STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, July 23, 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, July 23, 2024 at 6:30 p.m., to order.

(Added by Chair Harrell: AARP AWARD)

Nicholas Ivey presented an AARP award to Henry County indicating the county has been accepted as a member of the AARP Network of Age Friendly States and Communities.
A photo was taken with Shawn Norris, Director of Senior Services and the Board of Commissioners.

PRESENTATION

Presentation of applications received from agencies in response to the Notice of Funding Availability for ARPA funds to provide Subsistence Payments and Food Bank Services. (Presenter: David Smith, Cluster Lead)

APPOINTMENT

A. Reappointment to the Region 6 Advisory Council for the Georgia Department of Behavioral Health & Developmental Disabilities (DBHDD): Sherrhea Mason-Bryant (Term: effective immediately - 7/23/27) Resolution 24-186

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

CONSENT AGENDA

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

Human Resources and Risk Management

A. Resolution accepting a grant award in the amount of $10,000 from the Association County Commissioners of Georgia (ACCG) for safety items in efforts to reduce Workers' Compensation Claims. (Presenter: Holly Lafontaine, Human Resources and Risk Management Director) (Exhibit 1) Resolution 24-187

TSPLOST

A. Resolution approving a Supplemental Agreement for the SR 81 Widening Project from Postmaster Drive to Bethany Road for the additional design work as required by The Georgia Department of Transportation. Moffatt and Nichol, Consultants, provided a cost estimate in the amount of $165,210.00 for this Supplemental Agreement. Funds are available in TSPLOST account. (Presenter: Roque Romero, Cluster Lead) (Exhibit 2) Resolution 24-188

(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.

REGULAR AGENDA

Planning & Zoning

A. **AX-24-01 (Not a Public Hearing)**
The City of Stockbridge has received a request for annexation of property located on Holloway Road, east of Patrick Henry Parkway, consisting of a combined 2.62 +/- acres in Land Lots 50 and 79 of the 6th District – (Parcels 071A01088003, 071A01089000, 071A01090000, 071A01091000). District 4 (Presenter: Toussaint Kirk, Cluster Leader) (Exhibit 3) Resolution 24-189

Kenta Lanham, Planner III, presented an annexation request from the City of Stockbridge for approximately 2.62 acres located on Holloway Road and Patrick Henry Parkway. The zoning for the area is currently split between R3 (Single Family Residence) and C3 (Highway Commercial). Part of this project was rezoned (RZ-16-26) by the Henry County Board of Commissioners on January 3, 2017, from R-3 (Single Family Residence) and C-2 (General Commercial) to C-3 (Highway Commercial) with 11 conditions. Additionally, an associated request to amend the comprehensive plan (COMP-AM-16-07) from medium and high-density residential to commercial to support the rezoning was approved by the Board on the same date. Planning and Zoning staff have recommended a Motion for Objection on the grounds that the proposed change in zoning and land use, and the infrastructure demands related to the proposed change in zoning and land use, would result in a material increase in burden upon Henry County.

Commissioner Michael Price made a motion for objection, per staff's recommendation; **Vice Chair Johnny Wilson** seconded. The motion carried 4-0-2 with Chair Harrell and Commissioner Dee Anglyn abstaining.

B. **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 4) Ordinance 24-05

Kenta Lanham, Planner III, presented a request to amend the Unified Land Development Code (ULDC) regarding the regulation of front yard fences. Mr. Lanham explained that this issue has been presented to the Board several times and aimed to provide a refresher. Currently, the ULDC prohibits front yard fences for properties within residential subdivisions not zoned RA (Residential Agricultural). Properties outside of subdivisions or zoned RA may request a front yard fence, which is then evaluated by the Architectural Review Committee per Chapter 7, Section 7.02.04 of the ULDC. The proposed amendment to the ULDC would revise Section 7.02.04, "Fences and Walls," to allow for the review of front yard fence requests for properties within subdivisions, provided that specific parameters are met.

Mr. Lanham stated the applicants have submitted an amendment to the language of the initial request with the addition to the criteria to read as follows:

1. For lots within a subdivision:

   a. A front yard fence may be permitted if the property does not gain access from the platted internal subdivision street;
   b. The property shall be located within 1,000 feet of a signalized intersection;
   c. The fence is decorative in nature and match the architectural style of the home;
   d. The front yard fence may be solid up to 6 feet in height;
   e. The front yard fence shall be located at least 40 feet from the centerline of the main road

f. HOA approval shall be required for those properties within HOA communities.

2. A justification and/or hardship is provided with the request;
3. The request is reviewed and approved by the Architecture Review Committee.

Mr. Lanham stated that staff has evaluated the amended languages proposed by the applicant and staff does recommend changes to the code a little bit different from the applicant's language as proposed. Mr. Lanhan stated that the recommend change will be to add a section it is 7.02.04(C)

C. Front Yard Fences shall meet the following standards:

1. Front yard fences shall be decorative in nature, matching the architectural style of the home.
2. Front yard fences shall be located at least 40 feet from the centerline of the road.
3. Front yard fences shall not be solid and shall not impede visibility.
4. Approval from the Homeowners Association (HOA) will be required for properties located within an HOA community.
5. For residential properties located in a subdivision and not zoned RA (Residential Agricultural), a front yard fence request may be submitted if the lot does not gain access from the internal subdivision street. The front yard fence shall be decorative in nature, matching the architectural style of the home.

Mr. Lanham stated that these are the planning and zoning staff's recommendations. He also noted that in Table (E) of Section 7.02.04, the staff's recommended changes would reduce the maximum height of front yard fences from the currently allowed 6 feet down to 4 feet.

Commissioner Dee Anglyn made a motion to deny the request; **Commissioner Kevin J. Lewis** seconded. The motion carried 5-1-0 with Commissioner Neat Robinson voting in opposition.

C. **Impact Fee Schedule Update (2nd Public Hearing and Adoption of ULDC-AM-24-02)**
Resolution approving and adopting an updated Impact Fee Schedule, with the Board of Commissioners conducting the second of two public hearings. Countywide (Presenter: Toussaint Kirk, Cluster Lead) (Exhibit 5) Resolution 24-190 Ordinance 24-06

Toussaint Kirk, Cluster Lead, presented a resolution to update and increase the Impact Fee Schedule. He noted that this was the second of two public hearings on impact fees, and the action taken tonight would amend Section 8.06.00, "Development Impact Fees," of the Unified Land Development Code (ULDC). Mr. Kirk explained that Henry County staff recommended increasing the impact fee from $1,661 to $6,800 to accommodate the growing population and the demands of new residential and commercial construction. A study indicated that, to maintain a basic level of service, the impact fees should be set at $10,442. However, after meetings with various organizations and considering public input, the Board of Commissioners approved the Home Builders Association's recommended fee of $3,554, which represents an inflationary increase of approximately 3% over the past 20 years. On August 2, 2022, the Board of Commissioners adopted the new impact fee of $3,554, with a six-month grace period before the new fees took effect on February 2, 2023.

The impact fees can be allocated to several areas:

- **Parks and Recreation:** These funds can be used for new capital items, facility upgrades, Wi-Fi capabilities, and improvements to recreational facilities.

- **Public Safety:** The fees can be used for new capital items, debt reduction, and vehicle purchases.

- **Transportation:** Funds can be directed toward capital improvements, resurfacing, new roads, and the development of bike paths and trails.

The impact fees have already been used to update parks, purchase public safety vehicles, and assist in the design of transportation intersections. However, it's important to note that these fees cannot be used for the general operation or maintenance of existing facilities. Additionally, the fees must be spent within the district where they are collected.

Mr. Kirk stated that staff is recommending an increase to $8,008, with the new rate becoming effective immediately. All fees must be paid at the time of permit issuance. Building permits submitted prior to the effective date will be grandfathered under the current impact fee schedule of $3,544.46. All other applications, including but not limited to Land Disturbance Permits (LDPs), Site Access Permits (SAPs), rezonings, and other trade permits, will be subject to the new fee schedule.

Chair Harrell called for a public hearing. There will be a collective total of 10 minutes to speak in favor and 10 minutes collectively to speak in opposition.

<u>Public Hearing</u>
(In Favor)

Zachary Quintero, a senior at Union Grove High School, indicated he is deeply invested in the future of Henry County. He stated that due to growth in the county, schools are becoming overcrowded, roads are congested, and public services are stretched thin. He said the issues will have the greatest impact on younger generations in the county, while acknowledging they affect everyone. He said the increasing impact fees is an investment that will help to maintain Henry County as a thriving and welcoming community.

Heather (no last name given) said she feels the growth is an unfair burden placed only on the taxpayers and is not alone struggling with the high taxes in the county. She said she lives next to a development that's been under construction for three years, causing a loss of enjoyment of her property. She stated developers should pay their fair share or infrastructure improvements.

(In Opposition)

Grainger Reeves, Policy Analyst at the Council for Quality Growth, said the increase is much higher than the cumulative inflation cost of construction costs and is concerned about the cumulative effects of the increase on developers and families purchasing homes, and local businesses. He asked for a grace period or phased-in approach.

Dave Riley, Greater Atlanta Homebuilders Association representative, requested to halt charging the fees while in litigation over the methodology report. He is encouraging the board to find other ways.

Derek Jacobs, Henry County resident, has five acres and is looking to build a home on the property. He is against any increase because money is tight, and times are hard. Any increase in taxes negatively impacts everyone.

Clifton Harrison, President of Life Built Homes, said he is concerned with the substantial increase. His company is hyper focused on how to get costs down to make affordable housing. Any increase will be devastating and is the wrong time. He asks if there is an increase to implement over a few years period.

Public hearing ended.

Vice Chair Johnny Wilson stated that under the current collections, road improvements are the top receiver, followed by Parks and Recreation, then fire protection. He asked what it was going to look like under the new proposal, and if fire and police would be in the top three.

Mr. Kirk explained the law, according to the consultant, and gave an example of what the maximum fees could be in each category.

Vice Chair Wilson followed up by asking about the county-wide or district collections. In police and fire, are the collections countywide? When those fees are collected in a district, does it go countywide?

County Manager Hobson-Matthews explained that impact fees collected in a district are used for improvements within that same district. Regarding fire services, she clarified that the collected impact fees are used to expand services within the district where they were gathered. However, this does not mean that an ambulance or fire truck from outside that district won't respond; they will provide service if the local resources are unable to cover it.

Vice Chair Wilson inquired about the possibility of collecting a fire protection impact fee and applying it countywide. He asked how this could be modified under the current agreement

County Manager Hobson-Matthews clarified that the current impact fee structure does not allow for countywide application. She stated that the funds must be expended within the district where they are collected.

Vice Chair Wilson asked how many cities are collecting impact fees.

County Manager Hobson-Matthews noted that the cities are not currently collecting impact fees. She explained that a Service Delivery Strategy (SDS) and an Intergovernmental Agreement (IGA) would be required to begin collecting these fees. Such an agreement would need to outline that a certain percentage of the collected impact fees would be returned to the County for capital projects, emphasizing that the funds must be specifically allocated for capital expenses.

Commissioner Neat Robinson highlighted the significant growth in the county and stressed the importance of ensuring that the county receives adequate funding to support road infrastructure development. She remarked that the increase in fees has been long overdue and emphasized that all stakeholders must contribute to this funding.

Commissioner Dee Anglyn made points of clarification that the money does not go to hospitals and/or schools. In the previous 20 years, there has not been an increase. Two years ago an increase was made to $3,500. He said this is not a tax offset nor is it a tax itself, because a tax relief was mentioned earlier and that is not the case so he wanted to make that clear.

Commissioner Kevin J. Lewis stated the impact of individual home builders and the role of the Home Builders Association and the Council of Quality Growth in relation to the rising cost of lumber. During the pandemic, lumber prices spiked by 75%, but even though prices have since dropped significantly, the cost of homes has not decreased. He suggested that builders should pass these savings on to buyers. He also addressed how and where impact fees are collected and used in districts experiencing high growth. Additionally, he emphasized the importance of ensuring that transportation costs are covered by impact fees and highlighted the need for a correlation between growth and these fees.

Commissioner Michael Price emphasized the importance of impact fees in supporting the community. He stated that developers should contribute to the costs associated with new developments and the influx of residents they bring. He also stressed the need to adapt to changing times to better serve the community.

Commissioner Kevin J. Lewis made a motion to raise impact fees to $7,085.90 to be effective immediately; **Commissioner Neat Robinson** seconded. The motion carried 5-1-0 with **Vice Chair Johnny Wilson** voting in opposition, stating he would like to have the fee raised to $8,000-$10,000 because we are so far behind on all of the categories and we are going to have to make up the difference of the impact up out of the General Fund. **Ordinance**

Chair Harrell stated that she does not have a copy of the final resolution in front of her and asked for clarification for the record regarding when it goes into effect, etc.

Toussaint Kirk, Cluster Lead confirmed the impact fees will go into effect immediately as written in the resolution. He read the following into the record for further clarity:

- Any building permit that is date-stamped July 24, 2024 will get the new impact fee rate at $7,085.90
- Grandfather clause will be stated in the resolution to make it clear that any building permit that was submitted July 23, 2024 (and before) would still be charged at the $3,544 rate
- All fees will be paid at the time of permit issuance (note: currently, you can pay that before the Certificate of Occupancy is issued)
- Speaking to the building permits being grandfathered in, Mr. Kirk clarified that all other applications shall not be grandfathered, including but not limited to: Land Disturbance Permits (LDPs), or rezoning applications. We are only talking about house plans that were submitted prior to July 23, 2024.

Chair Harrell moved forward to Public Comments.

PUBLIC COMMENT

No one signed up for public comment.

APPROVAL OF MINUTES

A. June 11, 2024 regular BOC meeting

B. June 27, 2024 called joint cities SPLOST VI BOC meeting

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

UPCOMING MEETINGS AND EVENTS

A. July 30, 2024 at 1:00 p.m. is a Called BOC Meeting, re Millage Rate Public Hearing and Adoption

B. August 6, 2024 at 9:00 a.m. is a regularly scheduled BOC Meeting

EXECUTIVE SESSION
Commissioner Dee Anglyn made a motion to enter into executive session to discuss property acquisition; **Commissioner Kevin J. Lewis** seconded. The motion carried 6-0-0.

RECONVENE from EXECUTIVE SESSION
Commissioner Dee Anglyn made a motion to reconvene from executive session; **Commissioner Kevin J. Lewis** seconded. The motion carried 6-0-0.

Approval of an affidavit and resolution pertaining to executive session
Commissioner Dee Anglyn made a motion to approve the affidavit and resolution pertaining to executive session; **Commissioner Kevin J. Lewis** seconded. The motion carried 6-0-0.

ADJOURNMENT
Meeting adjourned at 9:04 p.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk