

**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, November 28, 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; Serena Nowell, County Attorney; and Stephanie Braun, County Clerk.

HENRY COUNTY CODE OF CONDUCT

(Sec. 2-2-128: Conduct during public meetings)

INVOCATION

The Invocation was given by Pastor Leonard Himes of Henry County Fire Rescue.

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, November 28, 2023 at 6:30 p.m., to order.

PRESENTATION

Recognition of Parks and Recreation Department for receiving Georgia Recreation and park Association (GRPA) District and State Awards (Presenters: Cheri Hobson- Matthews, County Manager; and Jonathon Penn, Cluster Lead)

Henry County Parks and Recreation Department have received awards on the district and state level from GRPA. Awards were presented to the following employees:

- Alex Moseley - Promising Professional Award
- John Kelly Lee - Maintenance Operations Network Award
- Kevin Patterson - Athletics/Aquatics Network Award
- Kathy Hunt - Distinguished Professional Award
- Terry Nash - Distinguished Professional Award
- Thomas White - Promising Professional Award
- Henry County Parks and Recreation Department was awarded Agency of the Year from Georgia Recreation and Park Association (GRPA)

(Photos were taken with the BOC and award winners)

CONSENT AGENDA

County Manager Cheri Hobson-Matthews read the consent agenda as follows:

E-911

- A. Resolution of the Henry County Board of Commissioners authorizing approval of annual reoccurring broadband data purchase through Loudoun Communications for LTE systems on public safety radios at a cost of \$109,241.00, from E911 Fund/Repairs & Maintenance, Account #21500120-522200 (Presenter: Tamika Kendrick, E911 Director)(Exhibit 1)
Resolution #23-330
- B. Resolution of the Henry County Board of Commissioners for the Vesta Diversification Project, relocating our secondary phone server to our backup location, with a one-time cost of \$107,047 to be paid for through E911 fees, and a monthly recurring charge of \$991.00 to be paid for through Repairs and Maintenance account #21500120-522200 (Presenter: Tamika Kendrick, E911 Director)(Exhibit 2)
Resolution #23-331

Facilities Maintenance

- A. Resolution terminating contract regarding award (via Resolution No. 22-118) to TerraSouth Landcare, LLC. for groundskeeping, mowing and landscaping services. (Presenter: Hutch Purvis, Cluster Lead)(Exhibit 3)
Resolution #23-332

Technology Services

- A. Resolution of the Board of Commissioners approving purchase of new hardware system and storage upgrades utilizing CIP and ARPA funding Approval of Network, System and Storage Upgrades in the amount of \$1,077,336 via Statewide Contract. Funding will be utilized from CIP (\$499,994); and ARPA (\$577,342). (Presenter: Jamie Pownall, Technology Services Director)(Exhibit 4)
Resolution #23-333

Planning & Zoning

- A. Resolution by the Henry County Board of Commissioners to adopt the State required Capital Improvement Element annual update and CIE Community Work Program. Countywide (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 5)
Resolution #23-3134

(This ends the consent agenda)

With no questions from the board, Chair Harrell called for a motion to approve the consent agent.

Commissioner Dee Anglyn made the motion to approve; **Vice Chair Kevin Lewis** seconded. Motion carried (6-0-0)

REGULAR AGENDA

Financial Services

(A) Resolution to establish an FY24 operating budget for the Henry County Building & Facilities Authority (Presenter: Bernita Campbell, Budget Director)(Exhibit 6)

Ms. Bernita Campbell explained that this will approve the creation of a Fiscal Year 2024 budget for the Henry County Building & Facilities Authority in the amount of \$50,000 used to fund professional, legal and administrative fees for the authority.

Commissioner Dee Anglyn moved to approve; **Vice Chair Kevin Lewis** seconded. Motion carried (6-0-0). *Resolution #23-335*

(B) Resolution to revise the Henry County Library System's FY24 Budget Allocation to cover the employer's share of health insurance costs through the State Health Benefits Plan. (Presenter: Bernita Campbell, Budget Director)(Exhibit 7)

Ms. Bernita Campbell stated that increases in the employer's share for health care were not known at the time of budget approval. This resolution approves additional allocation of funds to cover the increased health care costs in the amount of \$37,500, which is available in the General Fund.

Commissioner Dee Anglyn moved to approve; **Vice Chair Kevin Lewis** seconded. Motion carried (6-0-0). *Resolution #23-336*

(C) Resolution to enter into a subrecipient agreement with McIntosh Trail to provide mental health and other health related services utilizing ARPA (ARP-FRF) funding (Presenter: Monique Franklin, Grants Administrator)(Exhibit 8)

Ms. Monique Franklin explained that the County would be entering into an agreement with McIntosh Trail Community Service Board in the amount of \$200,000 to be funded with ARPA funds in order to provide mental health and other health related services. Project was approved during the April 19, 2022 BOC meeting. A breakdown of the funds includes providing staffing such as clinicians to provide therapy and treatment. Services provide care for approximately 1,500 indigent residents.

Commissioner Vivian Thomas moved to approve; **Commissioner Dee Anglyn** seconded. Motion carried (6-0-0). *Resolution #23-337*

(D) Resolution approving (11/28/23 3:00 pm Workshop Meeting Items, re: \$9,500,000 ARPA Funding; and \$800,000 Community Development Funds) (Presenters: David Smith, Financial Services Director/Cluster Lead; and Shannan Sagnot, Community Development/Cluster Lead)(Exhibit 9)

Note: No action taken -- this item will be brought back in January, 2024.

Stormwater

(A) ULDC-AM-23-12 (PUBLIC HEARING)

An Ordinance by Henry County, Georgia, to amend various sections of the Unified Land Development Code of the Henry County Code of Ordinances regarding the regulation of stream buffer protection, post-construction stormwater management, and for other purposes. Countywide (Presenter: Roque Romero-Muniz, Cluster Lead)(Exhibit 10)

Mr. Roque Romero, Stormwater Director/Cluster Lead, stated that the requirements are part of the Army Corps of Engineer regulations. If a stream is on a landowner's property it will be the responsibility of the landowner to care for the stream. To do anything, owners would have to go follow the proper permitting process through the Army Corps of Engineers, which is part of the requirement.

The proposed amendment will modify Section 3.03.00 Stream Buffer Protection of the ULDC as it pertains to the regulation regarding the protection of natural features and resources as required by Henry County's National Pollutant Discharge Elimination System (NPDES) Phase II permit.

The proposed amendment to modify Section 8.04.00 Standards for Stormwater Management of the ULDC regarding post construction stormwater management which includes a "Runoff Reduction Standard" is required by Henry County's National Pollutant Discharge Elimination System (NPDES) Phase II permit as well as the Metropolitan North Georgia Water Planning District (MNGWPD) Water Resources Management Plan.

There were no speakers during the public hearing portion of the meeting.

Commissioner Vivian Thomas moved to approve; **Commissioner Dee Anglyn** seconded. Motion carried (6-0-0). *Ordinance 23-10*

(B) HC-CODE-AM-23-02 (PUBLIC HEARING)

An Ordinance by Henry County, Georgia, to amend various sections of the Henry County Code of Ordinances regarding the regulation of solid waste and litter control, water recycling regulations, and for other purposes. Countywide (Presenter: Roque Romero-Muniz, Cluster Lead)(Exhibit 11)

Mr. Roque Romero, Stormwater Director/Cluster Lead, stated that this ordinance will require all new car washes to recycle water. Staff proposes to amend Chapter 3-5, Subchapter 4, Article III of the Henry County Code of Ordinances and as it pertains to the recycling of water for all new car wash developments as required by the Metropolitan North Georgia Water Planning District (MNGWPD) Water Resources Management Plan.

Staff proposes to amend Chapter 3-16, Article III of the Henry County Code of Ordinances as it pertains to the requirements for Solid Waste and Litter control as required by Henry County's National Pollutant Discharge Elimination System (NPDES) Phase II permit.

There were no speakers during the public hearing portion of the meeting.

Commissioner Dee Anglyn moved to approve; **Commissioner Neat Robinson** seconded. Motion carried (6-0-0). *Ordinance 23-11*

Planning & Zoning

(A) RZ-22-15 (PUBLIC HEARING)

DRB Group, LLC of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located near the southeast corner of the intersection of Kelleytown Road and Airline Road in Land Lot 44 of the 11th District. The property consists of 51.26 +/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kenta Lanham, Planner III)(Exhibit 12)

Kenta Lanham, Planner III, explained that the site plan indicates a 49-lot subdivision on a septic system.

Staff recommends approval with additional conditions:

- The property shall not exceed 49 lots
- All disturbed areas will be sodded, except where landscaping is present
- All houses shall be built on site and a minimum of 1,600-square-feet of heated space.
- No residential dwellings shall be located within 110% of the height recorded for the adjacent cell tower
- A 90-foot enhanced landscape buffer will be installed along Airline Road and a 20-foot buffer along the south property line.
- A 20-foot enhanced landscape strip will be placed along the rear of the property line.
- Subdivision shall be developed as an owner-occupied community. No more than 10% of the homes may be rented or lease-purchased at any one time.

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.

Public Hearing:

(In Favor)

- 1) **Steve Moore with Moore/Bass Consulting** came forward on behalf of the applicant.
- 2) **Robert Kolpack** spoke in favor of the development, stating it's one of the better presented by the applicant.

(In opposition)

- 1) First resident speaking in opposition of the development, but did not provide name. He stated the area is getting more crowded and more traffic. He requested that the Board put this off for a while to allow for more suburban living instead of overcrowding. He asked if the electric grids could handle the development, water and sewer.
- 2) **David Perry** stated that he lives on Kelleytown Road and has 38 acres. He shares a quarter-mile long property line with the development. He wants the community to retain its rural character that it has had for his entire life. A creek runs parallel to the property lines which sustains a variety of wildlife. He stated that he has not heard anything about conserving the spring-fed creek. The water is clean. All the runoff from the development will run into the creek.

The public hearing was concluded.

Commissioner Johnny Wilson questioned who is responsible for improvements following a traffic study. **Cheri Hobson-Matthews, County Manager**, stated it is the responsibility of the developer.

Commissioner Johnny Wilson also questioned how the stream will be protected, and it was explained that the ULDC has some protection built in for the streams.

Steve Moore, representing applicant, stated that there would be a 50 foot buffer on each side of the stream, in addition to a 25 foot impervious buffer. Two detention ponds will also be built in.

Commissioner Dee Anglyn mentioned that there were new regulations on detention ponds passed and it provides options.

Commissioner Vivian Thomas asked why the development was connected to septic, and Mr. Lanham explained that this property does not have access to sewage and is too far away. **Commissioner Thomas** also asked if it was in compliance concerning the stream, and Mr. Roque Romero stated that the development would have to follow county ordinances.

Mr. Touissant Kirk, Planning & Zoning Director/Cluster Lead, stated that they have to engineer plans first to be approved further, beyond the board's approval of the development.

Mr. Roque Romero, Stormwater Director/Cluster Lead, added that the plans will be submitted through the county and they will be reviewed for approval.

Mr. Kirk stated that if the plans do not meet the standards they are rejected until they meet the county standards, but Commissioner Thomas stated that she was still concerned about the stream.

Mr. Brett Hanes, Assistant Building Director, stated that the number of lots can be decreased based on standards. This does not grant them approval to start work right now.

First Vote: **Commissioner Dee Anglyn** made a motion to approve; **Vice Chair Kevin Lewis** seconded. 3-3-0 vote with Commissioners Wilson, Robinson and Thomas opposing. Commissioner Anglyn, Vice Chair Lewis and Chair Harrell voted in favor. Motion does not pass.

Second Vote: **Commissioner Dee Anglyn** made a motion to table the decision until March 5, 2024 to have enough time to speak with constituents. **Commissioner Neat Robinson** seconded. Motion carries 6-0-0.

(B) RZ-22-16 (PUBLIC HEARING)

Mehulkmar Gajjar of Locust Grove, GA requests a rezoning from RA (Residential-Agricultural) to C-2 (General Commercial) for property located at the northeast corner of the intersection of Upchurch Road and Highway 81 East in Land Lot 174 of the 7th District. The property consists of 6.27 +/- acres, and the request is for a commercial development. District 3 (Presenter: Kenta Lanham, Planner III)(Exhibit 13)

Kenta Lanham, Planner III, explained that the property is located on the northeast corner of Upchurch Road and Hwy. 81, and the request is to rezone the property from RA to C-2. With the adoption of the new Comprehensive Plan and Future Land Use Map on October 30, 2023, the subject property is now designated as commercial.

It includes a gas station, general retail and an auto parts store.

Staff recommends denial of C-2 (general commercial), but approval of C-1 (neighborhood commercial).

The original request did have an associated car wash with the gas station, but that has since been dropped as indicated on the site plan produced.

Additional conditions include:

- (#4) Owner/Developer shall dedicate up to, but not to exceed 35 feet, of right-of-way along Highway 81 East from the existing northern right-of-way boundary and only the extent required by GDOT per its final approved plans for the Hwy 81 east widening. The right-of-way shall not be dedicated until after the owner/developer has received its certificates of occupancy for its development on the property or within thirty (30) days of GDOT letting the contract for construction, whichever occurs first. If the dedication of right-of-way causes any nonconformity with the zoning requirements or development standards of the ULDC for use of the property zoned C-1, then the County Staff shall grant the minimum variances to render the property legally conforming.
- (#8) Additional language added: The canopy shall match the design of the convenience store and include brick columns.
- (#13) Will be changed to: A 15-foot enhanced landscape strip outside of the right-of-way of Upchurch Road.

Public Hearing:

(In Favor)

- 1) **Andy Welch with Smith, Welch, Webb & White** came forward on behalf of the applicant. (PowerPoint presented). He stated that they are agreeable to C-1 designation. He showed a layout of the site plan and pointed out that they have modified the site plan as staff requested so that it would remove the canopy for the gas station so that it fronts Upchurch and not Hwy 81.

(In opposition)

- 1) **Paul Peters** stated that there is already a gas station on the corner of Highway 81 and Upchurch Road. The rendering shows two gas stations next to each other. There's another gas station less than 1,000 feet away.
- 2) **Shelly (no last name provided)** stated within one mile there are 5 other gas stations in the area, but was not opposed to the retail portion of the development.

The public hearing was concluded.

Chair Carlotta Harrell asked about other planned structures?

Attorney Andy Welch stated an auto parts store, retail shops, and a drive-thru restaurant.

Commissioner Dee Anglyn mentioned concerns about traffic on Hwy 81 and several folks have asked about a turn signal, but it's a state highway. It is in the process of being widened to Bethany, but there will be a phase 2 that takes it to Keys Ferry.

Roque Romero-Muniz, stated that there are two phases: Phase I from Lemon Street to Bethany and we are starting to acquire right-of-way now, which will take about a year or so. The second phase will be from Bethany of Bethany to Keys Ferry. It will probably ill probably take 2-4 years to do the design and receive GDOT approval. He added that it would probably be close to 7 years to complete the second phase (about 3 miles long).

Commissioner Dee Anglyn asked how is traffic is captured?

Attorney Andy Welch explained that they are required to have a deceleration lane so people can turn off

Highway 81 and turn into the center of the development. When Hwy 81 is eventually widened, it will be a right in, right out only which will accommodate traffic.

Commissioner Johnny Wilson added that GDOT did a signal study for Upchurch Road and Highway 81 and did not want a signal there. GDOT would have to approve a signal, if warranted.

Commissioner Vivian Thomas asked if anyone from the county looked at the number of gas stations in the area, and what is the average distance apart?

Kenta Lanham stated that there are 3 gas stations within 1.5 miles. There will be 4 within 2 miles.

Commissioner Vivian Thomas inquired about the detention pond and inquired if it would be underground. **Attorney Andy Welch** confirmed that it would be underground and was one of the conditions laid out by staff.

Commissioner Vivian Thomas inquired about sidewalks and **Kenta Lanham** explained that with the widening of Hwy 81 there will be sidewalks installed.

Commissioner Dee Anglyn made a motion to approve with updated conditions. **Vice Chair Lewis** seconded. Motion carries 6-0-0. *Resolution 23-338*

County Attorney

(A) Resolution to rescind Henry County's Wrecker Services Policy and approve Amendment to Henry County's Wrecker Service Area and Contract (Presenter: Squire, Patton, Boggs, LLP)(Exhibit 14)

Chair Carlotta Harrell explained that this item has been on the agenda several times now, but the most recent was tabled to today's meeting in order for some additional questions to be answered. This was led by a collaboration of various meetings with GDOT, Georgia State Patrol, Henry County Motor and Traffic Units and 911 Motor Carrier to address clearance of I-75 in a more timely manner. She added that herself, Senator Brian Strickland, and GDOT Representative Dana Lemon met with GDOT Commissioner Russell McMurtry and this was one of the recommendations presented. There was a request to add the interstate as another contractual agreement to go with the North and South sides of the County. She believes this will provide a better service to our travelers and our residents and help with response time in the clearance of I-75 when needed. Any businesses that contracts with the County should be self-sufficient because no contracts are guaranteed.

Chair Carlotta Harrell made a motion to approve; **Commissioner Dee Anglyn** seconded.

Commissioner Johnny Wilson stated that he has not seen any data that shows the wreckers are not responding in a timely manner. We are fixing to put two wrecker services out of business because 70% of their business is on I-75.

The motion carried 3-2-1, with Chair Harrell, Commissioner Anglyn and Vice Chair Lewis voting in favor; and Commissioner Wilson and Thomas voting in opposition. Commissioner Robinson abstained with the explanation that she was not on the board at the time and does not have a clear understanding as to why to board is doing what it is doing. *Resolution #23-339*

PUBLIC COMMENT

No one signed up for public comment.

APPROVAL OF MINUTES

November 28, 2023

Page 9 of 9

Approval of minutes for October 17, 2023.

Vice Chair Lewis made the motion to approve the minutes; **Commissioner Anglyn** seconded. The motion carried 6-0-0.

UPCOMING MEETINGS AND EVENTS

- December 5, 2023 is a regularly scheduled BOC Meeting at 9:00 a.m.

ADJOURNMENT

Meeting adjourned at 8:10 p.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk