STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Wednesday, January 4, 2023, 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 *(via conference)*
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, Vice-Chair/District 4 Commissioner
Kevin J. Lewis, District 5 Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Nancy Rowan, County Attorney; Stephanie Braun, Clerk, Henry County and Jasmin Head, 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 Wednesday, January 4, 2023 at 9:00 a.m. to order.

APPOINTMENTS

Council on Aging

Chair Harrell explained that redistricting is in effect and Board appointments will have to be done for qualified people in those positions for the expected terms. She then deferred to the County Attorney for further remarks. **Nancy Rowan, County Attorney,** further explained that in some circumstances, what the law requires during appointment while redistricting.

Chair Harrell called for appointments to the Council on Aging, which carries a 4-year term, by District:

Districts 1 and 2 did not have appointments as of today's meeting.

Reappointment of *Mildred Reed* for District 4

Appointment of *Vera Gordon-Burns* for District 5

Chair Harrell called for motion to accept the stated appointments for the Council on Aging, as stated by each Commissioner for their respective District.

Vivian Thomas, Vice-Chair/District 4 Commissioner moved to approve the stated appointments; **Dee Anglyn III, District 3 Commissioner** seconded the motion. Motion carried (6-0-0).

Resolution #23-1 (Mildred Reed)
Resolution #23-2 (Vera Gordon-Burns)

Henry County Development Authority

Chair Harrell called for appointments to the Development Authority, which carries a 4-year term, by District:

Appointment of *Siddiqa Gibson,* for District 2

Reappointment of *Eddie Ausband* for District 3

Reappointment of *Irv Culpepper* for District 4

Appointment of *Cynthia Andrews* for District 5

Prior to motion, **Ms. Rowan** clarified that the time for the individual District 2 appointment to this Board is two (2) years, to coincide with the District 2 Commissioner's current term. **Dee Clemmons, District 2 Commissioner,** asked if names are to be given today if no applications were completed; **Chair Harrell** responded that appointees can submit applications after their names are given today. The District 2 Commissioner then named Ms. Gibson (as stated above) for a 2-year term.

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

Resolution #23-3 (Siddiqa Gibson)
Resolution #23-4 (Eddie Ausband)
Resolution #23-5 (Irv Culpepper)
Resolution #23-6 (Cynthia Andrews)

Library Board

Districts 1, 2 and 5 did not have appointments as of today's meeting.

Appointment of *Chester Ivey* for District 5

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

Resolution #23-7 (Chester Ivey)

Recreation Board

Reappointment of *Brenda Winston* for District 4

Reappointment of *Jonathan Buck* for District 5

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

Resolution #23-8 (Brenda Winston)
Resolution #23-9 (Jonathan Buck)

Chair Harrell, Commissioner Clemmons and **Stephanie Braun, County Clerk,** discussed and agreed that the District 2 appointment to the Recreation Board stays the same, without objection, and was not needed to be named upon this list for the Recreation Board.

Henry First, Inc.

District 5 did not have an appointment as of today's meeting.

Appointment of *Dee Anglyn III, District 3 Commissioner, (himself)*

Appointment of *Melissa Kornegay* for District 4

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

Resolution #23-10 (Commissioner Anglyn)
Resolution #23-11 (Melissa Kornegay)

Henry County Water Authority

Appointment of *Warren Holder* for District 1

Appointment of *Bruce Holmes* for District 2

Appointment of *Jimmy Carter* for District 3

Reappointment of *Sandra Rozier* for District 4

Appointment of *Myra Lott* for District 5

Chair Harrell moved to approve the appointments as stated above; **Commissioner Thomas** seconded the motion. Motion carried (6-0-0).

Resolution #23-13 (Warren Holder)
Resolution #23-14 (Bruce Holmes)
Resolution #23-15 (Jimmy Carter)
Resolution #23-16 (Sandra Rozier)
Resolution #23-17 (Myra Lott)

Henry County Zoning Advisory Board

Chair: Dawn Randolph

District 1: Don Veum

District 2: Delander Nelson

District 3: Jim Risher

District 4: Noreen Walker

District 5: Kevin Richardson

Commissioner Thomas moved to approve the above-listed Zoning Advisory Board; **Commissioner Anglyn** seconded the motion. Motion carried (6-0-0)

Resolution #23-18 (Dawn Randolph)
Resolution #23-19 (Don Veum)
Resolution #23-20 (Delander Nelson)
Resolution #23-21 (Jim Risher)
Resolution #23-22 (Noreen Walker)
Resolution #23-23 (Kevin Richardson)

Transportation Advisory Committee

Districts 2 and 5 did not have appointments as of today's meeting.

Chair: Jim Risher

District 1: Herman Ryan

District 3: Wayne Smith

District 4: J.T. Williams

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

Citizens Police Advisory Committee

Districts 3 and 5 did not have appointments as of today's meeting.

Chair: Carlotta Harrell, Chair

District 1: Johnny Wilson, District 1 Commissioner

District 2: Dee Clemmons, District 2 Commissioner

District 4: Lester Clark

Commissioner Thomas moved to approve the as stated above appointments; **Commissioner Clemmons** seconded the motion. Motion carried (6-0-0).

Henry County Water Authority (Added)

Reappointment of *Fred Mays* to 12/31/2024, by Order of Senate Bill 285

Henry County Board of Commissioners Vice-Chair

Appointment of *Kevin J. Lewis, District 5 Commissioner* as Vice-Chair

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

Resolution #23-12

Upon confirmation from the County Clerk, **Chair Harrell** advised that any further appointment/reappointment to various Boards, not made today, can be made at the next meeting.

CONSENT AGENDA

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

Community Development

A. Resolution to accept CARES funding from the Georgia Department of Community Affairs' (DCA) Emergency Solution Grants (ESG) Program in the amount of $153,000 and approval of agreement with community partner (Presenter: Shannan Sagnot, Cluster Lead)(Exhibit 1) *Resolution #23-26*

Department of Transportation

A. Resolution approving on-call paving services to OnSite Sealcoating & Maintenance, Inc. through an annual service contract (Presenter: David Simmons, CE III)(Exhibit 2) *Resolution #23-27*

Fleet Department

A. Resolution authorizing the Disposal of Various Surplus Vehicles and Equipment listed on Attachments A, B and C (Presenter: Jody Swords, Fleet Director)(Exhibit 3) *Resolution #23-28*

Police Department

A. Resolution approving the purchase of twenty (20) mobile radio packages in the amount of $123,635 from Loudoun Communication Inc. The mobile radio packages will be for use by the new School Resource Officers and to replace aging equipment. Loudoun Communications Inc. is a Georgia State Contract, and this purchase will be made utilizing the Small Equipment Funds account. (Presenter: Lt. W. Powell/HCPD)(Exhibit 4) *Resolution #23-29*

B. Resolution approving the purchase five (5) 2023 Chevrolet Tahoes for the Henry County Police Department in the amount of $188,215 from Hardy Chevrolet. The Chevrolet Tahoes will be for use by the Police Department's K9 Unit. Hardy Chevrolet is a Georgia State Contract, and this purchase will be made utilizing the RedSpeed Funds account. (Presenter: Lt. W. Powell/HCPD)(Exhibit 5) *Resolution #23-30*

C. Resolution approving installation of cameras and an alarm system at the Special Services Division Building (off-site) by NetPlanner Systems, Inc. for the amount of $29,446. NetPlanner Systems, Inc. is a Georgia State Contract, and this purchase will be made utilizing the State Seized Funds account. (Presenter: Lt. W. Powell/HCPD)(Exhibit 6) *Resolution #23-31*

Tax Assessor

A. Resolution approving the purchase of four (4) in stock Ford Rangers for fleet type/pricing due to National shortage considered Emergency Purchase from Wade Ford for a total cost of $128,400 for the Tax Assessors Office, utilizing Capital Funds for the purchase. This purchase is part of the approved vehicle replacement plan. (Presenters: Jody Swords, Fleet Director; and John Selfe, Chief Appraiser)(Exhibit 7) *Resolution #23-32*

Technology Services

A. Resolution Authorizing the Recycling of Technology Surplus Items and Equipment as shown on Exhibit A (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 8) *Resolution #23-33*

Transportation Planning

A. Resolution accepting $4,800,000 of Congesting Mitigation and Air Quality (CMAQ) funds for a transit project and $2,200,000 of Surface Transportation Block Grant (STBG) funds for road projects (totaling $7,000,000) from the Atlanta Regional Commission (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 9) *Resolution #23-34*

Transit

A. Resolution authorizing the purchase of two (2) 8-passenger buses utilizing the FTA Cares Act Grant in the amount of $219,372.00 (Presenter: Taleim Salters, Transit Director)(Exhibit 10) *Resolution #23-35*

B. Resolution authorizing the purchase of (1) 30 passenger bus utilizing incoming Congesting Mitigation And Air Quality (CMAQ) funds in the amount of $224,809.54 (Presenter: Taleim Salters, Transit Director)(Exhibit 11) *Resolution #23-36*

T-SPLOST

A. Resolution approving Intergovernmental Agreement with the City of McDonough for a T-SPLOST intersection improvement project for Turner Church Road @ SR20. City of McDonough will commit $250,000 towards said project. (Presenters: Roque Romero-Muniz, Cluster Lead; and Nancy Rowan, County Attorney)(Exhibit 12) *Resolution #23-37*

This ends the Consent Agenda

Referring to **Police Department,** item A, **Commissioner Thomas** asked if the county will be reimbursed for that expense on the purchase of the radios; **Ms. Matthews** responded it will be covered through reimbursement through the Board of Education and it is stated in the documentation.

Under **Transportation Planning,** item A, **Commissioner Thomas** asked if Mr. Baker applied for one of these grants; **Ms. Matthews** deferred to Mr. Baker for response. **Sam Baker, Transportation Planning Director,** approached and explained that a year ago, the Atlanta Regional Commission (ARC) solicited projects; the Board approved seven (7) projects to the ARC requesting funds. Out of the 7, three (3) of them got the funding – 2 road projects and 1 Transit project. He included that the documentation is included in the Commissioner's packet. The District 4 Commissioner praised Mr. Baker for his efforts in garnering funding in the Transportation Department.

Commissioner Anglyn noted that there is 20% match funding but does not state where that 20% will come from; **Ms. Matthews** responded that most of it is in-kind and it is budgeted within the respective Transit Department's budget.

Commissioner Thomas referred to item A, under **T-SPLOST,** and remarked that the estimated cost of the project for the county was not disclosed, **Ms. Matthews** deferred to Mr. Romero for response.

Roque Romero-Muñiz, SPLOST Transportation Project Director, responded that the total cost is estimated at $2 million dollars and Georgia Department of Transportation (GDOT) gave the county half a million dollars for this project, which is about 98% completed. The City of McDonough included $250,000 towards the project cost; the project is a SPLOST V for the county and is T-SPLOST for the City of McDonough.

No further questions or comments, **Commissioner Anglyn** moved to approve the Consent Agenda; **Commissioner Thomas** seconded the motion. Motion carried (5-0-1).

*(**Chair Harrell, Commissioners Wilson, Anglyn, Thomas** and **Lewis** voted in favor; **Commissioner Clemmons'** call was dropped and, therefore, she did not cast a vote)*

REGULAR AGENDA

FINANCIAL SERVICES

Reallocation of Emergency Rental Assistance Program (ERAP)

Resolution to request approval to accept the U.S. Department of Treasury Emergency Rental Assistance Program (ERAP2) reallocation for Henry County ERAP in the amount of $15,000,000 (Presenter: David Smith, Financial Services Director/Cluster Lead)(Exhibit 13)

Monique Franklin, Grants Administrator, Financial Services, approached to present the Resolution to the Board, providing an overview on the reallocation in the amount of $15 million dollars. Staff recommends acceptance of the funds that was pending during the last meeting. **Chair Harrell** clarified that $2 million dollars was approved from Fund Balance to fill in the gap until this amount came in. **David Smith, Financial Services Director,** confirmed that these funds were received on December 9, 2022.

Commissioner Thomas noted that the ERAP program is with one provider and she wanted to ensure that the local providers are non-profits who can participate when this funding came across. She asked Mr. Smith to recap briefly their conversation for public presentation. **Mr. Smith** suggested waiting to get these funds approved first and that the next Resolution talks about the awarding of the program for the administrator. He stated that Elizabeth Wilson and Karen Curry Davis are present again at today's meeting to respond to any questions.

Commissioner Anglyn moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (5-0-1).

*(**Chair Harrell, Commissioners Wilson, Anglyn, Thomas** and **Lewis** voted in favor; **Commissioner Clemmons** could not vote due to a dropped call)*

Resolution #23-38

Service Agreement with Georgia Micro Enterprise Network (GMEN)

Resolution of the Board of Commissioners approving a services agreement with Georgia Micro Enterprise Network, Inc. (GMEN) (Presenter: David Smith, Financial Services Director/Cluster Lead)(Exhibit 14)

Ms. Franklin presented the Resolution for GMEN to continue administer, provide oversight and manage the Henry ERAP program reallocation of $15 million dollars. She provided some details of the administration of that funding from ERAP 1 allocation and the details of the provisions for ERAP 2.

Commissioner Thomas noted that she has been working toward making sure that the local non-profits are involved in funds disbursement. She asked for a way that they continue to be involved in distribution for needy families in this community and that they meet eligibility for their involvements within Henry County. She yielded to Mr. Smith for further comments.

Mr. Smith noted that involving the local non-profits in fund distribution was the issue and that he does not want to involve them in the distribution of the ERAP funds since they are Treasury funds, of which the local non-profits are inexperienced in disbursement. He reminded that the Board had voted to utilize a non-profit administration program, which was a reimbursement program of approximately $2.6 million dollars to about 8 non-profits which had very effective uses on their guidelines and provide transparent information for auditing purposes. **Commissioner Thomas** added that when there is an opportunity for non-profits to be involved in the economic development, the opportunity should be afforded along with necessary training and other meetings to allow the non-profits to capably manage and report using software to address the needs of Henry County. The District 4 Commissioner also addressed an alternative way to keep the non-profits as part of the solution in the face of issues with housing, homelessness; she asked how the non-profits efforts can be supported through these needs of displaced/evicted citizens and their families. Mr. Smith responded that the close-out of the non-profit assistance program, which had approximately $800,000 remaining in that account which would go back into Fund Balance. There were $2 million dollars utilized out of Fund Balance until the $15 million dollars was received. He proposed using $2.8 million in Fund Balance by putting out a Notice of Funding Availability to determine which non-profits are capable and competent to provide assistance in those areas.

Elizabeth Wilson, Executive Director, Georgia Micro Enterprise Network, approached and provided remarks on the overview of the services of the administration of the ERAP program they hope to continue providing.

Karen Curry Davis, Curry Davis Group, then approached to make presentation on working on the three (3) ERAP programs servicing Henry County. There have been gaps in services because of the U.S. Treasury restrictions which is finite on how the funds can be spend; some Henry County residents have needs beyond what the program can provide. She explained that Curry Davis is also the project manager for the City of Atlanta's ERAP and just finished the fourth round with over $60 million dollars using an administrative model, of which she went into brief detail for the Board. While going through the steps of how the funding was administered through Curry Davis for the City of Atlanta, Ms. Davis had recommended (as was done with United Way) one entry point through the Neighborly system, namely the Henry ERAP application link that currently exists. All the applications would come in and be distributed to the service providers who are able to move forward based on their capacity; this has not presented a problem thus far.

Commissioner Thomas remarked that she wanted to bring out that they want as much as possible for Financial Services Director looking at Henry County for including the non-profits and community businesses in this opportunity. While the Commissioner recognizes the model that Curry Davis recommends, she pointed out that Mr. Smith proposes a dollar amount to fill that gap. The Commissioner challenged him to move that dollar amount from $2.8 million dollars from $5 million dollars. She looks forward to seeing some results on using a model that does include the community businesses and the non-profits in this area.

Ms. Wilson added that GMEN has a statewide association which works specifically with the non-profits to build their capacity for doing this type of work. Any non-profits that are selected, once they become part of this system, there would be work with them to increase building their capacity to do these programs and successfully manage them where needed.

Chair Harrell clarified that this Resolution is to agree to continue working with GMEN for distribution of the ERAP treasury funds; **Mr. Smith** affirmed same.

Commissioner Thomas moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-1).

*(**Chair Harrell, Commissioners Wilson, Anglyn, Thomas** and **Lewis** voted in favor; **Commissioner Clemmons** could not vote due to a dropped call)*

Resolution #23-39

SAAS Service Agreement

Resolution of the Henry County Board of Commissioners approving an SAAS Services Agreement with Benevate, Inc. (a/k/a Neighborly Software) (Presenter: David Smith, Financial Services Director/Cluster Lead)(Exhibit 15)

Ms. Franklin presented this to the Board and explained that this provides direct access to documentation and program management information which has been effective in support of funding in the previous ERAP programs for funding. Staff recommends approval for the continued use of this software provider for the ERAP through March 2024.

Commissioner Thomas asked if this is to buy the program. **Ms. Franklin** explained that the current contract ends in March 2023 and with the additional $15 million dollars in, the software is still needed, and the county is currently paying for the licensing to use the software to that purpose, at a cost of $90,000. This would be available for other non-profits to utilize as well. **Chair Harrell** asked if the money comes out of the $15 million. **Mr. Smith** responded it would be paid out of General Fund so that the administrative costs can be kept at 15%. Chair Harrell asked who would provide training to the other non-profits on this software; Mr. Smith responded that GMEN and Curry Davis are already trained in that program as administrators and if access is to be provided with Neighborly elsewhere, training could be provided as well.

Commissioner Thomas moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (6-0-0). *(**Commissioner Clemmons** voted in favor via phone call)*

Resolution #23-40

Ms. Matthews explained that retirees are to be recognized today but they were not listed on the Agenda. **Chair Harrell** called for the Human Resources Director to announce and recognize this month's retiring Henry County employees.

Henry County Employee Retirement Recognition

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

- *Janet Howard – Henry County Fire Department – 28 years*
- *Jennifer Bryan – Henry County Clerk of Superior Court – 27 years*
- *Steven Wilson – Henry County Police Department – 25 years*
- *Dennis Richardson – Henry County Fire Department – 23 years*
- *Tammy Chandler – Henry County Transit – 20 years*
- *Gregory Beavers – Henry County Fire Department – 19 years*
- *Timothy Coley – Henry County Parks & Recreation – 19 years*
- *Seth Massey – Henry County Facilities Maintenance – 16 years*
- *Jill Long – Henry County Natural Resources Conservation Services – 13 years*
- *Ronald James – Henry County Community Service – 7 years*
- *William Wesley – Henry County Tax Assessor's Office – 7 years*

(Applause)

Brief recess was called

RECESS IS TAKEN

PLANNING & ZONING

ORD-22-05

Clarification to ORD 22-05, an Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regarding the termination date of the impact fee grace period as described in Chapter 8, Section 8.06.02(C)(1)(c). Countywide (Presenter: Toussaint Kirk, Planning & Zoning Director/Cluster Lead)(Exhibit 16)

Toussaint Kirk, Planning & Zoning Director, presented this to the Board recalling that on August 2, 2022 the Board voted to increase impact fees and offered a 6-month grace period for the developers, with an effective date of January 2, 2023. Staff requests to amend the date from January 2nd to February 2nd, for a total of 180 days representing an accurate 6-month grace period.

Commissioner Anglyn moved to approve; **Commissioner Lewis** seconded the motion. Motion carried (5-1-0).

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

Ordinance #23-1

Moratorium on Commercial and Residential Multi-Family Housing

Ordinance enacting a moratorium relating to commercial and residential multi-family housing; to include horizontal and vertical apartments, townhomes, and duplexes for an indefinite period not to exceed twelve (12) months

Mr. Kirk clarified that this would include apartments, townhomes and duplexes. He went through the purpose of considering the stated uses, whether vertical or horizontal building structures, with commercial only relating to the housing aspect and no other commercial uses. There is a rapid increase in these developments over the last 10 years and with increased traffic and burden upon Public Safety, staff recommends the moratorium to allow the Board to consider recommendations for the Unified Land Development Code (ULDC) and to further ensure the health, safety and welfare of the citizens and related infrastructure problems which are pending. The moratorium would not allow acceptance of any new applications for zoning, development permits and variances for a 12-month period, with the Ordinance to be in effect upon adoption. Approval of previously issued permits shall continue to be enforced. Applications submitted prior to adoption of this Ordinance will continue through the permitting process as before.

Commissioner Clemmons asked how this would affect zoned properties; **Ms. Rowan** stated that if the property is already zoned prior to this Ordinance adoption, and the application has not been submitted, it does not affect the zoning of that area but does prohibit anyone from submitting an application after the moratorium is passed. The option to amend the ULDC is a possibility as well as the expiration of the 12-month period, or a de facto vesting recognized by court; otherwise, applicants would have to wait until the 12-month period passes or if the ULDC is amended by Board vote, or the moratorium ends as a way of resolution of issues. The District 2 Commissioner added that property owners who property zoned and may not have sold it or developed it would seem to have an adverse effect if this is adopted. She understands a moratorium on rezoning of new property or property that is not zoned. **Ms. Matthews** agreed that zoned property would be impacted by this moratorium, as anyone who has zoned property has no vested right for development until the permit has been applied. Currently, the infrastructure is not in place to support the rapid increase of multi-family developments. The Commissioner then clarified that the property owners' rights are being taken away from their zoned properties to develop their properties and recommends consideration for those property owners to be allowed a permit to start building as the property is already zoned. Ms. Matthews explained that if there is an application already pending, this moratorium would not impact that; however, if there is a commercial or mixed use designation pending today, it will not be allowed to develop into apartments and townhomes only; any other uses under that designation would be permitted. Ms. Rowan further clarified that the county would not impact the property rights of the owners. If there is a "de facto" interest in a zoned property for the purpose of developing apartment, duplex or the like and the owner wants to present that to BOC, they will be given that chance to do so in order to obtain a permit.

Commissioner Clemmons pressed that if the property is already zoned, if the owners have to come to the BOC if the property is already zoned. **Ms. Rowan** explained that this addresses the legal impact of having a vested interest in developing property and will be allowed to participate and exercise their legal right to do so. The moratorium will not allow additional permits unless the applicant can show they have a de facto vested interest in receiving a permit from the county. The Commissioner asked if language can be added to reflect that exception. **Mr. Kirk** explained that RM (Multi-Family Residential) is the only zoning district allowing multi-family product and they would not be affected at this time. The Commissioner asked if there was a way to have the moratorium for newly zoned properties and not affect the property owners who already have multi-family or mixed use zoning.

Commissioner Thomas referenced the County Manager's remarks that other zoning would not be affected and asked if this impacts Mixed Use developments that includes apartments and commercial uses as well; **Ms. Matthews** responded that it does, in part. If there is a Mixed Use designation approved with no application submitted to the Building & Plan Review for development, the applicant would be vested and allowed. If there is a zoned parcel but no plans or application has been submitted and the request would be for apartments or townhomes, the moratorium would not allow those apartments or townhomes to become part of that development.

Commissioner Thomas asked if the property owner still has the right, once the moratorium is in place, to come and ask for an exception to build before the BOC. **Ms. Rowan** responded that if the applicant has a de facto vested interest and supporting circumstances, then that person is allowed to come before the Board and make their case to the Board for decision. In going on points, the Commissioner looked at the reasons such as rapid increase in multi-family developments and explained that there is a housing problem anyway; on the burden placed upon traffic and Public Safety, the Commissioner recalled being told that the Commissioners are responsible for addressing that issue. On managed facilitation of growth, Commissioner Thomas explained that this is not the county's money and not the county's development. On the protection of the quality status of neighborhoods, the Commissioner agrees on this point to upgrade standards and building codes for the county's aesthetics to be a strong quality of attraction. The need for these homes is increasing for people who cannot afford housing. The Commissioner asked if the goal of this moratorium is simply to stop development of apartments or townhomes or for management of these development trends or to bring quality to the community. **Mr. Kirk** explained that the moratorium would also provide on those concerns.

Commissioner Thomas further noted that since the pandemic, people have suffered declines in their credit scores, experienced struggle with housing and now another burden is to be placed upon them with the moratorium which would reflect that the county cannot manage the inundation of housing developments. She asked if the goal is stop apartments, or townhomes, or both, or if this is for better quality to come to the community. **Mr. Kirk** explained that the moratorium would provide time to address those questions. The Commissioner stated that it will be perceived that the zoning staff is not ready, partners are not ready, county cannot manage the growth and that a hold will have to be placed on everything. Mr. Kirk stated that there are four (4) developments on Jonesboro Road right now for apartments, but they will not be ready in the next year. The moratorium would only disallow anything *new* coming into the county for a 12-month period. This year is also the year to update the 5-year Comp Plan. Impact on traffic and Public Safety involves the moratorium and is not part of Planning & Zoning. There are road widening and lighting projects going on this year and the moratorium allows for more time to get ahead on those before allowing more density of population in the area.

Commissioner Thomas then asked the County Attorney if the property owners have properties and the county delays their abilities to sell it for apartments or multi-use, what type of liability this would expose the county upon; **Ms. Rowan** explained that the moratorium does not violate anyone's vested rights in receiving permits. She did not speak on liability but there is a process for owners who have a vested interest if they feel entitled to a permit to come before the Board and state their case.

Commissioner Lewis added that most of these projects are in his District, with a lot of apartments already approved; his constituents are in favor of the moratorium to get time afforded for smart growth management in the county. He voiced his support for the moratorium.

Chair Harrell clarified that these apartment developments are not "affordable housing" and prospective residents must have decent credit for qualifying as well as earning 3 times the amount of the stated rent.

Commissioner Thomas asked about certain aspects of a displayed map; **Mr. Kirk** responded those are areas approved for apartments and townhomes.

Commissioner Clemmons voiced concern about the Western Parallel Connector that touches the city limits of Stockbridge, and if the developments are Mixed Use in the Highway Corridor, they would only be allowed to develop the commercial piece and not for Mixed Use apartments or townhouse in the Highway Corridor Overlay District of the Western Parallel Connector. That would mean nothing would come there and the option would be for the land owner to incorporate into the City of Stockbridge. There should be a provision for development of zoned Mixed Use – commercial and housing – that the application for permit is approved. **Mr. Kirk** explained that this is only a temporary solution to allow for time to further establish this trend and that it would be for 12 months.

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

Ordinance #23-2

Chair Harrell asked about the date of the retreat; **Ms. Matthews** responded that it was pushed from the first week in February to March but are awaiting confirmation from a couple of other Commissioners.

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. Kolpak had signed up but was not present.

Chair Harrell directed staff to look at the Watershed Ordinance and its alignment with the Water Authority's Ordinance because of conflicting language and complaints received regarding same. **Ms. Rowan** stated that she will look into this and provide update to the Chair at a later time.

UPCOMING MEETINGS AND EVENTS

A. Tuesday, January 17, 2023 at 6:30 p.m. (Regular BOC Meeting)
B. Tuesday, February 7, 2023 at 9:00 a.m. (Regular BOC Meeting)
C. Tuesday, February 7, 2023 at 5:30 p.m. (Special Called BOC Meeting for Planning & Zoning items)

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 10:52 a.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk