

March 5, 2024

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**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, March 5, 2024, 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, Vice Chair/District 1 Commissioner
Neat Robinson, District 2 Commissioner
Dee Anglyn, III, District 3 Commissioner
Vivian Thomas, District 4 Commissioner
Kevin J. Lewis, District 5 Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Serena Nowell, County Attorney; Stephanie Braun, County Clerk; 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, March 5, 2024, at 9:06 a.m., to order.

Announcement

The following amendments were made to the agenda:

1. Correction of scrivener's error in Qualifying Fee Resolution #24-38 (note: the qualifying fees were advertised correctly in the Henry Herald, but the Board of Commission Chair was inadvertently listed twice in the resolution). The correct fee for the Chair on the resolution should be \$45,000 base salary. Three percent equals \$1,350.
2. Correction of scrivener's error in Condemnation Resolution #24-58, re: Western Parallel/Parcel 13. (Note: the square footage was incorrect).
3. Add Executive Session, re: Property Acquisition.

PROCLAMATION

A. Proclamation for Mr. Jimmy Carter *(Presenters: Commissioner Dee Anglyn III; and Melissa Robinson, Public Relations Director)*

The proclamation was read honoring the life and legacy of James Jimmy Carter, the owner of Southern Belle Farm.

Commissioner Anglyn noted that it was great to celebrate, offer gratitude and give thanks for the life of Jimmy Carter.

Chair Harrell added that it was a privilege to serve with Mr. Jimmy Carter on the Water Authority Board, stating he was a man of integrity, kind, humble and a pleasure to work alongside.
(Photographs were taken with the family and Board)

B. Proclamation for Women's History Month *(Presenter: Victoria Rodgers, Human Resources Deputy Director)*
(Photographs were taken)

PRESENTATIONS

A. Comprehensive Parks Master Plan Update *(Presenter: Jonathon Penn, Cluster Lead)*

Carlos Perez with Perez Planning and Design presented an update of the Comprehensive Parks Master Plan and the findings of the first phase of the plan. The plan creates a 10-year blueprint to plan, fund, develop and manage parks, facilities, trails and programs. Summary findings indicate the community would like to see paved multi-purpose trails, indoor pools, restrooms at parks, natural areas/nature parks, unpaved walking and hiking trails and neighborhood parks. In addition, programs desired include adult fitness/wellness, water fitness, community special events, nature programs, adult/youth learn to swim and cooking and nutrition classes. Areas of community concern were community safety/crime/violence, traffic congestion, preservation of natural areas, blight, and access to healthy foods, such as fresh fruit, vegetables and whole foods. A summary of numerous data points was presented to the Board of Commissioners by Carlos Perez as shown in several slides. **Mr. Perez** said the next step is to work with county staff on how to address the desires of residents by developing a customized implementation strategy for Henry County.

Commissioner Anglyn asked about usage fees when large tournaments or other events are held at parks by people from outside the county. He asked Carlos Perez about charting such a fee schedule and the impact, positive and negative, acknowledging an answer may not be readily available.

Jonathon Penn said fees have been discussed, adding that programming has out of county fees, but not rentals. He said they are looking at different models that may work for Henry County.

Commissioner Lewis said he is thankful the county is working toward an actual plan. He noted that per capital funding is half of that nationally, and that there are not enough employees for all the park spaces in the county as measured by full-time equivalent employees per 10,000 residents.

Commissioner Thomas asked about goals and objectives, and phases to bring the county up to standard.

Jonathon Penn, Cluster Lead said that will be part of the implementation strategy phase.

Commissioner Thomas asked if the study has identified how much more land is needed for parks and green space.

Carlos Perez said they do have an idea of where the land is needed.

Chair Harrell asked about the connectivity of the trails between county and cities, similar to something like the Silver Comet Trail or Beltline. She asked if there are conversations between cities and the county?

Mr. Penn said there is a trail plan that Sam Baker, Transportation Director, has created. Parks and Recreation is using that plan to identify areas within the comprehensive plan.

Commissioner Neat Robinson said District 2 is working on connectivity working with the City of Stockbridge. She noted that we all will have to work together for land acquisition.

CONSENT AGENDA

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

ACCG Grant Awards, re: Internships

- A. Resolution approving 2024 ACCG Georgia Civic Affairs Foundation Grant Awards for Internships for the following Henry County Departments: Planning & Zoning; Stormwater and Transportation Planning (*Presenter: Sam Baker, Director of Transportation Planning*)(*Exhibit 1*) Resolution #24-65

Board of Commissioners

- A. (To perfect the record) Resolution in support of allowing residents to vote on Casino Gambling and Sports Betting; to provide for an effective date; and for other purposes (*Presenter: Serena Nowell, County Attorney*)(*Exhibit 2*) Resolution #24-64

Facilities Maintenance

- A. Resolution for the Board of Commissioners to award bid #24-25 to Blount Construction Company, Inc. of Marietta, GA. to replace the concrete at Fire Station #12 for \$89,788.86 Board approved CIP funding will be utilized for this project. (*Presenter: Hutch Pervis, Cluster Lead*) (*Exhibit 3*) Resolution #24-66

Fleet Department

- A. Resolution for the Board of Commissioners to award bid #24-28 to Riley Contracting Inc. of Senoia Ga. to remove uneven trip hazard areas and resurface the bay floors at the 121 Work Camp Road Fleet Services building for the amount of \$97,000. Board approved CIP funding will be utilized for this project. (*Note: Item requires board approval because bids were posted and received prior to Purchasing Policy Update approved on Feb. 6, 2024*)(*Ordinance 24-1*). (*Presenter: Chris Matthews, Fleet Director*)(*Exhibit 4*) Resolution #24-67

Police Department

- A. Resolution of the Henry County Board of Commissioners to accept an allocation in the amount of \$3,000 from the United States Secret Service, Atlanta Field Office, for Henry County Police Department's participation in the Cyber Fraud Task Force, Digital Evidence Forensics Lab. *(Presenter: Lt. Powell, HCPD)(Exhibit 5) Resolution #24-68*
Resolution #23-317

SPLOST

- A. Resolution to authorize the acquisition of 587 Sq. Feet of right of way, and 2,784 sa. Feet of permanent easement more or less, in land lot 119 of the 6th district by negotiated contract or condemnation, re: Dutchtown Road/Parcel 20 *(Presenter: Serena Nowell, County Attorney)(Exhibit 6) Resolution #24-69*
- B. Resolution to authorize the acquisition of 238 sq. Feet of the right of way and 1,077 sq. feet of permanent easement more or less, in land lot 119 of the 6th district by negotiated contract or condemnation, re: Dutchtown Road/Parcel 21 *(Presenter: Serena Nowell, County Attorney)(Exhibit 7) Resolution #24-70*
- C. Resolution to authorize the acquisition of 173 sq. feet of the right of way, and 527 sq. feet of permanent easement more or less, in land lot 119 of the 6th district by negotiated contract or condemnation, re: Dutchtown Road/Parcel 22 *(Presenter: Serena Nowell, County Attorney)(Exhibit 8) Resolution #24-71*
- D. **(Moved to Regular Agenda)** Resolution of the Board of Commissioners approving the bid award for resurfacing of various county roads to MHB Paving Company, Inc. in the amount of \$6,691,586; and accompanying Budget Amendments *(Presenter: Roque Romero, Public Works/Cluster Lead)(Exhibit 9)*

Transit Department

- A. Resolution approving Henry County Title VI Plan 2024 – 2027, as required by the Federal Transportation Administration, to comply with the Civil Rights Act of 1964. As a recipient of federal financial assistance, Henry County is required to comply with various non-discrimination laws and regulations. *(Presenter: Taleim Salters, Transit Director (Exhibit 10) Resolution #24-73*

Planning & Zoning

- A. Resolution approving a request for a new streetlight district for Campground Crossing Subdivision on Campground Road. District 4 *(Presenter: Heidy Liahut, Planner I)(Exhibit 11) Resolution #24-74*
- B. Resolution approving a request for a new streetlight district for Southern Hills Phases 2A and 2B on Walker Drive. District 5 *(Presenter: Heidy Liahut, Planner I)(Exhibit 12) Resolution #24-75*

(This ends the consent agenda)

Vice Chair Wilson requested item D under SPLOST to be moved to the regular agenda. **Commissioner Lewis** said he wanted the public to be aware, concerning the resolution addressing casino gambling and sports betting, that the resolution is not a dictate of the board, but will allow a vote for residents to decide. **Chair Harrell** added it would be a statewide referendum, not just Henry County.

Commissioner Robinson made the motion to approve the consent agenda (with SPLOST/Item D moved to the regular agenda); **Commissioner Lewis** seconded. Motion carried (6-0-0).

REGULAR AGENDA

SPLOST (Moved from Consent Agenda)

D. Resolution of the Board of Commissioners approving the bid award for resurfacing of various County roads to MHB Paving Company, Inc. in the amount of \$6,691,586; and accompanying Budget Amendments (*Presenter: Roque Romero, Public Works/Cluster Lead*) (*Exhibit 9*) Resolution #24-72

Roque Romero, Cluster Lead, stated the county received seven bids for the project. The funding is coming from LMIG 2023, 2024 and SPLOST.

Vice Chair Wilson said he received phone calls wanting to know what 33 roads were listed to be resurfaced.

The following roads are authorized to be reclaimed and resurfaced:

DISTRICT & ROADS

DISTRICT 1

1. Grove Spring Rd
2. Indian Spring Dr
3. Shelley Lane
4. Dorsey Road (Split D1 & D5)
5. Mallard Lane
6. Teal Court
7. Pintail Way

DISTRICT 2

1. Flakes Road (50%)
2. Cook Drive
3. Belair Drive

DISTRICT 3

1. Flakes Road (50%)
2. Fawn Crossing
3. Thicket Trail
4. Nails Creek Court
5. Nails Creek Trail
6. Oak Ridge Court
7. Smoke Rise Court
8. Monroe Drive
9. Berry Court
10. Zack Court
11. Rowan Drive

12. Honey Lane

DISTRICT 4

1. Bridges Road
2. Oak Bend Drive
3. Crown Corners Drive
4. Glen Oaks Drive
5. Dickerson Cove Drive
6. Rosebud Lane
7. Rosehill Drive
8. Rosewood Drive

DISTRICT 5

1. Rowanshyre Way
2. Rowanshyre Circle
3. Shyre Lake Lane
4. Westwinds Trail
5. Windward Hills
6. Dorsey (Split w D 1)
7. Nail Drive

Chair Harrell asked that the list be posted on the county website for citizens.

Vice Chair Wilson made a motion to approve; **Commissioner Lewis** seconded. The motion carried 6-0-0.

Board of Commissioners

Resolution by the Henry County Board of Commissioners supporting legislation allowing sprinkler system installation requirements in townhomes. (Presenters: Chief Johnathon Burnette, HCFR; and Brett Hanes, Assistant Director/Building Department) (Exhibit 13) Resolution #24-76

Brett Hanes, Assistant Director, requested the Board of Commissioners support the resolution to be delivered to local delegates. It will support legislation that will allow counties and cities to require sprinklers to be installed in townhomes. It will give back local control in the communities. Mr. Hanes presented a PowerPoint presentation.

Chief Johnathon Burnette thanked Mr. Hanes for writing the resolution for the Fire Department and stated that Fire Rescue does support the resolution, in collaboration with the Building Department.

Brett Hanes read the full resolution into record.

Vice Chair Wilson said the resolution is something that has been working on for several years. He said he is in favor of any resolution that can protect citizens and first responders and having the authority over the jurisdiction.

Commissioner Anglyn asked if when approving townhome communities that sprinkler installation is a condition of approval.

Brett Hanes said it has been required via a zoning condition but would like to do it via an ordinance which would assist in the planning phase.

Commissioner Anglyn asked if requirements for sprinkler locations will be governed by the county.

Chief Michael Black, HCFR, answered yes.

Vice Chair Wilson made a motion to approve; **Commissioner Lewis** seconded. Motion carried (6-0-0).

Resolution by the Henry County Board of Commissioners opposing HB 1266 also known as the CHOICE Act. (Presenter: Ashley Larrow, Chief of Staff) (Exhibit 14) Resolution #24-77

Ashley Larrow, Chief of Staff, presented House Bill 1266, also known as CHOICE Act, aims to incentivize governments to adopt zoning and land use policies with the goal of promoting affordable housing across the state. It would create a tiered system that gives preferential treatment to governments when applying for state grants. While it is acknowledged there is a need for more affordable statewide housing, the legislation contains several pieces that causes significant concern which include the impact to Home Rule, which hurts grant funding opportunities for critical infrastructure and creates public safety concerns.

Ms. Larrow stated the bill could go directly against a recently passed Comprehensive Plan, takes away from local authority, creates inequity and hinders applying for state grants. The resolution will oppose House Bill 1266 in current form.

Chair Harrell said she sat on the Joint Study Committee and at no time was it said it would be tied to grant funding possibilities. She said anything that is going to prohibit or limit the County's grant funding and asking the board to make sure we do not get our grant funding tied up because of this piece of legislation.

Commissioner Robinson made a motion to approve; **Commissioner Lewis** seconded. The motion carried 6-0-0.

Planning & Zoning

RZ-22-15 (Not a 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 15) Resolution #24-78

Kenta Lanham explained the DRB Group is requesting rezoning from Residential-Agricultural to Single Family Residence for the property located near the southeast corner of intersection of Kelleytown Road and Airline Road and consists of 51.26 acres. The request is for a single-family residential subdivision with 49 lots. The Future Land Use Map designation of low-density suburban which supports up to two dwelling units per acre.

Mr. Lanham stated at the November 28, 2023 board meeting the item was table to the March 5, 2024 meeting to address ecological concerns discussed at the meeting. A revised plan addressing the ecological concerns was presented to the applicant. At that time, staff discussed with the applicant preservation of the natural features within the proposed development, specifically along the creek on the east side. The applicant performed an updated wetlands delineation and detailed soil study of the property and has adjusted the buffers accordingly. The conditions have been revised to reflect the buffer changes around the perimeter for the preservations of wetlands and trees and the creek. A total of 21 conditions were presented via slideshow during the meeting.

Commissioner Anglyn asked if the property fits within the new Future Land Use Map put into place, and **Kenta Lanham** responded yes.

Commissioner Anglyn asked about the average land lot sizes in the proposed subdivision versus the ones seen in the neighboring subdivision.

Kenta Lanham said the lots are 30,000 square feet in the surrounding subdivision. Mr. Lanham said the proposed lots are over 30,000 square feet with some reaching up to 40,000 square feet. He said the lots do exceed the minimum of 30,000 square feet which are required by the zoning code.

Commissioner Anglyn asked for the enhanced buffers around the perimeter of the property to be explained and stated that developers decided to put into place after meeting with staff.

Kenta Lanham said a 90-foot enhanced buffer will be along Airline Road with a 30 foot undisturbed or enhanced landscape buffer along the south property line which may be located on the building lots. Both of the buffers will be required to be reviewed and approved by the Henry County Building Department and the Planning and Zoning Department prior to the issuance of a land disturbance permit.

Commissioner Anglyn asked how the homes will be varied.

Kenta Lanham said material requirements in the conditions. No. 12 states that no lot shall be permitted to have the same house plan replicated within three lots on either side.

Commissioner Anglyn called Steve Moore, applicant representative, to the podium asking him to show what the green space would look like and what the depths would look and be preserved between each land lot.

After problems with the microphone, **Chair Harrell** decided to take action on the item.

Commissioner Anglyn made a motion to approve; **Commissioner Lewis** seconded. Motion carried (5-1-0) **Vice Chair Johnny Wilson** voted in opposition.

Added Items

(ADDED ITEM) **Correction of scrivener's error in Qualifying Fee Resolution #24-38 (note: the qualifying fees were advertised correctly in the Henry Herald, but the Board of Commission Chair was inadvertently listed twice on the resolution. The correct fee for the Chair on the Resolution should be \$45,000/base salary (3% = \$1,350). Resolution #24-79**

Commissioner Thomas made a motion to approve; **Commissioner Anglyn** seconded. The motion carried 6-0-0.

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(ADDED ITEM) **Correction of scrivener's error in Condemnation Resolution #24-58, re: Western Parallel/Parcel 13 (note: square footage was incorrect). Resolution #24-80**

Commissioner Vivian Thomas made a motion to approve; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

EXECUTIVE SESSION Property Acquisition (Added)

Vice Chair Kevin Lewis made a motion to enter into Executive Session at (10:19 a.m.); **Commissioner Dee Anglyn** seconded. Motion carried 6-0-0.

RECONVENE FROM EXECUTIVE SESSION (Added)

Commissioner Dee Anglyn made a motion to reconvene from executive session (10:39 a.m.); **Commissioner Kevin Lewis** seconded. The motion carried 6-0-0.

(ADDED) Resolution to approve two (2) condemnations: Re: Western Parallel (Parcels 18 and 21) **Commissioner Kevin Lewis** motion to approve; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

APPROVAL OF AN AFFIDAVIT AND RESOLUTION PERTAINING TO EXECUTIVE SESSION (Added)

Vice Chair Johnny Wilson made the motion to approve the affidavit and resolution; **Commissioner Kevin Lewis** seconded. Motion carried 6-0-0.

UPCOMING MEETINGS AND EVENTS

- March 19, 2024 at 6:30 p.m. is a regularly scheduled BOC meeting
- April 9, 2024 at 9 a.m. is a regularly scheduled BOC meeting

ADJOURNMENT

Meeting adjourned at 10:41 a.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk