STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, October 17, 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
Neat Robinson, District 2 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, October 17, 2023 at 6:30 p.m., to order.

Announcement

The following items were advertised for the October 17, 2023 Board of Commissioners meeting, but has been postponed by staff:

COMP-AM-23-02 (POSTPONED) John Carter of Jackson, GA requests an amendment to the Comprehensive Plan for property located at 2646 Highway 138 East in Land Lot 133 of the 11th District. The property consists of 1.928 +/- acres, and the request is to amend the Future Land Use Map designation from Rural Residential to Commercial. **District 3**

RZ-23-03 (POSTPONED) John Carter of Jackson, GA requests a rezoning from RA (Residential-Agricultural) to C-2 (General Commercial) for property located at 2646 Highway 138 East in Land Lot 133 of the 11th District. The property consists of 1.928 +/- acres, and the request is for a gasoline service station. **District 3**

ADDED Walk-on Item

Resolution to perfect the record from the April 2, 2022 BOC Meeting, and addressing final action needed by the Board to fully authorize and approve expenditures of stimulus funds awarded to the County under the American Rescue Plan Act (ARPA) relative to Kelleytown Senior Project (mixture of 72 market rate and lower rent units to benefit seniors in Henry County)

David Smith, Financial Services Director, approached to give details on this walk-on item. He explained that this is urgent to move forward in perfecting this record from the meeting held on April 2, 2022 with the goal of addressing the final action to fully authorize and approve the expenditure of stimulus fund awarded to the county under ARPA for the Kelleytown Senior Project. He gave a summary of this Resolution, which started as a Discussion-only item regarding funding of specific projects not acted upon by this Board, one of them being the county assisting Georgia Communities in the development of a tax credit application for the development of multi-family residences for senior citizens. This was going to be submitted and approved by Department of Community Affairs (DCA) for property located at 109 Kelleytown Road in McDonough, GA to be known as "Kelleytown Senior." He gave details of that project as well as that there were long discussions on this and the Board wanted to move forward and fund this project; however, the Board had to wait until Georgia Communities received approval from DCA. This Board provided a promissory note at that time. Georgia Communities received the approval and Mr. Smith recommended moving forward with making no more than $723,000 available from this ARPA fund to finance the construction of a multi-family rental housing unit project for senior citizens; this will address the final action needed by this Board in order to fully authorize the use of the funds. Staff hereby recommends approval.

Vivian Thomas, District 4 Commissioner recalled this and reminded the public that this is part of the overview when the Publix was put on those corner and other stores opening there as well. This is an economic hub for that community which has been successful so far. This would place a sort of built-in population who would support these businesses there; this multi-unit senior housing would fulfill that with a pathway directly from there down to professionals, retail and other services in that area.

Commissioner Thomas made a motion to approve the use of the ARPA funds for this particular project as presented.

Johnny Wilson, District 1 Commissioner, asked if the amount put aside as stated is from the ARPA funds; **Mr. Smith** affirmed and that it was set aside back in April 2022.

Kevin J. Lewis, Vice Chair/District 5 Commissioner, seconded the motion. Motion carried (6-0-0).

Resolution #23-290

PROCLAMATIONS

National Bullying Prevention Month

Nicholas Ivey, Public Relations Specialist, read the Proclamation.

Chair Harrell introduced the Sheriff and asked him to make a few remarks.

Reginald Scandrett, Sheriff, Henry County, gave some remarks on the concerns of bullying and the challenges faced by students who go through these during their time in school. Programs are being set up to get to the bottom of the bullying issues and address these concerns to give direction and guidance moving forward with the support needed in these challenging times within the county.

Chair Harrell called representatives receiving this Proclamation forward for photographs.

PHOTOGRAPHS WERE TAKEN

PRESENTATIONS

SPLOST VI Timeline

Roque Romero, Cluster Lead, approached and gave an overview of the timeline for the Board and a total of seven (7) members would be needed, one each from each District, then the Chair and one member for the County Manager, to be named by the November 7, 2023 meeting. This committee would work on producing projects for SPLOST VI. He listed the upcoming meetings and where they would be held for each District, with the final meeting to be held on April 9, 2024 for a total of 7 meetings. He then briefly went over the O.C.G.A. procedures to levy the SPLOST tax and a timeline of how to start the collection for SPLOST VI. November 5, 2024 is slated for the vote on SPLOST VI and collections would start on April 1, 2025. This is not an additional sales tax, only a continuation of SPLOST V.

Commissioner Thomas asked when the timeline will be published for public viewing. **Mr. Romero** stated it will be posted on the county website and the SPLOST section, and as the meetings come in, they will be highlighted in the main page of the county website. **Chair Harrell** asked that they also be posted on the social media platforms and to consider posting in *The Henry Herald.* Mr. Romero added that the posting will be made on message boards about 2 weeks in advance of the meeting dates as well.

No action was taken.

CONSENT AGENDA

Chair Harrell called **Cheri Hobson-Matthews, County Manager,** forward to read the Consent Agenda as follows:

Capital Projects

A. Resolution of the Board of Commissioners awarding RFP #24-04 to Croft & Associates in the amount of $293,150.00 for Architectural Design Services for an EMS Station to be located adjacent to the Heritage Senior Center using Capital Improvement Plan (CIP) funds. (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 1) *Resolution #23-291*

County Clerk

A. Resolution naming Open Records Officer and Alternate (Presenter: Stephanie Braun, County Clerk)(Exhibit 2) *Resolution #23-292*

B. Resolution approving 2024 BOC Meetings (Presenter: Stephanie Braun, County Clerk)(Exhibit 3) *Resolution #23-293*

C. Resolution approving holiday schedule for 2024 (Presenter: Stephanie Braun, County Clerk)(Exhibit 4) *Resolution #23-294*

Elections & Registration

A. Resolution of the Board of Commissioners Awarding RFP #24-06 for Delivery and Pickup of Elections Equipment to Pickup N Go 5 Karrier of Kennesaw, GA, as a unit/price agreement with no fixed quantities for one year with two mutually agreed upon annual renewals (Presenter: Ameika Pitts, Elections & Registration Director)(Exhibit 5) *Resolution #23-295*

Emergency Management and Homeland Security

A. Resolution of the Board of Commissioners approving the acceptance of an award in the amount of $30,000, of which $1,810 is from in kind local match share from the Georgia Emergency Management and Homeland Security Agency for the update of the Henry County Hazard Mitigation Plan. (Presenter: Kevin Johnson, EMA Director)(Exhibit 6) *Resolution #23-296*

Human Resources

A. Resolution of the Board of Commissioners awarding RFP 23-50 for Executive Search Services as an annual contract to Baker Tilly US, LLP of Plano Texas, as a unit/price agreement with no fixed quantities for one (1) year with two (2) mutually agreed upon annual renewals. (Presenter: Shannan Sagnot, Cluster Lead)(Exhibit 7) *Resolution #23-297*

Police Department

A. Resolution of the Board of Commissioners to accept the donation of a three (3) year old Labrador Retriever from the Georgia World Congress Center Authority to the Henry County Police Department K-9 Unit. (Presenter: Lt. William Powell, HCPD)(Exhibit 8) *Resolution #23-298*

B. Resolution of the Board of Commissioners approving the acceptance of an award in the amount of $3,000.00 from the Georgia Emergency Management and Homeland Security Agency for the Henry County Police Department Explosive Ordinance Disposal K-9 Program. (Presenter: Lt. William Powell, HCPD)(Exhibit 9) *Resolution #23-299*

C. Resolution of the Board of Commissioners approving the acceptance of an award in the amount of $36,868 from the Bureau of Justice Assistance FY 2023 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation to the Henry County Police Department; to provide officers with enhanced level ballistic-resistant body armor and individual trauma kits that will save lives in the event of an active shooter incident. (Presenter: Lt. William Powell, HCPD)(Exhibit 10) *Resolution #23-300*

D. Resolution of the Board of Commissioners to accept an award in the amount of $74,692 from the Governor's Office of Highway Safety for the Henry County Police Department Highway Enforcement of Aggressive Traffic (H.E.A.T.) Program. (Presenter: Lt. William Powell, HCPD)(Exhibit 11) *Resolution #23-301*

T-SPLOST *(Moved to Regular Agenda, as requested by District 1 Commissioner)*

A. Resolution of the Board of Commissioners approving the resurfacing of three additional roads (Ward Road; Dailey Mill Road and Fairview Road) in District 3 and old District 5 (new District

2) in the amount of $410,007.62 to the current resurfacing contract per Resolution 22-146 using TSPLOST funds. (Presenter: Roque Romero-Muñiz, Cluster Lead)(Exhibit 12)

This ends the Consent Agenda

Commissioner Thomas asked for clarification on the Human Resources item (A) and what that is in reference; **Shannan Sagnot, Cluster Lead,** explained that this is for an executive search team; proposals were accepted and 4 were returned for an organization to assist in the recruiting and receiving/vetting applications for personnel in the leadership team – such as, with vacancies amongst directors or cluster leaders identified by the County Manager, an executive search team could be utilized to conduct a national search for recruitment to those vacant positions. This is a 1-year contract proposed with two (2) mutually agreed-upon renewals and is done as cost-per-unit, only paying when those services are used. After review, vetting and scoring of proposals, Baker Tilly was the top scoring proposal. The executive search team would only be utilized to conduct searches for those leadership positions that are difficult to fill. Commissioner Thomas asked if there was anyone in Human Resources who performs that function now; Ms. Sagnot stated there is staff; however, their leadership positions needed are to be recruited from every possible source nationwide, not just local or regional.

Dee Anglyn III, District 3 Commissioner, moved to approve the Consent Agenda, as amended, with Exhibit 12 to be placed on the Regular Agenda; **Neat Robinson, District 2 Commissioner,** seconded the motion. Motion carried (6-0-0).

REGULAR AGENDA

T-SPLOST

Resolution of the Board of Commissioners approving the resurfacing of three additional roads (Ward Road; Dailey Mill Road and Fairview Road) in District 3 and old District 5 (new District 2) in the amount of $410,007.62 to the current resurfacing contract per Resolution 22-146 using TSPLOST funds. (Presenter: Roque Romero-Muñiz, Cluster Lead)(Exhibit 12)

Mr. Romero approached and explained that the roads were added as they are in poor condition and presents a safety issue. He gave some brief details on each of the roads needed to be repaired/resurfaced and it is cost-effective to move now on this Resolution. This is a temporary solution but is needed right now.

Commissioner Wilson asked if T-SPLOST was divided up into five districts; **Mr. Romero** replied that when the Board approved the resolution, it came from SPLOST V, T-SPLOST and Local Maintenance & Improvement Grant (LMIG). The District 1 Commissioner asked if the other districts will experience cost savings as well; Mr. Romero responded that they will and will bring this back with some details on the additional savings to add more roads or bid out the new contract. In November, the LMIG 2024 list for approval will be submitted and then LMIG 2023 will be put out to bid. Part of Fairview Road has already been resurfaced and another part has significantly deteriorated and thus, patching was done.

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

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

Resolution #23-302

<u>PLANNING & ZONING</u>

COMP-AM-23-04 (Public Hearing)

Resolution by the Henry County Board of Commissioners to adopt the completed Henry County Comprehensive Plan Five Year Update, "Henry County Comprehensive Plan 2045". Countywide (Presenters: Kamau Al-Salaam, Assistant Director; and Allison Stewart-Harris, Project Manager/Senior Planner, TSW)(Exhibit 13)

Kamau As-Salaam, Assistant Director, Henry County Planning & Zoning, approached to present the final draft of the Henry County 2045 Comprehensive Plan update for adoption. TSW was tasked with performing an overhaul of the Comprehensive Plan, Future Land Use Map (FLUM) and Land uses policies. He presented concerns from the community which were addressed by staff and gave the overview and definition and use of the Comprehensive Plan for the State of Georgia. Typically, the most utilized aspect of the Comprehensive Plan is the Future Land Use Map. He further explained the decision process of rezoning and how that application is performed. Staff received questions and concerns regarding the USDA Farm Loan program in relation to the Comprehensive Plan and FLUM. Information on the regulations can be found in USDA HB-1-3550, <u>Direct Single-Family Housing Loans and Grants Field Office Handbook</u>. He also provided the USDA eligibility map for the public viewing. As there are new overhauls to the Plan, new terms, new land use designations, new density limitations, new policies including greenspace preservation, transportation connectivity, economic development, housing strategies and others will be identified as well. He then introduced Ms. Harris to give further detail.

Allison Stewart-Harris, TSW, approached to provide further detail on the adoption of the Plan. She provided some remarks on the State and Atlanta Regional Commission (ARC) review of the Plan update, some minor adjustments made to the FLUM and the formal request for adoption of this Plan. These plans are updated every 5 years with the last one having been done in 2018; this does not change anyone's zoning in any way, rather, this is a guide for decision-making going forward.

Mr. As-Salaam further explained that there was a change to District 2 on Fairview Road recently. Economic and commercial development has been efforted to locate onto Fairview Road and the area at Rowan and East Atlanta was looked at as Low-Density and has since been changed to Low-Density Mixed Use to spur some more commercial development on Fairview Road. Any changes requested can be made to this map and staff will record those requested changes; as is, Mr. As-Salaam believes this to be a good plan, it is fluid and changeable, but there is a deadline for adoption.

Commissioner Robinson pointed out that the people have spoken regarding District 2 and what they want, which is why town halls are held. Fairview is growing and the Commissioner provided her vision at one of the Town Halls, and encouraged the citizens to be in tune with the community and provide input for what they would like to see in District 2. There will be a Town Hall held after this meeting to further clarify for the residents of District 2.

Chair Harrell advised that this item was not supposed to be listed as Public Hearing as it is not required for adoption because the county had already met the requirements, but it was noticed as a Public Hearing and therefore, the Chair will allow a total of 10 minutes to have anyone wishing to speak on this item in Public Hearing to approach. *Floor opened for Public Hearing*

Commissioner Thomas also invited anyone from District 4 to come up as well to provide comments.

Anne Fields, 329 Chase Marion Way, McDonough, GA 30252 referenced the properties on Holloway which was heard in June (dark blue on the displayed map). She stated that the notice which came with Resolution #23-164 was for Henry County to see more single-family housing developed along Patrick Henry Parkway to be in line with the adjoining lot sizes. She states that there is now discussion about 130 buildings on that 14 acres. The Board voted no to annex that land but it is now in front of Stockbridge and the zoning would lean to favor it, to which she is concerned.

Warren Tillery, attorney, Smith, Welch, Webb & White, 2200 Keys Ferry Court, appeared on behalf of five (5) property owners and that there are two items tabled to the extent that the plan would change requirements for their pending zoning; there is another property with a lot of development and this plan could hurt his chances to seek rezoning. The two interested property owners have property at Fairview View and Anvil Block Road. Letters with all legal information and objections were filed with the Clerk. He pointed out that while this was alleged that zoning would not change, the zoning ordinance requires consistency with the Comprehensive Plan and that takes priority. With respect to Mr. Tillery's clients' properties, he pointed out that there was an amendment including the Mixed Use development in the district that does not quite reach their property. The properties have been the source of condemnations since 2013 and then in 2017. These properties have given parts of it to the county for the purpose of upgrading the infrastructure to the point where the only best possible use left is something that is under the current FLUM, not what will be in the new FLUM, moving from Mixed Use (wanted in that area) to Low-Density Suburban Residential with a small number of units per acre and not supportable for the property they have left to put into that development. If the property owner comes back with a request for associated rezoning, it could be denied based on the FLUM not supporting same. He therefore asks that an additional amendment to the referenced parcel numbers to be included in the section to be Mixed Use in the FLUM draft.

A representative from Conserve Henry approached and prepared a statement adding that over 1,700 people signed a petition with another 154 just received to urge the Board to vote no and to keep the current FLUM intact. This proposed FLUM will only benefit certain property owners and TSW has asked citizens to blindly accept a FLUM without providing all proper details and hinders citizens' abilities to participate in the drafting of this FLUM and Comprehensive Plan with no further details provided either. Complaints are being filed with the ARC for determination of how a citizen representative for ARC can be appointed when he is a lobbyist who does not live in Henry County or in Rockdale County, yet has financial interest in the FLUM change. She further stated that the former District 2 Commissioner Clemmons resigned under ethics violations in review due to her relationship with two of the property owners. Complaints are also filed with the newly formed Henry County Board of Ethics and Georgia State Ethics Commission against the Chair for not filing the required CCDR reports for the past 3 years, which left no way to follow up.

An unidentified speaker approached to further the remarks made previously and then explained the application process from comparing the request to the Land Use Plan, sometimes the basis upon which the county is sued. He stated that some people buy property based on its land use and if the plan is amended quickly and if it goes against the original intent of purchase, an investment is lost. The speaker asked the Board to limit the number of times the land use map can be amended.

Brooke Winfrey, no address given, stated that Conserve Henry received hundreds of signatures on the petition and one thing is to preserve the green space. District 5 is overloaded and changing to High

Density and Medium Density and until the roads are built out and infrastructure is secured, this is counterproductive. (Applause)

Joshua Echoff, 341 Lara Lane, McDonough, GA 30252 noticed that there are land bridges. He states that wildlife are being run over, traffic is out of control, there is no green space provided.

Richard Fletcher owns property that is currently Mixed Use and asked that the designation be maintained to protect his retirement investment as well as to keep bringing in prospective developers with the current zoning designations. (Applause)

Chair Harrell called for a motion.

Commissioner Anglyn moved to approve; *crowd starts yelling no.*

***Chair Harrell** called for order to the meeting.*

Mr. As-Salaam asked if there are any changes to be made as they can be recorded now and then made prior to the document signing. If the Board would like to make Fairview Road and Anvil Block to Low Density/Mixed Use all the way through, that can be done. **Ms. Matthews** reminded the Board that there is a motion pending on the floor and it needs a second. If there is no second, the motion needs to be killed for lack of second and then opened up for comments from staff. *Motion failed for lack of second.*

Mr. As-Salaam noted the concerns about Anvil Block Road and Fairview Road and staff can make that entire corridor Low Density/Mixed Use, in District 2. He asked if there are other changes to be requested to any other districts. **Vice-Chair Lewis** stated that District 5 is fine. **Commissioner Thomas** voiced concern about land that was proposed to be annexed by Stockbridge in District 4 and she voted against that and hopes that the Board supports voting against it as well.

Vice-Chair Lewis remarked that with the meeting on this and the deadline approaching on October 31st, if this had been reviewed earlier, the Board would have had more time to carefully review and make changes (Applause). He believes that being hastened to adopt this by deadline and with the citizens having spoken, he stands with them on this matter. (Applause)

Commissioner Robinson addressed the remarks made earlier and noted that this was already discussed that this could be amended by staff and ensured the citizens that this will be done (regarding remarks made by Mr. Fletcher).

Commissioner Wilson noted that Bill Gardner Parkway to Brad Bradford's property, there is sewer connection there, with a concern to go Medium Density and not Low Density. The property is up on Bill Gardner Parkway between 75 and 155 and Mr. Bradford owns that area and there is sewer available and wanted to know if the owner did want the designation to be Medium Density because of the sewer availability on the property. The District 1 Commissioner added that this can be further discussed.

Mr. As-Salaam remarked that there were other options and things to work out with the map; this item could be tabled and have a Special Called Meeting prior to October 31, 2023; **Chair Harrell** stated this will be voted upon tonight and asked if the District 1 Commissioner agrees to his district's map designation; **Commissioner Wilson** stated that the aforementioned property was looked over but it can be fixed.

Commissioner Robinson stated that the provision for the development was already put in, regarding Mr. Fletcher's concern, and she agrees to her district's map designation.

Commissioner Anglyn stated he has no issue with his district designation.

Vice-Chair Lewis stated he wanted to leave the map in his district as the same.

Commissioner Thomas agreed to her district's map designation.

Chair Harrell asked if the Comprehensive Plan can be adopted as each district stated what they want and leaving District 5 as is; each Commissioner has given their remarks on their district and District 5 Commissioner wants to leave his as-is. The Chair wanted to know if the map/plan can be adopted tonight with what each Commissioner has specified; **Ms. Matthews** advised that the motion would be to approve the Comprehensive Plan as presented by staff with the exception of no land use map changes to District 5, as well as any amended changes discussed tonight. The changes will have to be detailed for record/minutes keeping. This is specific to land use and not to future rezonings of property. If there is an area of the county where the land use designation is not appropriate, then that is the manner to be stated, not based on an individual property owner, or whether or not sewer is available; this is pertaining to a <u>future</u> land use map; anyone who wants to develop their property has to come back before this Board and rezone it. This should not be decided in terms of an individual land owner, but more in terms of the viability of the land use in 10-15 years from now.

Commissioner Wilson remarked that while the District 5 Commissioner asserts to leave his district as is, but since the map has been put together, his district has changed and should be reviewed again as in each of the districts. **Vice-Chair Lewis** agreed to same. **Mr. As-Salaam** explained that it would be difficult to keep the 2018 map since so much of the language has changed. A lot of the concern in District 5 is in the Mill Road area. This area south of Mill Road can be made to Low Density Residential. Vice-Chair Lewis then stated that they would also need to cross Mill Road on the east and make it Low Density/Mixed Use to keep High Density/Mixed Use out. (Applause)

Commissioner Robinson asked for the specifics of District 2 map; **Mr. As-Salaam** explained the frontage properties on Fairview Road to the county line and make it Low Density/Mixed Use, since it mostly is now. Mr. As-Salaam added that every Commissioner would get a chance to review the map prior to document sign.

Ms. Matthews expressed concerns at just "making changes" to a map which has gone through many meetings for concerns. If there are concerns by the Board then Department of Community Affairs should be contacted to see if they will grant an extension and then open it up for another meeting. What is being done right now is not the proper process. If there are concerns by the Board on the details of the map, she urged the Board to have further conversation to modify it properly. Not just the citizens were involved, but multiple agencies, such as the Board of Education, the Water Authority, Department of Public Health and other layers have been involved. The County Manager asked for an opportunity to reconvene after further review and that it can be done prior to deadline and further discuss these late-making changes in the process. She suggested meeting on October 30, 2023 (Monday) and then hand deliver the document to the Department of Community Affairs on October 31, 2023. The Chair agreed to the meeting on October 30, 2023, as a Special Called Meeting at 9:00 a.m.

Ms. Matthews stated that staff will reach out to the Commissioners to schedule either a virtual or in-person meeting to get this finalized and then move forward with TSW to make all updates by the next Monday and then get something published later in the week for the public. (Applause)

Ms. Matthews advised that a motion to table to October 30, 2023 would be needed.

Commissioner Robinson made a motion to table this item to October 30, 2023 at 9:00 a.m. for a Special Called Meeting; **Commissioner Wilson** seconded the motion. Motion carried (6-0-0).

AP-23-05 (Public Hearing)

Juan Raudales Pineda of Locust Grove, GA appeals the denial of a variance request for property located at 90 Kimbell Farm Drive in Land Lot 244 of the 7th District. The property consists of 0.760 +/- acres, and the request is for relief from the standards for accessory structures. District 1 (Presenter: Kenta Lanham, Planner II)(Exhibit 14)

Kenta Lanham, Planner II, presented the details of the appeal for the Board. The accessory structure is shown on the southwestern corner of the lot. On July 20, 2023 the Zoning Advisory Board denied this Variance request VR-23-11; the appeal was received by staff on July 26, 2023. The denied request was for relief from standards. The request was to reduce the minimum side yard setback requirement for accessory structures from 10' to 5.75' and to increase the maximum size for an accessory structure from 50% of the heated floor space of the home to 65% of the heated floor space of the home. The Unified Land Development Code would provide for no more than 954 square feet; the proposed structure is 1,250 square feet. The applicant has begun work on the accessory structure prior to receiving permits; a land disturbance permit was issued after the fact. On November 2, 2022 a building permit was denied due to the aforementioned concerns and the need for a variance. Staff recommends the Board of Commissioners complete the appeal proceedings and affirm the administrative decision and determination of the ZAB.

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. The Chair called for the applicant to come forward.

<u>In Favor</u>

A gentleman and his translator approached to make comment in favor of the request. The translator remarked that the applicant wanted to know if he will be approved to finish the construction that was started as the materials are starting to be affected by adverse weather conditions. **Chair Harrell** explained that this is the time for the applicant to present the request and reasons for the request. A second gentleman came up and stated that applicant bought the house and the owner told him he could build the storage building without a permit but he does not know the limitations to place on the structure. He stated the applicant would want to know what he has to do in order to be granted the permit, whether to move the structure, or modify its size or style. He states the neighbors have no concerns with this building. The translator states the applicant needs the building because he works in construction and has a lot of equipment to store outside of the house.

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 and the Public Hearing was closed.

Commissioner Wilson asked when the building was constructed; applicant responded that it will be 2 years in December. The District 1 Commissioner asked if the applicant went through any type of permitting process; applicant stated that he did not because when he purchased the house, he was mistakenly told that he did not need a permit. The Commissioner asked if any neighbor had informed the applicant that he needed a permit for that size of a building; another gentleman responded that the applicant was made aware of this and a week later, county officials showed up; however, the applicant was actually in Alabama at that time so he was not able to get the permit. The Commissioner asked for anyone who lives next door to the applicant to come forward. The gentleman stated that "David" could not make it to the meeting tonight.

Mr. Romero remarked that the owner has some neighbors who are in support of the structure on the property.

Commissioner Wilson stated that there is no permit, the structure is built too close to the property line and the structure is too large. He could not apply for an administrative easement without buying property from his next door neighbor to cover the difference (about a couple of feet) and then reduce the size of the building. The gentlemen asked if there was a way to move the back wall off the property line about 5'. **J. Brett Hanes, Assistant Director, Henry County Building & Plan Review,** came up and proposed move a foot away from the property line, meeting the 50% requirement and it will be brought to compliance. The Commissioner asked if there are roof trusses; Mr. Hanes affirmed there are trusses. If the wall closest to the property line was moved, left the slab in place, the Commissioner wanted to know if the slab was still part of the structure; Mr. Hanes responded that the slab would be considered a "patio" and would not be an integral part of the structure. The Commissioner then asked if it is possible to take the wall closest to the property line, support the trusses, bring the wall in on the recommended amount and reduce the size of the structure; staff affirmed that is possible. **Mr. Lanham** recommended proceeding with staff's recommendation to adhere to the ZAB's denial of the variance and staff will work with applicant to move the wall back. **Ms. Matthews** asked if there is a timeframe to have this happen, and suggested 45-60 days and then follow up with this.

Commissioner Wilson asked if this can be done in 45 days to get the Site Plan and new building plan submitted and then get the permits submitted; applicant stated he can through the translator. **Ms. Matthews** afforded the applicant 60 days from today; Commissioner Wilson agreed to same.

Commissioner Wilson moved to deny the variance; **Vice-Chair Lewis** seconded. Motion carried (6-0-0).

Resolution #23-303

RZ-23-06 (Public Hearing)

Ladson International Consulting, LLC of Stockbridge, GA requests a rezoning from RA (Residential-Agricultural) to OI (Office□Institutional) for property located at 3860 North Henry Boulevard in Land Lots 34 and 63 of the 12th District. The property consists of 0.621+/- acres, and the request is for an office. District 2 (Presenter: Kenta Lanham, Planner II)(Exhibit 15)

Mr. Lanham presented the request for the Board to rezone to OI (Office-Institutional). The FLUM supports commercial rezoning, as current. On May 21, 2021, the subject property received an approved Variance (VR-21-04) for relief from Highway Corridor Overlay District requirements regarding lot size, width and road frontage given the property, as-is, does not meet the current Overlay District requirements. All other requirements for the HCOD will be required including sidewalks, landscape strip, pedestrian lights and street trees, etc. On January 5, 2022, the BOC denied the rezoning request (RZ-21-11) from RA (Residential-Agricultural) to C-3 (Highway Commercial) for used automotive sales. Applicant requests to rezone the property for the purpose of office space; the existing home on the property would stay and be converted into an office. The zoning districts in the immediate area include commercial, industrial and nearby businesses include automotive repair, vehicle sales and rentals. The zoning requested would allow limited uses (primarily office) and will be less intense than the commercial surrounding same. Comments received from various departments were displayed for public viewing. On July 20, 2023 ZAB recommended approval of this request with stated conditions; staff has since added Condition #3 which is required regardless of whether or not it is in the Resolution.

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.

In Favor

John Oladokun approached in representation of applicant and explained the business to the Board. Applicant requests rezoning for office space use.

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. The Public Hearing was closed.

Commissioner Robinson remarked on seeing the property and has no issue with rezoning.

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

Resolution #23-304

RZ-23-10 (Public Hearing)

Sunrise Builders, Inc. of Jonesboro, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located at 1004 Highway 81 West in Land Lots 174 and 175 of the 6th District. The property consists of 45.532+/- acres, and the request is for a single-family residential subdivision. District 5 (Presenter: Kamau As-Salaam, Assistant Director)(Exhibit 16)

Mr. As-Salaam presented this request for the rezoning to R-2 (Single-Family Residence) to consist of 39 lots served by individual septic systems. FLUM at the time of application is Low Density Residential and thereby supports this request. The property is located within the Highway Corridor Overlay District and will have to meet all requirements. Walking trail, children's playground and open air pavilion are provided in a dedicated green space on the western property line. The error in address has since been resolved with the Tax Assessor's Office which now reflects the correct address. On September 7, 2023 the ZAB recommended approval with conditions and staff recommends approval with stated conditions, including the following conditions:

10. All homes shall have minimum 2-car garages. Garages shall be side-entry.

15. There shall be minimum thirty (30') foot undisturbed or enhanced landscape buffer (as determined by Henry County Building & Plan Review Department) along perimeter of the property boundary with the exception of any existing recorded easements. The buffer shall meet the standards of Chapter 5, Section 5.02.00 of the ULDC.

16. There shall be a minimum twenty (20') foot vegetation buffer along the western property line abutting 1100 Hwy 81 W (056-02053082) consisting of a minimum of six-foot-tall evergreen trees. The

enhanced vegetated buffer is only required where screening is not sufficient per staff determination during the plan review process.

Mr. As-Salaam pointed out that the elevations presented are not accurate, but they are stylistic examples and the development will have all side-entry garages. Regarding the vegetated buffer requirements where there are currently no trees and the frontage along Hwy 81 which will have a landscape buffer with the 6' berm and with Highway Corridor Overlay District standards (street trees, pedestrian lighting and multi-use path). He went back to the site plan to highlight the conditions.

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.

<u>In Favor</u>

George P. Harper, III, 11 E. Broad Street, Newnan GA 30263, approached in representation of the applicant on this request. Applicant hereby agrees to the conditions stated therein. He provided some remarks on the aesthetics of the development and the correlating requirements to be met.

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.

<u>In Opposition</u>

Gilles Salies, 1100 Hwy 81 W, McDonough, GA 30253, approached and stated that he is glad to hear of the bushes to be put but he requested that a fence be there. He has horses coming back to his property and he needs the fencing up; but if the Planning & Zoning believes that the bushes are adequate, he will comply but he would rather put up a fence. He also noted that 34 incident/accident reports were filed in that area, the traffic is becoming worse in that area. With apartments being built nearby and now this development, he believes the traffic on the road needs to be addressed as the accidents will increase along with the traffic congestion. He would be willing to donate land to construct a roundabout to help alleviate that concern. **Chair Harrell** addressed this concern and explained that the stretch of road mentioned is a state route and thereby under jurisdiction of Georgia Department of Transportation (GDOT). They would need to be contacted to address the speed and traffic issues and she agreed that this needs to be addressed. In response, **Mr. As-Salaam** rebutted that the fence would tear up the natural vegetation; however, if Mr. Salies wishes to put up his own fence on his property, there would be no problem.

Vice-Chair Lewis addressed the concern about the traffic and speed on that road; he noted that a transportation facility will be placed on Nail Road, which will also add to the concern with traffic. Nail Road has been placed on District 5's LMIG to get that road resurfaced. He would need to meet with GDOT to address this concern and thanked the speaker for his remarks. On the subject of the development, the Commissioner sees this as a viable project and complimented its low impact.

Commissioner Wilson remarked that there is a buffer on the side and back and a buffer between the back loop and center loop but there is no buffer between Lot 35 and 34, backing up 33, 32, 31 and 30. He asked why. **Mr. As-Salaam** yielded to Mr. Hanes for response. **Mr. Hanes** explained that the buffer has to be defined as it comes down to requirement for final plats to have on all rear and side property lines to have drainage and sewer easements. This development is septic-provided but the easements are county required for future drainage and sewer. Mr. As-Salaam added that every tree seen on the plan is already in existence.

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

Resolution #23-305

CHAIR HARRELL LEFT THE MEETING AT 8:31 P.M.
VICE-CHAIR LEWIS CHAIRED THE REMAINDER OF THE MEETING

(Public Hearing)

Resolution by the Henry County Board of Commissioners to transmit the State required Capital Improvement Element annual update and CIE Community Work Program to the Atlanta Regional Commission for evaluation by the Georgia Department of Community Affairs. Countywide (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 17)

Toussaint Kirk, Planning & Zoning Director, presented the Resolution to the Board. He explained the purpose of the Capital Improvement Element and the need for the annual update regarding the collection of these fees; staff seeks permission to transmit the update to Department of Community Affairs (DCA) for review.

Vice-Chair Lewis 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.

Vice-Chair Lewis 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. The Public Hearing was closed.

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

Resolution #23-306

COMMUNITY DEVELOPMENT BLOCK GRANT

(Public Hearing)

Resolution approving the proposed Federal Year 2022 Consolidated Annual Performance and Evaluation Report (CAPER), authorization of execution, and submittal of the report to the U.S. Department of Housing and Urban Development (HUD). (Presenter: Shannan Sagnot/Cluster Lead)(Exhibit 18)

Ms. Sagnot approached to present the draft, essentially that this is a requirement from HUD as a recipient of the CDBG funds. Staff published public notice in *The Henry Herald's* September 13, 2023 edition; public comment period has been open since that time. Copies of the draft were made available for review. In 2022, CDBG funding was used to rehab 24 single-family owner/occupied low-to-moderate income households; 10 public service activities were completed to those experiencing homelessness, those seeking to prevent homelessness as well as assistance to food bank service, health and medical services and services for youth. Three public facility improvement projects were completed providing assisting to the City of Hampton with the completion of the Stormwater and street improvements to W. Main Street; the City of Stockbridge with the completion of improvements to the Smith Barnes Sewer Basin located in the Tye Street and the Henry County Stormwater Department completing its first phase of improvements in the Greenview Home subdivision. McDonough Housing Authority was also assisted in the completion of the modernization of five public housing units.

Vice-Chair Lewis stated that the Public Hearing will allow for 3 minutes each and called anyone wishing to speak on this matter.

Ms. Sagnot presented her Power Point as well, which highlighted some of the totals previously mentioned as well as benefiting 7,077 people with public service funding; 7,100 households with public facility assistance.

No one came forward to speak. The Public Hearing was closed.

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

Resolution #23-307

(Public Hearing)

Resolution to approve the 2023-2027 Analysis of Impediments to Fair Housing Choice (AI). (Presenter: Shannan Sagnot, Cluster Lead)(Exhibit 19)

Ms. Sagnot returned to present the Resolution to the Board. This is a mandate to affirmatively further fair housing in Henry County, in part, to conduct the above stated analysis and ensure proper actions are taken to overcome the effects of impediments and maintain record reflecting the analysis actions. She introduced Ms. Willow to provide further remarks.

Marjorie Willow, M&L Associates, approached to provide remarks related to the Resolution. She provided some background for fair housing and protected classes. The process was community led and a video was used in all of the public outreach for those who could not attend the public meetings. She stated that this is the 3rd such report done for the county. In addition to rehabbing houses for those who need it, the NSP (Neighborhood Stabilization Program) was also leveraged for the development of 7 affordable housing units in the county for income-eligible households. Improvements for accessibility to government buildings were also done such as sidewalks where there were none and drainage improvements for those areas that flood. Enforcement in fair housing education and outreach is also provided with training sessions for citizens, with those who are Spanish speaking providing the highest attendance to these sessions.

Ms. Willow then talked on the racially and ethnically concentrated areas of poverty and where they overlap in the census in the northern half of the county. The Fair Housing Action Plan addresses lack of affordable, decent, better quality and safe houses over the last several years; these cannot be corrected overnight and the county either seeks to eliminate them or to improve them. With Henry County growing rapidly, affordable housing is needed for low-income families and the fair housing action plan provides that affordability and the county should work with the cities to prevent impeding any fair housing. She explained how the requirement is needed to keep the county's certification in relation to fair housing. To support the development of new affordable housing, particularly for families with children, is critical as the McDonough Housing Authority has a waiting list of over 300 families in need of affordable housing. To increase the housing affordability options, Ms. Willow remarked that the partnership with Metro Fair Housing is beneficial to provide fair housing education, outreach and enforcement.

Vice-Chair Lewis thanked Ms. Sagnot and Ms. Willow for their work and how they are addressing the issues across the county, some of them existing for decades. The Vice-Chair opened the floor for Public Hearing, allowing 3 minutes each for anyone wishing to speak on this matter, in favor of or opposed.

No one came forward. The Public Hearing was closed.

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

Resolution #23-308

SPLOST

Resolution of the Board of Commissioners approving a Budget Amendment and awarding RFP #23-67 for the Construction of a Recreation Center at N. Mt. Carmel Park to Cooper & Company General Contractors, Inc. of Cumming, Georgia in the amount of $15,550,000.00 using SPLOST V Funds and Impact Fees. District 5 (Presenter: Lynn Planchon, Capital Projects Director)(Exhibit 20)

Lynn Planchon, Capital Projects Director, approached to make presentation on the Resolution for the Board and specified that this is for construction of the recreation center at N. Mt. Carmel Park. The bidding and proposal process was done, due diligence performed and one proposal from Cooper & Company was received in the above stated amount. She detailed the funding sources and their respective amounts for the Board. The Budget Amendment will be to transfer various amounts as stated for this project. Renderings of the structure were also provided for the Board and public viewing.

Commissioner Anglyn asked how these fits into the Comprehensive Plan currently incomplete, since this is a large investment. **Jonathon Penn, Cluster Lead, Henry County Leisure & Public Services,** explained that was identified as a need as the final plan is being constructed and this was in SPLOST prior to the Comprehensive Plan update. The District 3 Commissioner explained that there are a lot of unallocated funds going into this and if they can be used for a higher priority item on the Comprehensive Parks Plan; **Ms. Matthews** suggested disclosing where the unallocated funds are sourced. Ms. Planchon explained that the unallocated funds are SPLOST V which were collected in excess of the amount projected with a portion of that to be used for the aquatic center. If this is put off, it will cost more with the rate of inflation. There was a rec center west of I-75 on the SPLOST III program and this will finally bring that to fruition.

Commissioner Thomas stated this is a great plan and is in support of this need and that the structure is not outdated and that there is a need for this center.

Commissioner Robinson complimented the facility and stated that she is watching how this unfolds but stated that District 2 has a lot of facilities which need improvements as well.

Ms. Matthews clarified that SPLOST funds can only be used on projects that have been identified for SPLOST funding. The predecessor of District 5 did not specify projects and therefore Vice-Chair Lewis has a little flexibility to utilize projects for recreational and parks use. Regarding the District 3 Commissioner's comments on the Parks Master Plan, this is a project that was voted upon by the citizens. With only one bid submitted, if this were to wait, it would have to wait until next year and it is important to go ahead and move this forward. From an impact fee standpoint, Districts 3 and 5 get those monthly reports and staff is looking on how to enhance those parks. **Commissioner Robinson** remarked that she appreciates the long-term vision on this and is awaiting what is to come. **Vice-Chair Lewis** added that projects need to get done. The voters voted upon this to have money allocated to get projects for a good quality of life for the entirety of Henry County, not just district-wise.

Commissioner Wilson noted that there are three fire stations still not constructed and there are unallocated funds, at half a million dollars per station; property is acquired for one of the replacement stations and with the increasing cost of construction for these fire stations, he wanted to know if the funding would also come from unallocated funds and if there is enough to put into those facilities for construction. While the park is very pleasing, the Commissioner did not want to take away from having the three fire stations which are critical to the county. **Ms. Matthews** responded that the manner in which this has trended since the start of SPLOST V leads to the collections exceeding what the projections are. A replacement fire station in District 1 is moving forward; another fire station in District 4 which was part of the SPLOST V referendum is moving forward; and discussion has been had with another property owner in District 3 for the third. Based on the costs of those properties, there will not be a shortfall on those properties. The challenge is being able to get apparatus produced and then delivered to equip those fire stations. Commissioner Wilson asked if this can be purchased with the unallocated funds; Ms. Matthews responded that in planning fire stations, apparatus costs are added in. **Ms. Planchon** responded that in SPLOST V the cost for apparatus was covered under Fleet Replacement Plan.

Commissioner Wilson persisted in asking if there is enough funding to order the equipment because, if so, that should be ordered now through the unallocated funding and when the fire stations are built, the equipment can go in right away. **Ms. Matthews** stated that replacement apparatus has been planned but most of the fire apparatus is not going to be paid until it is delivered. The District 1 Commissioner wanted to ensure that Public Safety facilities are squared away. Ms. Matthews reminded the Board that the voters identified the project and this rec center was in the SPLOST list and must be delivered.

Commissioner Anglyn remarked that inflation last year was approximately 8.2% and the problem in the new construction is not so much inflation but the actual material cost and the supply of available contractors that can do large commercial work required.

Commissioner Thomas suggested on getting an updated email of the details of the unallocated funds and what has been used of that thus far and what is available today and the projection for the end-of-year, which might give the Board a better understanding. **Ms. Matthews** responded that there will be a budget report ready at the next meeting and reiterated that unallocated funds have to be approved by the Board of Commissioners.

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

*(**Vice-Chair Lewis, Commissioners Robinson, Anglyn** and **Thomas** voted in favor; **Commissioner Wilson** opposed; **Chair Harrell** was absent)*

Resolution #23-309

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 Comments.

APPROVAL OF MINUTES

Commissioner Anglyn moved to approve the Minutes from *Monday, August 14, 2023 (Regular BOC meeting), Thursday, August 31, 2023 (Called Joint BOC Meeting w/Airport Authority) and Thursday, August 31, 2023 (Called Joint BOC Meeting w/Building and Facilities Authority)*; **Commissioner Robinson** seconded the motion. Motion carried (5-0-1).

UPCOMING MEETINGS AND EVENTS

A. Tuesday, November 7, 2023 at 9:00 a.m., Regular BOC Meeting

B. Tuesday, November 28, 2023 at 6:30 p.m., Regular BOC Meeting (4th Tuesday of this month)

ADJOURNMENT

There being no further business to come before the Henry County Board of Commissioners at this time **Commissioner Robinson** moved to adjourn; **Commissioner Anglyn** seconded the motion . ***Meeting adjourned at 9:20 p.m.***

Carlotta Harrell, Chair

Stephanie Braun, County Clerk