

April 18, 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, April 18, 2023, 6:30 p.m., at the Henry County Administration Building (Community Room), 140 Henry Parkway, McDonough GA. HenryTV also streamed this live online at its website, as well as Charter/Spectrum Channel 180 and Facebook Live.

Carlotta Harrell, Chair
Johnny Wilson, District 1 Commissioner
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, District 4 Commissioner
Kevin J. Lewis, Vice Chair/District 5 Commissioner (Via Phone Conference)

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

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, April 18, 2023 at 6:30 p.m. to order. She further advised that **Kevin J. Lewis, Vice Chair/District 5 Commissioner**, is away at training but is joining tonight's meeting via telephone.

Chair Harrell announced that the following Planning & Zoning items, scheduled for this meeting, are postponed by staff to allow additional time for review and evaluation. Property sites will be reposted once items are rescheduled to a date/time specific:

- (ULDC-AM-22-08) County Initiated: re: Event centers, farm wineries, breweries
- (RZ-21-36) Hecht Walker Jordan, P.C.: re: Jonesboro Road & Chambers Road (C-2 and O-I to MU)
- (COMP-AM-21-11) Sutherland/McGarity/Boyd: re: Highway 20/81 & International Ave (Commercial and LDR to HDR)
- (RZ-21-38) Sutherland/McGarity/Boyd: re: Highway 20/81 & International Ave (RM, OI, C-1 & M-1 to RM)

PROCLAMATIONS

National Fair Housing Month

Proclamation recognizing April 2023 as National Fair Housing Month (Presenter: Raven Bodine, Community Development/Planner II)

Raven Bodine, Planner II, read the following into the record:

WHEREAS, with the theme “Choices for All Voices: Building an Equitable Future,” we commemorate the 55th anniversary of the enactment of the Civil Rights Act of 1968, Title VII, commonly known as “The Fair Housing Act”, the landmark civil rights law signed by President Lyndon B. Johnson on April 11, 1968, one week after the assassination of the Reverend Dr. Martin Luther King, Jr., and

WHEREAS, The Fair Housing Act made discrimination in housing transactions unlawful, prohibiting discrimination in housing because of race, color, national origin, sex, including sexual orientation and gender identity familial status, disability and religion, as amended, and

WHEREAS, the mission statement of the Department of Housing and Urban Development reflects a commitment to build inclusive and sustainable communities free from discrimination, and

WHEREAS, an individual’s housing conditions impact his or her health, education attainment level, employment opportunities and personal wealth, and

WHEREAS, private, non-profit fair housing organizations funded by the Fair Housing Initiatives programs serves as the front line in an effort to resolve housing discrimination and train local housing providers on how to comply with The Fair Housing Act, and

WHEREAS, the Fair Housing Assistance Program funds state programs as well as local civil rights and human rights enforcement agencies to investigate and process housing discrimination complaints, conduct special enforcement projects and take in-person training and other projects designed to enhance the state’s enforcement of its fair housing law, and

WHEREAS, the fair housing education and enforcement play a pivotal role in increasing fair housing choice and home ownership opportunities for members of protected classes and combating predatory lending, and

WHEREAS, The Fair Housing Act remains an essential component of our nation’s civil rights legislation.

NOW, THEREFORE, BE IT RESOLVED, the Henry County Board of Commissioners promote and support the goals and ideals of The Fair Housing Act and recognize April as Fair Housing Month;

BE IT FURTHER RESOLVED, the Henry County Board of Commissioners acknowledges the importance and values of the work performed by the fair housing organizations and programs, such as Metro Fair Housing, Inc., and the Georgia Commission of Equal Opportunity, Office of the Governor, and encourages all individuals, agencies, institutions (private and public) in Henry County, Georgia, to abide by the letter and the spirit of the Fair Housing law.

National Child Abuse Prevention Month

Proclamation recognizing April 2023 as National Child Abuse Prevention Month (Presenter: Nicholas Ivey, Communications Specialist)

Nicholas Ivey, Communications Specialist, read the following into the record:

WHEREAS, children are the key to the state and county's future success, prosperity and quality of life, and although children are our most valuable resource, they are also most vulnerable, and

WHEREAS, all children have the right to be safe and to be provided an opportunity to thrive, learn and grow free from abuse and neglect, and

WHEREAS, child abuse and neglect can be prevented by supporting and strengthening Henry County's families working to prevent the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds which is the foundation for strong communities, and

WHEREAS, effectively intervening on behalf of children threatened with abuse is a shared responsibility and we must work together as partners to provide parents with this social support knowledge of parenting, child development and resources they need to cope with stress, nurture their children, and

WHEREAS, effective Child Abuse Prevention strategies succeed because of partnerships among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement and the business community, and

WHEREAS, by providing safe stable, nurturing relationships and environments for our children free of violent abuse and neglect we can ensure that Henry County's children reach their full potential as the next generation of leaders helping to secure the future of this community, state and nation, and

WHEREAS, the "Paint Henry Blue" campaign is a notable month-long initiative of "Prevent Child Abuse, Henry County" to bring awareness and prevention efforts of child abuse to the forefront and they encourage everyone to make it their priority to become involved in protecting our children.

NOW, THEREFORE, BE IT PROCLAIMED by the Henry County Board of Commissioners that the month of April will be designated as Child Abuse Prevention Month in Henry County and encourage all citizens to support programs and initiatives that work in the best interest of our children in preventing child abuse and making a positive difference in the lives of our children.

National Autism Awareness Month

Proclamation recognizing April 2023 as National Autism Month (Presenter: Nicholas Ivey, Communications Specialist)

Mr. Ivey read the following into the record:

WHEREAS, autism is a complex developmental disability that most often appears in early childhood and encompasses a broad range of conditions affecting the way the individual

communicates and interacts with others, including, but not limited to, reasoning and motor skill challenges and sensory sensitivities, and

WHEREAS, according to the CDC, one (1%) percent of the global population has an Autism Spectrum Disorder and the prevalence of autism has nearly doubled since the early 2000s to 2022, with one of every fifty-nine (59) babies born in the United States being diagnosed, and

WHEREAS, experts say that more than 3.5 million Americans live with autism in the Autism Spectrum Disorder, both adults and children, who are our colleagues, classmates, friends and loved ones, each having something to contribute to the American story, and

WHEREAS, with increased awareness, early diagnosis and intervention and access to appropriate services and support, outcomes can be significantly improved in which those living with autism can be productive and enjoy opportunities to achieve the highest quality of life, and

WHEREAS, we recognize all those around the globe who live on the autism spectrum and the challenges they face and celebrate the countless ways they strengthened our communities and enrich our world and we reaffirmed their fundamental rights to participate fully in society, live with respect and achieve the greatest potential.

NOW, THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners recognizes the month of April as National Autism Awareness Month and joins our communities in supporting initiatives that bring awareness and early intervention to those affected by autism and support endeavors to raise acceptance and understanding for those affected by autism as well as their families, friends and supporters.

National Public Safety Telecommunications Week, April 9-15, 2023

Mr. Ivey read the following into the record:

WHEREAS, emergencies can occur any time throughout the day or night often requiring assistance from Police, Fire or Emergency Medical Services, and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is often critical to the protection of life and preservation of property, and

WHEREAS, the safety of our police officers and firefighters is depending upon the quality and accuracy of information obtained from citizens who call the Emergency Communication Center as Public Safety telecommunicators are the first contact that citizens have with Emergency Services acting as the front line of First Responders in emergency, and

WHEREAS, these Public Safety officials are the primary and critical link for police officers and firefighters by monitoring their activities by radio and providing them information to ensure, not only their safety on the scene but, the safety and well-being of others, and

WHEREAS, Henry County's E-911 Public Safety telecommunicators have contributed substantially through their work serving Henry County, assisting in the apprehension of criminals, suppression of fires, treatment of patients and as a reassuring voice to those in need, and

WHEREAS, Henry County's dispatchers exhibit compassion, understanding and professionalism while maintaining a sense of urgency while utilizing special knowledge to successfully perform their duties.

NOW, THEREFORE, BE IT PROCLAIMED, that the Henry County Board of Commissioners declares the week of April 9, 2023 to April 15, 2023 as National Public Safety Telecommunicators Week in Henry County, in honor of the men and women whose diligence and professionalism keep our community and citizens safe,

BE IT FURTHER PROCLAIMED, that the Henry County Board of Commissioners expresses their sincerest appreciation to Henry County's dedicated team of telecommunicators for their outstanding service to Henry County and its citizens.

Chair Harrell called for the representatives of each of the Proclamations to join the Commissioners and herself for photographs.

PHOTOGRAPHS WERE TAKEN

PRESENTATIONS

Everside Health Update

Everside Health Update, re: enhanced services, new staffing, and utilization at the Henry County Wellness Clinic (Presenter: Brandon King, Everside Health Account Manager)

Harold Cooper, HR Director, introduced Mr. King who gave the update on the Henry Cares Clinic, specifically the overview, utilization trends, patient satisfaction and future growth.

Brandon King, Health Account Manager, Everside Health, approached to provide the update to the Board and for public viewing. In addition to the clinic services previously noted, Occupational Medicine services has recently been added, such as Pre-Employment Drug Screening and helping to support for the Fire Department for their physicals to be performed on candidates. The opening of the clinic was officially opened on May 10, 2019 and the information provided for Utilization Trends represented the 2nd Quarter and that the clinic is being used and is useful as reflected by the number of completed visits. Everside has a focus on chronic disease management, with over 60% coming through the clinic for that management. He then presented more details regarding services, specifically the use of virtual care, such as video appointments that were prevalent during the pandemic.

Referencing the Patient Satisfaction, **Mr. King** noted that the overall score (and associated breakdown presented) was 88/100; the score was based on 122 surveys during the 12-month period of March 2022 to April 2023. On the Additional Services and Future Horizons, he touched upon the pre-employment drug screening and Fire Department physicals for pre-employment of the department's recruits. He also highlighted the partnership with Rubicon M.D. which is a call care network for referrals to specialists to meet patient needs and enhance their care.

Vivian Thomas, District 4 Commissioner, remarked that she has utilized these services and, at first, she admitted to being skeptical; however, she lauded the services, the clinic, and the staff. She noted that the flu shots are available there now, and asked if further immunizations have been made available. **Mr. King** responded that they have and further reciprocated appreciation to the county staff and management for meeting any needs that Everside had to live up to their motto of patients first.

Dee Anglyn III, District 3 Commissioner, asked about the average per provider seen on a daily basis; **Mr. King** responded that it would be between ten (10) and even as many as twenty (20), depending upon the nature of the visits.

Johnny Wilson, District 1 Commissioner, complimented the clinic staff as being kind and caring every time he has visited the clinic and thanked them.

There were no further questions or comments.

ULDC-AM-23-01 (Discussion Only)

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 multifamily residential developments, and for other purposes. Countywide (Presenter: Kamau As-Salaam, Interim Assistant Director)

Kamau As-Salaam, Interim Assistant Director, Henry County Planning & Zoning, approached with details of this Amendment, addressing Development Standards for multi-family residential developments. He remarked that there is currently a moratorium, enacted on January 1, 2023, for twelve (12) months with the expectation that Planning & Zoning staff would present an amendment to address these standards, or lack thereof, in the Unified Land Development Code (ULDC). He presented the current standards of the ULDC which he commented are unclear, bringing inconsistent expectations upon developers of proposed multi-family developments with as many as forty (40) conditions. He noted that a few of the multi-family properties are currently vacant, most of the future developments will have to go through the rezoning process, requiring community input and Commissioner oversight/decision. This Ordinance amendment was drafted to be flexible with specific standards for properties which are already zoned for multi-family so that the Board would not have to add conditions during the rezoning process. Townhome developments, horizontal multi-family cluster developments and usual apartment/condos are broken up into separate section, with each product different in nature, application and needing to meet specific standards to increase quality and ensure transparency. He then displayed the key standards for each development type to save time, since this is a dense presentation. Mr. Cooper also informed the Board that a provision was written into the Code that security cameras on the properties will have to be registered with the Henry County Real-Time Crime Center.

Mr. Cooper then stated that there are several types of housing developments not allowed and will be clearly detailed in the ULDC but to give staff the ability to make modifications where necessary, such as architectural standards. Staff would be required to make adjustments to Chapter 2 of the current ULDC detailing standards for different zoning districts, including references to the new Ordinances and the current development standard charts. He presented an example of the Multi-Family Residential (RM) zoning district for the Board. Staff will also recommend allowing townhome and cluster home developments in the Multi-Family Residential (R-5) and Mobile/Manufactured Home (RMH) districts, where currently there is no oversight or conditions for development. He then presented some renderings to clarify some of the possible housing styles that could come into the county in the future. Staff recommends approval of this amendment when it is time to take action.

Chair Harrell directed Mr. As-Salaam to meet with each Commissioner and address each of their concerns outside of the scope of this meeting. **Mr. As-Salaam** agreed to same.

No action was taken.

ULDC-AM-23-02 (Discussion Only)

Ordinance by Henry County Georgia, to amend the Unified Land Development Code (ULDC) regarding the regulation of stormwater management facilities. Countywide (Presenter: Kenta Lanham, Planner II)

Kenta Lanham, Planner II, approached to give presentation upon this amendment. He presented some of the language of the requirements set on zoning requests and focused on providing options for detention facilities, including underground detention and retention facilities, lakes, ponds and basins. Regarding lakes and ponds, Mr. Lanham explained that staff wanted to provide an option for water features as part of the development to be used for other detention purposes. He then presented some images as examples for the Board and public viewing.

Chair Harrell likewise requested that Mr. Lanham meet with each Commissioner outside of this meeting to address each of their concerns and gather their input and recommendations; **Mr. Lanham** agreed to same.

No action was taken.

CONSENT AGENDA

Cheri Hobson-Matthews, County Manager, first expressed her condolences to the family of Tim Coley, former Director of Henry County Parks & Recreation, who had recently passed. She then read the Consent Agenda as follows:

Fire Rescue

- A. Resolution awarding a bid for the annual NFPA 1500 physical exams for firefighters to Piedmont Urgent Care by Wellstreet of McDonough, GA in the amount of \$120,250. (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 1) *Resolution #23-117*
- B. Resolution approving the Purchase Increase of Six Braun Liberty Ambulances in the amount of \$99,894.00 from Ten-8 Fire & Safety, LLC. to be paid out of RedSpeed Fund Account (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 2) *Resolution #23-118*
- C. Resolution approving the Purchase of Four (4) Stretcher Power Load Systems in the amount of \$105,359 and Five (5) Power-Pro XT Stretchers in the amount of \$124,144 from Styker Medical using Fire Department Budgeted Funds. (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 3) *Resolution #23-119*

Risk Management

- A. Resolution of the Board of Commissioners declaring the structure located at 1201 Keys Ferry Road, McDonough, GA (previous Fire Station #4) as surplus, and authorizing the demolition of said structure utilizing Henry County DOT and Facilities Maintenance Department Funds in the approximate amount of \$2,500 (Presenter: Holly Lafontaine, Risk Management Director)(Exhibit 4) *Resolution #23-120*

SPLOST

- A. Resolution approving the purchase of Playground Equipment, Poured Rubber Surface, and Shade Structure for Mickie D. Cochran Park from GameTime in the amount of \$212,798 through U.S. Communities Contract #2017001134, utilizing SPLOST V District 4 Funds (SP5401). (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 5) *Resolution #23-121*
- B. Resolution approving a Budget Amendment and Change Order from DAF Concrete for unsuitable soil remediation for the installation of Sidewalks for North Ola Park SPLOST V transportation/park improvement project in the amount of \$75,898. District 3 (Presenter: Roque Romero-Muñiz, Public Works//Cluster Lead)(Exhibit 6) *Resolution #23-122*

Stormwater

- A. Resolution approving contract between Spalding County, GA and Henry County, GA for three (3) inmate work details to assist the Henry County Stormwater Department and Community Service Department with labor maintenance projects (Presenter: Roque Romero-Muniz, Public Works/Cluster Lead)(Exhibit 7) *Resolution #23-123*

Technology Services

- A. Resolution approving a State contract with Byteworks for a refresh of software and hardware for the County VOIP Phone System in the amount of \$449,538 for the first year; and \$147,102/per year (for maintenance) for the remaining 4 years. The initial cost will be covered by the approved CIP(Capital Improvement Plan), with the 4 following years being covered within the Technology Services Repairs and Maintenance budget. (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 8) *Resolution #23-124*

Transportation Planning

- A. Resolution approving extension to the Agreement for Go! Transit Capital Program with the State Road and Tollway Authority (SRTA) to construct a Park-&-Ride Facility near I-75 on Jonesboro Road (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 9) *Resolution #23-125*

This ends the Consent Agenda

Chair Harrell referenced Item A under Stormwater and asked for details on it. **Roque Romero-Muñiz, Public Works/Cluster Lead**, approached and explained that there are two (2) inmate crews working at Stormwater, with one (1) at Community Service, with the County paying for the guard. The service is provided to Spalding County to help with cleaning the roads, ponds and any additional work needed for Stormwater.

Commissioner Thomas referenced Item B under Fire Rescue and asked if this was an increase or if this would be the total amount. **Ms. Matthews** clarified that the amount of \$99,894 is an increase upon a purchase that was previously approved by the Board of Commissioners (BOC). The BOC authorized the purchase of the vehicles and there is competition with other jurisdictions; at the time the approval by the Board was made, the vehicles were not available. There are newer model vehicles to purchase. The District 4 Commissioner asked if the County will get these ambulances in the rotation for Fleet Services. Ms. Matthews stated that is part of the plan but this is an increase to a contract that was already approved by the Board and is part of the Vehicle Replacement Plan. The ambulances will not be leased; however, they will be purchased. The ladder trucks are being leased. **Jonathan Burnette, Chief, Henry County**

Fire Department, approached to acknowledge the County Manager's responses on the ambulances and the ladder trucks. The ambulances are being purchased because the present ones are worn up and ambulances are only good for maybe a couple of years due to the heavy usage and miles driven throughout that time. He added that the contract was entered into in September 2021 and this is the purchase now being upgraded. Since ambulances are actually two (2) pieces (chassis and box truck that sits on back), the purchase is for the box trucks; originally, there were twenty-one (21) ambulances but there are twenty-three (23) now which makes up for the increase. Ms. Matthews added that the upgrade was not elective. Chief Burnette clarified that in 2021, the vendor was not able at that time to fill the order for 2021 model chassis to build the trucks. He explained the process of ordering them for the Board and how it was delayed due to the pandemic. These are now being resumed.

Commissioner Thomas asked if the future considerations for these vehicles will be on a Fleet rotation plan, whether they will be leased and asked if that can be done; **Chief Burnette** responded that they will be able to take the box off of the chassis (truck part), buy a new chassis and simply place the box on the new chassis, which is why the department is going with the manufacturer on these ambulances to have that feature.

Vice-Chair Lewis commented that he had questions about the increase in price, but the Chief answered it to his satisfaction when earlier asked by the District 4 Commissioner.

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

REGULAR AGENDA

COMMUNITY DEVELOPMENT BLOCK GRANT (Public Hearing)

A Public Hearing to receive public comment on the proposed amendments to the CDBG and HOME 2022 Annual Action Plan and request for the Board of Commissioners to consider approval of proposed amendments. (Presenter: Shannan Sagnot, Cluster Lead)(Exhibit 10)

Shannan Sagnot, Cluster Lead, approached to present a proposal to amend activities identified in the Annual Action Plan for the Community Development Block Grant (CDBG) and the HOME Investment Partnership program. She went through the process of setting this up, having it duly advertised. Annual monitoring of the CDBG activities as well as the timeliness of the spending of program funds, activities were identified as delayed for some reason – mostly due to delivery of construction materials and unforeseen circumstances, some from recipients. In the best interest of Henry County and for the CDBG program, after some time in their delays without completion, those funds have to be recaptured to proceed with other activities which are moving timelier. She stated that just over \$622,000 were awarded for activities such as clearance and demolition, public infrastructure improvement and public housing modernization. CDBG seeks to award those funds to other existing activities that have been active more swiftly to ensure the timely expenditure of these funds. She listed where these funds are proposed to be redistributed.

Ms. Sagnot then turned to the HOME Investments Partnership program, where just over \$512,000 is to be awarded; however, due to the County not receiving notice at the first of this year (January 1, 2023), the County will not receive those funds; those funds have been allocated in the Annual Action Plan but none of the funds has been spent. The County has not entered into any agreement with any sub-recipients. She seeks to delete these activities, as staff learned in March of 2023 that the County

intends to receive funding for the HOME program from HUD; documentation is provided to the Commissioners in their packets explaining same. The amount intended for 2023 is just over \$539,000 and Ms. Sagnet will come back before the Board with these same activities, only they will have a different year of funding. Henry County will be reapplying through the Annual Action Plan which will be brought before the Board this summer.

Chair Harrell opened the floor for Public Hearing. Persons wishing to speak will have three (3) minutes each to address the Board. Anyone wishing to speak is to come forward and state their name.

Ms. Sagnet also remarked that from March 9, 2023 till today, April 18, 2023, no comments were received in regards to these proposals.

Chair Harrell clarified that the reason these funds are being reprogrammed is to prevent losing these funds. **Ms. Sagnet** affirmed same and added that some of these delays are not the fault of the sub-recipients and they were assured that they are eligible to apply again in the future.

Commissioner Thomas asked if money can be allocated for senior citizens who need help in their households; **Ms. Sagnet** responded that there are housing rehabs specifically for senior citizens, with a separate program and application for senior individuals and individuals with disabilities; that program is administered by the housing rehab advisor. This would shorten any delay in receiving applications and they often go directly to the senior applicant's home to assist them with completing these applications. Contractors are then provided to do those rehab needs.

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

Resolution #23-126

FINANCIAL SERVICES

Resolution of the Board of Commissioners approving a services agreement with Georgia Micro Enterprise Network, Inc. (GMEN) for the additional ERAP 2 reallocation funding of \$1,434,059. (Presenter: David Smith, Cluster Leader)(Exhibit 11)

David Smith, Financial Services Director, presented the Resolution for the continuation of a services agreement with GMEN for the additional ERAP-2 funding in the amount of \$1,434,059. Mr. Smith reminded the Commissioners that this program is currently administered by GMEN where the County received ERAP-2 reallocation in the amount of \$15 million dollars. He reviewed the timeline history of this Resolution for the Board. Staff recommends approval of this agreement.

There being no questions or comments from the Board, **Commissioner Thomas** moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

Resolution #23-127

PLANNING & ZONING

ULDC-AM-22-09 (Not a Public Hearing)

Ordinance by Henry County, Georgia, to amend the Unified Land Development Code of the Henry County Code of Ordinances regarding the regulation of automobile washes. Countywide (Presenter: Kamau As-Salaam, Interim Assistant Director)(Exhibit 12)

Mr. As-Salaam returned to present the amendment to regulate automobile washes within Henry County. He explained the Ordinance amendment using visual slides for clarity and detailing where they would be placed within the Ordinance. Staff has drafted this amendment due to the increase in interest in automobile wash development which is beginning to overflow within the County. Currently, there are twenty-three (23) known primary-use car wash facilities within Henry County and the Cities – seven (7) are currently operational within County limits and six (6) are currently being developed with County limits; one has requested a rezoning. Staff did not write this Ordinance to prevent car washes from coming in to Henry County, rather, that there should not be multiple facilities of this business so close to each other. It is difficult to repurpose the structures for other uses should the car wash site go out of business. The adoption of this would not affect the properties within any of the City limits or affect currently developing car wash facilities, or any zoning applications pending for car washes. Staff recommends adoption of this amendment as presented. On October 18, 2022 a 6-month moratorium was enacted for automobile wash facilities; that moratorium expires today, so action needs to be taken on this item.

Commissioner Wilson recalled possible consideration of other business groups with multiple facilities that are inundating the County to be included in this particular Ordinance. He stated he would like to see some inclusion of excessive locations of the same business included in this Ordinance amendment and restrictions placed upon them as well. **Mr. As-Salaam** stated that staff intends to look at the ULDC as a whole after the Comprehensive Plan Amendment is completed and a lot of those concerns could be addressed. This is a time-sensitive situation, however, due to the expiration of the moratorium.

Toussaint Kirk, Planning & Zoning Director, approached to clarify Mr. As-Salaam's remarks and basically that the moratorium ends today and that the Board can vote to extend it, or vote to approve the amendment as presented.

Commissioner Thomas remarked that she would want more than a 1-mile radius between auto wash facilities, as something needs to be done to keep the saturation of these facilities under control; she further suggested a 2-mile radius between facilities. **Chair Harrell** asked for an explanation of the 1-mile radius. **Mr. As-Salaam** showed the Board the map of the city districts and the car washes currently developed, or in development, in Henry County. Most of the properties need either C-2 (General Commercial) or C-3 (Highway Commercial) zoning to develop a car wash; a lot of vacant properties are not necessarily within the C-2 or C-3 district. This means that if they are outside of that 1-mile radius, the rezoning process still has to be gone through, and the Board has the power to deny the request. The District 4 Commissioner asked why the 2-mile radius could not be adopted at that point; this would put the Board in a position of appearing more aggressive in ensuring that the County is not inundated with car wash facilities. **Mr. Kirk** explained that a 1-mile radius is, in essence, going to total 2 miles after going point-to-point. The District 4 Commissioner understands that the distance from point-to-point would be at least 1 mile but that Mr. Kirk stated it is actually 2 miles and asked for an explanation. Mr. Kirk explained that if there are two points and a circle is drawn through them, those points cannot intersect and would give a distance radius of 2 miles, from radius to radius. The Commissioner asked if that would be explained in this amendment presented today. Mr. As-Salaam stated that the draft will be modified to reflect that clearly.

Vice-Chair Lewis remarked that he is not in favor of the 1-mile radius and heard the discussion on this. He stated that District 5 is getting overflowed with car washes and feels that greater than a 1-mile radius is needed at this point. **Mr. Kirk** stated that if the Board votes in favor of this amendment, they can specify 1.5 miles or 2 miles; the 1-mile radius is only what Planning & Zoning staff recommends.

Commissioner Anglyn remarked that the property would have to be zoned properly to develop a car wash and the radius may not apply to some of those areas; **Mr. Kirk** affirmed same.

Commissioner Wilson commented that there is an overflow of gas stations and if there are 2 gas stations with a car wash, he asked if that would be included in this amendment; **Mr. Kirk** stated they would not be included. **Mr. As-Salaam** stated that the amendment is intended for primary-use, standalone car wash facilities.

Commissioner Thomas moved to approve with the clarification that the 1-mile radius is based upon the radius, not the actual station; **Commissioner Anglyn** seconded the motion. Motion carried (3-2-0).

(Chair Harrell, Commissioner Anglyn and Commissioner Thomas voted in favor; Commissioner Wilson and Vice-Chair Lewis voted in opposition)

Ordinance #23-04

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 Wilson moved to approve the Minutes from the *March 7, 2023 Regular BOC Meeting* and *March 9-10, 2023 BOC Retreat*; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

UPCOMING MEETINGS AND EVENTS

- A. Tuesday, May 2, 2023 at 9:00 a.m., Regular BOC Meeting
- B. Tuesday, May 16, 2023 at 6:30 p.m., Regular BOC Meeting

EXECUTIVE SESSION

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

EXECUTIVE SESSION
(7:51 p.m.)

RECONVENE FROM EXECUTIVE SESSION

Commissioner Wilson made a motion to reconvene into Public Session; **Commissioner Thomas** seconded the motion. Motion carried (4-0-1) (*Vice-Chair Lewis was not present*)

RECONVENE
(8:20 p.m.)

AFFIDAVIT & RESOLUTION

Commissioner Wilson made a motion to approve the Affidavit & Resolution pertaining to Executive Session; **Commissioner Anglyn** seconded. Motion carried (4-0-1). (*Vice-Chair Lewis was not present*)

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 8:21 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk