



HENRY COUNTY BOARD OF COMMISSIONERS

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DISTRICT I COMMISSIONER

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Dee Clemmons

DISTRICT III COMMISSIONER

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DISTRICT IV COMMISSIONER

Vivian Thomas

DISTRICT V COMMISSIONER

Bruce Holmes



COUNTY MANAGER

Cheri Hobson-Matthews

COUNTY CLERK

Stephanie Braun

COUNTY ATTORNEY

Nancy Rowan

BOC MEETING AGENDA

**Henry County Government Administration
140 Henry Parkway McDonough, GA 30253**

Website: co.henry.ga.us

Phone: 770-288-6000

Board of Commissioners

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

**Henry County Government**

140 Henry Parkway
McDonough, GA 30253
(770) 288-6000
www.henrycounty-ga.org

Henry County Board of Commissioners

6:30 PM, Tuesday, October 18, 2022

BOC Present: Chair Carlotta Harrell, Commissioner(s) Johnny Wilson, Dee Anglyn III, Vivian Thomas, and Bruce Holmes

*Commissioner Dee Clemmons (arrived at 6:43 p.m. immediately after the Consent Agenda was voted upon)

Staff Present: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; and Stephanie Braun, County Clerk

NOTICE: This is a public in-person meeting held at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough, GA. HenryTV will also be streaming live online at <https://www.co.henry.ga.us/Government/Agenda-Minutes> on Charter/Spectrum Channel 180, and Facebook Live. See attachment in order "to participate" in Public Hearings and Public Comments

I. Henry County Code of Conduct during public meetings:

- A. Sec. 2-2-128. Conduct during public meetings. During the public portions of the public meetings and public hearings members of the board of commissioners shall not: (1) Speak without first being recognized by the chair; (2) Interrupt anyone who has the floor; (3) Use profanity during the public meeting; (4) Refuse to yield the floor, or to argue with the chair, if he or she is ruled out of order by the chair; (5) Make disparaging remarks about another's character during the public portion of any meeting; (6) Represent their personal opinion and beliefs as the position of the board as a whole; (7) Refuse to recognize the validity of the actions approved by a majority vote of the board; and (8) Divulge the subject matter of any confidential matter, legal advice, legal strategy, or the content of discussions held during executive session. (Ord. No. 03-01, 1-2-2003)

II. Instructions to Participate

- A. Instructions to Participate

III. Invocation

IV. Pledge of Allegiance

V. Call to Order

- A. Announcement: The following Planning & Zoning items were posted for the October 18, 2022 BOC Meeting, but have been postponed by the applicants:

RZ-21-35 (POSTPONED)

(Public Hearing) Alliance Residential Company of Atlanta, GA requests a rezoning from M-1 (Light Manufacturing) and C-2 (General Commercial) to RM (Multifamily Residential) for property located on Highway 155 west of Greenwood Industrial Parkway in Land Lots 254 and 254 of the 7th District. The property consists of 47.438 +/- acres, and the request is for a multifamily apartment development. **District 2**

RZ-21-16 (POSTPONED)

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

COMP-AM-21-11 (POSTPONED)

(Public Hearing) Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James Sutherland of Forest Park, GA request an amendment to the Comprehensive Plan for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379 +/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential and Commercial to High Density Residential. **District 1**

RZ-21-38 (POSTPONED)

(Public Hearing) Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James E. Sutherland of Forest Park, GA request a rezoning from RM (Multifamily Residential), OI (Office-Institutional), C-1 (Neighborhood Commercial), and M-1 (Light Manufacturing) for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379 +/- acres, and the request is for a multi-family residential apartment development. **District 1**

Chair Harrell additionally made the following amendments to the agenda:

- Update from State Court has been postponed to a later date
- Added Capital Improvement Element (CIE) Annual Report and Community Works Program(CWP) Update for 2022-2026 to the Consent Agenda

VI. **Presentations**

A. **(POSTPONED)** ~~Update from State Court~~

VII. **Consent Agenda**

Asset/Risk Management

A. Resolution approving Security Camera installation for Work Camp Road Campus and all Senior Centers in the amount of \$214,489 under state contract from NetPlanner Systems, Inc., utilizing ARPA Funds (*Presenter: Hutch Purvis, Facilities Maintenance Director/Cluster Lead; and Holly Lafontaine, Risk Director*)(*Exhibit 1*)
[Resolution #22-259](#)

County Attorney

A. Resolution approving Memorandum of Understanding and Agreement between Henry County and the Board of Education for School Crossing Guards (*Presenter: Nancy Rowan, County Attorney*)(*Exhibit 2*)
[Resolution #22-260](#)

County Clerk

A. Resolution approving 2023 BOC Meeting Calendar (*Presenter: Stephanie Braun, County Clerk*)(*Exhibit 3*)
[Resolution #22-261](#)

- B. Resolution approving 2023 Holiday Calendar (*Presenter: Stephanie Braun, County Clerk*)(*Exhibit 4*)
[Resolution #22-262](#)

ADDED: Capital Improvement Element (CIE) Annual Report and Community Works Program(CWP) Update for 2022-2026
[Resolution #22-263](#)

Police Department

- A. Resolution approving a three (3) year agreement between Axon Enterprises, Inc., a sole source vendor, and Henry County Police Department for Taser 7 Electronic Control Devices (ECDs). This new agreement replaces the current agreement, and provides a locked-in amount of \$157,829 per year, and adds 50 additional tasers, for a total of 246 tasers. The agreement will include the support, training, and equipment of all devices, and can be terminated at any time. Funds are available in the Small Equipment Funds account (*Presenter: Lt. W. Powell, HCPD*)(*Exhibit 5*)
[Resolution #22-264](#)

SPLOST

- A. A Resolution approving a Budget Amendment and bid award for construction of the Peeksville Road Phase II SPLOST V transportation improvement project to McCoy Grading, Inc. in the amount of \$3,652,625.64. **District 1** (*Presenter: Roque Romero-Muniz, Public Works Cluster Leader*)(*Exhibit 6*)
[Resolution #22-265](#)
- B. A Resolution approving a Budget Amendment and bid award for construction of the Installation of Sidewalks for North Ola Park SPLOST V transportation/park improvement project to DAF Concrete, Inc. in the amount of \$781,464.00. **District 3**

(Presenter: Roque Romero-Muniz, Public Works Cluster Leader)(Exhibit 7)
[Resolution #22-266](#)

(This Ends The Consent Agenda)

VOTE: Commissioner Anglyn made a motion to approve items listed on Consent Agenda; Commissioner Thomas seconded. The motion carried 5-0-1 (Commissioner Clemmons not present during vote).

Regular Agenda

VIII. County Manager

- A. *(*Moved down on agenda by Chair Harrell) Update on Local Option Sales Tax (L.O.S.T.) Re-negotiation (Presenters: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; and David Smith, Financial Services Director/Cluster Lead)(Exhibit 8)*

- B. *(*Moved down on agenda by Chair Harrell) Resolution approving the purchase of certain real property located in Henry County, GA (12 North Zack Hinton Parkway, McDonough, GA) (Presenters: Cheri Hobson-Matthews, County Manager; and Nancy Rowan, County Attorney)(Exhibit 9*

IX. Planning & Zoning

A. (POSTPONED BY APPLICANT)

~~RZ-21-16 (Not a Public Hearing)~~

~~Halpern Enterprises, Inc. of Atlanta, GA requests a rezoning from C-2 (General Commercial) to MU (Mixed Use) for property located at 5855-5905 East Lake Parkway and 38 Oak Valley Road in Land Lot 6 of the 7th District. The property consists of 20.26 +/- acres, and the request is for a mixed multifamily residential and commercial development. **District 4** (Presenter: Kenta Lanham, Planner II)(Exhibit 10)~~

B. (POSTPONED BY APPLICANT)

~~COMP-AM-21-11 (Public Hearing)~~

~~Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James Sutherland of Forest Park, GA request an amendment to the Comprehensive Plan for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379 +/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential and Commercial to High Density Residential. **District 1** (Presenter: Kenta Lanham, Planner II)(Exhibit 11)~~

C. (POSTPONED BY APPLICANT)

~~RZ-21-38 (Public Hearing)~~

~~Barry Boyd of Griffin, GA; McGarity Investments, LLC of McDonough, GA; and James E. Sutherland of Forest Park, GA request a rezoning from RM (Multifamily Residential), OI (Office-Institutional), C-1 (Neighborhood Commercial), and M-1 (Light Manufacturing) for property located north of Highway 20/81 West at International Avenue in Land Lots 157 and 158 of the 7th District. The property consists of 21.379 +/- acres, and the request is for a multi-family residential apartment development. **District 1** (Presenter: Kenta Lanham, Planner II)(Exhibit 12)~~

D. MC-22-01 (Public Hearing)

Pulte Group, Inc. of Atlanta, GA requests a modification to conditions for property located at the northeast corner of the intersection of Lester Mill Road and Bill Gardner Parkway in Land Lots 182, 203, and 204 of the 2nd District. The property consists of 87.13 +/- acres, and the request is to modify conditions to allow for a change in the residential uses for the property, and for other purposes. **District 2 (Presenter: ~~Kamau As-Salaam, Planner III~~ Kenta Lanham, Planner II)(Exhibit 13)**

VOTE: Commissioner Wilson made a motion to approve with thirty (30) conditions stated; Commissioner Holmes seconded. The motion carried 6-0-0. Resolution #22-267

E. ULDC-AM-22-09 (Public Hearing)

An Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regarding the regulation of automobile washes.

Countywide (Presenter: Kamau As-Salaam, Planner III)(Exhibit 14)

VOTE: Commissioner Anglyn made a motion to table ULDC-AM-22-09 to December, 2022 (*Note: date was changed to November 1, 2022 by Chair Harrell); Commissioner Holmes seconded. The motion carried 4-2-0. Chair Harrell, Commissioner(s) Anglyn, Holmes and Thomas voted in favor. Commissioner(s) Wilson and Clemmons voted in opposition.

VOTE: Commissioner Thomas made a motion to add to the agenda a Moratorium for all applications for car washes and truck washes for six (6) months in Henry County to allow time for discussion; Commissioner Clemmons seconded. The motion carried 4-2-0, with Chair Harrell, Commissioner(s) Clemmons, Thomas and Holmes voting in favor; and Commissioner(s) Wilson and Anglyn voting in opposition.

County Manager

- A. **(*Moved down on agenda by Chair Harrell) Resolution approving the purchase of certain real property located in Henry County, GA (12 North Zack Hinton Parkway, McDonough, GA) (Presenters: Cheri Hobson-Matthews, County Manager; and Nancy**

Rowan, County Attorney)(Exhibit 9)

VOTE: Commissioner Thomas made a motion to approve; Chair Harrell seconded. The motion failed 2-3-1. Chair Harrell and Commissioner Thomas voted in favor. Commissioner(s) Wilson, Clemmons, and Holmes voted in opposition. Commissioner Anglyn abstained from voting.

Commissioner Thomas made a motion to have administration return to the BOC with the answers to questions from them as soon as possible before the forty-five (45) days is up for re-consideration. Commissioner Clemmons seconded. Commissioner Thomas then amended her motion and added Chair Harrell's statement for a called meeting for this real estate matter only, if necessary.

*Questions from BOC: 1) Cost of property that previous owner paid; 2) How long has property been for sale; 3) Confirm that square footage is 21,017; 4) Identify what needs are for District Attorney and Probate Court (after walkthrough); 5) Repair and outfitting costs for the facility.

Commissioner Thomas made a motion to rescind the vote regarding the purchase of property. Chair Harrell seconded. No final vote was taken. (County Manager clarified that it did not need to be rescinded because it was not a zoning matter and they could simply ask staff to bring it back before the Board).

VOTE: Commissioner Clemmons made a motion that staff would table this item and bring back to the November 1st meeting with all of the corrections. Chair Harrell seconded. The motion carried 6-0-0

B. (*Moved down on the agenda by Chair Harrell) Update on Local Option Sales Tax (L.O.S.T.) Re-negotiation
(Presenters: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; and David Smith, Financial Services Director/Cluster Lead)(Exhibit 8)

Commissioner Wilson made a motion that we approve chart placed on overhead which he requested staff bring (which is based on population only - Exhibit A); Commissioner Anglyn seconded. VOTE: 5-1-0 (with Commissioner Clemmons voting in opposition).

Note: Commissioner Holmes made a motion to rescind his vote and go with the recommendation of the cities after they presented.

Resolution #22-268

Added note: There was a request for staff to bring back to the Board three charts:

Chart #1) Population Only (Chart approved tonight – Exhibit A)

Chart #2) Current allocations: County: 66%; and Cities 34%;

Chart #3) Based on all 8 criteria -- gradually over the years.

X. 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.

(No one signed up for public comment)

XI. Approval of Minutes

A. September 7, 2022 Regular BOC Meeting

VOTE: Commissioner Anglyn made a motion to approve; Commissioner Clemmons seconded. The motion carried 6-0-0.

XII. Upcoming Meetings and Events

- A. November 1, 2022 at 9:00 a.m. is a regular BOC Meeting
- B. (CANCELLED) ~~November 15, 2022 at 6:30 p.m. is a regular BOC Meeting~~
- C. November 29, 2022 (**will take the place of the first regular meeting in December*) at 9:00 a.m.

XIII. Adjournment

(Meeting adjourned @ 09:19 pm)