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

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, November 29, 2022, 9:00 a.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 1 Commissioner
Dee Clemmons, District 2 Commissioner
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, Vice-Chair/District 4 Commissioner
Bruce Holmes, District 5 Commissioner

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

## 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, November 29, 2022, at 9:00 a.m. to order.

The following Planning & Zoning item was advertised for the November 29, 2022, BOC Meeting, but has been postponed by the applicant:

**AP-22-03 (Public Hearing, re: Appeal)** South Battery Capital, LLC of Sugar Hill, GA appeals the administrative interpretation and/or decision of the Planning and Zoning Department regarding the permitted uses for property located at 2787 East Atlanta Road in Land Lot 198 of the 12th District. The property consists of 2.633+/- acres, and the request is for a self-service storage facility. District 5

**PRESENTATIONS**

**Henry County Employee Retirement Recognition**

**Harold Cooper, HR Director,** announced the following employees about to retire from Henry County:

- *David Bishop – Henry County Sheriff's Office – 26 years*
- *Roger Taube – Henry County Fire Department – 26 years.*
- *Charlotte Allen – E-911 – 25 years*

**Awards for Parks & Recreation Department**

**Jonathon Penn, Cluster Lead, Henry County Leisure & Public Services,** presented in recognition of Parks and Recreation Department the Georgia Recreation and Park Association (GRPA) District and State Awards, and the American Association of Adapted Sports Award.

- James "Bull" Martin – Athletics Aquatics Distinguished Professional for GRPA District 6
- Chris Colmenero – Maintenance Operations Distinguished Professional for GRPA District 6
- Donna Holder – Admin Leadership Distinguished Professional for GRPA District 6
- Henry County Parks & Recreation – Agency of the Year for GRPA District 6
- Thomas White – Admin Leadership Distinguished Professional State Award
- Donna Holder – 35-year Service Pin for GRPA
- Michelle Dunn – 20-year Service Pin for GRPA

**Mr. Penn** then introduced Steve Card, the GRPA Executive Director, to present the next award.

**Steve Card, CPRP, Executive Director, Georgia Recreation and Park Association,** approached to present an award. After making some brief remarks, he presented the State Volunteer of the Year Award to Tyron Williams' wife, who appeared on Mr. Williams' behalf.

**Mr. Penn** then presented the Adapted Sports Programs in Recreation and Education (ASPIRE) Award, particularly the Founders Award for Extraordinary Program Design & Advocacy for Athletes with Disabilities, to Harlon Matthews.

**Cheri Hobson-Matthews, County Manager,** approached and the recognized Mr. Penn with the GRPA District 6 Distinguished Professional Award for his work and leadership in working with Henry County.

***PHOTOGRAPHS WERE TAKEN***

**Recognition from National Safety Council**

**Chair Harrell** announced that this Agenda item was to be presented next.

**Holly Lafontaine, Risk Manager,** approached and gave some background on the National Safety Council for Defensive Driving. She recognized Mario Coleman for his efforts and commitment in the Defensive Driving courses offered and that Henry County was named Defensive Driving Training Center of the Year.

***PHOTOGRAPHS ARE TAKEN***

**Georgia Smart Communities Challenge Project**

**Sam Baker, Transportation Planning Director,** approached and explained the program and its features within the State of Georgia, which is managed by a public-private partnership called Partnership for Inclusive Innovation. Henry County was selected in 2022 for a grant which comes with funds and access to research teams at Georgia Tech and Clayton State University, working on developing interactive Web-based tools to help the county planners, officials and decision-makers where industrial and manufacturing facilities are to be placed within the county for economic development and job growth, as well as preserving environmentally sensitive green space throughout the county and to find a balance between the two. Anyone interested in learning more about this can access information from the Transportation Planning Department at the Georgia Smart Communities Challenge's website.

**Vivian Thomas, Vice-Chair/District 4 Commissioner,** asked the County Manager if the Commissioners could get the information to share on their media platforms to generate interest in the survey as well; **Mr. Baker** stated that the information is posted on the Henry County Government's Facebook page and Instagram; they can be shared as well and he can provide any graphics or PDF documents for the Commissioner.

**APPOINTMENTS**

Appointment to McIntosh Trail Community Service Board for *Thelvie Winston, Sr.,* filling an unexpired term of 8/21/2024.

**Dee Clemmons, District 2 Commissioner,** moved to approve the appointment; **Dee Anglyn III, District 3 Commissioner,** seconded the motion. Motion carried (6-0-0).

*Resolution #22-286*

# CONSENT AGENDA

**Ms. Matthews** read the Consent Agenda as follows:

**Airport**

A. Resolution approving Croy Engineering Task Order #16 in the amount of $279,962.00 for Engineering Design Services for T-Hangar and Corporate Hangar Development at the Atlanta Speedway Airport using Capital Improvement Plan Funds (CIP). (Presenter: Lynn Planchon, Airport Manager) (Exhibit 1) *Resolution #22-287*

B. Resolution approving Michael Baker International, Inc. Scope and Fee for Airport Master Planning Services to update the Airport Layout Plan (ALP) in the amount of $239,520.00 and the associated GDOT Contract for Reimbursement in the amount of $235,877.34 and Local Match in the amount of $3,642.66 using Airport funds. (Presenter: Lynn Planchon, Airport Manager) (Exhibit 2) *Resolution #22-288*

**Courts**

A. Resolution to Approve the Appointment of the Associate Judges of the Magistrate Court of Henry County for the new term commencing January 23, 2023 and expiring December 31, 2026 (Presenter: Chief Magistrate Martin C. Jones) (Exhibit 3) *Resolution #22-289*

B. Resolution of the Board of Commissioners to Approve the Appointment of Robert L. Godwin as Senior Judge of the Magistrate Court which expires December 31, 2022. The new term will commence January 1, 2023 and expire on December 31, 2026 (Presenter: Chief Magistrate Martin C. Jones) (Exhibit 4) *Resolution #22-290*

**E-911**

A. Resolution of the Board of Commissioners authorizing execution of a Memorandum of Understanding with Chatham 911 Communications Services, for Henry County 911 to act as their backup PSAP (Presenter: Tamika Kendrick, E911 Director) (Exhibit 5) *Resolution #22-291*

**Facilities Maintenance**

A. Resolution awarding Sealed Bid #23-17 to Hortman & Sons Enterprises of McDonough, GA to complete exterior renovations at 30 Atlanta Street in the amount of $58,575 (Presenter: Hutch Purvis, Cluster Lead/Facilities Maintenance Director) (Exhibit 6) *Resolution #22-292*

B. Resolution awarding Sealed Bid #23-18 for CGS Waterproofing to complete exterior renovations at 40 Atlanta St. in the amount of $106,851 (Presenter: Hutch Purvis, Cluster Lead/Facilities Maintenance Director) (Exhibit 7) *Resolution #22-293*

C. Resolution awarding a Sealed Bid #23-19 for CGS Waterproofing to complete exterior renovations at 40 Atlanta St.-Modular Bldg. in the amount of $64,502.00 (Presenter: Hutch Purvis, Cluster Lead/Facilities Maintenance Director) (Exhibit 8) *Resolution #22-294*

**Financial Services**

A. Resolution authorizing the Disposal of Various Surplus Items listed on Attachment A (Presenter: Susan Harris, Purchasing Director) (Exhibit 9) *Resolution #22-295*

**Fire Rescue**

A. Resolution for the emergency purchase of One (1) Pierce Custom Aerial from Ten-8 Fire & Safety, LLC in the amount of $1,275,000. Funding will be from Capital Funds (Presenter: Jonathan Burnette, Fire Chief) (Exhibit 10) *Resolution #22-296*

B. Resolution for the emergency purchase of Three (3) Type 1 Custom Works Ambulance Boxes from Custom Truck and Body Works, Inc. in the amount of $799,983. Capital Funding will be utilized for this purchase. (Presenter: Jonathan Burnette, Fire Chief) (Exhibit 11) *Resolution #22-297*

C. Resolution for the emergency purchase of One (1) 2023 Dodge 4500 Ambulance Prep Chassis from Reliant Emergency Specialties in the amount of $68,057. Funding will be from ARPA Funds (Presenter: Jonathan Burnette, Fire Chief) (Exhibit 12) *Resolution #22-298*

D. Resolution for the emergency purchase of Two (2) 2023 Chevy Express Vans from Hardy Chevrolet in the amount of $68,920. ARPA Funds have been identified for this purchase. (Presenter: Jonathan Burnette, Fire Chief) (Exhibit 13) *Resolution #22-299*

**Police Department**

A. Resolution approving purchase of an ICOR Mini Caliber modular one-person robot for the Henry County Police Department SWAT Team in the amount of $57,592.86. ICOR is a GSA approved vendor (GA-07F-0430V). This purchase will be made using RedSpeed Small Equipment Funds. (Presenter: Lt. W. Powell/HCPD) (Exhibit 14) *Resolution #22-300*

B. Resolution of the Board of Commissioners requesting the approval to utilize a Peer Support Canine (Mac) for First Responders at the Henry County Police Department from the Tails of Hope Facility (Presenter: Sgt. M. Rommelman/HCPD) (Exhibit 15) *Resolution #22-301*

C. Resolution approving the purchase of twenty (20) 2022 Ford Police Interceptor AWD V6 SUV from Brannen Motor Company of Unadilla, Georgia in the amount of $724,000.00 for the School Resource Officer (SRO) program using Capital Improvement Plan (CIP) Funds (*Note: Said funds to be reimbursed by the Board of Education per the MOU/Resolution 22-190). (Presenter: Lt. W. Powell/HCPD) (Exhibit 16) *Resolution #22-302*

D. Resolution approving the purchase of twenty (20) Stalker Lidar RLR speed measurement devices including six (6) Harley Davidson motorcycle holsters with locks for the amount of $48,325.00. This purchase will be from Stalker Applied Concepts, Inc, a sole source vendor, using State Seized Funds for use by Henry County Police Department (Presenter: Lt. W. Powell/HCPD) (Exhibit 17) *Resolution #22-303*

**Sheriff's Office**

A. Resolution of the Board of Commissioners Approving the acceptance of the State Criminal Alien Assistance Program (SCAAP) grant award from BJA in the amount of $82,866 (Presenter: Chief Billi Akins, HCSO) (Exhibit 18) *Resolution #22-304*

**SPLOST**

A. Resolution approving Intergovernmental Agreement with the City of McDonough regarding Racetrack Road @ Iris Lake highway improvements (Presenters: Nancy Rowan, County Attorney; and Roque Romero-Muñiz, Public Works/Cluster Lead) (Exhibit 19) *Resolution #22-305*

B. Resolution approving a Budget Amendment and bid award for construction of Racetrack Road @ Iris Lake Road to Wilson Construction Management in the amount of $1,510,084. SPLOST V (Presenter: Roque Romero-Muñiz, Public Works/Cluster Lead) (Exhibit 20) *Resolution #22-306*

C. Resolution of the Board of Commissioners approving award for design services of Fairview Road Widening to NV5 Engineers and Consultants, Inc. in the amount of $1,634,852.44. TSPLOST (Presenter: Roque Romero-Muñiz, Public Works/Cluster Lead) (Exhibit 21) *Resolution #22-307*

**Tax Assessor**

A. Resolution of the Board of Commissioners awarding Bid #23-24 for printing and mailing services for the Henry County Tax Assessor's Office to Diversified Companies, LLC (dba Divcodata) from Chattanooga, TN, in the amount of $62,366; with a secondary award going to the Master's Touch, LLC from Spokane, WA in the amount of $68,146. (Presenter: John Selfe, Chief Appraiser; and Cooper Keller, Deputy Chief Appraiser) (Exhibit 22) *Resolution #22-308*

**Technology Services**

A. Resolution approving Security Cameras for 911, Transit, Elections, Sandy Ridge Park and Richard Craig Park utilizing ARPA Funding (Presenter: Jamie Pownall, Chief Information Officer/Technology Services Director) (Exhibit 23) *Resolution #22-309*

**Transit Department**

A. Resolution authorizing consent to apply for the FTA G-DOT 5311 FY 24 Grant Application for Rural Public Transportation Operating and Capital Assistance. Henry County's total amount of operating allocation for this program is $1,577,466, of which $788,733 is the 50% federal portion, and the local match portion of 50% is also $788,733. The capital allocation for this program is $1,485,000, of which $1,180,000 is the 80% federal portion, $148,500 is the 10% state portion and the local match portion of 10% is also $148,500. (Presenter: Taleim Salters, Transit Director) (Exhibit 24) *Resolution #22-310*

B. Resolution of the Board of Commissioners approving RFQ #23-12 to Vanasse Hangen Brustlin (VHB) for on-call consultant services for Transit (Presenter: Taleim Salters, Transit Director) (Exhibit 25) *Resolution #22-311*

***This ends the Consent Agenda***

**Ms. Matthews** noted that there was an error in **Consent Agenda** *Resolution #22-305* and the County Attorney has reached out to the Attorney for the City of McDonough; the error was acknowledged and will be corrected herewith. She further advised that **Consent Agenda** *Resolution #22-306* has funds that will come out of SPLOST V.

**Commissioner Thomas** referred to the Transit item B and asked if there was a dollar amount for the consultant; **Ms. Matthews** responded that this would be on an on-call basis and is at an hourly rate. **Taleim Salters, Transit Director,** approached and advised the Board that there is no set as it is based upon what the service would be at the time of the call; such rate would vary. The District 4 Commissioner asked if a maximum allowable will be set for this vendor; Ms. Matthews responded that there will be a set limit and it will come out of the Transit budget. This gives the vendor the opportunity to provide the on-call service and once the hourly rate is determined for the called service, then there will be discussion to agreement upon said rate.

**Commissioner Thomas** then referred to item C under the Police Department, and the County Manager advised the Commissioner that the Memorandum of Understanding (MOU) was executed.

**Commissioner Thomas** then referred to item A under Fire Rescue and asked what the description is; **Ms. Matthews** deferred to the Henry County Fire Department Chief for response and remarks. **Stacey Ponder, Deputy Chief, Henry County Fire Department,** approached and explained that there one of the ladder trucks recently went out of service (2001 model with over 200,000 miles) and did not pass pump test, which is a requirement to keep three (3) ladder trucks in the fleet. The District 4 Commissioner recalled that instead of buying these vehicles, it was discussed to have some rental program so that when the trucks needed to be upgraded, it could be exchanged for a small fee. Ms. Matthews stated that there is no lease purchase for this truck. There is a timeline on these trucks to get them as they are not readily available. The Commissioner stated that when these trucks age, newer vehicles can replace them as needed for a reasonable savings to the county. Chief Ponder explained that the fleet of ladder trucks is aging and right now, it takes over 2 years to build the ladder truck, so the timeframe hurts the department when a truck goes down or is no longer in service. The Commissioner also recalled asking for Master Plans for Fire and Public Safety so as to avoid emergency purchases and asked what the progress of that. Ms. Matthews stated that the Plan is ready, and a meeting can be scheduled with the Board to go over same.

**Chair Harrell** had a question in regard to the Tax Assessor item and asked if either of the named companies had prior business with the county; **Cooper Keller, Deputy Chief Appraiser, Henry County Tax Assessor,** responded that Divcodata is the same company that performed services last year. **Ms. Matthews** stated they are primary, and part of the Resolution is award it to a secondary as well as backup.

**Commissioner Clemmons** referenced the police cars for the school system and asked who has the insurance on these cars; **Ms. Matthews** stated they will be under the county until such time that the Police Department transitions to the Board of Education. The District 2 Commissioner asked how the budget is affected by same; Ms. Matthews stated it should not affect the budget, but insurance costs would not be reimbursed. On the item for on-call for Transit, the District 2 Commissioner asked what services would be included for on-call; the County Manager deferred to the Transit Director but asked the Board to recall that Grady Smith actually handled the county's Transit Plan with several recommendations to implement a lot of the identified projects.

**Commissioner Clemmons** asked Mr. Salters if there is a plan for this; **Mr. Salters** explained that part of the Transit Master Plan was starting various projects to catch Henry County up on the upgrades. It is in the county's best interest to have a consultant on-call now that Henry County is part of the Atlanta Transit Link (ATL). There was further discussion on this and how the consultant will assist the Transit Department.

**Commissioner Anglyn** referred to **Technology Services** and asked about cameras to be placed at Heritage Park; **Ms. Matthews** responded that at some point all of the parks will be brought online, and areas of major issues have been identified (i.e., homelessness, facilities being destroyed). **Mr. Penn** approached and confirmed the County Manager's remarks for Richard Craig and Heritage parks, which will be outfitted with the cameras in the first phase.

**Commissioner Anglyn** then referred to **Facilities Maintenance** for 30 and 40 Atlanta Street repairs with a total cost of about $230,000 for all exterior repairs; he asked if this is the best use in repairing the exteriors of these buildings instead of maybe placing new facilities there and use the money for project design plans for the Judicial Center. **Ms. Matthews** deferred to Mr. Purvis for the facilities piece. There is a concern that they are completely out of space right now. Sentence Enforcement is having to be moved to 40 Atlanta Street, the old Elections building. **Hutch Purvis, Cluster Leader for Asset and Information Management,** approached and stated that both 30 and 40 Atlanta Street will have new roofing and new exterior. There will also be a court file storage section in the back mobile section of that building. The County Manager also explained that the present buildings will have further utilization after repairs are made.

**Johnny Wilson, District 1 Commissioner,** referenced **Facilities Maintenance** item C and asked which modular building that is; **Mr. Purvis** stated it is behind 40 Atlanta Street. The District 1

Commissioner asked about the modular building in the other parking lot; Mr. Purvis stated it is a leased modular building and the Public Defender's office requested that space when Elections relocate from it.

**Commissioner Wilson** noted the funding for the Police Department equipment would come from American Rescue Plan (ARPA) and Capital Improvements; he asked if ARPA can be utilized; **Ms. Matthews** stated that it can but there are other needs that must be met from other Commissioners. The restrictions to the funding sources were discussed. The Commissioner wished to see further information on this. **Chair Harrell** suggested removing that item from the Consent Agenda.

**Commissioner Clemmons** asked if the courthouse is part of the Capital Improvement Plan; **Ms. Matthews** responded that there is funding identified in the CIP for the courthouse. While the Commissioner wishes to see these line item purchases, **Chair Harrell** emphasized that the need for purchasing a ladder truck has to happen now and a decision to use either ARPA funds or Capital. The District 1 Commissioner then asked if this is reimbursable. **David Smith, Financial Services Director,** approached and explained that all of the items can be used under ARPA, but they would have to follow ARPA guidelines as well. He further recommended using Capital Improvement funds and to reserve ARPA funds for other projects.

**Ms. Matthews** further explained that there is a truck available right now and there is competition with other jurisdictions on these needs.

No further questions or comments, **Commissioner Wilson** made a motion to approve; **Commissioner Anglyn** seconded the motion. Motion carried (5-1-0).

*(**Chair Harrell, Commissioners Wilson, Clemmons, Anglyn** and **Thomas** voted in favor; **Bruce Holmes, District 5 Commissioner,** voted in opposition)*

# REGULAR AGENDA

## ANNEXATIONS

Resolution rescinding objection to City of Stockbridge Annexation re: AX-22-05 (Presenter: Toussaint Kirk, Planning & Zoning Director/Cluster Lead) (Exhibit 26)

**Toussaint Kirk, Planning & Zoning Director/Cluster Lead**, remarked that AX-22-06 (Flippen Road/Reeds Creek) was part of the November 8th referendum for the City of Stockbridge and has been annexed into Stockbridge; no further action will be needed upon that matter. He then gave an overview of this matter where there were questions for the annexation for the Southern Crescent Brain Trauma Center on Hwy. 42. Owner's attorney was present today and offered some comments.

**Commissioner Thomas** voiced concerns over the stipulations placed and the goal would be to ensure that those stay in place. She went over one of them regarding a second exit and the cost to have one put in place. The District 4 Commissioner wanted to ensure that Public Safety has safe and clear access in and out of the center and the pending residential development to complement that facility.

**Michele Battle, Battle Law, PC, 3562 Habersham at Northlake, Building J, Suite 100, Tucker, GA 30084**, clarified that the matter was originally approved for the townhomes behind the facility and that this is intended to be age-restricted to the senior community, which was proposed at the City of Stockbridge; however, some of the potential resident/patients may not be of senior age. Ms. Battle also affirmed that this is not a rental community but will be a fee-simple, townhome and single family detached community. She presented a conceptual Site Plan to clarify her remarks and added that a third access point will be added as well.

**Commissioner Thomas** asked about the expansion of the Brain Trauma Center; **Ms. Battle** responded that it was not a part of the development proposed to the City and is more internal with the center itself nor was that part of the zoning matter itself. The District 4 Commissioner voiced her concern in that she did recall discussion of an expansion to the center itself for a medical facility and then today there seems to be another change. There is a lot of discussion, but no intention made from the developer that would alleviate her concern. The Commissioner emphasized that the focus is to ensure some form of amenity for the community and voiced her concern over the expansion of the Brain Trauma Center, the access to the facility, the demographic to be served and that Public Safety has access to serve this community as needed. **Ms. Battle** explained that the developer is not going to vary the density or the zoning previously approved and that they are only trying to annex this into the City of Stockbridge with the stated conditions from the Board to the City. Under the state's annexation laws and that this is an existing building within Henry County, unless the density or type of use for this property is changed, there would be no basis for objection to the annexation. The concerns raised by the City officials are being addressed now and a copy of the conditions discussed with the City has been provided to county staff for further review, which is noted to be very close to the originally proposed conditions previously approved.

**Commissioner Thomas** stated that she has done all she can to protect the citizens in that area, for Public Safety to have access and to plan this for a targeted community in need of these services. **Chair Harrell** requested Mr. Kirk to present the slide that "has the red lines" for review:

5. *An on-site amenity package shall be provided and consist of at least the following:*

**Chair Harrell** listed the fitness center, a meeting room and a business center and noted that other amenity considerations were crossed out and in red on the display, further acknowledging that cabanas and two (2) swimming pools were listed as well. She asked how the City's zoning code compares to the County's; **Ms. Battle** responded that it is Stockbridge's zoning ordinance and is basically the same. The addition to the Traumatic Brain Center is going to be built in that part of the development as well. Dealing with the percentage allowed for rental, the Chair noted that it was crossed out and asked for a reason. Ms. Battle explained that the developer is not trying to create an excessive number of rentals on-site and the conditions were modified and a rental cap is established; also, the developer does not want anyone else renting on the site other than the stated declarant – therefore, the parties are agreeing to a number of less than 15% of total rental units allowed.

**Chair Harrell** then asked about the elimination of Conditions #15 and 16 as well as the reduction of living space from 1,500 to 1,200; **Ms. Battle** explained that the units will be fee-simple ownership and not condos. There will be a mix of townhomes and single family dwelling units which will drop the living space minimum. **Mr. Kirk** stated that townhomes have no living space minimum and thus, conditions were set forth in this matter and for house sizes it is dependent upon the zoning district.

**Chair Harrell** then reviewed the remainder of the conditions and learned that the retention pond will be in Stockbridge as they have underground retention as part of their code. The potential for traffic impact near the Summit subdivision was discussed between the Chair and Ms. Battle, which includes having a third point of entry for Public Safety should the need arise.

**Chair Harrell** further asked why this is being annexed from the county and why this is not to be annexed ***into*** the county, since it was county staff that put forth all the work up front, the development would use all Henry County resources with the actual site being annexed into the City of Stockbridge. **Ms. Battle** explained that annexation is a right by cities such as was done on the recent referendum. It is believed that to be in one jurisdiction would better serve both city and county and Stockbridge is not inclined to consider de-annexation. The use and density are not changed, and the city has a right to request annexation.

**Commissioner Wilson** suggested contacting the Department of Community Affairs and request an arbitration panel to hear both sides; they would decide. **Ms. Battle** advised that the next step would be for the county to either rescind the objection or to move to arbitration who would determine whether or not the county has a legal basis for objection to the annexation before proceeding.

**Chair Harrell** called for a motion to rescind the current objection to annexation.

**Commissioner Clemmons** called upon the County Attorney for advice as to whether or not there are legal grounds for objection to this annexation. **Nancy Rowan, County Attorney,** advised that she has provided opinion on the matter prior to the Board objecting to the annexation which was sent to the City of Stockbridge. There is pending response from the City of Stockbridge and the County Attorney felt it inappropriate to offer commentary at this time concerning legal basis for objection. The District 2 Commissioner asked if the County Attorney could make a legal recommendation to the BOC. Ms. Rowan responded that it is in the best interests of the parties to have the objection rescinded and move forward. The District 2 Commissioner clarified that the County Attorney recommends that the County rescind its objection; Ms. Rowan affirmed same.

To that end, **Commissioner Clemmons** moved to rescind the objection as recommended by the County Attorney; **Commissioner Holmes** seconded the motion. *Motion failed 3-3-0.*

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

## DEPARTMENT OF TRANSPORTATION

### Bridges Road Abandonment (Public Hearing)

Request to abandon a portion of Bridges Road. District 3 (Presenter: David Simmons, CE III) (Exhibit 27)

**David Simmons, CE III, Henry County Department of Transportation,** provided overview for this request for the Board. Appropriate notification to property owners was made and publishing was done. This section of roadway has been closed to the public for many years due to loss of Bridges Road's crossing of Birch Creek; it was last closed and remained closed in 2011 with a gate placed across just east of Sterling Place in 2016. The section of road proposed for abandonment was pointed out for the Board. Mr. Simmons further added a paragraph to the Resolution that the property owner will obtain and execute an Access Easement to continue with the improved Bridges Road and provide access south of the improvement to the property limits.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak, including the applicant, will have three (3) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

**Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Court, McDonough GA 30252**, approached and stated that the developer intends upon staying consistent with the approved zoning which had a subsequent condition for this Board approve the Site Plan after zoning was approved. The Site Plan was presented, and zoning was finalized with the condition that the development be built in general conformity with the Site Plan. Conditions #19 and #20 were also added, one requiring the developer to construct that roadway portion (indicated on the map) and that the developer preserve and donate the remainder of the right-of-way which is already owned by the county at a later date. The present gravel road will be replaced so long as the Site Plan can be built, which will be a benefit to the county.

*No one else came forward.*

**Chair Harrell** closed the Public Hearing and called for a motion.

**Commissioner Clemmons** moved to approve with the amendment regarding the property obtaining and executing an Access Easement; **Commissioner Holmes** seconded the motion. Motion carried (6-0-0).

*Resolution #22-312*

**Loop Road Abandon/Declare Surplus (Public Hearing)**

Request to abandon and declare surplus a portion of Loop Road & Loop Road Right of Way. District 2 (Presenter: David Simmons, CE III) (Exhibit 28)

**Mr. Simmons** provided overview of the request for the Board. The request is to officially abandon for moving towards developing a parcel that adjoins the right-of-way and the right-of-way itself. He noted that another property does take access from this road, known as Westridge Office Associates. An executed Memorandum of Understanding was obtained from this entity concerning provision of perpetual non-exclusive easement for access and easement for utilities that serve the Westridge Office Associates' parcel. Authorization to sell this property is pending approval of this request. Appropriate advertisement and all owners were duly notified of this request. He then presented the Tax Map for clarification to the Board.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak, including the applicant, will have three (3) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name and address.

**Chair Harrell** asked if this is two (2) different pieces; **Mr. Simmons** clarified that it has to be declared abandoned first and then the next will be for selling same.

No one coming forward, **Chair Harrell** closed the Public Hearing and called for a motion.

**Commissioner Anglyn** moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

*Resolution #22-313*

**Sale of Loop Road after Abandonment**

Request to approve sale of portion of abandoned & declared surplus Loop Road & Loop Road Right of Way (Presenter: David Simmons, CE III) (Exhibit 29)

**Mr. Simmons** explained that this is the next step after abandonment of said property was approved. This is per O.C.G.A. §32-7-3 and §32-7-4. He provided overview of the request for the Board. Property owner has been duly notified and county has gotten appraisal on this property, with a value of $43,400.

**Commissioner Anglyn** moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

*Resolution #22-314*

**FINANCIAL SERVICES**

**Henry County Emergency Rental Assistance Program (ERAP)**

Resolution authorizing allocation of additional program and administrative funding in the amount of $2,000,000 from Fund Balance to Henry ERAP while awaiting response from Treasury and approving transfer of funds in order to continue providing rental assistance in Henry County (Presenter: David Smith, Director, Financial Services) (Exhibit 30)

**Mr. Smith** approached to introduce Ms. Elizabeth Wilson of Georgia Micro Enterprise Network (GMEN) and Ms. Karen Curry Davis of the Curry Davis Group, administrators of the Emergency Rental Assistance Program (ERAP) for a presentation.

**Elizabeth Wilson, Executive Director, Georgia Micro Enterprise Network,** approached and stated that to date about $24 million dollars have been managed on behalf of Henry County for the ERAP program. She introduced Ms. Davis, whose firm is the direct manager of the funds and the program since inception.

**Karen Curry Davis, Curry Davis Group,** approached and stated that this is the 3rd project manager for Henry County, reaching almost $24 million dollars expended and that Henry County continues to lead the U.S. in meeting/exceeding the deadline. This last round was Department of Community Affairs (DCA) Re-allocated funds to Henry County, with $13.5 million available for tenant rent, utilities and security deposits. She went through the disbursements for the Board and that the deadline is December 29th, and this is finishing early. Around 3,475 ERAP applicants were submitted with 1,503 receiving payments. There are 331 pending applications which are being held until pending Resolution is approved. If approved, approximately $2 million dollars would be needed to get the applications processed. She went through the process with Magistrate Court for the Board as well.

**Ms. Davis** then remarked on how Mr. Penn's efforts have been valuable for GMEN to host events through Parks & Recreation. She further provided details on the services results of the Henry County ERAP. Partnership with Georgia Power has also continued which is unique in that most utility companies do not have the bandwidth to provide these services but they have participated with results shown throughout all 3 rounds. There were fraud specialists also in place to restructure how to go about deliberating and producing results and finding inconsistencies to verify the needs of the residents who apply; therefore, a more fraud proof model was developed to serve families from whom landlords would not accept payment or were already evicted through the court. She laid out how payment from ERAP would be given to families who have been evicted or in the process of eviction for the Board and public viewing.

**Ms. Davis** provided information on the intended uses should they be granted ERAP 2 Re-allocated funds, along with the restrictions for utilization of these funds. Currently, no one can apply to the program as of yet while the portal is closed.

**Commissioner Thomas** noted that $2 million dollars is being requested and asked when the funding would come from the government; **Chair Harrell** responded that these are funds requested from DCA. **Mr. Smith** asked that the question be held until the presentation of the Resolution. **Commissioner Anglyn** expressed his gratitude and appreciation to Ms. Davis and Ms. Wilson for their hard work in going through the applications and making determinations on those requests.

**Mr. Smith** presented the Resolution to the Board to authorize $2 million dollars from Fund Balance to the Henry County ERAP while awaiting response from the Treasury Department, to continue providing rental assistance within Henry County. Mr. Smith noted that DCA is no longer providing funds for ERAP and holiday season is looming at this time; many of the local non-profit organizations currently have no funding to provide assistance. A strategy has been developed with Henry County Magistrate Court to help mitigate evicted/potential eviction families with hotel stays, remaining in their homes, and with storage and moving expenses where needed. Staff recommends allocation of the funds until receipt of the $15 million dollars from the Treasury Department to continue the rental assistance, then to reimburse Fund Balance of the $2 million dollars, if approved.

**Commissioner Thomas** asked if the money from the U.S. Treasury is expected in the coming week and will allow Fund Balance to be reimbursed of the $2 million dollars if approved; **Mr. Smith** responded he is unsure when it will be received but that he hopes to be within the next week; if that does not happen, he requests the Stop Gap funding to continue the program; however, the county has been approved for the $15 million dollars – simply waiting for payment.

**Commissioner Holmes** asked when that money will come in; **Mr. Smith** stated that he did not know but anticipates within the next month; the delay comes in because of the approval date running into Thanksgiving week. He simply requests funding to continue the program pending guaranteed approval receipt of the funding from the Treasury in the amount of $15 million dollars. The District 5 Commissioner wanted to know what would happen if this Resolution was denied. Mr. Smith responded the money will still come in but there will also be over 200 families who will not receive assistance until that money comes in and they will be homeless. The Commissioner noted that when the money expires that will be received within the next couple of weeks, if the families will continue having their rent paid. Mr. Smith stated that the $15 million dollars will be fully expended sometime in July 2023 by GMEN, Curry Davis and the non-profits who will receive portions of this for assistance.

**Commissioner Thomas** asked if the $2 million dollars will be directly allocated to this agency or to GMEN plus the non-profits within Henry County, and then the $15 million dollars coming in will be allocated to GMEN today or in addition to the non-profits. **Mr. Smith** explained that the $2 million dollars would be allocated solely to GMEN as program administrators; the $15 million dollars which is coming would be allocated with $10 million dollars of that to GMEN and set aside $5 million dollars for the non-profits. A draft of a Notice of Funding Availability is being done to bring the non-profits in to meet the Treasury requirements and guidelines for receipt of the funding. The District 4 Commissioner stated that there are good relationships with the local non-profits; she would like to review the distribution of that money amongst the present agency and in addition to the community non-profits prior to disbursement; Mr. Smith acknowledged same.

**Ms. Matthews** noted that the Board will have to accept those funds and at that time, the Board can determine how to allocate the recommended $5 million dollars. **Commissioner Thomas** acknowledged same.

**Commissioner Anglyn** moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (4-2-0).

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

*Resolution #22-315*

**Sub-Recipient Agreement with Henry County Water Authority**

Resolution to request the Board of Commissioners' approval to enter into a sub recipient agreement with Henry County Water Authority in the amount of $8,300,000 utilizing ARPA funds for water and sewer infrastructure improvements. (Presenter: David Smith, Financial Director)(Exhibit 31)

**Mr. Smith** presented the Resolution for the Board. He gave an overview of the needed investments in water, sewer and broadband infrastructure provided within the Resolution, with commitment of completion from the Water Authority of the listed original projects, which were displayed for the Board and public viewing. Staff recommends approval of the agreement as stated in the Resolution.

**Chair Harrell** called for the Water Authority Director to come forward.

**Tony Carnell, General Manager, Henry County Water Authority,** approached at the Chair's request. **Chair Harrell** asked about the $8.3 million dollars to be utilized for the Walnut Creek Expansion Facility; Mr. Carnell acknowledged same. The Chair asked what will happen to the projects listed on Exhibits A and B. Mr. Carnell explained that there are certain federal requirements to use some of the ARPA funds and it was determined to spend the money on the Walnut Creek expansion since that project has to meet all federal requirements. The Water Authority has then approved two (2) Resolutions – the first one to request for up to $8.3 million dollars for the Walnut Creek project and the second (#22-22) was for authority to commit to the projects on Exhibits A and B (discussed with each Commissioner for each of their Districts). With approval, there will be about $23 million dollars' worth of projects that will be completed with an investment of $8.3 million dollars; Mr. Carnell acknowledged same.

**Chair Harrell** asked for copies of the Resolutions that were approved by the Water Authority; **Mr. Carnell** responded they have been sent to the County Manager and Mr. Smith. The Chair asked for a timeline on the Exhibits A and B; Mr. Carnell explained that December 31, 2026 is estimated to have the projects on Resolution #22-22.

**Commissioner Holmes** stated that only $8.3 million dollars is noted on the Resolution and does not see the $8.1 million dollars. **Mr. Carnell** explained that the Resolution was for a request of up to $8.3 million dollars to be used towards Walnut Creek; Exhibits A and B projects will use the Water Authority funds to complete. Mr. Smith stated that the Water Authority's Resolutions are committed to completing the total Exhibits A, B and C projects with the county's commitment of $8.3 million dollars. **Ms. Matthews** indicated to the paragraph within the pending Resolution for clarification. The District 5 Commissioner acknowledged same.

**Commissioner Clemmons** asked if the county commissioner project amounts is enough to complete those projects; **Mr. Carnell** explained those are estimated amounts and that it is anticipated that the cost might be up, since these lists were completed up to a year ago. While the $8.3 million dollars will not be enough to complete the projects listed, the Water Authority will put in the rest of the money to complete them. **Chair Harrell** clarified that Exhibits A and B are reflecting *estimated amounts* and that the Water Authority will complete the projects even if the amounts reflected are greater. The District 2 Commissioner pointed out Exhibit B with Anvil Block-Fairview Road Sewer System Expansion at $725,000. She stated that is not enough to complete an expansion in that area and asked how the rest of the money will be provided to complete the project. Mr. Carnell explained that this covers the installation of the lift station to be located south of Rex Road along James Creek. He provided further details of the expansion.

**Commissioner Clemmons** then pointed out N. Mt. Carmel Park where the Rec Center is being built and that $606,000 is not enough for the sewer system; **Mr. Carnell** explained that the worst-case scenario would be some engineering done with several locations of sewer connection along Chambers Road; he provided further information on the location of that manhole and included in the cost estimate will be on-site water relocation where some of the irrigation for the soccer complex will have to be separated. The District 2 Commissioner asked what would happen if the amounts stated are not enough; Mr. Carnell responded that the Water Authority would pay the difference. The Commissioner asked that the Resolution language include the amounts for Exhibits A and B will have a plus in that if the stated amount is insufficient, that the Water Authority is committing to make up the difference to complete the projects. **Ms. Matthews** provided where in the Resolution language that provision is made for the District 2 Commissioner; but that there is no project completion date included, mentioned by Mr. Carnell. The District 2 Commissioner also stated that there is no amount provision commitment from the Water Authority if the costs go over what is stated in the Resolution. **Ms. Rowan** advised that even though there is no stated amount, the provision for committing to complete the projects by the Water Authority is stated within the Resolution. If there is an amount over $15 million dollars, the Water Authority is bound by this Resolution to complete the project with their funding. The County Manager noted that another paragraph could be added to reflect that any amount above the proposed stated amount will be at the expense of the Water Authority; Commissioner Clemmons requested same.

**Commissioner Holmes** asked if Walnut Creek is near Atlanta Motor Speedway; **Mr. Carnell** responded that Walnut Creek is located off of N. Mt. Carmel Road, just north of the Ola School District. The Commissioner then asked why so much is being invested in that area and not other areas in the county with a smaller population. Mr. Carnell explained that the wastewater plant serves the majority of the residents in Henry County on sewer (about 75%).

**Commissioner Anglyn** asked how much is being requested from ARPA; **Mr. Carnell** replied $8.3 million dollars. The District 3 Commissioner pointed out that $23,105,000 is stated in one of the paragraphs but does see the $8.3 million dollars for Walnut Creek. **Ms. Matthews** clarified that it was an initial request and if that is confusing, it can be removed and has no bearing in this request.

**Chair Harrell** asked if the paragraph concerning the $24 million dollars stays; **Ms. Rowan** stated that it can either come out or be reworded. The Chair requested that it be taken out and the paragraphs stay in as follows:

> *WHEREAS, Henry County Water Authority has committed to the completion of projects listed in the revised proposal (Exhibits A and B in the amount of $15,364,793) and;*
>
> *WHEREAS, any expenses beyond the proposed amounts listed in Exhibits A and B shall be at the expense of the Henry County Water Authority, with a completion date of December 31, 2026; and*
>
> *WHEREAS, Henry County has proposed to award $8.3 million to the Walnut Creek Reclamation Facility Expansion where all other costs will be covered by other funding sources; and (Exhibit C)*

**Commissioner Clemmons** moved to approve with the above-stated paragraphs read into the record; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

*Resolution #22-316*

**EXECUTIVE SESSION (Added)**

**Commissioner Clemmons** moved to convene into Executive Session for purposes of pending litigation; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

***EXECUTIVE SESSION***
***11:29 a.m.***

**MOTION TO RECONVENE**

**Commissioner Anglyn** moved to reconvene to Public Session; **Commissioner Clemmons** seconded the motion. Motion carried (6-0-0).

***MEETING RESUMED***
***12:02 p.m.***

**APPROVAL OF AFFIDAVIT & RESOLUTION**

**Commissioner Anglyn** moved to approve the Affidavit & Resolution Pertaining to Executive Session; **Commissioner Wilson** seconded the motion. Motion carried (5-0-1).

*(**Chair Harrell, Commissioners Wilson, Clemmons, Anglyn** and **Holmes** voted in favor; none opposed; **Commissioner Thomas** did not vote)*

**City of Stockbridge Annexation**

**Chair Harrell** called for a motion to reconsider the motion for objection of annexation made earlier in this meeting **(AX-22-05)**.

**Commissioner Clemmons** moved to reconsider the motion to object to annexation; **Commissioner Anglyn** 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)*

**Chair Harrell** called for a motion to rescind the objection to annexation **(AX-22-05)**.

**Commissioner Clemmons** moved to rescind the objection to annexation; **Commissioner Holmes** 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)*

*Resolution #22-321*

**Ms. Matthews** advised that she will have the County Attorney notify the City Attorney for Stockbridge of this decision.

**PLANNING & ZONING**

**ULDC-AM-22-10 (Public Hearing)**

Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regulating building standards for structures and buildings within the floodplain and for other purposes. Countywide (Presenter: Roque Romero-Muñiz, Public Works/Cluster Lead)(Exhibit 32)

**Roque Romero-Muñiz, Public Works/Cluster Lead,** approached to give details on this amendment to the Unified Land Development Code (ULDC). He presented the background for the Board and public viewing. This amendment(s) is recommended by Stormwater; Planning & Zoning staff recommends approval of same.

**Chair Harrell** asked for a more laymen's explanation; **Mr. Romero** explained that two weeks there was an audit and the Community Ratings System (CRS) has volunteers to assess for provision of flood insurance at a lower cost within the floodplain. Based on that audit, the Code would need to be amended; if not, it would keep the county at a grade of 7 and they want to get lower for better flood insurance rating and property owners would have up to 15% decrease on their homeowners insurance.

**Commissioner Clemmons** asked if manufactured homes will be allowed in new subdivisions; **Mr. Romero** stated that this is not allowed any buildings or dwellings in the floodplain and, if so, they would have to be elevated three (3') feet above the flood base elevation to avoid potential flooding. This would be for a mobile home or anything without tires (even an RV).

**Commissioner Holmes** asked if there are certain locations for these on the Land Use Map; **Mr. Romero** responded that there are some in District 5 near Clark Drive as well as other mobile parks in different areas of the county with different structures. **Chair Harrell** clarified that this is pertaining to existing floodplains; Mr. Romero acknowledged same. **Toussaint Kirk, Planning & Zoning Director,** added that there are zoning districts that allow for mobile homes but there is a process to ensure that they match the area; if not, front porches are put on, tires are gone, and brick skirting to be placed around the base to give the appearance of a single-family home. The Chair asked if this addresses only existing floodplains; Mr. Kirk acknowledged same.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak in favor, or in opposition of the request, will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name. *No one came forward.*

*Public Hearing was closed.*

**Commissioner Clemmons** moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (6-0-0).

*Ordinance #22-12*

**ULDC-AM-22-08 (Public Hearing)**

Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances to provide for new and/or amended definitions, regulating standards for special events facilities/special events, vineyards, and for other purposes. Countywide (Presenter: Kamau As-Salaam, Planner III)(Exhibit 33)

**Kamau As-Salaam, Planner III,** approached to present the amendment and recalled that this was discussed at the November 1, 2022 meeting and staff took comments from the BOC and other staff to address issues found within the discussion of this Ordinance. He presented added pieces to the draft of the Ordinance and went through them for the Board and public viewing regarding vineyards and wineries. Definitions for "malt beverages," "vineyard" and "winery" were displayed for the Board. He then presented the Development Standards presently for lodges and event facilities and with the additional winery and vineyard, the standards for lodges and event facilities should be updated to make it a more viable business (updated standards were provided for the Board and public viewing).

**Mr. As-Salaam** provided information on vineyards with wineries and noted that vineyards are already permissible as an agricultural use; the restrictions would fall upon where wineries are added to the vineyards, which will require a Conditional Use permit from the Zoning Advisory Board (ZAB). For Supplemental Use, Mr. As-Salaam pointed out that a restaurant would no longer be allowed in an RA (Residential-Agricultural) zoning district to prevent saturation of commercial. Staff recommended treating wineries similar to special event facilities and would offer vineyards extra income which could become an economic driver for Henry County.

**Mr. As-Salaam** noted that on Temporary Permits, staff is recommending removal the number of special events that a facility can hold in one (1) year. In 2017, a limitation of five (5) was placed for a year in an RA zoning district; however, staff recommends removal of this limitation to highlight the agricultural beauty of the county; in exchange, standards were shored up and wineries options were added.

**Chair Harrell** asked to see the definitions of the "malt beverage" and asked if that refers to breweries, **Mr. As-Salaam** stated that it was added for this Ordinance which will involve breweries and the sale of malt beverages was removed from allowable uses in wineries. There will be a separate Ordinance for breweries coming soon.

**Commissioner Clemmons** was concerned about the wineries and does not see where a state alcohol permit is required, or compliance with state regulations. She asked how the policies for these facilities will relate to commercial event center spaces, since this deals with agricultural and feels it is not fair for the small event centers already in the county, in plazas and commercial areas. **Mr. As-Salaam** specified that this will only be for RA zoning districts; the special events centers in commercial districts do not have the same standards and have permits by right. The District 2 Commissioner asked if the commercial events centers have the same limit of five (5) per year; Mr. As-Salaam responded they do not and are not limited now.

**Commissioner Clemmons** asked about signage for these facilities, **Mr. As-Salaam** stated it can be included at the Commissioner's request.

**Commissioner Clemmons** also voiced concern on protecting property values of the homes surrounding these facilities. **Mr. As-Salaam** explained that this is a Conditional Use process and will be decided by the ZAB. This would be a public process and if the neighbors feel strongly, they will be heard but in the Code the standards for noise ordinances still have to be met (10:00 p.m. curfew). The District 2

Commissioner clarified that the concern is the traffic volume in a residential area on a weekend-by-weekend basis. Mr. As-Salaam stated that limiting to 5 events per year is not viable for business sustenance. The Commissioner emphasized that it was because these facilities are in residential areas. Mr. As-Salaam stated that some of the special events facilities in residential areas are not adhering to the limit of 5 anyway; these standards give a little more leverage for regulating these facilities within the residential areas. In a related response, Mr. As-Salaam assured the District 2 Commissioner that he will address the signage issue.

**Commissioner Wilson** recalled that the event center in question, in 2017, did not meet all code standards, not just number of events per year, and neighbors surrounding the facility were complaining of noise and traffic at that time; the BOC was able to create *this* Ordinance to satisfy those concerns. A possible unlimited number of events per year on larger tracts of land (30+ acres) could be allowed but it was never defined; however, he does not feel that 5 acres is enough land to allow unlimited number of events on a facility in a residential area. Short-term rentals were approved by the BOC a while back and it was determined that the home hosting that is considered a business; likewise, this would also be considered a business. The Commissioner further explained that with the requirements of the owner of the house for short-term rental included limiting the number of people (Ordinance #22-10) for short-term rentals determined by number of bedrooms and number of cars. There is no provision for these residential area event facilities in this Ordinance and should be included. There is a business in RA zoning for events and short-term rentals in RA but the short-term rental zoning districts are not defined (R-2, R-3), but it is read to mean *every residential zoning district* within the county. **Mr. As-Salaam** rebutted that commercial businesses (wineries, special event facilities) have those facilities checked through Certificates of Occupancy (COOs), Fire Marshal, etc., and it is different from the business of short-term rentals. If the Board wishes to increase the minimum acreage, he will comply. The Commissioner only asked to increase from 5 acres to 20 acres with appropriate road frontage to not interfere with the neighbors as 200 feet of road frontage is not enough to offset the property with the neighbors' properties.

**Chair Harrell** announced that if this is not voted upon today, this item will be tabled at a meeting in January.

**Commissioner Clemmons** asked that "existing" is one thing but if there is a Conditional Use request for anything with under 20 acres, it can be turned down, and that each Commissioner can decide for their respective District.

**Chair Harrell** asked for the Commissioners to get with staff to discuss this further and table this item.

**Chair Harrell** called to move to table this item to February. **Stephanie Braun, County Clerk,** clarified that the second meeting in February is February 21, 2023.

**Commissioner Clemmons** moved to table this item to the meeting on February 21, 2023; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

**Ms. Matthews** asked that the Board look at existing venues in their Districts since there is one pending for permit that has less than 20 acres of land; **Chair Harrell** asked for a list of the existing wineries and vineyards. Ms. Matthews repeated that there is one pending and there is none existing at present as there is no Ordinance allowing same. The pending application is an events facility looking to operate as a winery, located off of Pullen Road, which has less than 20 acres.

*No action was taken.*

**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. 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 35)

**Kenta Lanham, Planner II,** explained that Planning staff received requested changes to the Conditions from the applicant's attorney at 3:30 p.m. on November 28, 2022. Staff reviewed and verified changes; hard copies were provided to the Board this morning. Sample renderings were provided by the applicant; evaluation was presented and Future Land Use Map (FLUM) supports the density and needs to meet Highway Corridor Overlay District rules. On July 22, 2021, the ZAB recommended approval with conditions; they have since been modified by staff and further alterations were made and read, as follows:

*6. There shall be 26' wide access road meeting Fire Department standards parallel to East Lake Parkway that shall have access onto both Price Quarters Road and Crown Corners Drive*

*7. All townhomes shall have a minimum roof pitch of 5:12 and shall not be more than 2 stories; all townhomes shall have a parapet wall to screen the roof line from the right-of-way*

*8. Adjoining dwellings must have differentiation in architecture from building materials, windows, entries and facades; all windows shall be placed in a regular pattern. In addition, a 2' staggering offset for all attached townhomes. The homes shall consist entirely of a combination of 2 or more of the following on all sides: brick, stone, stucco and cement fiberboard. Vinyl-based products are only permitted in the soffits, eaves and fascia. A minimum of 50% of the townhome units within each grouping shall have a full brick façade. Elevations shall be subject to Planning & Zoning Architectural Review before building permit application submittal.*

*9. A masonry water table shall be provided at a minimum of 4' in height from grade on all sides*

*10. Total number of dwelling units shall not exceed 84, or a Net Density of 6.02 dwelling units per acre, whichever is fewer in number. Compliance with zoning conditions and development standards may further limit the number of dwelling units.*

*17. Lot 6 shall be limited to professional office use and daycare only.*

*18. All commercial development shall be full brick with up to 20% accent material, comply with Highway Corridor Overlay District building material standards and shall be within substantial compliance with renderings as presented to the Board of Commissioners as illustrated in Exhibit C, Sample Commercial Renderings. Elevations shall be subject to Planning & Zoning Architectural Review before building permit application submittal.*

*19. Developer shall provide the following amenities: 1,500 s.f. community center pavilion, grilling area, community fire pit and a playground*

**Mr. Lanham** clarified that this with the changes would bring the total number of conditions to twenty-five (25).

**Chair Harrell** referred to Condition #17 and thought that a daycare facility would not be part of the condition; **Mr. Lanham** responded that the applicant received interest in a daycare facility but can be removed at the discretion of the BOC.

**Chair Harrell** then referred to whether or not there will be any type of wall to separate the houses behind the existing the subdivision and prohibit the residents of this development from walking through another residential subdivision's backyard; **Mr. Lanham** referred to Condition #23 on required buffers, landscaping and fencing. The Chair requested a fence to be there regardless of the language stated in the Condition; Mr. Lanham acknowledged same.

**Commissioner Thomas** noted that the back buffer was increased but **Chair Harrell** countered that it will not stop people from going in that area; the District 4 Commissioner agreed to a fence. She further stated that the area is not limited to a daycare as it is for professional office use <u>*or*</u> a daycare. The Chair called for the applicant to come forward and asked to see the renderings. The Chair stated that if this passes, she will not support this as presented on the commercial piece. **Mr. Lanham** stated that the renderings and elevations must be submitted and approved by Planning staff's Architectural Review prior to any building permit application submittal and it is in the conditions (Condition #18):

> *18. …Elevations shall be subject to Planning & Zoning Architectural Review before building permit application submittal.*

**Commissioner Thomas** asked if that Condition also covers the townhomes themselves; **Mr. Lanham** responded that Condition #8 refers to the townhomes:

> *8. …Elevations shall be subject to Planning & Zoning Architectural Review before building permit application submittal.*

**Commissioner Thomas** pointed out that the renderings they have were not expected and they are old which were submitted before and they were already questioned; new renderings need to be submitted for the townhomes; **Mr. Lanham** explained that would be done prior to building permit application submittal and that Condition #8 has the language on building materials.

**Chair Harrell** advised that Public Hearing was held on this matter at a prior meeting.

**Commissioner Wilson** asked if the sprinklers will be required in the townhomes; **Mr. Lanham** stated that is required by the Fire Department and can be incorporated in a Condition. **Chair Harrell** requested that it be added now and given a number. Mr. Lanham stated it will be in a Miscellaneous category and named Condition #26. The District 1 Commissioner asked that it states that it meets the requirements as in a multi-family dwelling. **Commissioner Clemmons** stated that the Fire Department has to sign off on the sprinklers based on Code and that this is excessive to add. The District 1 Commissioner explained that townhome is classified as a single-family home and the Fire Department cannot recommend or enforce to sprinkle single-family dwellings. The District 2 Commissioner asked why the Fire Department does not enforce. **Ms. Matthews** explained that it is part of the State Code and the county cannot be more restrictive in its policies but it can be required as a zoning condition. Townhomes are not commercial.

**Commissioner Thomas** asked if the walkways were addressed; **Mr. Lanham** referred to the conditions for the Highway Corridor Overlay District, of which this development must comply. The District 4 Commissioner requested that it be made part of the zoning conditions as well as there are too many developers buying property and not developing them but are selling them to other people and there are no zoning conditions for sidewalks (interior 5'; exterior 10') sizes; in addition, crosswalks and speed tables on the roads that are excessively long for the safety of children. Mr. Lanham pointed out that in speaking with Henry County Department of Transportation, speed tables may be a little excessive but will be added if the Board decides. He explained how the DOT would place the speed tables and distance needed for such placement for the Commissioner. **Mr. Simmons** approached and clarified that the road that runs east-west in this development might be a good candidate for a speed table in mid-distance. The townhome roads are too short for any speed tables.

**Commissioner Thomas** moved to approve with the conditions stated and additions made today; **Commissioner Holmes** seconded the motion.

**Mr. Lanham** asked for clarification on Lot 6, Condition #17, on whether or not a daycare will be permitted as it currently includes daycare with professional office use. **Commissioner Thomas** noted that daycare is something that there is not enough of across the country and she wanted to keep it in the Conditions. **Chair Harrell** expressed concern on this. **Commissioner Clemmons** asked for information from Mr. Kirk on daycare centers allowed in strip plazas; Commissioner Thomas stated this is not a strip plaza.

**Chair Harrell** then expressed concern over traffic impact going in and out, early morning and late afternoon and having to access East Lake and other side roads to travel them. **Mr. Lanham** responded with that the standards for non-home occupation daycare facilities is listed under Chapter 4, Section 4.03.04(D) which requires freestanding structure or within a freestanding religious facility, or within a freestanding public or private school; therefore, daycare facilities are not permitted within strip plazas/centers. The Chair asked that "daycare" be removed from the Condition; Mr. Lanham complied.

**Commissioner Thomas** further clarified her motion to include striking out "daycare" and other changes proposed by the Board, and moved to approve. **Ms. Matthews** stated that there was a condition regarding a building permit and asked that "building" be removed and keep "permit" in the language because land disturbance has to be permitted first. **Mr. Lanham** further clarified that it will refer to Condition #18 and Condition #8; Ms. Matthews acknowledged same.

**Mr. Kirk** clarified that Lot 6 is a freestanding building and will not have multiple tenants so it would meet the requirement to leave "daycare" in. **Commissioner Thomas** added that based upon research, daycare is needed but in this case it cannot be attached to any type of strip mall/plaza as stated. Mr. Kirk confirmed that it is already a Code requirement.

A motion and second made, discussion had, motion carried (4-2-0).

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

*Resolution #22-317*

**COMP-AM-22-03 (Public Hearing)**

Lake Dow North Corporation of Atlanta, GA requests an amendment to the Comprehensive Plan for property located at 1700 Lake Dow Road in Land Lot 141 of the 7th District. The property consists of 4.621+/- acres, and the request is to amend the Future Land Use Map designation from Low Density Residential to Mixed Use. District 3 (Presenter: Kenta Lanham, Planner II)(Exhibit 36)

**Mr. Lanham** stated that the request is to support a concurrent zoning request (heard following this matter). He presented the details on the request. The FLUM has a designation of Low Density

Residential of up to 2.0 dwelling units per net acre; which does not support this proposed request from RA to C-1 (Neighborhood Commercial), thus the reason for the amendment. Staff feels that MU (Mixed Use) is a more appropriate Land Use Map designation to accommodate both residential and commercial uses. Staff recommends approval and was approved at the August 11, 2022 ZAB meeting.

**Commissioner Clemmons** asked if the FLUM is being changed; **Mr. Lanham** affirmed same adding that it would support a rezoning request from RA to C-1 of which the property is currently being used as a clubhouse for the surrounding neighborhood as well as Pilgreen's Steakhouse.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak in favor of, or in opposition of the request will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak is to come forward and state their name.

**Andrew "Andy" Welch, III, Partner, Smith, Welch, Webb & White,** approached to speak in favor of this request, representing the applicant. He explained the points of interest in bringing this to compliance with zoning. There has been some office uses and clubhouse in the facility for the surrounding neighborhood. This would also bring the property into compliance with the FLUM and allow for hearing of the subsequent zoning request to follow.

No one else coming forward, **Chair Harrell** closed the Public Hearing and called for motion.

**Commissioner Anglyn** moved to approve; **Commissioner Clemmons** seconded the motion.

**Commissioner Clemmons** clarified that this was changing the FLUM while it is actually bringing this facility into compliance with Code for what the FLUM already reflects.

Motion carried (6-0-0).

*Resolution #22-318*

**RZ-22-07 (Public Hearing)**

Lake Dow North Corporation of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to C-1 (Neighborhood Commercial) for property located at 1700 Lake Dow Road in Land Lot 141 of the 7th District. The property consists of 4.621+/- acres, and the request is for office uses. District 3 (Presenter: Kenta Lanham, Planner II)(Exhibit 37)

**Mr. Lanham** explained that this is in hand with the previously approved request and that the rezoning is for changing from RA (Residential-Agricultural) to C-1 (Neighborhood Commercial). FLUM designation is now MU (Mixed Use). This will allow continued use of the subject property. Planning staff recommends approval with conditions, pointing out that Planning staff has made an addition to Condition #3 as follows:

> *3. Commercial development shall be limited to existing structures on the subject property. No additional or new structures for commercial use shall be permitted. The total square footage for commercial use is excluding the existing restaurant and clubhouse space and shall not exceed 2,080 square feet. In addition to the C-1 uses prohibited by the ULDC, only the following uses shall be permitted:*
>
> > *a. Restaurant (inclusive of a bar associated with the restaurant and catering service)*
> > *b. Clubhouse uses (including event facility and fitness club)*

c. *Office for professionals, such as attorneys, drafters, realtors, insurance agents, engineers, architects and other consultants*
d. *Instruction or teaching, such as academic tutoring, performing arts or fine arts*
e. *Administrative or clerical support services such as transcription, court reporters, stenographers, notary public or addressing services*
f. *Personal services such as beauty or barbershop, manicurists, dressmaking or tailoring*
g. *Child's daycare or nursery school for six (6) or fewer children*
h. *Studios for artists or photographers*
i. *Religious facility uses which shall not include the following accessory uses:*
    1). *Private academic school*
    2). *Recreational facilities*
    3). *Parsonage*

**Mr. Lanham** stated that these uses with the exception of *a.* and *b.,* are all permitted under home occupations. There are no changes to any other Conditions.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak in favor of, or in opposition of the request will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak is to come forward and state their name.

**Mr. Welch** returned and stated that applicant will comply with all conditions as amended.

No one else having approached, **Chair Harrell** closed the Public Hearing.

**Commissioner Anglyn** moved to approve with amended conditions; **Commissioner Clemmons** seconded the motion. Motion carried (6-0-0).

*Resolution #22-319*

**RZ-22-06 (Public Hearing)**

Marketplace Storefronts, LLC of Brookhaven, GA requests a rezoning from C-2 (General Commercial) to RM (Multifamily Residential) for property located at 2206 and 2250 Jodeco Road in Land Lot 78 of the 6th District. The property consists of 14.568+/- acres, and the request is for a multifamily residential apartment development. District 2 (Presenter: Kamau As-Salaam, Planner III)(Exhibit 38)

**Mr. As-Salaam** presented the request to the Board. The applicant requested rezoning; FLUM designation is MU (Mixed Use). The original application requested rezoning from C-2 (General Commercial) to RM (Multi-Family Residential) for the purpose of multi-family development proposing a 320-unit apartment development. The Site Plan has since been changed for a Mixed Use project, so the request is from C-2 to MU, with 20+/- acres instead of the stated 14.568, still 320 units, Net Density of no more than 16 dwelling units per net acre and commercial/retail on the Western Parallel Connector side. Water and sewer services will be needed and was approved for this area and the WPC still needs to be done on that side, from a structural standpoint. Mr. As-Salaam presented elevations by the applicant. Staff recommended modern feel to the complex, with lower pitched roofs/flat roofs. A commercial rendering was presented as well. On August 11, 2022, ZAB recommended denial of the rezoning from C-2 to RM but approved to MU with conditions; staff recommends same with twenty-nine (29) total conditions.

**Mr. As-Salaam** explained that the developer has to work with Georgia Department of Transportation (GDOT), Henry County Water Authority (HCWA) and Henry County Department of Transportation (HCDOT) to get past the structural elements of this development because there is no WPC there or water/sewer there yet; conditions were outlined for that as well as overall standards and staff's authority to address same. This would be a modern look and serve as a gateway for future developments once the WPC is up and operational. Mr. As-Salaam also mentioned that this development will be required to have a rooftop dining aspect for the commercial/retail portion. All other conditions are standard with some prohibited uses outlined in Condition #16, which are already prohibited in the Highway Corridor Overlay District.

**Chair Harrell** asked for a definition of "small box discount stores"; **Mr. As-Salaam** cited Family Dollar and Dollar General as examples. The Chair asked how permitting will be issued if there is no water, sewer, or road. Mr. As-Salaam stated there are different types of permits and Land Disturbance permits typically are first. Developer cannot get Certificates of Occupancy until everything has been agreed upon by Water Authority, GDOT and HCDOT.

**Chair Harrell** opened the floor for Public Hearing. Persons wishing to speak in favor of the request will have a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in favor of this request is to come forward and state their name.

**Mr. Moore** returned in representation of the applicant and offered remarks on the Site Plan. This complex would be luxury-driven, gated with 4 acres on the west side of the WPC dedicated to retail and the entire project is designed to flank the roadway with buildings. He provided details on the layout of the complex and how it differs from lesser luxury complex communities. The units would not have many 3-bedroom units, but rather studio to 1-2 bedrooms, with rents ranging from $1,400 to $2,500 a month. After going through some details of the appearances of the units, he stated that applicant agrees to all conditions stated and seeks approval of the request.

No one else coming forward, **Chair Harrell** closed the Public Hearing.

**Chair Harrell** asked to see the rendering of the apartments and asked if this is what is proposed; **Mr. Moore** responded that was submitted with the application but there have been discussions on changing the front of the corner section to provide more of a commercial feel. He provided an update of what would be more accurate to reflect taking out the awning and having a more flat-roof appearance.

**Commissioner Clemmons** asked about the glass design; **Mr. Kirk** noted Condition #14 which states that the renderings will be consistent with what is presented at the BOC meeting today.

**Commissioner Clemmons** asked to see the layout of the buildings and expressed concern about the "L" should be flipped on the Jodeco Road side to see buildings on Jodeco Road and not a parking lot and be seen from the interstate as well. **Mr. Moore** asked for a little further detail. The builder came forward with concerns about the grade elevation change from Jodeco Road with the window looking onto a hill. The District 2 Commissioner wanted to know about the frontage looking aesthetically nice and making sure that the north part of Jodeco is pleasing in appearance. The builder went into detail about the look and the 6' fence to be placed all the way around with black aluminum material. The Commissioner wanted ornamental architectural feeling in there with some type of signage on the corner of Jodeco Road and requested that it be added to conditions, with a sign on the interstate; **Mr. As-Salaam** agreed to same except that interstate signs are not permitted in that area. The Commissioner wanted the buffers with ornamental fencing screening the development along Jodeco Road in a condition, to be made Condition #30.

**Commissioner Clemmons** continued that the landscaping needs to match that of the Highway Corridor Overlay District on the Jodeco Road and the fencing must be maintained by the developer.

**Chair Harrell** asked what would be seen from the WPC. *Renderings were shown for the Board and public viewing.* **Mr. As-Salaam** cited Condition #10 regarding the building materials of the apartments but does not address that they must look exactly alike.

**Mr. As-Salaam** noted three (3) conditions - #30 regarding ornamental fencing along Jodeco Road; a condition that exists addressing signage; #31 regarding commercial and residential buildings must match in appearance. **Commissioner Clemmons** requested that the pedestrian lighting meets the Highway Corridor Overlay District requirements on the WPC as well as Jodeco Road; applicant agreed (Condition #32).

**Commissioner Clemmons** moved to approve staff's recommendation to MU (Mixed Use) with the 29 previously stated conditions and the above-stated 3 additional conditions (#30, #31 and #32); **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

*Resolution #22-320*

## 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.

***Mr. Robert Kolpak*** *signed up for Public Comment.*

***Mr. Randy Bradberry*** *signed up for Public Comment but was not in attendance.*

## APPROVAL OF MINUTES

**Commissioner Anglyn** moved to approve the Minutes from *October 18, 2022 (Regular BOC Meeting)*; **Commissioner Clemmons** seconded. Motion carried (6-0-0).

**Chair Harrell** mentioned that the City of Stockbridge was requested to get the Resolution regarding the rollback on today's meeting date; that has yet to be received as of today's date.

## UPCOMING MEETINGS AND EVENTS

A. Tuesday, December 13, 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 1:39 p.m.***

*Carlotta Harrell, Chair*

*Stephanie Braun, County Clerk*