

June 6, 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, June 6, 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

**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, June 6, 2023 at 9:00 a.m. to order.

**Chair Harrell** announced that the following Planning & Zoning item was advertised as Public Hearings for today's meeting, but has been postponed by Staff:

- ULDC-AM-23-01 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

## **PROCLAMATION**

### **National Homeownership Month**

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

#### ***PROCLAMATION DECLARING JUNE 2023 AS NATIONAL HOMEOWNERSHIP MONTH***

*WHEREAS, National Homeownership Month celebrates the value that owning a home brings to families, communities and neighborhoods across America; and*

*WHEREAS, most Americans had no means of owning a home in the 1800s, mortgages became common only after the U.S. Banking System came into being after the 1860s National Banks Act; and*

*WHEREAS, during the time of the Great Depression, banks were unable to lend money and the average borrower did not have any cash; and*

*WHEREAS, to stabilize the housing market, the U.S. government created the Homeowners Loan Corporation in 1933, the Federal Housing Administration in 1934 and the Federal National Mortgage Association, now known as "Fannie Mae" in 1983, taking homeownership to new heights and helping prevent the crash in the housing market; and*

*WHEREAS, in 1995, President William Clinton's administration began acknowledging National Homeownership Week as a strategy to increase homeownership across the nation; and*

*WHEREAS, in 2002, President George W. Bush expanded the observance of the entire month of June; and*

*WHEREAS, becoming a homeowner, households get a step closer to the American dream, homeownership provides security, dignity and space for personal growth and a home for people to call their own*

*NOW, THEREFORE, BE IT RESOLVED, that our commitment to Homeownership Month is a living commitment, one that continues to reflect the American dream, the Board of Commissioners of Henry County, Georgia do hereby join the national celebration by proclaiming June 2023 as National Homeownership Month and encourages all agencies, institutions, and individuals, public and private, in Henry County, to abide by the letter and the spirit of the Fair Housing Law.*

## **APPOINTMENT**

**Chair Harrell** announced the Resolution appointing *Lisa McGhee* to the Henry County Library Board, representing District 5.

**Kevin J. Lewis, Vice Chair/District 5 Commissioner** moved to approve; **Dee Anglyn III, District 3 Commissioner**, seconded. Motion carried (5-0-0).

*Resolution #23-150*

## **CONSENT AGENDA**

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

### **Courts**

- A. (Superior Court/Drug Court) Resolution of the Board of Commissioners accepting a grant for the Adult Felony Drug Court in the amount of \$146,130.00 from the Office of the Governor/Criminal Justice Coordinating Council for Fiscal Year 2024 (Presenter: Craig Ogilvie, Director of Accountability Courts)(Exhibit 1) *Resolution #23-151*
- B. (Superior Court/Resource Court) Resolution of the Board of Commissioners accepting a grant for the Resource Court in the amount of \$124,688 from the Office of Governor/Criminal Justice Coordinating Council for Fiscal Year 2024 (Presenter: Craig Ogilvie, Director Accountability Courts)(Exhibit 2) *Resolution #23-152*
- C. (Superior Court/Veterans Treatment Court) Resolution of the Board of Commissioners accepting a grant for the Veterans Treatment Court in the amount of \$40,467.00 from the Office of the Governor/Criminal Justice Coordinating Council (CJCC) for Fiscal Year 2024(Presenter: Craig Ogilvie, Director of Accountability Courts)(Exhibit 3) *Resolution #23-153*
- D. (***Moved to Regular Agenda***) (State Court/DUI/Drug Court) Resolution of the Board of Commissioners accepting a grant for Misdemeanor DUI/Drug Court in the amount of \$94,461 from the State of Georgia Criminal Justice Coordinating Council for Fiscal Year 2024 (Presenter: Lisa King, DUI/Drug Coordinator)(Exhibit 4)
- E. (***Moved to Regular Agenda***) (State Court/D.A.T.E.) Resolution of the Board of Commissioners approving the expenditure of Drug Abuse Treatment and Educational Funds (D.A.T.E.) for the purpose of supporting the Henry County Misdemeanor DUI/Drug Court. (Presenter: Lisa King, DUI/Drug Coordinator)(Exhibit 5)
- F. (Juvenile Court) Resolution of the Board of Commissioners allowing Juvenile Court to accept a grant award in the amount of \$28,822 to fund the Juvenile Mental Health Court during Fiscal Year 2024. (Presenter: Angela Craig, Court Coordinator)(Exhibit 6) *Resolution #23-154*

### **Police Department**

- A. Resolution approving a three-year contract with an automatic two-year renewal between Flock Safety and Henry County Police Department for the lease of 100 Flock Falcon Cameras (License Plate Readers). The cost of the contract is \$250,000 per year for a total amount of \$765,000 over three years. This total includes a one-time \$15,000 Implementation Fee. This purchase will be made utilizing RedSpeed Funds. (Presenter: Lt. Powell, HCPD)(Exhibit 7) *Resolution #23-155*
- B. Resolution accepting funds in the amount of \$2,000 from the United States Secret Service for the Henry County Police Department's participation in the Electronic Crimes Task Force and depositing the same into the General Supply account. (Presenter: Lt. W. Powell, HCPD)(Exhibit 8) *Resolution #23-156*

## **Facilities Maintenance**

- A. Resolution of the Board of Commissioners approving a Change Order in the amount of \$80,166 due to a price increase of five (5) Ford T250 Cargo Vans, utilizing additional CIP funding. The purchase was originally approved via Resolution #21-324 in the amount of \$195,213, but due to delays in manufacturing the vehicles are now 2023 models versus the original 2021 models, resulting in an increase of \$19,329 per vehicle. (Presenter: Hutch Purvis, Facilities Maintenance/Cluster Lead)(Exhibit 9) *Resolution #23-157*

## **Risk Management**

- A. Resolution of the Board of Commissioners awarding a contract to Peachtree Recovery Services for Property Damage Recovery Services with no fixed quantities for one year with two mutually agreed upon annual extensions. (Presenter: Holly LaFontaine, Risk Manager)(Exhibit 10) *Resolution #23-158*

### **\*This ends the Consent Agenda\***

**Chair Harrell** noted that the two (2) above-designated items were moved to the Regular Agenda, to be heard immediately after the approval of this Consent Agenda.

**Vice-Chair Lewis** asked regarding vehicle purchases that the price increase is \$19,000 per vehicle; **Ms. Matthews** responded that the price is \$19,329 per vehicle, resulting in about an \$80,000 increase, for the same vehicle but it is a different model from 2021 to 2023.

**Johnny Wilson, District 1 Commissioner**, moved to approve; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

## **REGULAR AGENDA**

### **ADDED ITEMS from the CONSENT AGENDA**

#### **Courts**

##### ***State Court/DUI/Drug Court***

Resolution of the Board of Commissioners accepting a grant for Misdemeanor DUI/Drug Court in the amount of \$94,461 from the State of Georgia Criminal Justice Coordinating Council for Fiscal Year 2024 (Presenter: Lisa King, DUI/Drug Coordinator)(Exhibit 4)

**Chair Harrell** verified through the County Attorney that the added items from Consent Agenda must be voted upon individually. The Chair stated that the judge who oversees this is the wife of one of the Board Commissioners.

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

*(Chair Harrell, Commissioners Wilson, Anglyn and Thomas voted in favor; Vice-Chair Lewis abstained.)*

*Resolution #23-159*

***State Court/D.A.T.E.***

Resolution of the Board of Commissioners approving the expenditure of Drug Abuse Treatment and Educational Funds (D.A.T.E.) for the purpose of supporting the Henry County Misdemeanor DUI/Drug Court. (Presenter: Lisa King, DUI/Drug Coordinator)(Exhibit 5)

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

*(Chair Harrell, Commissioners Wilson, Anglyn and Thomas voted in favor; Vice-Chair Lewis abstained.)*

*Resolution #23-160*

**STEPPING UP INITIATIVE**

Resolution in support of the national "Stepping Up Initiative" to decriminalize mental illness in the jail. (Presenters: Chief Judge Brian Amero; and Judge Jim Chafin)(Exhibit 11)

**The Honorable Brian Amero, Chief Judge, Henry County Superior Court**, approached to make presentation on the Resolution. He stated that 4% of the population suffers SPMI, known as severe persistent mental illness, which includes schizophrenia, schizoid-affective disorder, bipolar disorder with psychotic traits, etc. While this is the general population approximation, 21% of the current population (approximately 189 inmates) are suffering from SPMI, according to Dr. William Brickhouse, who serves as a mental health specialist for the Henry County Sheriff's Office. The care for these inmates runs in excess of \$ 3 million dollars annually, but still the least effective. This initiative is being utilized by 527 other counties across the country that are gathering data regarding interactions with inmates suffering from SPMI through their local adult mental health systems and the local jails. These counties are working to produce better outcomes for these individuals. Fourteen (14) of those counties are located in Georgia; two (2) of them are nearby and illustrate the benefits of this kind of initiative (Fulton and Rockdale). He further gave some information on how the 2 counties are gathering data and their results. In 2024, Fulton County will open a diversion center in the hopes of diverting 10,500 bookings annually, 4,400 police custody admissions from Grady Hospital and looks to make a difference with this initiative. Rockdale has announced an opening of an 11,000 square foot Restorative Justice Complex with a diversion center component with transitional bed space and space for mental health professionals and counselors.

**Judge Amero** added that Henry County Piedmont Hospital has agreed to join in the initiative and in 2022, the hospital incurred costs of more than \$3.5 million dollars in uncompensated care. The number of behavioral health cases in the ER has risen from 5 per day to 9 per day. Department of Behavioral Health and Developmental Disabilities in McIntosh Trail saw more than 5,000 people with mental illness in 2022. The Carl Vinson Institute of Government has agreed to help with this project at no cost. He asks for support on this Resolution from the Board.

**Chair Harrell** called the Henry County Sheriff up to make remarks on the impacts of the crisis in the jail. Chair Harrell agreed with the judge that Rockdale County adopted this initiative and received \$1.9 million dollars from the federal government to assist in those efforts.

**Reginald Scandrett, Sheriff, Henry County**, approached to make remarks on how this initiative could directly affect the jail and its officers in dealing with this type of environment. He went through a few details on procedures to separate those who suffer from SPMI in order to help them from a medical perspective. He then yielded the floor to Dr. Brickhouse.

**Dr. William Brickhouse** approached to make a few remarks and stated that this will be a comprehensive collaborative effort in order to bring about some resolutions that could help these individuals in obtaining proper treatment to hopefully keep them from returning to the jail.

**Chair Harrell** pointed out that the District 4 Commissioner has been a strong advocate in bringing resources for the mental health individuals. **Commissioner Thomas** thanked the Sheriff's Office and Judge Amero for their efforts, disclosing that her family is personally affected by this crisis as well. She urged the Board to acknowledge this crisis and consider this initiative to address this moving forward. A location has been identified for possible screening and/or care and the Commissioner continues to search for funding of this initiative.

**Commissioner Anglyn** had broached this subject when discussions of jail pods were happening. He agrees that inmates who suffer from mental health do not need to be in the same area as the general population. The District 3 Commissioner stated that many of these individuals who have mental illness do not have family support, either through absence or separation (leaving them behind). There is no place for these individuals to go and he asked what the process is for these individuals during the interim of securing a location. **Chair Harrell** responded that discussion was held at Piedmont Hospital with McIntosh Trail, Department of Public Health, the judges and the Sheriff's Office along with other representatives from the associated agencies to be involved; until federal or other type of funding can be secured to help Henry County get a facility up and running, there is no place other than the jail to "house" this mental health challenged individuals, since there are no more mental health hospitals. Both Judge Amero and Dr. Brickhouse voiced that there is no quick fix through the initiative but there can be some coordination on garnering residential support, even if on a case-by-case basis.

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

*Resolution #23-161*

## **PUBLIC SAFETY**

**Chair Harrell** advised that this item was taken off of the Agenda but requested that the County Manager have Chief Amerman submit the reports to the Board for review prior to hearing this item.

## **RISK MANAGEMENT**

*(Information Only)* Update on Wrecker Services (Presenter: Holly Lafontaine, Risk Management Director)

**Holly Lafontaine, Risk Manager**, gave a quick update on overseeing the wrecker service contract a couple of years ago, taken over in October 2021 from the Police Department. Two (2) were selected, Corner Lot and Swanson, with the contracts set for renewal in October 2023. Since Risk Management has taken over this matter, five (5) complaints have been received on both services, all resolved quickly.

**Commissioner Thomas** asked if there is a process where residents can file a claim if there is a concern over excessive fees. **Ms. Lafontaine** stated that part of the wrecker service contract is to post the fees at their facilities; any concerns on these fees, the residents can fill out a form through the County website and it comes to Risk Management for review. The District 4 Commissioner asked if there is a document of these fees given to individuals when they are retrieving their vehicles; Ms. Lafontaine explained that a lot of vehicles are towed from the side of the road for various reasons, mainly a crash, and law enforcement will provide the wrecker service that towed the vehicle and these are for non-consensual tows.

**Chair Harrell** remarked about having another contract and asked the County Manager what the Commissioners would have to do, as the biggest complaint received is when there is an accident on 75 which causes the interstate to be shut down. Sometimes, the accident involves tractor-trailers which can take longer than normal for clean-up. The Chair would like to see a contract for a wrecker service to provide services for the interstate only. **Ms. Matthews** explained that the two providers would have to be notified as they are currently contracted with the county, to amend the current contract. The providers would have to agree to same. The Chair suggested that the contract could be resubmitted for bid if they do not agree. The County Manager added that if there are accidents along the interstate or expressway, if there is no provider that will create a delay; notifying the current providers of the county's intent to amend the contract allowing for exclusive coverage of the I-75 area. The current providers would still retain their contracted areas but would also add-in the interstate. The Chair noted that Georgia Department of Transportation (GDOT) has cut back the hours for Highway Emergency Response Operators (H.E.R.O.). Right now, dispatch of H.E.R.O. is coming to Henry County from Marietta which causes a delay.

**Commissioner Wilson** remarked that this contract in place in 2021 with five (5) complaints so far; prior to Risk Management taking over, there was an average of 5 complaints per month, at times as high as 5 complaints a week. The current policy was well put together by staff and it is working.

**Ms. Matthews** added that staff would need some formal action taken or if the Board wants staff to simply proceed with notifying the vendors of intention to amend. **Chair Harrell** stated that the current policy is fine; just asking that a provider also include interstate service in the current contract.

**Commissioner Wilson** asked if Georgia State Patrol is having problems clearing the interstate. **Chair Harrell** stated that there are issues with that since some of the providers do not have the necessary equipment to mitigate same. **Ms. Matthews** stated that she has the authority to notify the vendors of the intent to amend and does not take a Board vote. The Board will have to take action on a new contract when presented. The Chair encouraged the Board to attend the GDOT meetings when held to hear some of the complaints. **Nancy Rowan, County Attorney**, stated that no motion is needed to proceed; the Chair rescinded her motion.

## **ANNEXATION**

### **AX-23-04 (Not a Public Hearing)**

The City of Stockbridge has received a request for annexation of property located at 77 Holloway Road and 87 Holloway Road, consisting of 14.16+/- acres in Land Lot 50 of the 6th District - (Parcels 052-01023000 and 052-01024000). District 4 (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 12)

**Toussaint Kirk, Planning & Zoning Director**, presented this request to the Board, noting that the subject property is located behind Encompass facility. The request includes changing the classification from RA (Residential-Agricultural) to the City of Stockbridge's MFR (Multi-Family Residential). The

Future Land Use Map (FLUM) designates the property as Mixed Use, supporting up to 16 units per acre. The proposed development will have a Net Density of 9.6 units per acre. The Site Plan was displayed. The request conflicts with the current moratorium and the county's objection to annexation is valid. Staff determined that the request will result in a significant change in intensity of allowable uses of the property and conflicts with the permitted uses of the property.

**Commissioner Thomas** stated she is very concerned and that District 4 has designated itself as a professional and medical hub in the county, attracting high-performance developers. This annexation could hurt this area and needs a Master Plan in place to ensure that commercial and other service industries are attracted to support the county as well as the City. She supports staff's objection to this annexation.

**Commissioner Thomas** moved to support staff's recommendation to object to this annexation; **Commissioner Wilson** seconded. Motion carried (5-0-0).

*Resolution #23-164*

### **FINANCIAL SERVICES**

Resolution of the Board of Commissioners for approval to enter into a sub-recipient agreement with Atlanta Motor Speedway in the amount of \$3,250,000 utilizing ARP-FRF Funding to assist in the AMS Recovery and Revitalization Plan (Presenter: Monique Franklin, Financial Services/Grant Administrator)(Exhibit 13)

**Monique Franklin, Grants Administrator, Financial Services**, presented this Resolution to the Board. She yielded the floor to Mr. Hutchison.

**Brandon Hutchison, Executive Vice-President/General Manager, Atlanta Motor Speedway**, approached to make further remarks on this Resolution. He gave a brief history of the Speedway for the Board, which has been in existence for the past 63 years within Henry County, making it an important economic development for the county. There are currently over 1,000 event days annually, sometimes with 5 of them going on simultaneously. The venue has finally regained a second race date, which brought a 40% sales tax boost over 2019, when there was no second race; an additional 11% sales tax increase was realized from 2021 to 2022. He explained what investments are needed to upgrade and modernize the facilities to keep it in competition for being chosen to host high-dollar events, such as the second NASCAR race. In 2021, the NASCAR oval was remodeled in an effort to strengthen the 2 dates of the NASCAR Cup Series schedule.

**Mr. Hutchison** explained that the pandemic severely compromised the facility's economic impact, limiting attendance and losing \$9.5 million dollars of revenue. Finding new opportunities to host events, such as the Henry County High School graduations and events such as Monster Jam (now in its 3<sup>rd</sup> year at the AMS) has been the priority for the team to recover from the economic impact from the pandemic. Keeping employees compensated through the pandemic meant sacrificing money for upkeep and upgrades at the facility, which made competing for hosting of events even more difficult. Funding is requested to maintain and handle the facility for rentals and events and maintaining infrastructure, which are necessary to keep the economic engine driving in the community. He further explained the benefits of approving this Resolution and asked for support from the Board of Commissioners.

**Commissioner Thomas** commented that prioritizing county needs was just completed and how the money would be spent and asked if this AMS needs are on that list; **Ms. Matthews** responded that AMS submitted a request about a year and a half ago when the ARPA (American Rescue Plan) was

initially received and was part of the initial list. It was brought to the Board last year with other agencies and non-profits but at that time, the Board did not take action on the AMS request. The District 4 Commissioner asked if a proposal was put forth outlining what the county needs to focus upon going forward and asked if AMS was part of that presentation, not the request for money, but the needs themselves. Ms. Matthews stated that the priorities identified for the county as it pertains to the budget was presented but this request was not included in that conversation.

**Commissioner Thomas** then stated that the purpose of these ARPA funds was identified and when the presentations were done at the retreat, those funds were considered on allocation. **Ms. Matthews** stated that the ARPA funding was discussed during the retreat. The District 4 Commissioner understands that there are requests and applications for use of the ARPA funds, but priorities within the county were identified already and listed, such as infrastructure and rebuilding the county; those did not include the AMS upgrades. There are other priorities in the county that must be addressed first, such as the homeless crisis in Henry County, cars needed for the Sheriff's Office, resolving the overcrowding issues in the jail and trying to keep federal agencies at bay from stepping in. Those priorities did not include this request for AMS upgrades at this time. She gave an example of ARPA allocation to Piedmont Henry Hospital as a priority especially in light of the closure of Atlanta Medical Center, making Piedmont Henry the "go-to" since that closure. The Commissioner does not see enough reason at this time to move the AMS request up on the list of county priorities. **Mr. Hutchison** pointed out that deteriorating asphalt conditions are needing improving which allow AMS to compete with other regional venues to bring high economic events to the facility. The Commissioner asked what money was received by AMS from the federal government, or if the AMS has received grant money for these upgrades. Mr. Hutchison responded that AMS has received no money and the state did not award funding to entertainment facilities of the first round of ARPA distributions, but rather gave that money to the counties for their own determination of allocation.

**Chair Harrell** asked the County Manager if ARPA funds can be used at the jail and if not, the ARPA funds have to be spent forth in compliance with the criteria set forth by the federal government. The Chair agreed on the viability and importance of AMS in the community, recognizing that it opened up to assist in giving the COVID-19 vaccines during the pandemic.

**Commissioner Wilson** remarked that the total revenue brought in AMS, property taxes and sales taxes, it is a huge amount and asked for that amount from the County Manager. With that revenue from AMS directly and indirectly the county is able to meet its community priorities as well. By hosting the races, the revenue is also increased at the Airport, which has already had millions of dollars invested therein. **Ms. Matthews** stated that the Financial Services Director shared that an additional \$4 million dollars in sales tax revenue is in addition to already collected sales tax revenues. The District 1 Commissioner stated that with an estimated \$4 million dollars per race in additional sales tax revenues each year, and the request for about \$3.2 million dollars in ARPA funds for improvements – in the Commissioner's opinion that is a justified return on investment and a good trade-off.

**Commissioner Anglyn** remarked that it would be short-sighted of the county not to use the money given to capitalize on making additional money through sales tax, such as is done with AMS and the sales tax increases generated from the Airport, nearby retail and restaurants, all of which benefit from the races and other events at AMS.

**Vice-Chair Lewis** remarked that the AMS is an economic engine to develop an underdeveloped piece of Henry County. He agreed that this would be a return on investment where the county can reap dividends to tend to the priorities listed by the District 4 Commissioner on the priorities list.

**Commissioner Thomas** asked how this money would be spent; **Mr. Hutchison** responded that originally \$10.9 million dollars was asked in a previous presentation and a list was outlined for that money to be spent; scaling that back to \$3.2 million dollars would significantly change what AMS would be able to do but parking lot improvements would be done, along with infrastructure projects to keep the two races and attract additional events and upgrades to permanent wi-fi on the concourse level; technology updates and upgrades to the Media Center would also be made. If there was any of this left over, a new marquee sign would be put up in the front of AMS. The District 4 Commissioner cautioned the Board on approving these funds without a specific plan in place and she thanked the director for his remarks but she still sees no specific plan in place and is not sure of the identified projects would qualify for ARPA funding. She also wondered if there would be a cap on administrative charges. A specific list with projected costs should be submitted which is not happening right now.

**Chair Harrell** asked the County Manager if the projects are within the ARPA guidelines; **Ms. Matthews** assured the Chair that they are eligible through ARPA. There is a firm that was hired to double-check the eligibility for ARPA funding as well. Documentation will be required if approved in case of audit. AMS had provided a list already, yet **Commissioner Thomas** countered that it is not what she heard and that public disclosure of the funding expenditure was needed. What Mr. Hutchison spoke of was vetted already and they were identified today and not kept "behind the scenes." The County Manager assured the Board that nothing is being done behind the scenes and that all expenditure intents and requests are publicly presented to the Board. The Commissioner emphasized that bringing this forth to the public is critical, as this is \$3.2 million dollars that could be spent on something else, but AMS is requesting this.

**Commissioner Wilson** asked the County Manager if the non-profit organizations have to go through the same process as identified by the District 4 Commissioner in asking for ARPA funding, since they seem to have no problem getting the funding. **Ms. Matthews** stated that was correct and added that there are multiple funding sources such as ERAP (Emergency Rental Assistance Program), General Fund and ARPA. Any federal funding in place requires a strict process across the board.

**Commissioner Wilson** made a motion to approve; **Commissioner Anglyn** seconded. Motion carried (4-1-0).

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

*Resolution #23-162*

**Chair Harrell** asked Sergeant Maddox to discuss the meetings and complaints regarding the interstate.

**Jeff Maddox, Henry County Police Department**, approached and explained about the meetings with Police Department and wrecker services to discuss incidents that occur on the interstate and clearing accidents. He explained that guidelines are set forth by the state on mitigating and clearing accident scenes on the interstate. He clarified what is involved in clearing even a minor incident which does cause congestion and that there are ways to resolve this, but is unsure if it should be done through educating the public or the departments or if the county should implement something to deal with the congestion due to incidents along I-75 in the county. Since H.E.R.O. no longer is able to assist, other ways of assistance are being sought to clear these up as quickly as possible; none has yet been identified. There is often conflict between county system and state system on territorial issue, which should not be dealt with when clearing an accident. **Chair Harrell** thanked the officer for his input.

*No action was taken.*

## **PLANNING & ZONING**

### **Jonesboro Road Corridor Study**

Resolution of the Henry County Board of Commissioners authorizing and directing staff to solicit proposals to conduct a Jonesboro Road Corridor study. District 4 (Presenter: Toussaint Kirk, Cluster Leader)(Exhibit 14)

**Mr. Kirk** presented this and stated that a Master Plan would better suit the purpose of this proposal and asked the District Commissioner to expand on this; thus, he yielded the floor.

**Commissioner Thomas** reiterated that there needs to be a specific plan in place on what to do with the area to keep developers from putting too many varying projects in a corridor to be designated for specific developmental usage, to keep the corridor high-quality and high-value. Planning & Zoning needs the permission from the Board to move forward with this study.

**Chair Harrell** asked if this is done in the Comprehensive Plan as this is one single area requesting a study to be done and asked the cost; **Mr. Kirk** stated he is unsure of the cost at this time. The Chair needs to know the cost before a vote can be taken. **Commissioner Thomas** stated that not only is the Highway Corridor Overlay District being looked at, but alternate transportation routes and bicycle routes connecting some of the apartment complexes already there and improving the area around Foster Drive which will have 500 units developed. The Chair stated that she needs to know the cost before she can support this Resolution. Mr. Kirk explained that the Request for Proposal (RFP) would give the cost, but it would estimate from \$20,000-30,000 depending on the level of detail in the Master Plan. The Chair asked if there is an outline of the District 4 Commissioner's request. The Chair added that the Board is being asked to authorize solicitation of proposals and in this particular corridor, if everything has been outlined as of yet, even though some were verbally mentioned today. Mr. Kirk stated there is no complete outline and no cost determined as of yet. Commissioner Thomas continued that the proposal would bring back a cost to the Board for consideration and a vote and nothing is being approved for spending, but a proposal is being voted upon to identify a cost of this plan.

**Chair Harrell** asked if the Comprehensive Plan covers this; **Ms. Matthews** explained that the Comprehensive Land Use Plan will cover the entire county but not specifically the corridors; it will identify the land uses. This was not identified as a priority when Planning & Zoning's budget was in development. This is an enhanced study only for the Jonesboro corridor. The County Manager recalled many years ago the Board had "nodes" identified – employment, Town Center – and the Board removed it; if that were in place, this would do what the District 4 Commissioner requests, but it put the responsibility on the developer. **Mr. Kirk** had conversation with the Comp Plan team to address these and there is a possibility to address this throughout the Comp Plan – this would be an option. The County Manager understands that the District 4 Commissioner wants a Master Plan specifically for Jonesboro Road to notify developers on what she wants developed within that property. The Comp Plan will give a more overview approach in terms of compatible land uses for the area.

**Chair Harrell** also remarked that the District 4 Commissioner mentioned bicycle paths; Jonesboro Road will be widened on Vice-Chair Lewis' side. The Chair knows that the side of Jonesboro Road has been built out and there is only one more corner to build upon. If there is a bicycle lane to be incorporated, the Chair asked if that should be done across the board (on both sides). **Ms. Matthews** explained that the Trails Plan and the Transportation Plans in place have already identified those priorities and the consultant would look at the studies currently in place and figure out how to incorporate it. There

is nothing wrong with a Master Plan in the event that a redevelopment opportunity comes up and if a business goes away, there will be an expectation of what to see along that corridor, but the cost will go up if including the entirety of Jonesboro Road. Ms. Matthews also reminded the Board that a portion of Jonesboro Road also lies within the City of McDonough; a true Plan will need them involved as well in the process of creating one for the entire Jonesboro corridor. The County Manager stated that the District 4 Commissioner is encouraging a Master Plan to better identify developments desired in that area. The Chair stated that no one can force the City of McDonough to support but Henry County can determine the unincorporated portion of the area.

**Commissioner Thomas** stated that she has talked with the mayor of McDonough who is open to more discussion on this as she realizes this is a corridor into the City; she is also willing to work with the District 5 Commissioner on the entire area. Her office is full of calls from developers proposing projects for that area and wishes to have something in place to give the county its best and having a master plan in place will help facilitate that.

**Commissioner Wilson** asked if this is part of the priorities and was this talked about during the retreat; is this budgeted or is there other money to fund this project – same questions that were asked about the AMS could be applied here as well. **Commissioner Thomas** stated that she is working on behalf of the county in this endeavor. The District 1 Commissioner asked if this is on a priority list or is there something else more pressing that needs to be done. The District 4 Commissioner emphasized that she represents the county and that she has to give the county her best representation and she is not a private entity, asking for county funds to support a private initiative.

**Mr. Kirk** remarked that this would be to conduct an RFP and get proposals from consultants to see what the cost would be and to identify the scope of work and there is no commitment to anything at this time.

**Commissioner Wilson** asked if this is in the area of the Community Improvement District (CID), if this would take care of the need; **Mr. Kirk** responded it would help. The District 1 Commissioner suggested moving forward putting a CID in place. **Ms. Matthews** stated that a CID would fit for this corridor since there are businesses already located therein but there is a challenge to assemble a board to represent the property owners, identify funding for infrastructure and landscaping only (in the CID) and will not give the District 4 Commissioner a layout in terms of land uses and development potential. The CID could identify funding sources to make improvements along the corridor. The District 1 Commissioner suggested putting the Comp Plan and the CID together to complete the task. **Mr. Kirk** stated that bringing back “nodes” has been discussed and add those specific details.

**Commissioner Anglyn** remarked that the county has maintained excellent landscaping in its portion and is open to partnering with City of McDonough on the Jonesboro Road but there is already some difficulty in having the city maintain what is already there, when the county is doing its own landscape maintenance. He agrees with either having a Master Plan or having a CID in place to address all of Jonesboro and promote continuity throughout.

**Commissioner Thomas** moved to approve this request and extending the entire corridor of Jonesboro Road on a Master Plan which would be consistent, east and west, in that area.

**Vice-Chair Lewis** asked how far down Jonesboro Road will go eastward.

**Commissioner Thomas** clarified her motion to include Jonesboro Road down to Chambers Road west. The County Manager advised the District 4 Commissioner to rescind the present motion and amend to another motion.

**Commissioner Thomas** thus rescinded her motion.

**Commissioner Thomas** moved to accept the proposal presented by Planning & Zoning, beginning at the McDonough city line, continue west to the Clayton County line of Jonesboro Road, and to create a Master Plan. **Mr. Kirk** was suggesting Mt. Carmel Road since Jonesboro Road will be widened to that area.

**Commissioner Thomas** again rescinded her motion in deference to further discussion.

**Chair Harrell** asked about determining to go to Mt. Carmel or the Clayton County line and if staff has a recommendation. **Ms. Matthews** noted that Mr. Kirk suggested Mt. Carmel but the Master Plan suggested is not just for the present and if there is redevelopment, the entire corridor should be incorporated. **Vice-Chair Lewis** stated that Jonesboro Road was already supposed to be widened to the Clayton County line but has now stopped at N. Mt. Carmel Road. He intends to have Jonesboro Road widened all the way to the Clayton County line, as originally intended. The County Manager clarified Jonesboro Road as far west past Nash Farm, where the county line lies.

**Commissioner Thomas** moved to approve the Resolution as presented and to begin at the McDonough City line on the east side of Jonesboro Road and extend and end at the Clayton County line on the west side of Jonesboro Road for a Master Plan to be put in place; **Vice-Chair Lewis** seconded.

**Chair Harrell** clarified that this is to solicit the proposal and the proposal would have to be brought back to the BOC; **Mr. Kirk** affirmed same. **Ms. Matthews** stated that if the proposal is less than \$50,000, it will not come back to the Board unless it is conditioned as part of the approval of this Resolution. Since the estimated cost is \$20,000-30,000 for one side but if the Board wants to vote on the proposals less than \$50,000 on this particular Resolution then it needs to be made part of the motion to approve.

A motion made for approval and seconded, Motion carried (3-2-0).

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

*Resolution #23-163*

#### **ULDC-AM-23-07 (Public Hearing)**

Ordinance by Henry County, Georgia, to amend multiple sections of the Unified Land Development Code of the Henry County Code of Ordinances to ensure compliance with revisions to the Georgia Zoning Procedures Law as per HB1405. Countywide (Presenter: Toussaint Kirk, Cluster Leader)(Exhibit 15)

#### ***VICE-CHAIR LEWIS LEFT THE MEETING (10:49 a.m.)***

**Mr. Kirk** presented the Ordinance amendment to the Board. The requirements of HB1405 must go into effect by July 1, 2023. The zoning procedure normally allots 15-45 days for notification; now it is 30-45-day notification. All rezonings, variances, etc. will be required to advertise 30 days in advance. Some 30-day notifications on advertising have been done and have worked but it could push back some cases because of the length of the time.

**Chair Harrell** clarified that the amendments have to be made due to the House Bill; **Mr. Kirk** affirmed same.

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

*No one came forward.*

**Chair Harrell** then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name.

*No one came forward.*

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

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

*(Chair Harrell, Commissioners Wilson, Anglyn and Thomas voted in favor; Vice-Chair Lewis was absent from this vote)*

*Ordinance #23-05*

***VICE-CHAIR LEWIS RETURNED TO THE MEETING***  
***(10:52 a.m.)***

**ULDC-AM-23-02 (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 stormwater management facilities. (detention/retention facilities) and for other purposes. Countywide (Presenter: Kenta Lanham, Planner II)(Exhibit 16)

**Kenta Lanham, Planner II**, presented the amendment to the Board. The purpose is to provide clarity and additional language regarding design of these facilities to beatify these elements of developments. He gave out the pertinent sections of the ULDC that would be affected by this amendment. These would be specific to residential developments; for commercial, underground retention/detention facilities would be required. If that is not feasible for commercial developments by Henry County Stormwater Department, allowances would be made through the Administrative Waiver process. Mr. Lanham stated that staff recommends approval of the amendments and thanked the parties for meeting with staff to discuss this in detail and incorporated the feedback into the conditions of the amendments. He displayed the exact language to be added to §8.04.03(a)(iv).

**Chair Harrell** asked how a waiver would be obtained for commercial; **Mr. Lanham** stated that Stormwater would determine feasibility of an underground retention/detention and if not feasible, commercial development would be able to apply for the waiver, due to factors such as size of the property versus size of the retention/detention facility to be put underground. Planning & Zoning would also be asked to review in collaboration with Stormwater. If put above ground, a decorative fence in accordance

with the Code would be in place. The Chair voiced concerns over this waiver exception. Mr. Lanham stated that the alternative would be denying development and the property would remain vacant.

**Commissioner Thomas** asked who is responsible for cleaning and maintaining the facilities once the developers are done putting them in; **Ms. Matthews** stated that is handled through Stormwater Department.

**Roque Romero-Muñiz, Public Works/Cluster Lead**, approached and explained that this is for commercial only. **Mr. Lanham** clarified that in the Code for residential, these would be under own lots and eliminates the need for that condition and the HOA would be responsible for upkeep in the residential aspect. **Mr. Romero** stated that every 5 years the ponds are inspected for deficiencies. **Commissioner Thomas** also noted that the HOAs are falling apart and wanted to know how to help the communities affected by that, whether there should be a policy in place for developers putting in retention ponds or a company that provides maintenance services to be attached to the retention ponds. Mr. Romero stated that there is a maintenance agreement for any subdivision that the developer (or representative) has to sign to record at the courthouse.

**Mr. Lanham** responded to the Chair's concern of the Administrative Waiver process, instead of that for the commercial side, it can be taken to Variance process and require a Public Hearing for the Zoning Advisory Board to decide upon. **Chair Harrell** prefers the latter. Mr. Lanham then changed the language:

*(example) Detention facilities for commercial developments shall be underground detention/retention facilities. Any detention/retention facilities deemed not feasible by Henry County Stormwater Department shall apply for Variance in accordance with sub-section (d) below, to specify the Variance process in Chapter 11. (Not exact language but example as stated by Mr. Lanham)*

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

*No one came forward.*

**Chair Harrell** then called for persons wishing to speak in opposition of the request, to be given a collective total of ten (10) minutes to address the Board. Anyone wishing to speak in opposition of this request is to come forward and state their name.

*No one came forward.*

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

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

*Ordinance #23-06*

**ULDC-AM-22-08**

Ordinance by Henry County Georgia, to amend various sections of the Unified Land Development Code (ULDC) to provide for new and/or amended definitions, regulating standards for

vineyards, and wineries. Countywide (Presenter: Kamau As-Salaam, Interim Assistant Director)(Exhibit 17)

**Kamau As-Salaam, Interim Assistant Director, Henry County Planning & Zoning**, approached to present the amendment introducing wineries into Henry County. He presents the final draft and that the amendment has been simplified to only address vineyards with or without winery use and the separate use of lodges and event facilities stays as currently within the Code. He presented the amendments sections for the Board. He then presented the Supplemental Standards for vineyards with or without wineries. Vineyards are already permissible by right for agricultural use and vineyards with a winery is the new piece of the Code. Standards for minimum lot size, lot width, road frontage and at least 5 acres of land to be dedicated to growing/harvesting vines for production are also included, as well as buffer, fencing and paving requirements. This is not a blanket approval for all 15-acre, 500' width lots in the county to develop any vineyard with a winery. Staff recommends approval of the amendment as presented and this is not a Public Hearing. He thanked the Board for their work on this as well.

**Chair Harrell** referenced section B, #2 about "wine of any other Georgia farm winery" and asked why that restriction to Georgia. **Mr. As-Salaam** explained that the language was taken from other wineries in Georgia and if the Board does not wish to restrict it, it does not have to be restricted.

**Commissioner Wilson** referenced the requirements on the fencing and asked about the back side of these properties and existing structures on those adjacent properties if they can be requested to have them fenced along the back side; **Mr. As-Salaam** explained that it requires a Conditional Use process and the Zoning Advisory Board will have power to influence different conditions and it would be publicly advertised so that neighbors with concerns would attend and voice concerns and the conditions would then be placed. Requirements for buffers are already in place.

**Chair Harrell** noted that there were individuals signed up for Public Comments to have the opportunity to speak as she believes they will have comments to make on this winery topic. **Stephanie Braun, County Clerk** named the two speakers for Public Comments: *Aaron Castellanos* and *Jake Carter*.

**Aaron Castellanos** approached to comment on this amendment in accordance with rules for Public Hearing. He strives for more Ag business and have money spent locally instead of doing business elsewhere and believes this to be a financially positive impact for the county as well.

**Jake Carter** approached to comment in support of the allowance of wineries and lauded the efforts of Mr. Castellanos and the winery business he is building at Refinery Hill.

**Brett Hancock** approached and stated he owns a bed/breakfast in Jasper, Georgia in Pickens County; a winery has since been added. He spoke in support of the amendment and in support of Mr. Castellanos' efforts to bring a winery to Henry County.

Time having expired, **Chair Harrell** closed the Public Hearing.

**Chair Harrell** moved to approve and to strike out the Georgia farm winery section; **Vice-Chair Lewis** seconded the motion. **Ms. Rowan** clarified that the language would read for wine of any winery and not restricted to Georgia; the Chair affirmed same in her motion in sections B, #2 and C, #1, for the language to not restrict the wine to come from only Georgia. Motion carried (5-0-0).

## **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](mailto: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.

*Public Comments were heard during the prior Ordinance Amendment request.*

## **APPROVAL OF MINUTES**

**Commissioner Wilson** moved to approve the Minutes from the *May 16, 2023 Regular BOC Meeting*; **Commissioner Anglyn** seconded the motion. Motion carried (5-0-0).

## **ADDED AGENDA ITEM**

### **District 2 Vacancy**

**Chair Harrell** called for an amendment to the Agenda.

**Chair Harrell** presented the nomination of Hernitha “Neat” Robinson to fill the currently vacant District 2 position; notice was received late yesterday from the Democratic Party in Henry County to the County Attorney for same.

**Ms. Rowan** gave the details on the order filed and signed by the Chief Judge of Henry County declaring that District 2 is vacant; as part of SB22, the Board has fourteen (14) days to appoint a qualified successor from that District and appointed by the remaining members of the Board. The County Attorney outlaid the process of the nomination list and the process by which this was moved forward. For the record, the letter read:

*The Henry County Democratic Committee received your notice regarding the resignation of Commissioner Dee Clemmons of District 2 and began the process of collecting names to give to you and the Commissioners for appointment as prescribed by Georgia Senate Bill 22. Let this letter serve as the Committee’s official submission of names to be considered to serve the remainder of Commissioner Clemmons’ terms. The names are as follows: Hernitha “Neat” Burdine Robinson. These names submitted have met all the qualifications as prescribed by Georgia Senate Bill 22 and the Henry County Democratic Committee by-laws.*

**Ms. Rowan** advised that the Board would have to make a motion, second same motion and voted by majority in order to Ms. Robinson; if the Board fails to do so, the Chair would be allowed to appoint an individual from that list.

**Vice-Chair Lewis** moved to approve the appointment of Hernitha “Neat” Burdine Robinson to fill the vacant position in District 2; **Commissioner Anglyn** seconded the motion. Motion carried (4-0-1).

*(Chair Harrell, Commissioners Wilson, Anglyn and Vice-Chair Lewis voted in favor; Commissioner Thomas abstained from this vote)*

**Ms. Rowan** advised that Ms. Robinson will be contacted, documents sent to the Governor and when returned, she would be sworn in. If she is sworn in prior to June 20<sup>th</sup>, she can attend that meeting date representing District 2 in the Commissioner capacity. SB22 requires a special election and information pertaining to same will be brought to the next meeting.

#### **UPCOMING MEETINGS AND EVENTS**

A. Transportation Town Hall Meetings 6:30 p.m. to 7:30 p.m.

- June 6, 2023 (Henry County Administration Building)
- June 13, 2023 (Locust Grove Event Center)
- June 27, 2023 (Black Box Theater at Nash Farm Park)
- June 29, 2023 (Merle Manders Event Center in Stockbridge)

B. Tuesday, June 20, 2023, 6:30 p.m., regular BOC Meeting

C. Thursday, July 6, 2023, 9:00 a.m., regular BOC Meeting (delayed from 4<sup>th</sup> of July holiday)

#### **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 11:26 a.m.***

*Carlotta Harrell, Chair*

*Stephanie Braun, County Clerk*