STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, June 25, 2024 at 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, 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

Staff Present: Cheri Hobson-Matthews, County Manager; Serena Nowell, County Attorney; Stephanie Braun, County Clerk; and Jasmin Head, Deputy County Clerk

INSTRUCTIONS TO PARTICIPATE

HENRY COUNTY CODE OF CONDUCT
(Sec. 2-2-128: Conduct during public meetings)

INVOCATION
The Invocation was given

PLEDGE OF ALLEGIANCE
The Pledge was recited.

CALL TO ORDER
Carlotta Harrell, Chair, called the Regular Meeting of the Henry County Board of Commissioners for Tuesday, June 25, 2024 at 6 p.m., to order.

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

Courts

A. State Court - Misdemeanor DUI/Drug Court Resolution accepting grant award in the amount of $97,792 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) to fund the Henry County Misdemeanor DUI/Drug Court (Presenter: Lisa King, DUI/Drug Court Coordinator) (Exhibit 1) Resolution 24-157

B. State Court - Misdemeanor DUI/Drug Court Resolution approving expenditure of Drug Abuse Treatment and Education Funds (D.A.T.E.) for the purpose of supporting the Henry County Misdemeanor DUI/Drug Court (Presenter: Lisa King, DUI/Drug Court Coordinator) (Exhibit 2) Resolution 24-158

C. Juvenile Mental Health Court Resolution accepting grant award in the amount of $24,060 from the State of Georgia Office of the Governor/Criminal Justice Coordinating Council (CJCC) to fund the Henry County Juvenile Mental Health Court. Presenters: Angela Craig, Director of Court Services; and Monyato Tolbert, Deputy Director (Exhibit 3) Resolution 24-159

D. Juvenile Court-Juvenile Justice Incentive Grant Resolution accepting a grant award in the amount of $130,000 from the Criminal Justice Coordinating Council to fund Functional Family Therapy during FY 25.(Presenters: Angela Craig, Director of Court Services; and Monyato Tolbert, Deputy Director)(Exhibit 4) Resolution 24-160

Henry County Fire Rescue

A. Resolution of the Board of Commissioners Authorizing Henry County to enter into an Automatic/Mutual Aid Agreement with Butts County, GA. (Presenter: Chief Jonathan Burnette)(Exhibit 5) Resolution 24-161

B. Resolution of the Board of Commissioners Reappointing Assistant Chief Sam Polk to the Region 4/West Georgia Emergency Medical Services Advisory Council (Presenter: Fire Chief Jonathan Burnette, HCFR)(Exhibit 6) Resolution 24-162

Planning & Zoning

A. Resolution approving a request for a new streetlight district for Fernhurst Subdivision on Willow Lane Road. District 4 (Presenter: Heidy Liahut, Planner I)(Exhibit 7) Resolution 24-163

Police Department

A. Resolution approving a request to award Bid #24-41 to Great South Harley-Davidson to purchase six (6) 2024 Harley-Davidson FLHTP Police Motorcycles for $221,615, utilizing RedSpeed funds.(Presenter: Lt. William Powell)(Exhibit 8) Resolution 24-164

SPLOST

A. Resolution approving the Georgia Power utility relocation estimated cost for Flippen Road Extension utilizing SPLOST V funds in the amount of $139,204. (Presenter: Roque Romero, Public Works/Cluster Lead)(Exhibit 9) Resolution 24-165

B. Resolution approving RFQ #24--34 for the design of Mill Road Widening to Transystems Corporations in the amount of $742,000. Funding available in the amount of $600,000 from the Atlanta Regional Commission (ARC); and $150,000 from the DOT budget. (Presenter: Roque Romero/Cluster Lead)(Exhibit 10) Resolution 24-166

C. Resolution approving the Georgia Power utility relocation estimated cost for McDonough Extension in the amount of $417,169. (Presenter: Roque Romero, Public Works/Cluster Lead)(Exhibit 11) Resolution 24-167

D. Resolution approving a budget amendment in the amount of $558,779, and a bid award for the resurfacing of various County roads to Blount Construction Company, Inc., in the amount of $5,105,941. Funding for this budget amendment is available in the SPLOST III account and DOT fund balance. (Presenter: Roque Romero/Cluster Lead)(Exhibit 12) Resolution 24-168

(This ends the consent agenda)

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

<u>REGULAR AGENDA</u>

<u>Transportation Planning</u>

A. Resolution accepting an $825,000 of Strengthening Mobility and Revolutionizing Transportation (SMART) Planning and Prototyping Grant from the U.S. Department of Transportation for Henry County Connected Vehicle Pilot and Prototype Development (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 13) Resolution #24-169

Sam Baker explained the SMART Grant awarded to Henry County, one of 34 recipients out of 321 communities. The grant funds will be used to deploy and test connected vehicle technology. This technology enables vehicles to send signals to traffic lights, changing them from red to green, allowing cars to pass through busy intersections more quickly. So far, 45 units have been installed in Henry County's emergency response vehicles to improve response times.

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

<u>County Manager</u>

A. Resolution approving Honorary Naming of County Facilities, Structures and Roads Policy (Presenter: Cheri Hobson-Matthews, County Manager)(Exhibit 14) Resolution #24-170

County Manager Cheri Hobson-Matthews presented two options to the board regarding naming. Option 1 entails the county covering all associated costs, with the applicant paying for decorative signage for building and road naming. Option 2 requires the applicant to cover all costs except for the standard signage for road naming. The renaming will require a majority vote of the board and will only be an honorary marker, not an official renaming. Additionally, deceased individuals must have been dead for at least two years before the application submission.

Commissioner Neat Robinson and **Chair Harrell** asked language to be added that the board also has the authority to grant an honorary naming in the event an individual is still living.

Commissioner Michael Price requested an application fee be established that will cover the cost of a notice in the legal organ and the county handle the ad rather than leaving it up to the applicant.

Vice Chair Johnny Wilson made a motion to approve option No. 2 (as written, with no amendments); **Commissioner Dee Anglyn seconded**. The motion carried 4-2-0 with Commissioners Neat Robinson and Kevin J. Lewis opposing.

Raven Bodine from Community Development came forward to present her item. As the information had not yet been uploaded, she was asked to wait a few minutes while the team worked on it. Meanwhile, Kenta Lanham from Planning and Zoning was asked to come forward and begin his presentation on the first planning and zoning item.

Planning & Zoning

A. **RZ-23-09 (Public Hearing)**
Bartram ADM Properties, LLC of Hampton, GA requests a rezoning request from M-1 (Light Manufacturing) to M-2 (Heavy Manufacturing) for property located at 160 and 180 Sedgeview Drive in Land Lot 218 of the 6th District. The property consists of 10.066, and the request is for a waste transfer station. District 5 (Presenter: Kenta Lanham, Planner III)(Exhibit 16) Resolution 24-171

Kenta Lanham submitted a request for rezoning to establish a waste transfer station on a 10-acre property on Sedgeview Drive in Hampton, situated in an industrial park. Mr. Lanham mentioned that both the staff and the Zoning Advisory Board recommended approval, with the addition of a fourth condition, which defines a waste transfer station. Ms. Lanham noted that although a definition for a waste transfer station was not initially available, it has since been created.

Chair Harrell opened the public hearing.

Public Hearing:

(In Favor)

Attorney Josh Mahoney, Battle Law PC speaking on behalf of the applicants which is Bartum Properties LLC. The applicant is the owner of ADM Rolloff in Hampton on East Main Street. They wish to move the business to the Sedgeview Drive location as they are currently near residential properties.

(In Opposition)

There were no speakers during the public hearing.

Chair Harrell concluded the hearing.

Commissioner Kevin J. Lewis made the motion to approve; **Vice Chair Johnny Wilson s**econded. The motion carried 6-0-0.

Community Development

A. **(Public Hearing)** to receive public comments and request approval of the DRAFT FFY2024 Annual Action Plan in the amount of $1,118,634 in CDBG and $453,735 in HOME Funds. (Raven Bodine, Community Development Specialist II)(Exhibit 15)

Raven Bodine explained that during their planning process, they conducted eight needs assessments across the county from the end of April to mid-May. The goal of these assessments was to gather information from various demographics within the county. The results highlighted a significant need for improvements in public facilities, public services, rehabilitation services, and economic development services.

Ms. Bodine stated that with the HOME funds, they need to cover administrative costs, support community housing development organizations, and provide tenant-based rental assistance. She mentioned that in a previous board meeting, they discussed reprogramming unexpended FY2023 HOME funding. They are still requesting to reallocate some funds from the FY2023 annual action plan by eliminating the down payment assistance program and increasing tenant-based rental assistance.

Chair Harrell opened the public hearing.

Public Hearing

(In Favor)

There were no speakers during the public hearing.

(In Opposition)

There were no speakers during the public hearing.

Chair Harrell concluded the hearing.

Resolution #1: To approve the FY 24 Annual Action Plan for the CDBG and HOME programs. Resolution #24-172

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

Resolution #2: To delegate the role of certifying officer and Heroes Local Administrator of the HUD related environmental review process to the Director of Community Development. Resolution #24-173

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

Planning & Zoning

B. **RZ-23-13 (Public Hearing)**
The Revive Land Group, LLC of Atlanta, GA requests a rezoning from M-1 (Light Manufacturing) to RM (Multifamily Residential) for property located at the southwest corner of the intersection of Highway 19/41 and Little Road in Land Lot 220 of the 6th District. The property consists of 19.04 +/- acres, and the request is for a multifamily residential townhome

development. District 5 (Presenter: Kenta Lanham, Planner III)(Exhibit 17) Resolution #24-174

Kenta Lanham presented the applicant request for a rezoning from M-1 (Light Manufacturing) to RM (Multifamily Residential) for the purpose of a 93 fee simple townhome development. The property is within the boundaries of the Highway Corridor Overlay District and would be required to comply with the standards therein, including but not limited to, sidewalks, pedestrian lights, street trees, and pedestrian lights. The Henry County 2045 Comprehensive Plan Future Land Use Map (FLUM) designation for the subject property is property is Low Density Mixed Use and would support a density of up to 8.0 dwelling unit per acre, net. The proposed density is 5.44 dwelling units per acre, net.

Kenta Lanham addressed concerns regarding the proximity of the site to the Speedway Airport. He stated that an airspace analysis report was conducted, which found no impact on the runway. The report noted that a small portion of the development falls within the runway protection zone, an area designated as a floodplain to be used as a stormwater management facility according to the site plan.

Mr. Lanham further noted that additional stormwater management facilities were identified, with a particular concern that a pond might attract birds and potentially impact aircraft flight patterns. To address these concerns, staff added conditions four and five to the request, requiring the use of a dry pond and obtaining FAA approval before issuing any land disturbance permits. The Zoning Advisory Board recommended approval.
Chair Harrell opened the public hearing.

Public Hearing:

(In Favor)

Michelle Battle with Battle Law representing the applicant spoke in favor of the request.

(In Opposition)

Debbie Little Bonell a resident of Little Road spoke in opposition of the request due to the size of the road and the traffic impact on Little Road and 19/41. She requested an 80-foot undisturbed land buffer between her property and the development.

Tom Bonell spoke in opposition of the request. He said no plans have been made for potential commercial growth. The development will eliminate possible commercial growth.

Chair Harrell concluded the public hearing.

Chair Harrell asked what improvements are going to be made, if any, to Little Road. Mr. Lanham stated due to the number of units and daily trips anticipated that is going to require a traffic impact study, which will outline all of the improvements necessary for Little Road, but it is also listed as one of the conditions.

Vice Chair Wilson asked if there were conditions listed for a fire suppression system in the units. Mr. Lanham responded that there was not.

Commissioner Robinson asked the County Manager if there had been any discussions with the Atlanta Motor Speedway to determine if these units would impact them in any way in the future.

County Manager Hobson-Matthews stated that she does not believe the actual application request was sent to AMS, but noted that there is a provision to notify adjacent property owners. She deferred to Mr. Lanham to confirm if they had notified AMS of the rezoning request. **Mr. Lanham** stated that he was not aware of any outreach to AMS by their staff.

Lynn Planchon, the Airport Director, came forward and stated that there is a planned runway extension of 750 feet, which is accounted for in the Runway Protection Zone (RPZ) shown in the report. She clarified that the current RPZ is for future planning with the extension. The only potential impact would occur if there were plans for a longer extension or a second extension beyond the 750 feet. Ms. Planchon emphasized that this extension is not part of the current RPZ plan.

Chair Harrell asked how a decision to become a regional airport would impact future opportunities for expansion.

Ms. Planchon responded that further expansion of the runway beyond the planned 750 feet would not be possible unless the county purchases the entire area.

Commissioner Kevin J. Lewis made the motion to approve. The motion died for lack of a second. **Vice Chair Johnny Wilson** made a motion to deny; **Commissioner Neat Robinson** seconded. The motion carried 5-1-0, with Commissioner Kevin J. Lewis voting in opposition.

C. **RZ-23-14 (Public Hearing)**
The Revive Land Group, LLC of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to RM (Multifamily Residential) for property located at the northeast corner of the intersection of Highway 19/41 and Franklin Rivers Road in Land Lot 220 of the 6th District. The property consists of 24.23 +/-acres, and the request is for a multifamily residential townhome development. District 5 (Presenter: Kenta Lanham, Planner III)(Exhibit 18)

Kenta Lanham presented that the 24-acre property located at Franklin Rivers Road and Highway 19/41 applicant is requesting to build a 145-unit townhome development. The Zoning Advisory Board recommended approval.

Chair Harrell opened the public hearing.

Public Hearing:

(In Favor)

Michelle Battle with Battle Law spoke in favor of the development.

(In Opposition)
No one spoke in opposition of the request.

Chair Harrell concluded the public hearing.

Vice Chair Johnny Wilson provided information about the lack of sprinklers required in townhome developments.

Commissioner Neat Robinson clarified the location of the pool, clubhouse and pocket parks required per conditions.

Commissioner Kevin J. Lewis made the motion to table the request to the Sept. 17, 2024, meeting; **Commissioner Dee Anglyn** seconded. The motion carried 4-1-1 with Vice Chair Johnny Wilson opposing and Chair Harrell abstaining.

D. **RZ-23-19 (Public Hearing)**

WC Acquisitions, LLC of Atlanta, GA requests a rezoning from RA (Residential-Agricultural) to MU (Mixed Use) for property located at 982 Jonesboro Road in Land Lot 97 of the 7th District. The property consists of 30.242 +/- acres, and the request is for a mixed multifamily residential and commercial development. District 4 (Presenter: Kamau, As-Salaam, Assistant Director) (Exhibit 19) Resolution #24-175

Kamau As-Salaam presented a rezoning request for a 30-acre property located at 982 Jonesboro Road. The applicant seeks to build 260 townhomes and either a general commercial building or a grocery store. The site plan adheres to the highway corridor overlay standards along Jonesboro Road. Additionally, the developer has agreed to dedicate 30 feet of right-of-way along Oak Grove Road for future widening.

Mr. As-Salaam noted that the Zoning Advisory Board recommended denial of the request on December 14, 2023, when the plan included apartments. However, staff has since reevaluated the case, considering the character of the area, the comprehensive plan, current and future development, infrastructure demands, and access to services and resources. Based on this reevaluation, staff now recommends approval of the request with the following twelve conditions.

Generally:

1. The development standards of the ULDC shall govern regardless of the conceptual site plan or other application document except as conditioned otherwise.
2. The development shall comply with all standards and requirements of the Highway Corridor Overlay District, except they shall not be required along Oak Grove Road.
3. The uses, configuration, and setbacks of the subject property shall be in substantial conformity to those on the site plans titled Jonesboro Road Mixed Use (Site Plans A & B), dated June 10, 2024. Henry County Planning and Zoning shall have administrative approval to modify setbacks and configuration of the site plan as needed.

Infrastructure:

4. All entrances shall be located such that the minimum intersection site distance and the minimum spacing requirements are met per the roads posted speed limit. All entrances shall have a deceleration lane and acceleration taper design as recommended by the traffic impact study and shall be constructed to HCDOT standards.
5. A traffic impact study shall be required. All indicated improvements in the study shall be required of the owner/developer by GDOT and/or HCDOT before the development permit is issued.
6. The developer shall dedicate thirty feet (30’) of right-of-way to Henry County DOT / SPLOST departments for future widening of Oak Grove Road, before the approval of the final plat.

Residential Standards:

7. An HOA shall be required. Covenants shall be recorded which mandate the townhome pod shall be developed as an owner-occupied community. No more than ten percent (10%) of the homes may be rented or lease-purchased at any one time. A copy of the recorded covenants shall be provided to the Building and Plan Review Department before final plat is approved.

8. The development shall comply with ULDC (Design Standards for multi-family and mixed-use developments). Zoning conditions and exhibits referenced per zoning conditions shall supersede the ULDC.

9. The development shall be permitted to have up to fifty percent (50%) single-car garage units with minimum widths of eighteen feet (18’). The remaining fifty percent (50%) of units shall have two car garages.

10. Planning and Zoning Staff shall provide final approval for all elevations before final plat submittal. Approved elevations shall be in substantial compliance with the elevations presented at the Board of Commissioners meeting.

11. There shall be a twenty-foot (20') undisturbed or enhanced buffer along the northern property line, with the intent of screening, meeting the approval of Henry County Planning and Zoning

Commercial Standards:

12. The following uses shall be prohibited in addition to all uses prohibited in the MU (Mixed Use) zoning district, and the Highway Corridor Overlay District per the ULDC:

    - Gas Stations
    - Drive-through-ONLY fast-food restaurants
    - Tattoo parlors
    - Body piercing shops
    - Vape shops
    - Nail salons
    - Automobile washes

Chair Harrell opened the public hearing.

Public Hearing:

(In Favor)

Will Casady, applicant, spoke in favor of the request.

Joshua Clark, McDonough resident, spoke in favor of the development stating the location was perfect and would help with the future housing shortage.

(In Opposition)

David Causey, a resident of Henry County who owns property adjoining the proposed development, expressed his opposition, citing concerns that the development will ruin the serenity and quality of life on his property. He requested the installation of a five-foot fence and buffer to prevent people from wandering onto his property. He also noted concerns about increased heavy traffic in the area.

Chair Harrell concluded the public hearing.

Chair Harrell inquired about the price of the townhomes, and the developer stated they are priced in the upper $300,000 range. Chair Harrell also asked about the buffer. **Mr. As-Salaam** explained that there is a 20-foot undisturbed buffer for enhancement, which is included in the zoning conditions and shown on the site plan.

Chair Harrell further inquired about the inclusion of sprinklers in the townhomes or if the developer would consider adding them. The developer responded that sprinklers are not included but noted that a 1-2 hour fire separation is constructed between the units.

Commissioner Dee Anglyn said he was concerned about the flood plain and lack of green space in the area.

Commissioner Kevin J. Lewis also requested additional green space in the project.

The developer stated the plans have at least three acres of green space with more potentially coming.

Commissioner Michael Price made the motion to approve; **Commissioner Neat Robinson** seconded. The motion carried 4-2-0 with Vice Chair Johnny Wilson and Commissioner Dee Anglyn opposing.

PUBLIC COMMENT

No one signed up for public comment.

APPROVAL OF MINUTES

A. Approval of minutes for May 29, 2024 Regular BOC Meeting
B. Approval of minutes for May 20, 2024 Called BOC Meeting

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

UPCOMING MEETINGS AND EVENTS

A. June 27, 2024 called BOC Joint Meeting with Cities, re: SPLOST VI at 6:30 p.m.

B. July 9, 2024 (2nd Tuesday of the Month) at 9:00 a.m. is a regularly scheduled BOC Meeting

ADJOURNMENT

Meeting adjourned at 8:29 p.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk