

March 7, 2023

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, March 7, 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 Anglyn, III, District 3 Commissioner
Vivian Thomas, District 4 Commissioner
Kevin J. Lewis, Vice Chair/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

NOT PRESENT: Dee Clemmons, District 2 Commissioner

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

Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, March 7, 2023 at 9:00 a.m. to order.

Amendment to Agenda re: SB188

Chair Harrell amended the agenda to add the item Opposition of Senate Bill 188 (limiting the authority of Henry County to regulate housing welfare and the opportunity of home ownership) and called the County Manager and Mr. Hanes to come forward to make presentation.

J. Brett Hanes, Assistant Director, Henry County Building & Plan Review, approached to remark on the challenge of the home rule of Henry County. He addressed the housing shortage and SB 188 and summarized that this bill limits the county's authority to regulate how many rentals are allowed within any new or existing development. HB 514 would limit moratoriums to 180 days that was altered to cover single-family dwellings, but it would also negate the purpose of a moratorium, which would allow applicants to file for their vested right; unfortunately, it passed the House and was amended to limit to single-family dwellings. The aspect of the Public Hearing of HB 514 is what Henry County disagrees with. HB 517 is more detrimental, as this bill would promote higher density developments, compromises the Future Land Use Map (FLUM), contradicts the Comprehensive Plan and many zoning laws which

have been in place for years. The following Resolutions has been brought to the Board of Commissioners (BOC) and read same into the record as follows:

Resolution by the Henry County Board of Commissioners opposing Senate Bill 188 that would limit the authority of Henry County to regulate housing welfare and the opportunity of home ownership

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Henry County Board of Commissioners is concerned with the safety, welfare and quality of living of all residents and future residents; and

WHEREAS, Senate Bill 188 has been introduced during the current legislative session seeking to limit the Henry County Board of Commissioners authoritative power; and

WHEREAS, there is a growing epidemic not only locally, but nationwide, of new home developments and purchases solely for the purpose of rental; and

WHEREAS, the shortage of available housing units for purchase is exacerbated by this growing practice; and

WHEREAS, Senate Bill 188 would abate all local control of such practice via ordinance or condition; and

WHEREAS, such legislation impedes the Henry County Board of Commissioners from endowing the public with expanded housing options during the ongoing housing crisis; and

WHEREAS, such legislation is detrimental to all cities and counties within the State of Georgia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Henry County hereby authorize staff to deliver this Resolution to the County's local delegation to the General Assembly as well as any other necessary parties consistent with the objectives set forth herein.

Chair Harrell called for any questions or comments from the Board on SB 188. There being none, she called for motion.

Vivian Thomas, District 4 Commissioner, moved to approve; **Kevin J. Lewis, Vice Chair/District 5 Commissioner**, seconded the motion. Motion carried (5-0-0).

Resolution #23-103

Mr. Hanes then read the next Resolution into the record, as follows:

Resolution by the Henry County Board of Commissioners opposing House Bill 514 that would limit the authority of Henry County to enact moratoriums as currently permitted by legislation

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Henry County Board of Commissioners is concerned with the safety, welfare and quality of living of all residents and future residents; and

WHEREAS, House Bill 514 has been introduced during the current legislative session seeking to limit the Henry County Board of Commissioners authoritative power; and

WHEREAS, House Bill 514 would hinder the effectiveness of moratorium enactment for single-family dwellings by requiring advertisement and public hearing(s); and

WHEREAS, the current State definition of single-family dwellings includes one-family and two-family dwellings as well as townhouses; and

WHEREAS, House Bill 514 would allow for an influx of applications inundating County departments solely to achieve vested rights; and

WHEREAS, such legislation impedes Henry County Board of Commissioners from ensuring smart, sustainable and well-planned decisions regarding housing and the cessation of certain types of houses as deemed necessary; and

WHEREAS, Henry County opposes any legislation written to hinder its State authorized authority; and

WHEREAS, such legislation is detrimental to all cities and counties within the State of Georgia.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Henry County hereby authorize staff to deliver this Resolution to the County's local delegation to the General Assembly as well as any other necessary parties consistent with the objectives set forth herein.

Chair Harrell called for any questions or comments from the Board on SB 188. There being none, she called for motion.

Vice-Chair Lewis moved to approve; **Commissioner Thomas** seconded the motion. Motion carried (5-0-0).

Resolution #23-104

Mr. Hanes read the last Resolution into the record, as follows:

Resolution by the Henry County Board of Commissioners opposing House Bill 517 that would limit and challenge the home rule authority of Henry County established by the Georgia Constitution: Article IX, Section 2, Paragraph 1

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, the Henry County Board of Commissioners is concerned with the safety, welfare and quality of living of all residents and future residents; and

WHEREAS, House Bill 517 has been introduced during the current legislative session seeking to limit the Henry County Board of Commissioners authoritative power; and

WHEREAS, House Bill 517 would greatly hinder the function of Planning & Zoning through implementation of rightful citizen involvement on rezoning cases, proposed developments and future land use; and

WHEREAS, House Bill 517 mandates the allowance of materials and density of developments that the Henry County Board of Commissioners has deemed to negatively impact the citizens' and future citizens' right to quality of life; and

WHEREAS, the current and future Comprehensive Plan, current and future Zoning Ordinances, current and future – Future Land Use Map(s) would be significantly altered and demeaned by such legislation; and

WHEREAS, such legislation impedes the implementation of such verbiage that can be interpreted to hinder the applicability of construction codes involving the safety and welfare of citizens and future citizens; and

WHEREAS, Henry County opposes any legislation written to hinder its State authorized ability and power to regulate such zoning matters and/or conditions; and

WHEREAS, such legislation is detrimental to all cities and counties within the State of Georgia.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Henry County hereby authorize staff to deliver this Resolution to the County's local delegation to the General Assembly as well as any other necessary parties consistent with the objectives set forth herein.

Chair Harrell called for any questions or comments from the Board on SB 188. There being none, she called for motion.

Vice-Chair Lewis moved to approve; **Chair Harrell** seconded the motion. Motion carried (5-0-0).

Resolution #23-105

Chair Harrell directed the County Clerk that as soon as these are signed, she wanted them emailed to the local delegation as well as to both the Governor's and Lieutenant Governor's Offices as soon as possible.

PROCLAMATION

Proclamation declaring March 2023 National Women's History and Empowerment Month
(Presenter: Harold Cooper, Human Resources Director)

Harold Cooper, HR Director, read the Proclamation into the record, as follows:

WHEREAS, American women of every class, race and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural and social roles in every sphere of life of the nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the nation by providing the majority of the volunteer labor force of the nation; and

WHEREAS, American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own righteous suffrage and equal opportunity but also in the Abolitionist movement, the Emancipation movement, the Industrial Labor movement, the Civil Rights movement and other movements especially the Peace movement which created a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching and study of American history.

NOW, THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners declares the month of March as Women's History and Empowerment Month in Henry County and we encourage all citizens to observe March as Women's History with appropriate programs, ceremonies and activities.

This 7th day of March, 2023

PHOTOGRAPHS WERE TAKEN

RECOGNITION(s)

Cheri Hobson-Matthews, County Manager, presented the following in recognition for the Henry County Fire Rescue Awards, which were presented on February 1, 2023:

- Dr. Joe Simon Pediatric Award of Excellence – awarded to B Shift
- Region 4 Paramedic of the Year – Firefighter/Paramedic Desmond Walker
- Region 4 EMS of the Year – Henry County Fire Rescue
- Region 4 EMS Director of the Year – Assistant Chief Billy Petite

Ms. Matthews expressed her appreciation for the entire Henry County Fire Rescue and the recipients, including Chief Burnette, recently retired Deputy Chief Ponder and the Fire Rescue staff.

PHOTOGRAPHS WERE TAKEN

PRESENTATION

Jonathon Penn, Cluster Lead, Henry County Leisure & Public Services, presented the update on the Aquatic Center, including the completion of the Memorandum of Understanding (MOU) with the City of McDonough. Plans have been submitted; the site overlay of the property was displayed for the Board and public viewing. The new timeline with pending approvals was also summarized including the bidding process, with a goal of completion in eighteen (18) months once all bids are approved and given.

Commissioner Thomas referenced the buffer near the houses in the vicinity. She asked about whether or not there will be any type of fencing; **Mr. Penn** responded that there are no plans for fencing as of yet. The District 4 Commissioner asked that it be considered to keep people from wandering on to the property of the nearby residents from the park/center and if not a fence, then some other blocking feature to prevent same. She also asked that surveillance cameras be placed to prevent same. Mr. Penn stated that there are cameras already set up for security and surveillance.

Vice-Chair Lewis added that he noted that the neighbors did not want a fence and that he would follow up with these residents that the District 4 Commissioner mentioned. **Commissioner Thomas** clarified that the fencing would not be something unattractive but some type of safeguarding feature, whether it be a fence or not, put in place. The District 4 Commissioner further pointed out that decisions should be made on the benefit of the park as a whole, and not so much on the emotions of nearby residents, as residential homeowners do change over the years with differing preferences and viewpoints on aesthetics of their community.

Dee Anglyn III, District 3 Commissioner, referenced the front parking lot and asked if that will service the Aquatic Center; **Mr. Penn** stated that is for overflow parking. The District 3 Commissioner then asked about walking paths in the area around the lake for people to use as a walking park also. Mr. Penn stated there are no immediate plans for any additional walking trails at this time. **Vice-Chair Lewis** commented that he already receives complaints from residents on people walking on to their property from apartment complexes to go fishing on the golf course and these residents want no traffic to come through that area. Mr. Penn states that more trees will be added to prevent such trespassing opportunities.

No action was taken as this was an update.

CONSENT AGENDA

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

E-911

- A. Resolution of the Henry County Board of Commissioners to authorize the upgrade and redundancy addition for the Henry County E911 Center's UPS and Generator critical power infrastructure by Verinex (via Omnia Partners Contract) at a cost of \$962,229 to be funded through E911 Fees (Presenter: Tamika Kendrick, 911 Director)(Exhibit 1) *Resolution #23-95*
- B. Resolution of the Henry County Board of Commissioners to authorize the upgrade for the P25 Public Safety Radio System through Loudoun Communications at a cost of \$789,068 to be funded through E911 Fees. (Presenter: Tamika Kendrick, 911 Director)(Exhibit 2) *Resolution #23-96*

Facilities Maintenance

- A. Resolution awarding contract to Garland/DBS Inc., (OMNIA Partners, Public Sector - US Communities via Innovative Roofing Corp.) in the amount of \$1,294,348 for the replacement of the roof at the Administration Building due to excessive water intrusion caused by age and deterioration of existing structure, utilizing Capital Improvement Plan funds, as approved by the Board of Commissioners (Presenter: Hutch Purvis, Cluster Leader) (Exhibit 3) *Resolution #23-97*

Financial Services

- A. Resolution of the Board of Commissioners to accept additional funding from the U.S. Department of Treasury's Emergency Rental Assistance Program (ERAP2) reallocation for Henry County's ERAP in the amount of \$1,434,059 (Presenter: Monique Franklin, Financial Services Grants Administrator)(Exhibit 4) *Resolution #23-98*

Police Department

- A. Resolution approving purchase of 22 Panasonic Toughbooks for the Henry County Police Department School Resource Officer Unit in the amount of \$70,205 from CDW-G (Sourcewell contract). The Henry County Board of Education will reimburse the Henry County Police Department for costs associated with this purchase. (Presenter: Lt. W. Powell, HCPD)(Exhibit 5) *Resolution #23-99*

Transportation Planning

- A. Resolution of the Board of Commissioners authorizing application to the Atlanta Regional Commission for a Livable Centers Initiative Grant for a Henry County Transit Planning Project (re: fixed-route local bus service in 2023) in the amount of \$100,000, and commits to provide the required 20% local match (Presenter: Sam Baker, Transportation Planning)(Exhibit 6) *Resolution #23-100*

SPLOST

- A. Resolution of the Henry County Board of Commissioners approving a supplemental agreement for Moffatt & Nichol in the amount of \$45,688.00 on design of SR81 Widening. District 1 and District 3 (Presenter: Roque Romero-Muñiz, Cluster Lead (Exhibit 7) *Resolution #23-101*

This ends the Consent Agenda

Commissioner Thomas referenced Facilities Maintenance item A and asked if there is consideration given to sloping the roof or whether it will stay as flat top, which had caused concerns in the past. **Hutch Purvis, Cluster Leader for Asset and Information Management**, approached and explained that different options have been reviewed. The sloped option is not feasible due to how the building was designed, but a 30-year warranty is proposed for the same roof that is currently on the building at the Public Safety Annex/DFCS building. The District 4 Commissioner asked how that warranty will be honored if the company is no longer around. Mr. Purvis explained that this company has been around since the 1940s and it is anticipated that they will still be around. The Commissioner asked about whether or not a bonding for the roofing could be done like they require on developers; **Ms. Matthews** stated that has not been done but for all the contractors, they have to have insurance in case of default on their part, or if the work is not completed. To her knowledge, there is not a deal where a contract is awarded, requiring the vendor to set aside a bond amount in the event that the vendor/developer walks away from the work. The Commissioner reasoned that there have been problems in the past with a warranty on a company that is no longer around and she is looking to protect the county's investment in large scale projects with warranties, such as these roofing projects. The County Manager stated that she will consult with the County Attorney and come back with a response. The County Manager further clarified the bonding process through a bank and the risks associated with that. This project is on a State contract and if a bonding requirement is requested, it may not be able to stay on State contract but she will double check on that.

There being no further questions or comments, **Commissioner Anglyn** moved to approve the Consent Agenda; **Vice-Chair Lewis** seconded the motion. Motion carried (5-0-0).

REGULAR AGENDA

PLANNING & ZONING

AP-23-03 (Appeal Hearing)

M The Colonnade, LLC of Brickell, FL requests an appeal to Ordinance 23-2 for property located on the south side of Mount Carmel Road south of the intersection of North Bridges Road in Land Lots 113 & 144 of the 6th District and 128 & 129 of the 7th District. The property consists of 35.72+/- acres, and the request is for relief from the constraints of the multi-family moratorium. District 4 (Presenter: Kamau As-Salaam, Interim Assistant Director)(Exhibit 8)

Kamau As-Salaam, Interim Assistant Director, Henry County Planning & Zoning, along with **Nancy Rowan, County Attorney** (called at the Chair's request), presented the details of the appeal for the Board. The appeal is for relief from the restrictions of the multi-family moratorium, currently in place. The Site Plan was presented as well as a timeline of the events from initial application to Site Plan approval. The property was rezoned to Multi-Family Residential (RM) by the Board of Commissioners for the purpose of a residential townhome community, on August 16, 2022. The Site Plan was approved

on September 20, 2022 by the BOC. The moratorium was enacted by Ordinance on January 4, 2023 upon all applications for multi-family housing developments, for a period of twelve (12) months. A vested rights appeal was submitted to the Planning & Zoning Department on February 20, 2023. Staff recommends that the BOC affirm the appeal and allow the applicant to proceed with the permitting process for the townhome development.

Nancy Rowan, County Attorney, approached and stated that the attorney for the developer submitted a lengthy application including two (2) affidavits, contracts and bills acquired since the approval of the Site Plan. Ms. Rowan did add that since November 4, 2022 the applicant entered three (3) separate contracts for traffic studies, architectural and development plans. Moore Bass was also contracted for this project as well. Ms. Rowan then went through the points of the appeal for the Board and stated that each point was met by the applicant.

Chair Harrell asked if there was a dollar amount tied within same; **Ms. Rowan** responded that there are several amounts, such as purchasing the property; after the approval, a traffic study was done, landscape architect was hired and contracted, and the property has been in the process of development; several million dollars was spent on the purchase of the property on November 4, 2022 which took place after the Site Plan, but that price should not be considered for the point of economic purpose of applicant changing its position since the land would have to be bought anyway. It is her belief that the applicant is in a vested position. The Chair stated that the property was purchased based on the rezoning; Ms. Rowan clarified that it had already been rezoned and the Site Plan was approved.

Andrea J. Pearson, Bloom Parham, LLC, representing the applicant in this appeal, and simply remarked the points of the process of this appeal, and added that numerous conditions were added to the rezoning request which was accepted by the applicant, including revising a Site Plan to accommodate the work to be done on a road near the property. Ms. Pearson added that a constitutional letter has been prepared in case of denial of this appeal.

Commissioner Thomas requested to see the timeline of events and pointed out that from May 2021, several meetings were held to put concessions in place including making a road a “usable” road. The timeline shows that during that period before the moratorium that the county has worked with this applicant and that it is vested in this project with high quality features designed and in place, and that this would be a great addition to this area and that ideal was held since 2021 and not just recently. She supports the recommendation of the Planning & Zoning staff.

Commissioner Thomas moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (4-1-0).

(Chair Harrell, Commissioners Anglyn, Thomas and Lewis voted in favor; Johnny Wilson, District 1 Commissioner, voted in opposition)

Resolution #23-102

PUBLIC COMMENTS

We welcome citizens to voice their county-related concerns and opinions regarding items which are listed on this agenda or on the previous regular meeting agenda. All persons wishing to speak during Public Comment must pre-register with the County Clerk in writing or via email: sbraun@co.henry.ga.us no later than 12:00 p.m. on the day immediately prior to the meeting. Each speaker will have three (3) minutes to speak. No member of the public shall be permitted to make personal, impertinent, slanderous or profane remarks to any member of the board, staff or general public. Any person who makes such

remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any board meeting shall, at the discretion of the chair or a majority of the council, be barred from further audience before the board during that meeting.

No one signed up for Public Comment

APPROVAL OF MINUTES

Commissioner Anglyn moved to approve the Minutes from the *February 7, 2023 Regular BOC Meeting* and *February 7, 2023 Called Meeting*; **Vice-Chair Lewis** seconded the motion. Motion carried (5-0-0).

UPCOMING MEETINGS AND EVENTS

- A. Thursday and Friday, March 9-10, 2023, BOC Retreat
- B. Tuesday, March 21, 2023 at 6:30 p.m. is a regularly scheduled BOC Meeting

EXECUTIVE SESSION

Chair Harrell called for Executive Session regarding personnel matters. **Commissioner Anglyn** made a motion to convene into Executive Session; **Vice-Chair Lewis** seconded the motion. Motion carried (5-0-0).

EXECUTIVE SESSION
(9:57 a.m.)

RECONVENE FROM EXECUTIVE SESSION

Chair Harrell announced that litigation was also discussed during Executive Session. She called for motion to Reconvene. **Commissioner Anglyn** made a motion to reconvene into Public Session; **Vice-Chair Lewis** seconded the motion. Motion carried (5-0-0)

RECONVENE
(12:22 p.m.)

AFFIDAVIT & RESOLUTION

Commissioner Anglyn made a motion to approve the Affidavit & Resolution pertaining to Executive Session; **Vice-Chair Lewis** seconded. Motion carried (5-0-0).

Added Item (per SB22)

Chair Harrell hereby amended the Agenda to reappoint **Cheri Hobson-Matthews** as the County Manager for Henry County.

Ms. Rowan advised that the Board must vote on the County Manager's contract and for staff to carry out the provisions as agreed upon between the County Manager and BOC. **Chair Harrell** moved to approve the County Manager to go into effect today, for a four-year term, from March 7, 2023 to March 7, 2027. Ms. Rowan clarified that there is a draft of the contract to go into effect for the members of the

departments to carry out the provisions of the contract as agreed upon between the County Manager and the BOC. **Vice-Chair Lewis** seconded the motion.

Commissioner Thomas remarked that this was a lengthy process to talk about what needs to happen today and she expressed some concerns about the way in which the county is moving forward with this, but has no concerns pertaining to the County Manager. These concerns are not going to be addressed here and while she agrees with most of the provisions, she does favor the contract, with stated concerns as to some parts of this contract.

Vice-Chair Lewis commented that the county is moving forward and expressed his appreciation for the County Manager and her reappointment as County Manager.

Chair Harrell echoed the District 5 Commissioner's remarks and expressed her appreciation for the leadership skills of the County Manager as well.

Commissioner Wilson also expressed his gratitude for the County Manager's efforts thus far.

With a motion for approval of the contract, a second made and discussion, motion carried (5-0-0).

Resolution #23-106

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 12:28 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk