STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, September 20, 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: Shannan Sagnot, Cluster Leader for Administrative & Constituent Services/Director of Community Development; Nancy Rowan, County Attorney; and Stephanie Braun, Clerk, Henry County

Staff Not Present: Cheri Hobson-Matthews, County Manager

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

Announcement

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, September 20, 2022 at 6:30 p.m. to order.

Chair Harrell announced that the following Planning & Zoning item was advertised for this evening's meeting but has since been tabled by applicant:

RZ-21-36 (Not a Public Hearing) Hecht Walker Jordan, P.C. of Stockbridge, GA requests a rezoning from C-2 (General Commercial) and OI (Office-Institutional) to MU (Mixed-Use) for property located on Jonesboro Road east of Chambers Road in Land Lot 109 of the 6th District. The property consists of 21.5+/- acres, and the request is for a mixed townhome, apartment, and commercial development. *District 2*

It was further announced that the following Planning & Zoning item was advertised for this evening's meeting but has since been tabled by staff:

HC-CODE-AM-22-04 (Public Hearing) An Ordinance by Henry County, Georgia, to amend the Henry County Code of Ordinances regarding the regulation of short-term rental properties in Henry County, and for other purposes. *Countywide*

Chair Harrell explained that this item has been postponed because it is pending legal review. The item will be advertised as a Public Hearing for the October 4, 2022 meeting; it will not be pushed to the October 20, 2022 meeting. She further announced that if anyone is present for this Agenda item, it will not be heard at this evening's meeting and that they are excused.

Commissioner Clemmons asked that before people leave, (RZ-21-36) is a District II item; and during the initial meeting she was the one who asked for it to be tabled to another meeting so that the community could come out and speak. The particular property which is the subject of the hearing has been looked at for the last six (6) years, with numerous Town Hall meetings in District II held. That property has a Future Land Use Map (FLUM) designation for Mixed-Use (MU), but applicant was asking to put rentals there. The community has decided that there will be no support for rentals beyond the location of the Firehouse Sub. The District II Commissioner asked those present to stand and be recognized, while she stated that those present represent the different neighborhoods within the community. If this item is put on a future meeting Agenda, it should be advertised as a Public Hearing and, if not, the Commissioner asked the County Attorney for assistance in whether or not the Board of Commissioners (BOC) could legally take a vote on allowing the public to speak on this matter.

Commissioner Clemmons continued that she can speak for them, but due to changes on the Board, she has not been able to actively do this without being voted in opposition by other Commissioners. The District II Commissioner emphasized that she meets with her District residents and when she speaks, she does speak on their behalf. Prior to the Commissioner learning that this item was tabled, she had specifically asked that representative from the community attend and be allowed to make comment.

Nancy Rowan, County Attorney, stated that there has already been a Public Hearing on RZ-21-36 and has now been closed. If this is a question of whether or not the public can speak on Public Comments on this matter, that is another issue; however, the Public Hearing portion of this matter has already occurred. **Commissioner Clemmons** asked what provision is there for these people to be allowed to speak on this matter and if the Board could take a vote to allow them to speak. Ms. Rowan advised that the rules for Public Comments is that the public make may comment on items that were recently on the Agenda or that are on the current Agenda; however, the Board must have a majority vote to allow Public Comments regarding a specific Agenda item during the Public Comments portion of the meeting. The County Attorney further confirmed through the County Clerk that there, in fact, was a Public Hearing on this matter but there was no vote. Therefore, there would not be a new Public Hearing. The District II Commissioner asked that it be reviewed because she specifically asked that this item be tabled so that the public could come and speak on it. While the Minutes can be reviewed, Commissioner Clemmons cited that policy dictates that the Board can take a vote. Ms. Rowan stated that this particular policy relates to Public Comments, not the Public Hearing. Public Comments can be made on this particular item, but it has to be allowed by majority vote taken of the BOC.

Commissioner Holmes clarified that if a majority vote in favor of allowing the community to speak on this matter is taken now, then the constituents present will be allowed to speak on this matter during Public Comments, or that the Board can grant them permission to speak right now.

Chair Harrell asked if anyone has signed up this evening for the Public Comments; **Stephanie Braun, Clerk, Henry County**, stated that no one has signed up; however, if the Board chooses to have Public Comments moved up, that can be done with three (3) minutes given for each speaker, for a determined amount of time, or if there will be a collective amount of time given for those who wish to speak on this matter.

Chair Harrell advised that a vote will be taken to allow for these people to speak on the matter during the Public Comments portion, but the meeting will go on as outlined in the Agenda and the Public Comments will be heard in its stated order. The Chair will allow between 2-4 individuals to speak on behalf of the communities. **Commissioner Clemmons** remarked that when the Confederate flag was put to issue, at least 50 people spoke against it and thinks that everyone present for this matter should be allowed to speak upon same. The Chair reminded the Commissioner that the flag issue was prior to her time as Chair.

Commissioner Clemmons made a motion to permit the individuals to speak during Public Comment regarding the matter which was postponed by the applicant.

Bruce Holmes, District V Commissioner, does not believe that they should wait through the whole meeting before being allowed to speak. **Chair Harrell** declared that she is in command of this meeting and they will speak at the appointed placement for Public Comments, at the end of the meeting.

Commissioner Holmes seconded the motion.

Commissioner Clemmons asked that those present for item RZ-21-36 to please stay for the meeting and prepare to speak for their 3 minutes allowed. The motion carried (6-0-0).

APPOINTMENT

McIntosh Trail

McIntosh Trail: Appointment of Elected Official - Judge Ralph Bailey, State Court (to fill an unexpired term due to resignation of Judge Sam Chafin. Term: 9/20/22 - 5/19/25)

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

Resolution #22-236

Hospital Authority

Hospital Authority: Nominee submittals to Hospital Authority (to fill unexpired term of Geoffrey Cauble due to resignation): District I: Peggy Carter; Shannon Brown and Bryan Andrews (Term Expiration: 12/07/2025)

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

Resolution #22-237

CONSENT AGENDA

Shannan Sagnot, Cluster Leader for Administrative & Constituent Services/Director of Community Development, read the Consent Agenda as follows:

County Attorney

A. Resolution to Authorize the Acquisition of 3,675 Square Feet of Right of Way and 2,310 Square Feet of Temporary Easement in Land Lot 249 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation for Fairview Road Sidewalks (1563 Fairview Road) Parcel 58 (SP5530) (Presenter: Nancy Rowan, County Attorney)(Exhibit 1) *Resolution #22-238*

B. Resolution to Authorize the Acquisition of 1,565 Square Feet of Temporary Construction Easement and 494 Square Feet of Driveway Easement in Land Lot 231 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation for Fairview Road Sidewalks (1014 Fairview Road) Parcel 12 (SP5530) (Presenter: Nancy Rowan, County Attorney)(Exhibit 2) *Resolution #22-239*

C. Resolution to Authorize the Acquisition of 8,450 Square Feet of Right of Way and 6,619 Square Feet of Temporary Easement in Land Lot 231 of the 12th District, Henry County, Georgia, by Negotiated Contract or Condemnation for Fairview Road Sidewalks Parcel 13 (SP5530) (Presenter: Nancy Rowan, County Attorney)(Exhibit 3) *Resolution #22-240*

Emergency Management Agency

A. Resolution of the Board of Commissioners approving the purchase of Cobwebs Web Intelligence Solutions for $75,000/annually from Cobwebs Technologies (Presenter: Kevin Johnson, Deputy Director EMA)(Exhibit 4) *Resolution #22-241*

Police Department

A. Resolution requesting the authorization to use Asset Forfeiture State Seized Funds to pay educational training costs in the amount of $22,000 over a two year period for Sgt. David Lemacks to attend Command College in Columbus, GA (Presenter: Lt. W. Powell/HCPD)(Exhibit 5) *Resolution #22-242*

This ends the Consent Agenda

Commissioner Anglyn made a motion to approve the Consent Agenda, as published; **Commissioner Holmes** seconded the motion. The motion carried (6-0-0).

REGULAR AGENDA

TRANSPORTATION PLANNING

Resolution approving a contract with Wi-Skies, LLC to conduct the Streetlight Needs Assessment Study through a fund balance transfer of $200,000 (Presenter: Sam Baker, Director)(Exhibit 6)

*Prior to presentation, **Chair Harrell** asked that Chief Burnette return to the meeting room.*

Sam Baker, Director of Transportation Planning, presented the Resolution and stated that there is a need for streetlights throughout county roads as their absence presents a safety hazard for motorists and pedestrians. In 2020, the then-BOC considered installation of streetlights at eleven (11) different locations and then decided to look throughout the County to identify where streetlights would be needed; this led that Board to not take any action at that time. On June 21, 2022, staff was directed to solicit proposals for a Streetlight Needs Assessment. Three (3) bids were received and Wi-Skies, LLC were selected with a cost of $200,000 to perform the study. Staff did not plan for this expense and should the Board approve a transfer from Fund Balance in the amount of $200,000 will be needed.

Chair Harrell asked if this is to be Countywide; **Mr. Baker** responded it would be in unincorporated Henry County.

Commissioner Holmes asked why there has to be a study to place streetlights in already identified areas of need; **Mr. Baker** responded that the study would provide more comprehensive information on need rather than going on human judgment. There would be criteria to be met prior to identifying the need for streetlight placement; he went over a few on that list.

Commissioner Wilson asked if there is a funding mechanism to put the needed streetlights at the location; **Mr. Baker** responded he does not believe there is one and the funding would have to be determined for such placements, as well as ongoing power. The District I Commissioner suggested establishing funding for the study and then the placement of streetlights.

Commissioner Clemmons remarked that streetlights need to be placed in Henry County and while “everything else” is getting funds, funding needs to be identified for this need to have well-lit roads and provide safety for the residents. There is money in the T-SPLOST that can be used for this and, if not, this would be a reasonable expenditure of tax dollars. The locations already identified as needing streetlights were previously identified due to high number of accidents in each of those locations. This has been ongoing since 2020 and it is time to put it into action, decide how to fund it and pay the monthly bills on those lights and adding to the Budget.

Commissioner Holmes advised that this should move forward on those particular locations already identified, as confirmed by accident data provided to the Board.

Commissioner Clemmons added that high-traffic roads need to be included for this, and not only the roads with high accidents and/or high crime areas. The last time each Commissioner had the opportunity to have their District roads examined to be put on a list as needing streetlights, that was done; this could be reviewed and staff could determine if the identified roads meet the criteria and then added to the list for needed streetlights. **Chair Harrell** asked if criteria can be identified including traffic, accident and crime frequencies, and that data can be used to present a list throughout all of the Districts to identify what roads would need streetlights, without having a formalized study done. **Mr. Baker** responded that a criteria list was done in 2020 and included those 3 items. He can do this again but does not believe it would be as extensive as if one was done by a consultant and its team. He further stated that this adds to his already heavy workload but if the Board wants him to, he will do as the Board requests. **Commissioner Holmes** explained that each Commissioner knows their District and can identify each road needing streetlights and that staff can move forward with that list as presented by each Commissioner.

Vivian Thomas, Vice-Chair/District IV Commissioner, referred to the District II Commissioner's remarks and added that the study is not to just identify the roads; it also considers new builds, new subdivisions, new commercial areas, and possible extension of the roads and possible impact to those areas. She supports moving forward with this study to properly inform staff and the Board on proper placement and needs for streetlights and a study performed by experts would encompass the above-mentioned features and would present a better safety resource for the public. The expert would work in conjunction with Planning & Zoning, Transportation Planning and other pertinent staff to determine such placements as well.

Chair Harrell remarked that this assessment could help the Board and staff better plan for these expenditures for streetlights to include in the Budget each year going forward. The need for streetlights could be tiered based upon priority of need, which would help in this planning.

Commissioner Wilson explained that when the lighting for Jonesboro Road was approved, it costs $97,000 a year to pay for them. The proposed roads for streetlights will need a lot of funding to pay for those lights and the funding first needs to be identified and in place before this move forward. **Mr. Baker** agreed that it will be a big "price tag" and conducting this study would be a first step. Upon the results, the Chair's suggestion of prioritizing the identified roads can be done; funding can be identified as that process moves along. **Chair Harrell** added that decreasing accident and crime frequencies in order to keep citizens safe, there can be no price tag put on a person's life.

Commissioner Clemmons added that $97,000 is nothing compared to the lives lost on the Jonesboro Road area. She will keep asking staff to bring this back until it is approved. Even fifty (50) roads at a possible $5 million-dollar cost would be a good start within a county budget of over $200 million dollars. If $20 million dollars can be spent on an Aquatic Center and if the citizens were given a choice between having an Aquatic Center and having needed streetlights, the streetlights would be chosen. There should be funding identified and a commitment to that funding to get these roads lit up. She wanted to know how long this will take before lights are placed on a list that is already identifying roads needed them. If this study is approved, then it should also include funding for at least some of the roads that have been identified.

Chair Harrell asked when the next SPLOST ballot is; **Mr. Baker** stated he thinks it is in November 2024. The Chair stated that it gives time to search for funding to install the lights; **Commissioner Clemmons** explained that Georgia Power pays for the installation; the county is responsible for the monthly bill to power them and will also identify placement of those lights.

Commissioner Anglyn asked if this study is staff's recommendation; **Mr. Baker** responded that it was Board initiated and he sees merit in conducting the study. This is being presented at the request of the Board.

Commissioner Wilson asked if the $200,000 expense will also have the consultant provide information on how many lives were lost after sundown on these roads that have no streetlights, or how many accidents have occurred on those roads, or how much crime occurs on these roads after sundown with no lighting. **Mr. Baker** stated it will not but the consultant will take each of those factors into consideration. The District I Commissioner emphasized that if $200,000 is going to be spent for a study, and then every concern related to those needs for streetlights must be identified and provided in the study results, so that when the study is brought before the Board, the Board can better review and prioritize roads to get streetlights. Mr. Baker explained that this will be presented in table format, with all criteria and resulting data listed.

Commissioner Holmes stated that the Board can approve needed streetlights on dark roads tonight and does not need a study.

Commissioner Clemmons asked the Financial Services Director regarding funding for Jonesboro Road streetlight monthly power bill; **David Smith, Director of Financial Services,** approached and explained that General Fund through Department of Transportation to pay Georgia Power for the monthly light usage. The District II Commissioner asked if this is typical practice within other communities with well-lit roads. Mr. Smith stated that there are several ways to fund it and that this is one way; some communities have Streetlight Districts which are taxing districts wherein members of those communities pay for the lights and putting up the lights themselves. The Commissioner asked how much money is in General Fund at present; Mr. Smith responded about $216 million dollars and that this is not a budgeted item, of which 50% pertains to Public Safety. The Fund Balance amount (not all cash), after removing specific priorities that this Board identified, is about $30 million dollars available. He does not recommend utilizing Fund Balance for continuing maintenance of streetlights. Commissioner Clemmons stated that there is an excess of funds coming and since the study would be necessary (in her opinion), they should go ahead and activate the streets that need the lights now, which have previously been identified, so long as they meet the criteria set by staff; and to get this done before the study starts.

Chair Harrell asked how long this study will take to complete; **Mr. Smith** responded it would take 9 months. The Chair then clarified that the District II Commissioner is asking the BOC to vote on roads that the Board are not familiar on a list, at an unknown cost. **Commissioner Clemmons** explained that this list was made by staff and stated that they were high-impact roads that need streetlights; this was presented by Mr. Baker about 2 years ago. The Commissioners could submit a list of roads needing streetlights in their Districts to Mr. Baker; staff can review the list for criteria met and then a final list with recommendations can be brought to the Board for a vote.

Chair Harrell recommended tabling this item since she cannot make a decision without a defined list.

Commissioner Anglyn suggested waiting to see where the county stands financially in order to identify where funding will come from; **Mr. Smith** responded that there were some issues raised **-** one is safety which is a priority in Henry County and, if the Board decides to move forward, he will make that happen.

Commissioner Clemmons made a motion to approve the study and to add that each Commissioner would present a list of roads in their District to staff for review; and that those certain roads would then go to the Financial Services Department for immediate funding to light up those roads; motion *failed* due to lack of second.

Chair Harrell called for motion to approve or deny what is presented by staff as listed on the Agenda, specifically a Streetlight Needs Assessment at a cost of $200,000 to be paid through a Fund Balance transfer.

Commissioner Anglyn made a motion to *table* this item until funding is identified; **Commissioner Wilson** seconded the motion. **Ms. Rowan** advised that the motion must be date specific for the item to be heard again. **Chair Harrell** directed that it be tabled to the first meeting in November and the District III Commissioner *amended his motion to reflect same*. Motion carried (4-2-0).

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

COMMUNITY DEVELOPMENT BLOCK GRANT

(Public Hearing) to consider the approval of the proposed Federal Year 2021 Consolidated Annual Performance and Evaluation Report (CAPER), authorization of execution and submittal of the report to the U.S. Department of Housing and Urban Development (HUD) (Presenter: Raven Bodine, CDBG Planner II)(Exhibit 7)

Raven Bodine, CDBG Planner II, approached with the proposed CAPER for FY2021. She explained that this is a requirement by HUD for this year-end report and allows the community and staff to see the overall progress of the CDBG program. Public notice was duly published with a draft of the CAPER. She presented a list of accomplishments and summarized them for the Board and public viewing.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak, allowing a total of three (3) minutes. *No one approached.*

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

Resolution #22-243

ANNEXATION

AX-22-05 (Not a Public Hearing)

The City of Stockbridge has received a request for annexation and rezoning of property located at 2125 Highway 42 - (Parcel 071-01034012) consisting of 20.0+/- acres. District 4 (Presenter: Toussaint Kirk, Planning & Zoning Director/Cluster Lead)(Exhibit 8)

Toussaint Kirk, Planning & Zoning Director, presented this request to the Board. He clarified that the Southern Crescent Rehab Center is looking to be annexed into the City of Stockbridge. The FLUM calls for Mixed-Use (MU) zoning. On July 20, 2021 a Comprehensive Plan Amendment and a rezoning request on this property was made regarding the Center. Staff recommends approval with conditions, but Mr. Kirk went through a few of the twenty-four (24), for the Board.

- (1) *The uses of the subject property shall be limited to memory care, assisted living, and independent living with associated amenities and provision of care, meeting use requirements.*
- (4) *The residential portion of the development shall consist of cluster single-family attached and detached units, only. The total number of dwelling units shall be limited to 100. Compliance with zoning conditions and development standards may further limit the number of dwelling units.*
- (10) *The subject property shall not, at any time, be developed as a traditional single-family and/or multi-family residential development (even if it is age-marketed or age-*

targeted) or any other type of residential community that does not require each single-family attached or detached unit to house an individual which requires a level of care that is provided by the assisted living facility.

- (14) *A traffic impact study (TIS) shall be required before the approval of the first development permit. At a minimum, the developer/owner's engineer shall provide an Intersection Control Evaluation Study to GDOT of the site's existing access per GDOT's requirements. The developer/owner shall be responsible to provide all of the indicated improvements as required by the ULDC.*
- (16) *The dwelling units shall be limited to units with two (2) or three (3) bedrooms. Each dwelling unit shall have a minimum of two (2) full bathrooms*.
- (17) *The dwelling units shall have a minimum of 1,600 square feet with a running minimum average of 1,800 square feet.*
- (23) *An HOA shall be required and shall maintain the common areas and building exteriors.*

The new layout was laid next to the 2021 original layout for comparison; the newer layout has a total of one hundred and seventy-six (176) units. With the one hundred (100) units from 2021, the total number of units is now two hundred and seventy-six (276). **Mr. Kirk** went into some further detail on the site plan for the Board. With no significant changes in the zoning or land use, and no increase in density or infrastructure for this project, as proposed, staff recommends approval with continued conditions.

Chair Harrell voiced concerns that the conditions will not be heeded; that when the Board approved it for 100 units but now that number is increased by 176 units. She was concerned about the entrance sitting in front of the Summit subdivision and the traffic coming from that area; she further voiced concern about possible incompatibility with fire safety codes; whether or not there will be a traffic impact study and if the developer will follow up with recommended improvements. The Chair explained that once this is annexed, the county no longer has control over this and it would impact areas in District IV. The Chair asked the Fire Department Chief to remain at the meeting to hear this and advised that Henry County provides fire services to the City of Stockbridge. If Stockbridge's fire marshal cannot work with the Henry County Fire Department to ensure that everything is up to code and standards, then this also concerns the Chair.

Commissioner Thomas asked why the annexation is requested; **Mr. Kirk** stated he is not sure but he is guessing that since the road is being built with a bridge to go across the creek, that maybe this would offset some of that cost. She has worked to come up with a plan of action for this area, with places for individuals who have medical needs and will be transitioning from the Brain Trauma Center into some form of supportive living facility and hopefully to some independent living facility. The District IV Commissioner has visited this property to get a better understanding of this request. Strong conditions were set forth to protect the residents and to make sure that the Brain Trauma Center can expand their services and to have complimentary services around it. The Commissioner asked what is it that the applicant is trying *not* to do or what is applicant trying to avoid; mainly, what the advantage is of trying to move into the City when the county has to provide fire and safety for the City. The Commissioner further stated that she is not convinced that this is in the best interest of the county. Mr. Kirk stated he spoke with the Community Development Director in Stockbridge and she is encouraged to utilize the county conditions. The District IV Commissioner feels that "encouraged" is not a strong enough request. Mr. Kirk explained that more conditions could be added.

Commissioner Wilson stated that if they had annexations with rezoning attached, an objection would be filed which would hold applicant down for 365 days once the property is annexed. He asked the County Attorney if there was any other way that this annexation can be stopped; **Ms. Rowan** responded that a basis for the objection would need to be stated, but that is limited, if an objection is to be filed. The District I Commissioner recommended filing an objection so that they cannot do anything for 365 days. **Chair Harrell** called for a representative of the project to come forward and also asked the Fire Chief to come forward. **Commissioner Clemmons** added that an objection has to be attached as to whether or not there would be a negative impact in safety, or if there would be a drastic change in the county. **Mr. Kirk** stated that the zoning is line with MU zoning. The County Attorney stated that there has to be a procedure followed by the county and City to resolve the objection. The District II Commissioner asked if there is probable cause to file the objection; Ms. Rowan does not know any violations that would cause the county to file an objection.

Steve Moore, Moore Bass Consulting, approached and explained that while the conditions were being developed, he communicated to his client that those conditions have to stay. The rehab center owner also owned the property across the creek. After the first 100 units are built, he would need that property connection. There was concern about Public Safety and having the project partly in the City and partly in the county but only one development. There is shared fire protection and separate police protection. To move the property from county to City would be an easy fix to have one fire service and one police service. He went through a few other conditions and variables regarding ownership of the units with those conditions were also discussed. **Chair Harrell** asked if Fire can get in or out of there. **Jonathan Burnette, Chief, Henry County Fire Department,** responded that each of the Cities has its own Fire Marshal now. The county still has to provide fire protection to the Cities, except for McDonough. There is a working relationship with the Fire Marshal, but the Fire Marshal is not required to implement Henry County Fire Department recommendations. The Chair knows that some are townhomes with sprinkler systems. Mr. Moore explained that because there has been so much work within the County, and noted that there has to be sprinkler protection on 2 or more attached units. The owner's intent is to provide a safe living environment for multiple levels of care for residents there.

Chief Burnette explained that there are standards and codes that must be required but in a case like this, with international fire and safety codes, those codes are not monitored for proper enforcement, not by the county; however, the Fire Marshal of those Cities might be monitoring.

Chair Harrell asked if the client would de-annex into the county; **Mr. Moore** stated he believes it is impossible from a legal standpoint, but he is not certain of same.

Commissioner Thomas stated that when the owner was here, he stressed how much he wants to work on behalf of the community to service these residents. De-annexation is not impossible but it may be challenging. Upon hearing that the Fire Marshal is not required to communicate with the Fire Department in the county, and the nature of the work that is supposed to be undertaken, she does not support this annexation. She requested that Mr. Moore discuss with his client to keep this in the county moving forward. The District IV Commissioner stated that there are no townhomes to be developed in this community. She does not see this as a healthy transition and would vote against annexation of the property.

Commissioner Thomas made a motion to ***object*** to the annexation; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

PLANNING & ZONING

RZ-21-27 (Not a Public Hearing)

Turnstone Group, LLC of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to C-3 (Highway Commercial) for property located at 813 Jonesboro Road in Land Lots 98 & 127 of the 7th

District. The property consists of 2.62 +/- acres, and the request is for an indoor self-service storage facility. District 3 (Presenter: Kamau As-Salaam, Planner III) District 3 (Exhibit 9)

Kamau As-Salaam, Planner III, presented the request for rezoning. The applicant requests this for interior self-storage. This was heard at August 16, 2022 and was tabled to tonight's meeting. The FLUM designates this property area as commercial. The subject property is located within the Highway Corridor Overlay District and will be required to comply with those standards. The subject property can meet the standards and the developer updated the renderings in the presentation tonight. Staff recommends approval with conditions:

1. *C-3 uses shall be limited to self-service storage facility uses. Gas stations and car washes are prohibited.*
2. *At least 2,500 square feet will be dedicated to shared office/co-working units within the front of the building. The co-working space will include a shared kitchen and bathrooms.*
3. *Twenty-six (26) parking spaces shall be provided, and six (6) of those parking spaces may be within the forty-foot (40') eastern buffer, but outside of all setback lines.*
4. *The development shall be consistent with the renderings and elevations shown at the September 20, 2022 BOC meeting.*

Mr. As-Salaam explained that this is not a Public Hearing, but there are a few changes and it would be appropriate to hear from the applicant at this time regarding those changes. **Chair Harrell** called the applicant forward.

Andrew J. Welch, III, Manager, Smith Welch Webb & White, LLC, appeared on behalf of the applicant. He explained that the county has been moving towards utilizing Mixed-Use buildings to integrate more than just primary use. The subject property has not been improved for over a decade and this request would allow for redevelopment in this area. In addition to the secured facility, there will be office components where the office spaces can be rented and used within the storage facility, thus making it a true Mixed-Use building.

Commissioner Anglyn asked if the buffer improvement is included; **Mr. As-Salaam** responded that it is naturally undisturbed but if the Board wishes to add language for that in the conditions, they can do that. **Mr. Welch** explained that there will be enhanced landscaping. **Chair Harrell** requested that it be added to the conditions. Mr. As-Salaam asked that it be included in the motion.

Commissioner Thomas referred to the floor plan displaying the cubicles; she asked for their sizes. **Mr. Welch** responded they are now 8'-by-10' and they are on the first floor. He further clarified the locations of the office spaces for rent. The District IV Commissioner was trying not to inundate Jonesboro Road with storage units and thanked applicant for presenting alternatives with office spaces on the first floor. She is concerned about the signage and include that office space rental is available as well as storage rental. The Commissioner also stated that the office space portion needs to be a bit more dominant and not look like a secondary purpose. To expand these would give the opportunity for extended rental of those office spaces and not only day-to-day office space rentals. If there is going to be another storage unit on Jonesboro, there should be something more attractive and not as a second thought. Mr. Welch explained that there is a partnership with another entity that will do what is suggested, with options for long-term or short-term rental. Commissioner Thomas can see how it would attract short-term, but she does not see any accommodation for long-term office rental space.

Commissioner Clemmons asked if Cube Smart is going in this building; **Mr. Welch** affirmed same. The District II Commissioner is not sure if a franchise is permitted and would have to be a separate business for workspace rental.

Adam Goldstein, Managing Director, Turnstone Group, approached and clarified that Turnstone is actually the owner of the property and building; Cube Smart would be the property manager of the storage portion of the building and a different property management firm to manage the workspace rental portion, to be similar to Rework, but not *be* Rework.

Commissioner Clemmons asked for the location on Jonesboro Road; **Mr. Welch** specified that there is a long gap of homes near Heritage, passing the eye doctor's office. **Mr. As-Salaam** indicated where it would be located and would be within a mile of an existing storage unit. Mr. Welch stated this application has been ongoing for over a year and the market share is large enough to support same. The District II Commissioner disagrees with the need for another storage facility, but this is not her District. Mr. As-Salaam stated that the Board approved an Ordinance amendment which prohibits future self-storage on the Highway Corridor Overlay District, so this will be the last one. The Commissioner explained that there was a restriction in square footage as well and this building exceeds that restriction. **Chair Harrell** clarified that this application and process had already happened before the Ordinance amendment was put in place.

Commissioner Anglyn made a motion to approve with the following conditions:

1. C-3 uses shall be limited to self-service storage facility uses. Gas stations and car washes are prohibited.
2. At least 1,200 square feet will be dedicated to shared office/co-working units within the front of the building. The co-working space will include a shared kitchen and bathrooms.
3. Twenty-six (26) parking spaces shall be provided and six (6) of those parking spaces may be within the forty-foot (40') eastern buffer, but outside of all setback lines.
4. The development shall be consistent with the renderings and elevations shown at the September 20, 2022 BOC meeting.
5. The landscape buffer around the perimeter of the development shall be undisturbed or enhanced with extra vegetation meeting the department of Planning and Zoning approval.

Commissioner Wilson seconded the motion. Motion carried (4-2-0).

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

Resolution #22-244

RZ-21-31 (Site Plan Approval)

Blue River Development, LLC of Cumming, GA request a rezoning from M-1 (Light Manufacturing) and C-2 (General Commercial) to RM (Multifamily 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. This hearing is for site plan approval, as the rezoning has already been approved. District 3 (Presenter Kamau As-Salaam, Planner III)(Exhibit 10)

COMMISSIONER CLEMMONS LEFT THE MEETING

Mr. As-Salaam explained that this rezoning was approved on August 16, 2022 with the condition that the applicant would return with an updated Site Plan for BOC approval. He gave details on the subject property and presented the survey and updated Site Plan. While this is not a Public Hearing, Mr.

As-Salaam thought it appropriate to have the applicant come up and speak on the changes made to the Site Plan, one of which is to include the road that had not been abandoned by the County. Staff recommends approval of the updated Site Plan.

COMMISSIONER CLEMMONS RETURNED TO THE MEETING

Chair Harrell recapped that there was already a Public Hearing on this, it was voted upon and approved but requested that the Site Plan be updated and the approval of the update Site Plan is what the Board will be voting upon.

Steve Moore, Moore Bass Consulting, explained that the right-of-way came up during the Public Hearing portion and applicant was willing to construct, at his expense, that certain section to continue extension for alternative access to the Jonesboro Road. The Site Plan includes all of the conditions that were approved at that time and the specific zoning condition was highlighted for clarification. Renderings of the architectural style were also presented and Mr. Moore gave some details on how it was updated to meet the conditions imposed. Specifications on amenities and other features on the project are still in place.

Commissioner Thomas pointed out there needs to be overflow parking availability and speed bumps need to be added in this area as well, on the interior roads. She wants to see the type of lighting provided in the interior and there should be security cameras at the entrance and exit gates that the Police Department can have access; other than those, she supports this revision.

Chair Harrell asked if overflow parking is already provided; **Mr. Moore** responded that the parking was already added.

Commissioner Clemmons does not support speed bumps being imposed by the Board but that it should be left up to the residents. **Mr. Moore** indicated that there are alleys and rear-loading in that area and it will discourage speeding. **Commissioner Thomas** stated that there is a process of adding the speed bumps later, but not the large humps to discourage speeding throughout the gated community.

Commissioner Anglyn made a motion to accept the revised Site Plan; **Commissioner Clemmons** seconded the motion. Motion carried (4-2-0).

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

APPROVAL OF MINUTES

Commissioner Clemmons made a motion to approve the Minutes from *August 16, 2022 (Regular BOC Meeting)*; **Commissioner Anglyn** seconded the motion. The motion carried (6-0-0).

UPCOMING MEETINGS AND EVENTS

A. Tuesday, October 4, 2022 at 9:00 a.m. is a regular BOC Meeting

B. Tuesday, October 18, 2022 at 6:30 p.m. is a regular BOC Meeting

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 Comments.

Chair Harrell stated that the Board allowed Public Comments regarding the property at Chambers and Jonesboro Road and yielded the floor to the District II Commissioner.

Commissioner Clemmons directed the speakers to line up to make comment.

CHAIR HARRELL LEFT THE MEETING
VIVIAN THOMAS, VICE-CHAIR/DISTRICT-4 COMMISSIONER, PRESIDED AT THIS POINT

Lisa Ward, 771 Peninsula Overlook, Hampton GA 30228
Angie Collins, 747 Peninsula Overlook, Hampton GA 30228
Joel Wilcox Jr., 156 Luke Cove, Hampton GA 30228
Jamaal Avery, 504 Shades Walk, McDonough, GA 30253
Brooke Winfrey, 341 Lara Lane, McDonough GA 30253
Jewel Wilcox, 156 Luke Cove, Hampton GA 30228
Shawn Connors, 133 Traditions Lane, Hampton GA 30228
Joshua Echoff, 341 Lara Lane, McDonough GA 30253
Toni Long, 209 Grover Turner Way, McDonough GA 30253
Sabrina Cylin, 2401 Lake Erma Drive, Hampton GA 30228
Gregory Smith, 1809 Schofield Drive, Hampton GA 30228
Jasmin Jones, 505 Casuarina Concourse, Hampton GA 30228
Susan Dorsainville, 804 Suncrest Court, Hampton GA 30228
David Linton, 1030 Pampas Way, Hampton GA 30228
Sheryl Speer, 1108 Ola Dale Court, McDonough GA 30252

All of the above-named individuals spoke in opposition of **RZ-21-36**, having been allowed a maximum of three (3) minutes each.

DURING PUBLIC COMMENTS, CHAIR HARELL RETURNED TO THE MEETING

Vice-Chair Thomas yielded the floor back to the Chair.

Commissioner Clemmons stated that the County is inclusive and reassured that this not about the apartments, but it is about the *placement* of these apartments and those boundaries were set when she made a decision with her constituents where apartments would be place in District II. In regards to the Publix being put in, she wondered if there would be so many complaints if that was a Whole Foods going up. She emphasized that at this point, the apartments have not been approved and the applicant had removed this item; she urged her constituents to continue to be involved and show up to be heard at the meetings.

There being no further questions or comments from the Board, the Public Comments on the matter were closed. ***No action was taken.***

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 8:57 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk