrell called upon the County Clerk for anyone who signed up for Public Hearing; **Stephanie Braun, Clerk, Henry County**, responded that no one signed up for comments; the Public Hearing was then closed.

Commissioner Thomas referred to the allocations slide and stated that this is a new program to the county. Referring to the Down Payment Assistance, she asked if this is for individuals looking to buy a home and can now apply for this program; **Ms. Bodine** responded that for delivery of this service, they are still working with service providers specifically local banks and they would apply directly to the participating banks. The District IV Commissioner then remarked that after applying to the bank and approval is gained, a percentage would come from this program for the down payment assistance; Ms. Bodine affirmed same. The Commissioner asked if 25% is the allocation; Ms. Bodine remarked that the 25% is a match, not included in this program.

Commissioner Thomas then referred to the allocations and specified that for Tenant Based Rental Assistance, if application would be made directly to CDBG or to a third party; **Ms. Bodine** responded that it is still being worked out as it is a new program and will come back to the Board with an update by August.

Commissioner Clemmons asked if the \$200,000 is the minimum amount for the value of the house to apply for the Down Payment Assistance Program, or if it is the maximum value of the house; **Ms. Bodine** explained that it has nothing to do with the value of the home and it is the overall allocation amount for that particular activity. The District II Commissioner noted that American Rescue Plan Act (ARPA) funds are being used for the Tenant Based Rental Assistance (TBRA); Ms. Bodine explained that these funds are from a different program. The Commissioner suggested moving the Down Payment Assistance up more since there are other funds going to the TBRA. **Chair Harrell** asked if the funds are allocated based upon having to do certain types of programs; Ms. Bodine explained that specifically for the Down Payment Assistance and the TBRA, there is not any requirement of certain programs.

Commissioner Clemmons continued by stating that there are millions of dollars going to the TBRA from the ARPA funds. Home ownership benefits the county more because they are taxpaying citizens and she would like to see more money in the Down Payment Assistance out of this bucket than in the TBRA.

There being no further questions or comments from the Board, **Chair Harrell** advised that this was a Public Hearing only. *No action was taken.*

TAX COMMISSIONER

Public Hearing

2022-2023 Millage Rate (Presenters: Cheri Hobson-Matthews, County Manager; David Smith, Financial Services Director; and Michael Harris, Tax Commissioner) (Exhibit 16)

David Smith, Director of Financial Services, approached and explained that this is a Public Hearing for the proposed millage rate. He recalled that the FY2023 Budget is funded by the millage rate; the General Fund budget is \$216,907,158. The millage rate will not change and the budget is based upon the current rate of 12.733 mills. He explained the additions to the budget for this year and recounted them for the Board. The County's Tax Digest growth means there is an increase in property value but not increasing the overall millage rate. If the property values increase, there will be increased property taxes.

Turning the Board's attention to the questions previously submitted by the BOC, **Mr. Smith** addressed those questions as displayed for public viewing, the first being the impact of rolling back the millage rate and in what increments those rollbacks would be, and how the components are met to establish the 13.38% projected Tax Digest growth in 2022.

Commissioner Clemmons recalled talking about the rollback the last time the budget was presented. She still believes that the rollback should happen and would like to see how this difference impacts the budget. If the taxes are going up and the inflation burden can be met, she asked how the rollback would impact the budget and hopefully the taxpayers do not pay as much with this relief. **Mr. Smith** reminded the Commissioner that they are providing \$21.2 million of relief with the Frozen Homestead Exemption for a lot of the citizens. He further explained what the removal of the \$9.6 million (rolled back millage rate at 1 mill) would also remove, such as police officers. He will provide that analysis to the Commissioner.

Michael Harris, Tax Commissioner, Henry County Tax Assessor's Office, presented the overview of the millage rate process, starting with a brief explanation of what the millage rate is. He then presented the fair market value vs the assessed value and how that is reached. He then presented examples of calculating the county property tax with the present millage rate of 12.733 mills. Mr. Harris then presented the scenarios if the property taxes go up and the millage rate remains the same. He then went over the features of the frozen homestead exemption provision. He further explained that once a homeowner applies for frozen homestead, so long as they continue to live in the primary residence, then it is approved.

Mr. Harris further explained the age exemptions as displayed and set on the county website with the specific taxes (namely, school and water) that are exempt at certain ages, along with additional exemptions provided for homeowners. Mr. Harris then displayed the pie chart graphic that denotes where these tax dollars go and how they are divided. The current 12.733 millage rate represents 37% of the total tax bill. He then detailed how the tax dollars are split up and to which agencies they are allocated. He then

explained the Tax Digest process, which was reviewed upon earlier by the County Attorney. Once the process is completed, the Georgia Department of Revenue receives this for final approval and sends the final authorization for the county to begin tax collections. Upon approval of the Tax Digest, it is then broken down to listing the assessments and exemptions, which was next presented for public viewing and is also available on the county website. The due date for these bills to be collected is November 16th of each year; therefore, the bills must be received by taxpayers prior to September 16th of each year.

Mr. Harris then presented the proposed 2022 millage rates, sectioned off into Special Service Districts (Fire, Police, Recreation, Unincorporated), as well as the School M&O, School Bond and Water Authority listed by Jurisdiction. In presenting a sample of the property tax bill, Mr. Harris explained how the exemptions would be calculated as well as an overview of the assessed value vs fair market value as earlier described in his presentation. With the oversight of the Deputy Tax Commissioner, Lynn Carty, the tax bill template was redone for the purpose of bringing more clarification and understanding of what is the breakdown of the tax bill which also gives definitions of the tax codes and also displays a QR scan code that will take the receiver to the website for further explanation of the tax and exemptions codes.

Mr. Harris advised that tonight's meeting also denotes the second of three (3) Public Hearings on the millage rate; the final Public Hearing will be held on Tuesday, July 26, 2022 at 9:30 a.m., followed by the adoption of the millage rate.

Chair Harrell called the Financial Services Director back up to the podium. **Commissioner Anglyn** asked that if a millage rate rollback was done, who would most likely benefit from same; **Mr. Smith** responded that industrial corporations would most likely benefit as they make up approximately 17% of the Tax Digest; since they have the largest tax bill, they would benefit the most from the rollback.

Chair Harrell opened the floor for Public Hearing and anyone wishing to make comment would come forward, state their name and be given three (3) minutes to speak.

Public Hearing Comments

Larrie Garcia, 78 Walnut Way, McDonough, GA 30252

Mr. Garcia remarked that it is important to be reminded of the economic conditions of the nation in light of another county tax increase. He read from a prepared statement, which included stating that food and energy costs have increased and that in metro Atlanta, inflation rate is higher at 10.1%, which is also higher than New York, Los Angeles and Chicago. Real average hourly earnings decreased 3.6% from a year ago, while earnings went up .9% and inflation went up 4.4% and pushed prices up, which caused this decrease. The county sales tax just increased an additional 14.2%, which puts more strains on family households. He gave some statistics on housing permit drops from May 2022 as well as more national statistics and state statistics regarding the GDP. The decrease trends of these two factors would constitute recession as they have decreased for two consecutive quarters, according to the National Bureau of Economic Research. After further reading from his statement, he remarked that this all points to a very difficult economic year ahead, which will negatively affect property owners; some landlords will be forced to increase their rents and those who are less affluent will be directly hit by these increases and hardships. ***Mr. Garcia's time had expired and the Chair excused him.***

Tim Callahan, 146 Oakwood Circle, Stockbridge GA 30281

Mr. Callahan asked that the millage rate stays as is, as he believes that a rollback would be detrimental to the budget. He commented that implementing “a steady hand” now could work over the next couple of months and then a determination can be made at a later time. He further stated that an increase would cause further detriment to growth in the future, with a short-term gain but a higher tax rate in the long-term, causing a reduction in people wanting to move here.

Jamaal Avery, 504 Shades Walk, McDonough GA 30253

Mr. Avery also asked that the millage rate stays as is. He further stated that he does not benefit from county services such as School, Police and Fire, which he is aware are available. Regarding the rollback, he believes it would be more beneficial for larger industries and does not believe they should be given a break with the negative impact rolling down to homeowners.

There being no one else coming forward, **Chair Harrell** closed the Public Hearing and announced that the final Public Hearing and adoption will be held on Tuesday, July 26, 2022 at 9:30 a.m. *No action was taken.*

Commissioner Thomas called the Tax Commissioner forward and asked if it is possible to apply for the homestead exemption online and to apply for the school exemption online; **Mr. Harris** responded that as of three (3) months ago, they can be applied for online for both but there will be some documents needed to download; however, the instructions are clear on how to navigate through this online process.

COUNTY ATTORNEY

County Network System IGA

Resolution approving Intergovernmental Agreement between Henry County, GA and the County Municipalities for connectivity into the County's Network System to better provide and execute public safety services to its citizens (Exhibit 17)

Ms. Rowan explained that this pertains to the Memorandum of Understanding (MoU) between the County and the potential Cities regarding the Public Safety System. She gave a brief explanation of why this is being presented in an effort to provide better Public Safety services to the citizens, through new software from a 2017 Intergovernmental Agreement (IGA) with Tyler Technology Services' license of software; the software can break down geographic barriers between Public Safety agencies with data sharing and information between jurisdictions. She gave a brief overview of the new software and its features. The County Attorney went through the key points of the IGA for the Board. The county would request that the Cities pay for a portion of the software for access and use of the county's network. The amount would be based on the Cities' percentages of usage. She explained how that would be divided upon during the subscription periods. The term of the agreement would expire at the same time that the Tyler Technology Services agreement would expire; the county or Cities may also terminate the agreement with a 14-day notice of intent to terminate to the other parties.

Commissioner Thomas stated that there would be a negotiation of cost from the Cities based on percentage of usage of the software; **Ms. Rowan** clarified if the Cities' system needs a software update from Tyler, they have to negotiate that price with Tyler separately to pay for their own software. Based on the county's contract with Tyler, an overall cost for the licenses is paid each year. That cost is divided between the county and the Cities, based on their percentage of use. **Jamie Pownall, Technology Services**, added that the use includes the number of calls within city limits for that city coming into 911.

Commissioner Clemmons asked if the Cities were in agreement with this; **Mr. Pownall** responded that most of them are but they are finalizing discussions with the City of Hampton and sending the IGA to them for signing.

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

(Chair Harrell, Commissioners Wilson, Anglyn, Thomas and Holmes voted in favor; Commissioner Clemmons did not vote)

Resolution #22-189

School Resource Officers IGA

Resolution approving Intergovernmental Agreement with the Board of Education for School Resource Officers *(Exhibit 18)*

Ms. Rowan then continued with the Memorandum of Understanding between the Henry County Board of Education and Henry County for School Resource Officer program. She gave some background information on this program. She went through some of the highlights of the MoU, which the Board has previously received. In summary, the School Resource Officers will be Henry County post-certified officers in compliance with Henry County Police Department policies and procedures, with required job knowledge, experience, training, and attitude and communication skills to perform these duties. Standard operating procedures will be outlined by the superintendent and the Police Department for this program and all SRO will attend training provided by the Police Department and the superintendent. Ms. Rowan then showed the display that outlines the duties of the SRO for the Board and public viewing. She then went over the cost of the program and budget for the program and what that would cover plus associated reimbursements to the county for these costs as outlined in the IGA. Any hours worked by the SRO outside of the normal scheduled hours will be paid \$50 per hour, up to 4 hours, by the Board of Education (not included inside the budget).

Ms. Rowan then went through the terms of the MoU, which would start on July 19, 2022 and end on June 30, 2023, with automatic renewal every twelve (12) months for ten (10) years unless a party exercises right to terminate the agreement. She explained the different reasons for termination (cause and convenience) and the details associated with those.

Ms. Rowan went ahead and incorporated the next agenda item (Resolution to amend FY 2022-2023 General Fund Budget, specifically the Sheriff Admin and Police department budgets) into this presentation to consolidate same. After adopting the FY22-23 budget, the Sheriff's Office gave notice to the Henry County Board of Education that they would no longer provide law enforcement officers for the School Resource Officer program. The money allocated to the Sheriff's budget for this program (\$2,178,434) would be transferred to the Henry County Police Department's budget to fund the School Resource Officer program within that department. She presented a breakdown of that funding for the Board.

Chair Harrell called for the representatives of the School Board to come forward and provide information on how this was arrived. Dr. Duke Bradley, Chief of Staff, approached and assured the Board that the priority is safety for the students. He explained how this program came to be involved with the Henry County Board of Education in ensuring that there are School Resource Officers for all forty-three

(43) Henry County schools and the ensuing partnership with the Henry County Police Department. Chair Harrell asked who will run the program going forward and if the requests presented are able to be met within the IGA. **Chief Mark Amerman, Henry County Police Department**, approached and stated that this is a phase-in process. Initially, the high schools will be covered and then the middle schools will be phased in, with the goal of having all school campuses covered. He introduced Lt. Huffman who will oversee the School Resource Officers. The Chair asked if any of the uniformed officers will be taken off of the street for this program; Chief Amerman stated that they are currently hiring for these positions and the funding will come from the schools. Some senior police officers will be put in this program to provide their experience for this program.

Commissioner Thomas commended the Police Department's efforts and Lt. Huffman's appointment over the SROs in the system. She further commended the Chair on her work to fulfill this need to protect the children in the schools. The District IV Commissioner then asked the County Manager to provide further information on what they discussed prior to this meeting. **Ms. Hobson-Matthews** echoed concerns from the District IV Commissioner on the terms of the MoU and agreed on the 3-year term. The concern was transitioning Henry County Police Department to the Board of Education to provide security, which is a long-term goal. The superintendent and she did discuss a smooth transition and how that can be developed and implemented. Another concern was purchasing vehicles for this program, formerly from the Sheriff's Office to the Police Department and when that was done, the equipment was not transferred, which is now a challenge on how to equip these officers with the proper vehicles and equipment for this program and how those purchases will take place. Another concern was the issue of having school crossing guards; this is being held off in deference to getting the SROs in place with school opening approaching soon. The District IV Commissioner also wants all admin costs related to this transition will be the responsibility of the schools; also any associated internal or external legal fees when and where needed, will be paid by the Board of Education as well; and that is to be made part of the MoU. **Ms. Rowan** addressed the legal fees separately in that it cannot require fees paid, as there are several immunities provided. The District IV Commissioner emphasized that if there are legal fees associated, there has to be way to share that burden or to keep that burden from the county alone. Ms. Hobson-Matthews confirmed that Workers' Compensation claims and fees are typically paid by the Board of Education.

Commissioner Thomas then asked how the specialized training is being handled; **Ms. Hobson-Matthews** responded it is billed to the Board of Education, for any training, to be paid to the Police Department. The District IV Commissioner then confirmed that the Board of Education is paying SROs directly for any overtime (after 4:00 p.m.); she asked if this includes school-related sporting events; the County Manager stated that is included and is considered part-time work or outside employee work, which has to be approved and worked through Lt. Huffman and Chief Amerman. The Commissioner does agree to the 3-year term for the MoU but does not agree to the auto 12-month renewal for the 10 years; she requests that this be removed from the MoU.

Commissioner Clemmons also wants a plan from the School Board and the Police Department within 12 months to get to the security of the schools. The District II Commissioner noted an outstanding bill pending between the School Board and the county and she would like to see this money paid up front, as the School Board has a larger budget than the county. **Ms. Hobson-Matthews** affirmed same.

Commissioner Anglyn asked for the timeframe of the phase-in process, starting with the high schools. **Chief Amerman** stated that there will be officers in the schools starting August 1, 2022 when school opens; by October, it is hoped to have SROs placed in the high schools and middle schools. The District III Commissioner then asked if hiring officers for SROs will remain with the Police Department of that school eventually; Chief Amerman explained that the current hiring will be police officers and

once they have the training or if they have the experience and training, they will be placed as SROs in the schools. Currently the SRO placements will be internal.

Commissioner Wilson asked how many transfers are from the Sheriff's Office to the SROs currently; **Chief Amerman** responded that there are 12.

Commissioner Clemmons remarked that there are officers in the high and middle schools right now and asked if SROs will be in the high schools only when school opens; **Chief Amerman** responded that there will be 1 officer assigned to each cluster in the high schools and no officers in the middle schools. **Ms. Hobson-Matthews** interjected and responded that currently in the Sheriff's Office, there should have been a deputy in the middle and high schools which has not been so. In the last 6 weeks of the last school term, there was a request for getting deputies in the middle schools and at that time, some staff was reassigned to the middle schools. Phase 1 will be the 10 high schools; Chief Amerman corrected that the initial start will be 13. The District II Commissioner expressed concern that this is a decrease in safety and urged the Police Department to try doing the same as the Sheriff's Office. The County Manager insisted that it should have happened that way, but it was not happening that way. Under the previous plan, officers were assigned to particular schools but they were not there. The deputies were assigned to a cluster and if there was something happening within that cluster, that deputy responded. The level of service will actually be enhanced now and by Phase 2, there will be officers in the middle schools and assigned to that school and not to a cluster. Dr. Duke Bradley, Chief of Staff, clarified that over the final 6 weeks of the school year, the Sheriff's Office reassigned officers to the middle and high schools but they could not ensure that it would be sustained into the upcoming school year. The Board of Education was given a mandate to have officers in all the schools and thus, the Police Department was approached after the intent to terminate with the Sheriff's Office was implemented.

Commissioner Wilson asked how many officers were on the street at one time and what shifts; **Chief Amerman** stated that there are around twenty (20) officers on a shift, not counting Special Operations and such. As this is phased in, officers will not be taken off of the street to phase into the SRO program. The District I Commissioner wanted to be certain that if any SRO needed assistance that a patrolman would be on duty nearby to provide assistance in the event of an incident.

Chair Harrell asked what happened to the vehicles used by the SROs under the Sheriff's Office. **Ms. Hobson-Matthews** responded that a request will be made to the Sheriff's attorney to get those vehicles but there is no assurance of transfer from the Sheriff's Office to the Police Department as of yet. While those vehicles were assigned to the Sheriff's Office, they were purchased by the County.

Commissioner Thomas asked when another MoU (corrected) can be expected; **Ms. Hobson-Matthews** responded that all the recommendations made by the BOC will be put into the amended MoU, as the Board of Education has to approve this as well. The superintendent will be taking the MoU to the Board of Education afterward. The County Manager will send out the final copy and once approved by the BOC, the County Manager and the Chair are authorized to execute the agreement. Approval needs to be done tonight, with the corrected changes as stated.

Commissioner Clemmons made a motion to approve this agreement with the above-stated changes/corrections; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

Resolution #22-190

Chair Harrell directed that a second motion be taken with regards to the transfer of funds. **Commissioner Thomas** made a motion to approve; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0).

Resolution #22-191

PLANNING & ZONING

RZ-21-29 (Public Hearing)

The Reservoir Group, LLC of Madison, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Sewer) (Single-Family Residence) for property at 1650 Campground Road in Land Lot 57 of the 7th District. The property consists of 23.03+/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kenta Lanham, Planner II) (Exhibit 20)

Kamau As-Salaam, Planner III, on behalf of Mr. Lanham, presented this request for the Board. The property is currently zoned RA and applicant requests rezoning to R-2S (Single-Family Residential, on Sewer) for a single-family residential subdivision. The Future Land Use Map (FLUM) has a designation of Low-Density Residential on this property. The Site Plan was displayed as well as input on infrastructure and Public Safety from various County Departments, with no outstanding remarks. Transportation Planning Department recommends upgrades on Campground Road but there is no expected congestion to develop on this section of the road. Applicant proposes twenty-eight (28) lots with a Net Density of 1.4 dwelling units per net acre; FLUM allows up to 2 dwelling units. On November 18, 2021, the Zoning Advisory Board (ZAB) recommended approval of this request with conditions; staff recommended changes to the conditions, as recommended by the ZAB. Therefore, staff recommends approval with twenty-seven (27) conditions, listed in the exhibit books.

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 Court, McDonough GA appeared on behalf of the applicant. He gave an overview of the intended subdivision to be developed on this property. He noted that this is not proposed as a conservation subdivision. This is intended to be a gated community with twenty-eight (28) lots. Curves to the streets were added as well as 100' buffer off of Campground Road and enhancements to the amenities area to include open-air pavilion, community fire pit and other features at the main entrance. Estimated starting prices are \$500,000-600,000 for these homes. He then displayed renderings of the proposed homes in accordance with the staff-recommended zoning conditions.

No one else 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

Devin Duley, 1601 Campground Road, McDonough GA 30252 stated that he owns properties just to the top of the development and he owns the property across the street from that. He expressed concern that a few weeks, there was a large piece of equipment on Campground Road taken into property to do work and brought out the same day; during the day, there were no flag men present; a lot of traffic

was backed up and the school traffic was a problem. He suggested having a flag man or HCPD come out during the early stages of construction to mediate the traffic and prevent potential dangerous situations.

*No one else approached. **Chair Harrell** closed the Public Hearing and called the applicant forward.*

Chair Harrell asked for the issue of the traffic in the early construction stage to be addressed; **Mr. Moore** approached and explained that since there are no permits issued yet, the work that was done was testing for rock with a drill rig. He explained how the entrance will be constructed and that it will be wide and centered on where the subdivision entrance will be developed. He expects that when that equipment comes, that all OSHA rules will be followed as required.

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

Resolution #22-192

RZ-21-07

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 (Presenter: Toussaint Kirk, Planning & Economic Development Director/Cluster Lead) (Exhibit 23)

Toussaint Kirk, Planning & Economic Development Director, approached to present this request. The property is currently zoned RA and applicant requests MU rezoning. The FLUM shows MU designation as well. He further presented the layout of the original apartments from back in April 2021 and then showed the current layout for the Master Plan, featuring approximately thirteen (13) units on the back side and amenities/public spaces in the front. A rendering of the apartments was also displayed, modified from the previous rendering. The open air is designed to attract outdoor concerts or food trucks as well as outdoor type commercial to come to the property. Mr. Kirk pointed out that the apartments will be 1- and 2-bedroom units, 50/50 between the proposed 324 units. It would call for an additional 648 students in the nearby schools; however, that number will not be reached with only 1- and 2-bedroom units.

Mr. Kirk continued and stated that Mill Road is to start construction next summer, with a 10- to 12-month build-out. If approved, the turnaround for plans to be submitted to Building & Plan Review will be about six (6) months, with construction not slated to start until sometime next year because of the process; vertical construction may not start until early to mid 2024. The FLUM designation supports the applicant's request, with a Net Density of up to sixteen (16) dwelling units per acre. On March 25, 2021, ZAB heard this case; BOC heard this request on April 20, 2021, which resulted in a 3-3-0 vote. Both hearings were conducted and are presented today for vote. Staff recommends approval of the request with the conditions listed in the exhibit book.

Commissioner Clemmons wanted to withhold comment and added that the other residents are not able to speak on this matter since the Public Hearing was conducted; however, she has talked with them and they have expressed concerns that she wants to address after hearing other Commissioners' comments.

Chair Harrell expressed concern about the traffic already happening on Mill Road, which is a SPLOST project, and that the road will be widened to 4-lane, in an effort to relieve a major traffic

congestion concern. When I-75 shuts down, this surface road becomes a main artery road which causes traffic to be unbearable at times.

Commissioner Anglyn asked about the timeframe to start construction; **Mr. Kirk** responded that an estimate would be working on the documents and plans for 6-8 months, submit them for a 30-day review; barring any corrections that would put construction possibly in the first quarter of 2023. After infrastructure, water and sewer are put in it will take another 6-8 months before the site is ready for construction. The District III Commissioner also accounted for time it will take for occupancy as well.

Commissioner Clemmons asked about the C-1 use for the commercial and what type of commercial would go into that space. **Mr. Kirk** listed office use, restaurants, with gas stations, tattoo/body piercing/vape shops, boarding/rooming houses, laundromat, auto services listed as prohibited under the C-1 zoning. Dollar stores are prohibited by another Ordinance and therefore, prohibited in this development as well. The District II Commissioner remarked that there is another zoning designation that is only supposed to be for residential areas; **Ms. Hobson-Matthews** suggested that might the RS (Residential-Suburban) designation. The Commissioner wanted to ensure that no storage facilities will be put in this development, no tractor-trailer parking allowed and drive-thru restaurants are prohibited due to inconsistent layout of the development.

Commissioner Clemmons then wanted to know the status about the closed dumpsters, not visible to the public, and how to ensure that they are closed for the commercial section. **Mr. Kirk** explained that this is already addressed in the Ordinance; the Ordinance declares that the dumpsters have to match the existing building, with 3-sides brick and the gate in front. The District II Commissioner requested that the condition read that the dumpsters will be 3 sides' brick, gates in the front and not visible from the street.

Commissioner Clemmons then addressed the building materials as a condition reads that all the architecture on the property would be the same. She wanted assurance that the commercial portion would not resemble the apartments, since they are two separate areas - however, the commercial portion should also be brick; the conditions will conform to the renderings and she assured the residents that this will be added. **Mr. Kirk** noted that it is Condition #21 and the District II Commissioner requested that the phrase "conditioned to the renderings" is added. In referring to Condition #7, it referenced renderings received on May 20, 2022. The Commissioner wants that taken out and wants to include the renderings that were received today. This should go for the apartments as well since the renderings presented back then are not the same as presented now. **Mr. Kirk** stated that the apartments had since been enhanced; the Commissioner expressed that it needs to say that they are conditioned to the renderings seen on today's date. **Ms. Hobson-Matthews** asked if there can be a date-specific on the renderings presented; Commissioner Clemmons responded that one of the renderings is dated July 11, 2022. **Mr. Kirk** added that he will include the rendering dated July 11, 2022 and presented at the meeting on July 19, 2022, for the commercial portion.

Commissioner Clemmons then addressed the walkability (Condition #8) and that there was nothing seen for the people in the apartment complex. There should be a sidewalk leading from the apartment complex up to the commercial space for the walkability. **Mr. Kirk** explained that it is outlined in the conditions; the Commissioner insisted that it does not specify from the apartments and it is not shown on the drawings as presented. **Mr. Kirk** responded that Condition #20 addresses that but acknowledged the District II Commissioner's request that it includes the details she presented for walkability from the apartment complex up to the commercial space. **Ms. Hobson-Matthews** advised that once this leaves the Planning & Zoning stage, then it goes to Building & Plan Review to enforce and the language must be clear when the Resolution is approved. The sidewalks are 5' in width, also.

Commissioner Clemmons turned attention to the landscape buffers and Stormwater management and that the buffer needs to be detailed and defined; **Mr. Kirk** displayed the flood plain and explained that there is approximately 200' before getting to the space referred to by the District II Commissioner. **Chair Harrell** added that there is a lot of wet land that leads up to the creek on the other side of the development and is non-buildable; Mr. Kirk affirmed same.

Commissioner Clemmons stated that there is no lighting plan on Mill Road; **Mr. Kirk** responded that it is not in the Overlay District. The District II Commissioner requested to have a condition that designates the requirement of street lighting to comply with the Overlay District Street Lighting Plan along Mill Road. Mr. Kirk affirmed same. **Chair Harrell** directed that to be listed as Condition #29.

Commissioner Clemmons then referenced Condition #22 on the primary pedestrian crossing and asked where that will be placed; **Mr. Kirk** did not know but did show where he estimated they would be placed. The Commissioner stated that they need to be identified, since there are people walking from the opposite side of Mill Road and the pedestrian crossings need to be identified. Prior to issuing the permits, these crossings must be identified and this should be made Condition #30. Mr. Kirk affirmed same.

Commissioner Clemmons then referenced signage and requested the height be at least the same as the highest sign in the area to help guide motorists from incorrectly turning where they do not intend; **Mr. Kirk** explained that can be addressed through the Master Sign Plan, which is a requirement as part of Condition #28. The District II Commissioner pointed out that the Shell station on Jonesboro Road has a small sign but it was part of the Master Sign Plan. Mill Road will be 4 lanes and a lot of traffic; therefore, the signs must be tall enough to be visible and needs to be lit. **Ms. Hobson-Matthews** clarified that the Commissioner's request would be in violation of the County Code; in order to have that, the applicant would have to apply for a Variance to increase the sign height. The Commissioner requested that whatever the highest allowed by Code, the signage must be that height and must be well lit. The Condition regarding the roundabout needs to be marked out since there is already a roundabout in use. Mr. Kirk affirmed same. The County Manager suggested the condition read that the signage coordinates with the SPLOST Department's review of the Sign Plan; the District II Commissioner added that the sign must meet the maximum height according to the County Code.

Commissioner Clemmons wanted to ensure that the applicant is in agreement with the above-stated recommended changes. (*Applicant acknowledged*).

Chair Harrell asked if there is adequate parking for any future events within the development; **Mr. Kirk** responded that the parking would be based off of the apartments and the size of the retail spaces. He will further review this in the plans and stated that there may be some discussion needed regarding overflow parking. **Commissioner Clemmons** added that there would need to be permitted there as well. If there is a concert, the parking would need special permitting; County Manager affirmed same and clarified that SPLOST is widening up to the flea market. **Mr. Romero** clarified that the road widening stops just past the entrance of the flea market; from the flea market to the subject property, that road will be two lanes because there is a lake next to that across from the subject property. The District II Commissioner noted that there needs to be crosswalks to the Henry Market Place and the Logan's area as well. Mr. Romero pointed out the lake and the wetland; the widening goes to the flea market and the development would provide future right-of-way. The Commissioner requested that the roads referenced have the crosswalks tied in; Mr. Romero affirmed and clarified same for connectivity purposes.

Commissioner Clemmons made a motion to approve with the conditions as stated and modified/cited and viewed; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

Resolution #22-193

RZ-21-34 (Public Hearing)

DRB Group of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-3 (Single-Family Residence) for property on Babbs Mill Road east of Carl Parker Road in Land Lots 120, 121, 136, 137, 153, and 154 of the 6th District. The property consists of 96.82+/- acres, and the request is for a single-family residential subdivision. District 2 (Presenter: Kenta Lanham, Planner II) (Exhibit 24)

Mr. As-Salaam approached on behalf of Mr. Lanham to present this rezoning request to the Board. The property is currently zoned RA; applicant requests rezoning to R-3. The property abuts the Crystal Lake Subdivision. The FLUM designation is Low-Density Residential and supports the rezoning request. The rezoning would include 152 lots and was granted conservation subdivision Conditional Use by the ZAB and the proposed conservation subdivision was displayed with the request of CU-22-02. Further displays provided by the applicant were shown, as well as feedback from other County Departments which gave information on what to expect from this R-3 zoning designation and conservation subdivision. The development would be allowed to cluster the 152 lots with minimum lot size of 10,890 square feet with approved Conditional Use. The Net Density would be 2.0 dwelling units per net acre. On January 13, 2022, ZAB approved this Conditional Use request for conservation subdivision. Staff recommends approving with conditions approved from the ZAB for the rezoning portion and further recommends approval with the conditions stated in the exhibit book.

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

Michele Battle, Battle Law, 3562 Habersham @ Northlake, Tucker GA 30084 appeared on behalf of the applicant. She gave some further details of the request as presented by staff. She noted the two points of entrance for the conservation subdivision, which is designated because of the environmental features located on the property. Referring to the presentation, she gave further description of the intended developments with some features to be added, such as the roundabout and the green space areas. The intended price points start at \$400,000.

Linda Roy, 446 Babbs Mill Road, Hampton, GA 30228 approached to comment that on the original proposal for the conservation subdivision, there was a 100' buffer of woods between the houses and the road. She stated that trees are being cut down on the adjoining line of her property and the subdivision and she asked if there will be a different type of buffer placed. **Mr. As-Salaam** responded that the conservation subdivision requires a 50' buffer on the side and rear property lines, and 100' buffer along the front. If trees are cut, it is likely to gain access but they will have to be replanted to rebuild the buffer. Ms. Roy asked if that buffer will be replaced; Mr. As-Salaam stated they will be replaced, as required. Ms. Roy then stated that on the original map, it appears that Babbs Mill does not curve but that it ends at Carl Parker Road; it does not end there and does make a turn where Carl Parker enters Babbs Mill. She asked with the traffic coming from that curve whether or not there will be adequate warning of the upcoming subdivision for anyone wanting to gain entrance. Mr. As-Salaam explained that this subdivision will have to undergo a Traffic Impact Study which will advise the developers on the improvements needed to the road and that would be included.

Chair Harrell asked if the trees will be replanted if cut down; **Mr. As-Salaam** explained that part of the review process includes the developers providing a landscape plan which will show every

species of tree that will be planted; if it is undisturbed, no replanting is necessary; this is per County Code.

No one else 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

Doug Johnson, 652 Babbs Mill Road, Hampton GA 30228 approached in opposition of this rezoning request. He states that the road is not capable of handling the incoming volume of traffic and is the only way for emergency traffic to come through now and is a bypass for emergency vehicles from Fire Station #5 up to the Lovejoy area of Henry County. He pointed out that tractor-trailers drive through there in spite of having the signs prohibiting them; this development will further impact the traffic congestion and present more problems.

An employee from Building & Plan Review came forth and advised that there are no side-entry garages depicted on the elevations which were shown; those side-entry garages are required where feasible and he wanted to state same for the record that Building & Plan Review is responsible for enforcing that provision. **Chair Harrell** asked that the rendering be put back up for review. The gentleman indicated that none of the renderings depicted side-entry garages and wanted to state for the record that there will be side-entry garages enforced by the Building & Plan Review Department.

No one else approached. Chair Harrell closed the Public Hearing.

Commissioner Clemmons recalled the Traffic Impact Study being discussed and requested that the study states that all improvements will be done prior to any issuance of Certificate of Occupancy. **Chair Harrell** asked how many lanes Babbs Mill Road has and was told it is 2 lanes.

Commissioner Clemmons referenced Condition #13 and requested that the number be changed from 10% of the homes to be rented to no more than 3% of homes to be rented. On Condition #14, the District II Commissioner requested that it go back to the original condition that if in 3 years it has not been built to R-3 in entirety, the undeveloped portions will revert back to RA and the homes will have to be on 1-acre lots. **Ms. Battle** responded that applicant is anticipating 40 homes a year, which will take about 4 years because of the permitting process and if the build-out is not completed within 3 years from the date that the first permit is issued, that would be an issue. She explained that applicant would be fine with 3 years from the first building permit issued, but not the LDP permit. The Commissioner clarified that if the build out of this development is not completed within 3 years from the date of the first building permit issued, the zoning of any unconstructed portions would be zoned RA. Ms. Battle asked if the language can read "if the Board of Commissioners *may* reconsider the zoning..." the Commissioner acknowledged same. **Ms. Hobson-Matthews** asked who would initiate that; Commissioner Clemmons then decided to go ahead and take Condition #14 out. **Chair Harrell** recalled that a subdivision was partially built and someone came in with smaller homes, different in character, and a conflict was between part 1 of the subdivision with part 2 coming years down the road and she does not want to see this happen again. The District II Commissioner suggested taking Condition #14 out and reviewing same for possible policy across the board in the future. **Mr. As-Salaam** referenced that Condition #15 was started in 2021 to give the houses the same consistency. Commissioner Clemmons stated that she requests each house with a minimum 3,100 square feet in Condition #15. Mr. As-Salaam advised that would have to be an added Condition: "minimum square feet of the homes will be 3,100 square feet". When Ms.

Battle asked if the language could read “average”, the Commissioner emphasized “minimum” but modified the minimum to be 3,000 square feet; applicant agreed.

The changes (as stated, not written) are as follows, as stated by **Mr. As-Salaam**:

- (1) Adding “prior to the Certificate of Occupancy”
- (13) “3% of the homes shall be maximum rented”
- (14) to be omitted
- (31) Added to read “minimum 3,000 square feet homes”

Commissioner Wilson asked for the average width of the lot; **Mr. As-Salaam** responded that the minimum is 80’ in the conservation subdivision. The District I Commissioner asked about the size of the setbacks; **Ms. Battle** responded 10’ on the side and 25’ on the front; with 20’ in the rear setbacks. The Commissioner stated that with 3,000 square foot homes there will be no green space or buffers between the homes and there will not be enough room for anything in between the homes; Ms. Battle stated that there is 10’ on each side. Mr. As-Salaam stated they would have to fit within the setbacks regardless and would have to build up to meet the minimum square footage. There would be 4-5 bedrooms, probably 20’ driveways and people parking on the street because there will not be enough room on the driveway. **Mr. Moore** approached and remarked that the width of the 3,100 square foot house would be approximately 40’ wide between houses. There will be a standard landscaping package to include some trees and a landscape strip in the back. The Commissioner was concerned that there will not be sufficient buffering, trees or green spaces between the houses. Mr. As-Salaam was also informed that the minimum lot width is 60’ and not 80’. Commissioner Wilson noted that these will be too small and stated the lots need to be bigger, while **Commissioner Clemmons** stated that the houses need to be smaller. Ms. Battle stated that the requirement is 60’ lot width but applicant agreed to 80’ lot width. The District II Commissioner surmised that this would mean not as many houses will be in there; **Mr. Kirk** approached and acknowledged same and added that more side-entry garages can be accommodated versus a 60’ lot. Ms. Battle said that they can fit the houses on there because the house size is roughly 40’ wide and the building will be going up (2-story houses). Mr. As-Salaam clarified that the minimum square footage is 3,000; Commissioner Clemmons affirmed same.

Commissioner Clemmons made a motion to approve with the stipulated and modified changes to 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 this vote)

Resolution #22-194

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.

APPROVAL OF MINUTES

Commissioner Clemmons made a motion to approve the Minutes from *June 21, 2022 (Regular BOC Meeting)*; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

UPCOMING MEETINGS & EVENTS

- A. Tuesday, July 26, 2022 at 9:30 a.m., Called Meeting re: Millage Rate (3rd Public Hearing and Adoption)
- B. Tuesday, August 2, 2022 at 9:00 a.m., Regular BOC Meeting
- C. Tuesday, August 16, 2022 at 6:30 p.m., Regular BOC 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 9:29 p.m.*

Carlotta Harrell, Chair

Stephanie Braun, County Clerk