

**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, April 9, 2024 at 9 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
Michael T. Price, 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, April 9, 2024 at 9 a.m. to order.

Announcement
The following amendment was made to the agenda:

1. The following Planning and Zoning item was advertised for the April 9, 2024, Board of Commissioner meeting, but has been postponed by the applicant: ULDC-AM-24-01 (Public Hearing - POSTPONED) An Ordinance by Terri Lynn Woodall of Stockbridge, GA to amend Chapter 7 of the Unified Land Development Code of the Henry County Code of Ordinances regarding the regulation of front yard fences. Countywide

PROCLAMATIONS/RECOGNITIONS

- A. Proclamation recognizing April 2024 as National Fair Housing Month (*Presenter: Raven Bodine, Community Development Specialist II*)
- B. Proclamation recognizing April 2024 as Autism Month (*Presenter: Nicholas Ivey, Public Relations Specialist*)

PRESENTATIONS

- A. Update on CDBG-CV and ESG-CV Expenditures (*Presenter: Raven Bodine, Community Development Specialist II*)

Raven Bodine, Community Development Specialist, detailed how COVID-19 (CDBG-CV) funds were spent for projects and community members through Fall 2023. The total funds spent were \$1,556,207 for the following: employment training, food bank services, health services, services for abused and battered spouses, services for abused and neglected children, subsistence payments and administration. In addition, \$633,895 in ESG-CV funds were spent on emergency shelters, rapid rehousing and administration.

- B. Financial Services Update - Third Quarter Presentation (*Presenter: David Smith, Financial Services Director/Cluster Lead*)

Financial Services Director David Smith gave an update on the county's finances for the third quarter of 2024. Year to date revenues as of March 2024 is at \$201.5 million which is 12 percent greater than the budgeted revenue. The year-to-date expenditures are at \$168.2 million.

The SPLOST V collections are at \$162.8 million to date and spent \$90.2 million.

The Transportation SPLOST County collections are at \$68.8 million to date and approximately \$7.9 million has been spent.

APPOINTMENTS

- A. BOC Appointment to the Airport Authority (*to fill unexpired term of John Means: July 18, 2027*)- Resolution No. 24-100

Commissioner Dee Anglyn made the motion to appoint Lonnie Wilson to the Airport Authority; Commissioner Neat Robinson seconded. The motion carried 5-1-0 with **Vice Chair Johnny Wilson** voting in opposition.

CONSENT AGENDA

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

Department of Transportation

- A. Resolution of the Board of Commissioners to Purchase One (1) Gradall XL 3100 V 4x4 in the amount of \$501,829.60 using the Henry County Department of Transportation FY 2024 Capital Equipment Budget (*Presenter: David Simmons, Deputy Director*)(*Exhibit 1*) Resolution #24-101

E-911

- A. Resolution of the Board of Commissioners authorizing execution of an Intergovernmental Agreement between Georgia Department of Public Safety and Henry County for the sharing of public safety radio system information to enhance public safety in the State of Georgia. (*Presenter: Tamika Kendrick, 911 Director*)(*Exhibit 2*) Resolution #24-102

B. Resolution of the Board of Commissioners authorizing execution of a Memorandum of Understanding between Georgia Department of Transportation and Henry County for the sharing of public safety radio system information to enhance public safety in the State of Georgia. (Presenter: Tamika Kendrick, 911 Director)(Exhibit 3) Resolution #24-103

Financial Services

- A. Resolution approving disposal of surplus vehicles identified on attachment A through the online auction process via GovDeals.com. (Presenter: Susan Harris, Purchasing Administrator)(Exhibit 4) Resolution #24-104

Fire Rescue

- A. Resolution for the emergency purchase of Two (2) Saber Custom BTO Pumpers, Two (2) Saber Custom Tankers, One (1) Enforcer Custom 107' Aerial, and Two (2) Saber Stock Program Pumpers from Ten-8 Fire & Safety, LLC in the amount of \$7,489,957. Funding will be from Capital Funds (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 5) Resolution #24-105

Parks & Recreation

- A. Resolution of the Henry County Board of Commissioners accepting the allocation for the Georgia Recreation and Parks Association Building Opportunities in Out-of-School Time (BOOST) Grants Program awarded to Henry County Parks and Recreation Department in the amount of \$100,000 (Presenter: Johnathon Penn, Cluster Lead)(Exhibit 6) Resolution #24-106

Planning & Zoning

- A. Resolution approving bid award (RFP #24-24) to TSW for consulting services in the amount of \$222,500 for the 2024- 2025 Henry County Unified Land Development Code Update/Rewrite. (Presenter: Toussaint Kirk, Cluster Lead) (Exhibit: 7) Resolution #24-107

SPLOST

- A. Resolution to authorize the acquisition of 17,785 square feet of right of way, 3,741 of permanent utility easement, and 2,438 square feet of temporary construction easement more or less, in land lot 7 of the 11th district, Henry County, Georgia, by negotiated contract or condemnation, re: Knight Drive (Parcel 1) (Presenter: Serena Nowell, County Attorney)(Exhibit 8) Resolution #24-108
- B. (SPLOST V) Resolution of the Board of Commissioners approving a budget amendment in the amount of \$4,600,000 and bid award for the construction of the Flippen Road Extension project to Southeastern Site Development, Inc. in the amount of \$5,793,224. The total cost of the project is now estimated at \$6,700,000. (District 2, current District 5) (Presenter: Roque Romero, Public Works/Cluster Lead) (Exhibit 9) Resolution #24-109
- C. (TSPLOST) Resolution of the Board of Commissioners approving a budget amendment in the amount of \$1,000,000, and the bid award for McDonough Parkway to South Eastern Site Development, Inc. in the amount of \$14,533,953 (Presenter: Roque Romero, SPLOST Director/Cluster Lead) (Exhibit 10) Resolution #24-110

Technology Services

- A. Resolution approving the purchase of the Managed Services contract from Comtech for the Avigilon equipment utilizing a State Contract in the amount of \$326,027 for all Henry County Locations. *(Presenter: Jamie Pownall, Technology Services Director)(Exhibit 11)* Resolution #24-111
- B. Resolution to Approve Security Cameras for the Administration Building, five Parks and Rec Centers, Animal Control and the Recycling Center from Net planner utilizing a State Contract in the amount of \$141,586. *(Presenter: Jamie Pownall, Technology Services Director)(Exhibit 12)* Resolution #24-112
- C. Resolution approving Software 3 year Maintenance agreement *(Presenter: Jamie Pownall, Technology Services Director)(Exhibit 13)* Resolution #24-113

Transit Department

- A. Resolution of the Board of Commissioners of Henry County authorizing the renewal of the Public Transportation Agency Safety Plan (PTSAP), as required, in order to receive Federal and State funds from the Federal Transit Association (FTA). *(Presenter: Taleim Salters, Transit Director)(Exhibit 14)* Resolution #24-114

Discussion:

Chair Harrell asked for an explanation about the intergovernmental agreements under E-911. **Tamika Kendrick, E911 Director**, explained they allow the county emergency services to speak directly with other agencies, like Georgia State Patrol, rather than having to relay information via a dispatcher.

Chair Harrell asked for an explanation for the amended amount of SPLOST V funding for Flippen Road Extension Project. **Bert Bivins, Assistant Director – SPLOST**, explained the estimated cost was \$3,476,206. However, once the actual construction bid came in at \$5,793,224.55. Most of the increase is attributed to the cost of materials. The cost came in way above what was projected. The increase also includes cost of utility relocations and project management.

Vice Chair Johnny Wilson asked if the additional funding would take away from other projects or if the funds were surplus.

County Manager Cheri Hobson-Matthews said there is no surplus, only collections that have exceeded over the months.

Vice Chair Johnny Wilson requested an explanation of the emergency purchase request of Two (2) Saber Custom BTO Pumps, Two (2) Saber Custom Tankers, One (1) Enforcer Custom 107' Aerial, and Two (2) Saber Stock Program Pumps.

Fire Chief Jonathan Burnette said the resolution was approved by the board in January. The vehicles will replace those in the fleet currently, as well as an additional tanker truck. The ladder truck will take 3-4 years to build.

Commissioner Kevin Lewis made the motion to approve the Consent Agenda; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0

REGULAR AGENDA

Animal Control

- A. **(Public Hearing)** for Dangerous Dog Classification (*Presenter: Capt. Michael Hobgood, Animal Control Director*)(*Exhibit 15*) Resolution # 24-115

Capt. Michael Hobgood, Animal Control Director, has classified a dog in the county as a dangerous dog (attacks, bites, causes a person to believe the dog is going to bite them or a dog that kills another pet). The vicious classification covers dogs that inflict serious injury or causes the death of a person.

The owner has requested a hearing for the designation.

Background: Henry County Animal Control Department has received numerous complaints regarding pit bull mix dogs named Gunner and Chaos by their owner Audra Watson in Locust Grove. She has received five prior violations regarding her dogs running at large since July 2023. In total 26 court citations and 9 warnings have been issued in two years. Ms. Watson has also been issued 4 citations by the City of Locust Grove.

On December 4, 2023, one of her dogs was loose and impeding traffic in the neighborhood. Ms. Watson told the Animal Control Officer to shoot the dog as she has puppies. The dog attempted to bite the Animal Control Officer as she attempted to impound the dog. Ms. Watson's father signed the dog and the puppies over to animal control.

On Feb. 26, 2024, 911 received a complaint about two aggressive unrestrained dogs running at large on Skyland Drive. Three animal control officers arrived and spoke to a man at Ms. Watson's residence who said he was not the owner. As officers left to begin searching for them, the dogs returned to the home. Both dogs were restrained after they attempted to bite the officers. Officers returned to Ms. Watson's home and no one would answer the door. An impound notice was attached to the door. The dogs were taken to the shelter. On February 27th, Ms. Watson was issued eight citations for the incident. The citations will be heard on May 14, 2024 in Magistrate Court.

In summary, while running loose and unattended, Gunnar and Chaos aggressively chased residents and attempted to attack and bite Animal Control officers. This, along with Ms. Watson's continued disregard of the Henry County Animal Control ordinances, has caused Capt. Hobgood to classify both dogs as dangerous dogs. She was served with the notice on March 1, 2024. The request for the hearing was returned on March 4, 2024.

Ms. Watson did not attend the hearing with the Board of Commissioners on April 9, 2024.

County Attorney Serena Nowell advised the Board of Commissioners they have 10 days to rule on the case and a written notice will be sent to Ms. Watson regarding the decision. Animal Care and Control currently has possession of both dogs.

Chair Harrell invited residents to speak during the Public Hearing.

Neighbor Carol Reed stated the dogs have attacked numerous neighbors providing details of the dogs chasing and biting residents. She stated it has been going on for two years.

Another neighbor indicated that the dogs would attempt to attack him when he rode his bike in the neighborhood.

Jennifer Delee lives across the street. She said during Thanksgiving the dogs chased her 80-year-old father to the back of his truck. He had to wait until they ran away to get out of the truck. Another resident was chased by the dogs. She spoke with Ms. Watson about the problem. Ms. Watson told her to shoot the dogs.

Resident Ms. Delee noted the dogs have chased herself, her grandson and teens on the street.

Capt. Hobgood said if the board deems the dogs dangerous, they will not be returned to Ms. Watson.

Commissioner Michael Price said Ms. Watson's absence for the hearing shows she is not a responsible dog owner.

Commissioner Dee Anglyn asked for a definition of failure to restrain. Capt. Hobgood provided the definition. Additionally, **Commissioner Dee Anglyn** requested assurance that Ms. Watson is the owner of the dogs. Capt. Hobgood said when she signed the citation, she admitted she was the owner.

Chair Harrell called for a motion to classify the dogs as dangerous.

Commissioner Neat Robinson made the motion; **Commissioner Kevin Lewis seconded**. The motion carried 6-0-0.

County Attorney Serena Nowell instructed the board she will provide a written opinion of the board's decision that will need to be executed.

Commissioner Neat Robinson made a motion to grant ownership of the dogs, Gunner and Chaos, to the Henry County Animal Care and Control. **Commissioner Kevin Lewis** seconded. The motion carried 6-0-0.

Planning & Zoning

- A. **MC-24-02 (Public Hearing)** Edinburgh Investors, LLC of Madison, GA requests a modification to zoning conditions for property located on Hampton-Locust Grove Road, west of Highway 155 South in Land Lot 210 of the 2nd District. The property consists of 41.268 +/- acres, and the request is to modify conditions related to the architectural design of the single-family residences. **District 1** (*Presenter: Kenta Lanham, Planner III*) (*Exhibit 16*) Resolution #24-116

The request is to modify conditions related to the architectural design of the single family homes. The zoning and modifications were first approved in July 2020. Condition No. 10 states all homes should be a minimum of 2,800 square feet of heated space. The request is to change the condition to allow for 2,200 square feet of heated space for single story ranch style homes and 2,800 square feet of heated space for two-story homes. Staff recommends approval to change condition no. 10 with no changes to any other conditions.

Public Hearing

In favor

Wade Stroud, a representative on behalf of the Reservoir Group, commended staff for their phenomenal job in building bridges with them. He said the developers are excited that senior adults have expressed interest in ranch-style homes which is why they are requesting the change.

Opposed

No one spoke in opposition.

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

- B. **RZ-23-21 (Public Hearing)** Tony Perkins of Stockbridge, GA requests a rezoning from R-1 (Single-Family Residence) to RA (Residential-Agricultural) for property located at 1455 Highway 138 East in Land Lot 94 of the 11th District. The property consists of 4.036 +/- acres, and the request is for a single-family dwelling. **District 3** (*Presenter: Kenta Lanham, Planner III*)(*Exhibit 17*) Resolution #24-117

The applicant is making the request from Single Family Residence to Residential Agricultural to allow for compliancy of existing accessory structures and the parking and storage of a commercial vehicle. Staff recommends approval of the request. On March 14, 2024, the Zoning Advisory Board recommended approval of the applicant's request with the following two conditions:

1. Any commercial vehicle parking or storage shall occur in the side and rear yard or any enclosed structure and vehicles must be screened from view to any adjacent proper with a direct view of where the commercial vehicle will be parked and from the public right of way.
2. The applicant shall have 90 days from the date of this resolution to verify or obtain an approved building permit for the existing accessory structure as illustrated on the survey dated September 18, 2023.

Public Hearing

In favor

No one spoke in favor.

Opposition

No one spoke in opposition.

Commissioner Dee Anglyn made the motion to grant the request; **Commissioner Kevin Lewis** seconded. The motion carried 6-0-0.

- C. **AP-24-01 (Appeal Hearing)** Shops at Walnut Creek, LLC of Rome, GA requests an administrative appeal for property located on Jonesboro Road, west of Chambers Road in Land Lot 108 of the 6th District. The property consists of 1.0 +/- acres and the request is for the appeal of an administrative interpretation regarding the distance requirement of automobile wash facilities. **District 5** (*Presenter: Toussaint Kirk, Cluster Lead*)(*Exhibit 18*) Resolution #24-118

The property is located at the corner of Jonesboro Road and Chambers Road. The property is zoned Planned Development with and general commercial pod designation within the highway corridor overlay district. On April 18, 2023, the Board of Commissioners approved Ordinance No. 23-04 amending the Unified Land Development Code and providing supplemental standards for automobile wash establishments. It states that a car shall be separated from all other car washes within or outside the zoning jurisdiction of Henry County. There will be a separation distance of one mile, measured using parcel boundaries as center point, at which minimum separation distance shall extend from in all other directions. No minimum separation distance measurement shall overlap.

On February 2, 2024 Planning and Zoning provided a zoning verification letter regarding information on land use compliance for an automobile wash establishment on the subject property. An appeal was submitted by the applicant on March 1, 2024 regarding the issue of staff determination and interpretation of Ordinance 23-04 and the distance requirement between car wash establishments.

Staff recommends that the Board of Commissioners complete the appeal proceedings by affirming the interpretation and determination of the Planning and Zoning Department.

Toussaint Kirk provided a map of Jonesboro Road showing where the proposed car wash will be located as compared to an existing car wash.

Attorney Kirk Fjelstul, with Smith, Gambrell & Russell law firm, representing the applicant and the property owner. He stated the property is on the north side of Jonesboro Road. The other auto wash is on the east side of Jonesboro Road. His position is the staff has committed an error in their interpretation of the ordinance. He said the distance is 1.967 miles from the proposed location to the other car wash. He states the ordinance says car washes must be separated by 5,280 feet or one mile. He said the property is 10, 213 feet from the nearest auto wash establishment. He is requesting the decision of the staff be reversed and the interpretation of the ordinance be a one-mile distance between automobile washes. (Note: Mr. Fjelstuh provided County Clerk with documentation for the record)

County Attorney Serena Nowell responded on behalf of the county. She stated the appellant's attorney omitted the Unified Land Development Code provision that staff is relying on for their decision. It states, the separation distance shall be measured utilizing parcel boundaries as the center point at which the minimum separation shall extend in all direction. It shall be prohibited for any such minimum separation distance measurements to overlap. She said the decision made by the Planning and Zoning staff, based on the ULDC language, should be sustained.

Vice Chair Johnny Wilson said the board may need to clean up the language of the ordinance on how boundaries are established.

Commissioner Neat Robinson said she agreed with Vice Chair Johnny Wilson.

Commissioner Dee Anglyn said the ordinance was put together with the board and staff. He said the decision made today will be a presence for all future cases.

Commissioner Kevin Lewis said the County Attorney was correct in stating the presentation offered by the appellant's attorney cut off some of the language and did not include all of the language in the ULDC. He said a resident of the district he has to live with the consequences of the ordinance and at this time he is choosing not to live with a car wash in this location.

Commissioner Kevin Lewis made a motion to deny the appeal; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

Public Comments

No one signed up for public comment.

Approval of Minutes

A. February 20, 2024 BOC Meeting

B. March 5, 2024 BOC Meeting

C. March 8, 2024 BOC Meeting

D. March 28, 2024 BOC Meeting

Commissioner Kevin Lewis made a motion to approve the minutes; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

Upcoming Meetings and Events

- April 23, 2024 at 6:30 p.m. is a regularly scheduled BOC meeting (*Fourth Tuesday of the month)
- May 7, 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