

June 11, 2024

Page 1 of 6

**STATE OF GEORGIA
COUNTY OF HENRY**

The Henry County Board of Commissioners held a Regular Public Meeting *in-person* on Tuesday, June 11, 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, District 1 Commissioner
Neat Robinson, District 2 Commissioner
Dee Anglyn, III, District 3 Commissioner
Michael T. Price, District 4 Commissioner
Kevin J. Lewis, Vice Chair/District 5 Commissioner

Staff Present: Cheri Hobson-Matthews, County Manager; Serena Nowell, County Attorney; and 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, June 11, 2024, at 9 a.m., to order.

Announcement

The following item has been removed from the agenda and will be placed on a future agenda:
Resolution approving Honorary Naming of County Facilities and Roads Policy (*Presenter: Cheri Hobson-Matthews, County Manager*)(*Exhibit 2*)

PROCLAMATION

A. Proclamation declaring June 2024 National Homeownership Month (Presenter: Ravin Bodine, Community Development Specialist II)

CONSENT AGENDA

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

County Attorney

- A. Resolution approving a Lease Agreement Amendment with A Friend's House, Inc. (Presenter: Serena Nowell, County Attorney)(Exhibit 1) **Resolution 24-146**

Courts

- A. (Superior Court/AFDC) Resolution of the Board of Commissioners accepting a grant for the Adult Felony Drug Court in the amount of \$118,179 from the Office of the Governor/Criminal Justice Coordinating Council for Fiscal Year 2025 (Presenter: Craig Ogilvie, Director of Accountability Courts)(Exhibit 3) **Resolution 24-147**
- B. Superior Court/HCRC) Resolution of the Board of Commissioners accepting a grant for the Resource Court in the amount of \$150,374 from the Office of the Governor/Criminal Justice Coordinating Council for Fiscal Year 2025 (Presenter: Craig Ogilvie, Director of Accountability Courts)(Exhibit 4) **Resolution 24-148**
- C. (Superior Court/VTC) Resolution of the Board of Commissioners accepting a grant for the Veterans Treatment Court in the amount of \$45,269 from the Office of the Governor/Criminal Justice Coordinating Council for Fiscal Year 2025 (Presenter: Craig Ogilvie, Director of Accountability Courts)(Exhibit 5) **Resolution 24-149**

Department of Transportation

- A. Resolution Authorizing the Chair to sign a Georgia Department of Transportation Local Maintenance & Improvement Grant Application for Local Road Assistance Administration (LRA) Funds. (Presenter: David Simmons, Deputy Director)(Exhibit 6) **Resolution 24-150**

E-911

- A. Resolution of the Board of Commissioners authorizing execution of a Memorandum of Understanding between Newton E-911 Communications Services and Henry County for continuity of E- 911 communications services. (Presenter: Tamika Kendrick, E911 Director)(Exhibit 7) **Resolution 24-151**

SPLOST

- A. Resolution approving Intergovernmental Agreement with Spalding County for the Improvement of Hillview Road (Presenter: Roque Romero, SPLOST Director/Cluster Lead)(Exhibit 8) **Resolution 24-152**

Stormwater

- A. Resolution of the Board of Commissioners to purchase one (1) WESPRO JCB Model 3TS-8T Teleskid (T4) NA SERIES 3.2 in the amount of \$104,736 utilizing Stormwater Enterprise Funds. (Presenter: Roque Romero/Cluster Lead) (Exhibit 9) **Resolution 24-153**
- B. Resolution approving Henry County Water Authority utility relocation estimated cost for South Ola Road drainage improvements in the amount of \$16,221 utilizing Stormwater Enterprise Funds. (Presenter: Roque Romero, Cluster Lead) (Exhibit 10) **Resolution 24-154**

Planning & Zoning

- A. DE-AX-24-02 (Not a Public Hearing) Henry County has received a request for deannexation of a total of nine (9) properties located at 160, 165, & 195 Jasper Drive, 310, 320, & 325 Kerrith Drive, and 510, 515, & 520 Portloe Court consisting of a combined 13.366 +/- acres in Land Lots 8 and 9 of the 12 District - (Parcels 013A01023000, 013A01024000, 013A01050000, 013A01039000, 013A01038000, 013A01025000, 013A01049000, 013A01047000, 013A01048000) District 2 (Presenter: Toussaint Kirk, Cluster Leader)(Exhibit 11) **Resolution 24-155**

(This ends the consent agenda)

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

REGULAR AGENDA

Planning & Zoning

A. ULDC-AM-24-01 (Not a Public Hearing)

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 (Presented: Kenta Lanham, Planner III)(Exhibit 12)

Kenta Lanham presented the request to change Unified Land Development Code to address front yard fences. He added that this amendment, if approved, would be for properties outside of a subdivision or zoned RA.

Mr. Lanham stated that the proposed amendment would permit a front yard fence for those properties within subdivisions, provided that they meet the following provisions:

- Fence must be decorative in nature (i.e. not allowing for a chain length fence);
- A justification and/or hardship is provided with the request;
- The request is reviewed and approved by the Architectural Review Committee; and
- The property does not gain access from the platted internal subdivision street.

Mr. Lanham placed a map of Spivey Chase Subdivision, all of which is zoned R1. Under the current code, none of the lots would be permitted a front yard fence, but Mrs. Woodall's request is for one of the properties which does not gain access from the internal subdivision street. They have access off of the arterial road (Jodeco Road). This ULDC amendment would be for such lots.

On March 14, 2024 the Zoning Advisory Board recommended approval of the change to Section 7.02.04. Based on recommendations from Public Safety, the fence height was reduced from 6 feet to 4 feet fencing.

Chair Harrell stated that it was her understanding, regarding the public safety side of things, that it was more about being able to see through the fence for safety reasons. Mr. Lanham stated that was correct and one of the reasons they changed the height from 6 feet to 4 feet, but they still wanted to allow some privacy for homeowners. In the end, it is up to the Board to make that decision.

Chair Harrell expressed the need for some options or flexibility in case someone wanted to put up a see-through fence that was perhaps 6 foot instead of 4 foot.

Cheri Hobson-Matthews, County Manager, suggested the following language be considered to allow flexibility: “no less than four – no greater than six, as approved by staff” and if it is a six foot fence, that it has to have visibility. She assumes that if the applicant is not in agreement with the committees decision, that there would be an appeal process where they would then come before the Board. Regarding the board being made aware of every request she would advise against it because that is what staff is for, but if one comes up that is questionable or not in compliance with the code, the Board can report it to Code Enforcement and they can go out and see if the fence is in compliance. Current fences (that are legal) would be grandfathered in because they were erected before this Code was approved.

Chair Harrell asked if there was a fence brought before the committee and it was in a specific district, could they let that commissioner be aware of the request?

County Manager Matthews cautioned against it because there are so many.

Commissioner Lewis said he has a lot of concerns about the fencing, but his biggest concern is about protecting the homeowners because it is costly to construct the fence, only to turn around and have to take it back down. He asked how they would even know that they were required to come before an architectural review committee? Mr. Lanham stated that it is the same with all of our codes. Ms. Matthews added that a lot of the time the fences come after the builder turns it over to the homeowner. If it were the builders, then we have quarterly meetings with them and could address the issue, but it is happening after they have turned over the property. We can advise the developers of any new changes, regulations, updates to our code and ask them to pass the information along to the homeowners when they turn it over, but a lot of the time a neighbor calls us and reports it after-the-fact.

Commissioner Robinson asked that when staff receives a complaint and sends an email to the homeowner that the district commissioner be courtesy copied so they are aware at that time that there might be an issue. **Mr. Lanham** agreed.

Chair Harrell asked if there is a way to partner with the Water Authority or Tax Commissioner to send out information about ordinances or changes.

County Manager Matthews suggested working with the Tax Commissioner to get this information out. She added that we can put it out on social media and post it in our Building Department. This is the same issue we have when people construct decks and do not get a permit first. This is not so much to stop people from constructing things, but we want to make sure it is done the right way.

Commissioner Dee Anglyn said he too has a lot of concerns, including 6-foot fences. The height could impact safety and traffic visibility from the road. He would suggest the following (for front yard portion only): 1) HOA approval; 2) 4 foot maximum height; 3) 10 foot out of the right-of-way; 4) not be a solid

structure so that public safety can see through it when they pull up; and 5) that it be decorative in nature.

Toussaint Kirk, Planning & Zoning, stated that if you take 10 feet from the existing right-of-way, that it may end up in the middle of the yard potentially which may be awkward, but they can come up with some wording that makes sense and add it (if approved). Mr. Lanham stated that Mr. David Simmons, Henry County DOT, suggested making it at least 40 feet from the center line of the road.

Mr. Kirk also recommended that if the subdivision did not have an HOA, that it would just be the Architectural Review Committee reviewing it.

County Manager Matthews mentioned placing a “how to” instructional flyer at the leasing offices so when people are beginning to purchase new homes they know what to do and who to call before beginning any additional construction projects.

Commissioner Michael Price said he is worried that the change would open the flood gates of front yard fencing. He said he thinks a standard of fencing should be written down so that it's not a subjective decision.

Vice Chair Johnny Wilson stated he is not in favor of solid fencing in front and asked how we would hold them accountable for the maintenance. He also asked that maintenance be included in the ordinance.

Toussaint Kirk asked to possibly table the discussion because there seems to be a lot of confusion. He asked to allow them to bring everything back to show the board exactly what they're trying to do.

Vice Chair Johnny Wilson made a motion to table this item until the next BOC morning meeting on July 9, 2024; **Commissioner Michael Price** seconded. The motion carried 4-2-0 with **Commissioners Dee Anglyn and Kevin J. Lewis** voting in opposition.

Transportation Planning

A. Resolution approving Adoption of the Henry County Trails Wayfinding Plan (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 13) **Resolution #24-156**

Sam Baker came forward and presented the Henry County adoption Trail plan in 2022. The plan recommended creating a way finding plan for trail signs including heights, colors and information needed on the signs. An overview of the plan was presented as well as the selected design.

Chair Harrell asked if the county was in collaboration with the cities?

Sam Baker stated that all cities were invited to collaborate with the county on this project. The City of Locust Grove chose to participate, while other cities will be included by having their names on the signs. He reiterated that this is about the signage only, and mentioned that the trails are just a small step in a long-term plan to connect counties and neighborhoods.

Commissioner Neat Robinson inquired if lights could be added to the signs.

Sam Baker said it is an additional cost but could be entertained.

Ms. Phuong “Foon” Nquyen, Lead Designer stated that could be included in the trail designs and they could incorporate reflective paints.

Commissioner Dee Anglyn made the motion to approve; **Commissioner Neat Robinson** seconded. The

June 11, 2024

Page 6 of 6

motion carried 6-0-0

PUBLIC COMMENT

No one signed up for public comment.

APPROVAL OF MINUTES

Approval of minutes for May 7, 2024, Regular BOC Meeting

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

UPCOMING MEETINGS AND EVENTS

A. June 25, 2024 (4th Tuesday of the Month) at 6:30 p.m. is a regularly scheduled BOC Meeting

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

ADJOURNMENT

Meeting adjourned at 10:30 a.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk