STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, November 19, 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; Kevin Johnson, Deputy 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, Nov. 19, 2024, at 6:30 p.m., to order.

ANNOUNCEMENTS

The following Planning & Zoning Items were advertised for the November 19, 2024 BOC Meeting, but have been postponed by the applicants:

A. **COMP-AM-24-06 (Public Hearing - POSTPONED)**
Strickland Road Farms, LLC of McDonough, GA requests an amendment to the Comprehensive Plan for property located on Strickland Road, east of Simpson Mill Road and north of Walker Drive in Land Lots 239, 240, 241, and 242 of the 3rd District and 241 and 242 of the 6th District. The property consists of 249.8 +/- acres and the request is to amend the Future Land Use Map designation from Low Density Suburban to Office-Institutional. District 5

B. **RZ-24-20 (Public Hearing - POSTPONED)**
Strickland Road Farms, LLC of McDonough, GA requests a rezoning request from RA (Residential-Agricultural) to OI (Office-Institutional) for property located on Strickland Road, east of Simpson Mill Road and north of Walker Drive in Land Lots 239, 240, 241, and 242 of the 3rd District and 241 and 242 of the 6th District. The property consists of 249.8 +/- acres and the request is for a data center. District 5

C. **COMP-AM-24-02 (Public Hearing- POSTPONED)**
0 Rocky Creek Road, LLC of Wilmington, DE requests an amendment to the Comprehensive Plan for property located south of Highway 20 West, east of Rocky Creek Road in Land Lots 211, 238, and 243 of the 6th District. The property consists of 148.199 +/- acres and the request is to amend the Future Land Use Map designation from Low Density Suburban to Office-Institutional. District 1

D. **RZ-24-07 (Public Hearing - POSTPONED)**
0 Rocky Creek Road, LLC of Wilmington, DE requests a rezoning from RA (Residential-Agricultural) to OI (Office-Institutional) for property located south of Highway 20 West, east of Rocky Creek Road in Land Lots 211, 238, and 243 of the 6th District. The property consists of 148.199 +/- acres and the request is for a data center. District 1

Chair Harrell announced that the following two Consent Agenda Items will be moved to the Regular Agenda:

A. **AX-24-03 (Not a Public Hearing)**
The City of Stockbridge has received a request for annexation of properties located east of the intersection of Highway 42 North and Campground Road consisting of 48.597 +/- acres in Land Lots 34, 35, and 62 of the 7th District. District 4 (Presenter: Toussaint Kirk, Cluster Lead) (Exhibit 1)

B. **Resolution approving bid award (RFP #25-18)** to Cooper Carry Inc., for consulting services in the amount of $320,000 for the Atlanta Motor Speedway & Airport Area Development Master Plan. (Presenter: Kamau As-Salaam, Assistant Director) (Exhibit 14)

<u>Chair Harrell announced a walk-on item:</u>

C. Resolution of the Board of Commissioners appointing Amanda Reeves as the Registered Agent for Henry First, Inc.(Presenter: Kevin Johnson, Deputy County Manager)

<u>Chair Harrell provided a directive for staff on the following two items: Note: Vote was taken at end of meeting (after Approval of Minutes).</u>

A. To create an ordinance regarding data centers (to be presented during the first meeting in January, 2025).

B. To create an ordinance regarding Comp Plan Amendments where they only occur once a year (second meeting in July).

<u>Presentation</u>

A. Presentation regarding ClearGov, the County's Transparency Platform (Presenters: Bernita Campbell, Budget Director; and Bert Bivens, Asst. Director SPLOST)

<u>Appointment</u>

A. Hospital Authority Appointment (submittal of 3 names): 1) Brenda "Nish" Willis; Mildred Schmelz and Dr. Anu Bhat (to fill unexpired term of Toni Holmes - 12/7/2025). Resolution 24-271

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

<u>Walk-on item</u>

A. Resolution of the Board of Commissioners appointing Amanda Reeves as the Registered Agent for Henry First, Inc. .(Presenter: Kevin Johnson, Deputy County Manager) Resolution 24-272

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

<u>CONSENT AGENDA</u>

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

<u>Annexation</u>

(Note: Annexation Item Moved to Regular Agenda)

A. AX-24-03 (Not a Public Hearing)
The City of Stockbridge has received a request for annexation of properties located east of the intersection of Highway 42 North and Campground Road consisting of 48.597 +/- acres in Land Lots 34, 35, and 62 of the 7th District. District 4 (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 1)

County Attorney

A. Resolution to accept the material terms of the new National Opioid Settlement reached with Publix and actions needed to participate pursuant to the Georgia memorandum of understanding and consistent with the terms of the July 21, 2021, National Opioid Settlement Agreements (Presenter: Serena Nowell, County Attorney) (Exhibit 2) Resolution 24-273

Department of Transportation

A. Resolution to accept a deed providing for additional Right-of-Way along Candler Road within Unincorporated Henry County (Presenter: David Simmons, DOT Deputy Director)(Exhibit 3) Resolution 24-274

B. Resolution authorizing Speed Humps to be installed in Briarwood Place Subdivision. (Presenter: David Simmons, DOT Deputy Director) (Exhibit 4) Resolution 24-275

C. Resolution accepting ownership of various public roadways not on the State Highway System. (Presenter: David Simmons, DOT Deputy Director) (Exhibit 5) Resolution 24-276

E-911 & Henry County Fire Rescue

A. Resolution approving a contract for nurse navigation/telehealth services with RightSite Health Physicians PLLC for non-emergency patients at no cost to the county. (Presenters: Tamika Kendrick, E-911 Director and Chief Jonathan Burnette, HCFR) (Exhibit 6) Resolution 24-277

Fleet Services

A. Resolution approving a fuel Intergovernmental Agreement with the City of McDonough (Presenter: Chris Matthews, Director) (Exhibit 7) Resolution 24-278

Fire Rescue

A. Resolution for the purchase of Two (2) Saber Custom BTO Pumpers, Two (2) Saber Stock Program Pumpers, One (1) Pierce Custom Heavy Rescue, Two (2) Bruan Liberty Ambulances and Four (4) Braun Liberty Ambulance Remounts from Ten-8 Fire & Safety, LLC in the amount of $7,483,528. Funding will be from Capital Funds (Presenter: Jonathan Burnette, Fire Chief)(Exhibit 8) Resolution 24-279

Financial Services

A. An amendment of a Resolution of the Board of Commissioners [Resolution 24-250] awarding a three-year subscription to OpenGov utilizing Carahsoft for the purchase of software and OpenGov for implementation in the amount of $824,440.05. (Presenter: Bernita Campbell, Budget Director) (Exhibit 9) Resolution 24-280

Planning & Zoning

A. Resolution by the Henry County Board of Commissioners to adopt the State required Capital Improvement Element annual update and CIE Community Work Program. Countywide (Presenter: Toussaint Kirk, Cluster Lead)(Exhibit 10) Resolution 24-281

B. Resolution approving a request for a new streetlight district for Kingston (Phase 2A) Subdivision on Bill Gardner Parkway. District 1 (Presenter: Heidy Liahut, Planner I)(Exhibit 11) Resolution 24-282

C. Resolution approving a request for a new streetlight district for Broder Farms (Phase 3) Subdivision on Flippen Road. District 2 (Presenter: Heidy Liahut, Planner I)(Exhibit 12) Resolution 24-283

D. Resolution authorizing the negotiation and execution of a Project Development Agreement with Highpoint Acquisitions, LLC, Inc. for the development of a North Bridges Road Roadway Improvements (Presenter: Serena Nowell, County Attorney) (Exhibit 13) Resolution 24-284

E. **(Note: Item Moved to Regular Agenda)**
Resolution approving bid award (RFP #25-18) to Cooper Carry Inc., for consulting services in the amount of $320,000 for the Atlanta Motor Speedway & Airport Area Development Master Plan. (Presenter: Kamau As- Salaam, Assistant Director) (Exhibit 14)

Police Department

A. Resolution accepting a grant award in the amount of $3,000.00 from the Georgia Emergency Management and Homeland Security Agency for the purpose of sustaining and maintaining the Henry County Police Department Explosive Ordinance Disposal K-9 Program (Presenter: Captain W. Powell, HCPD)(Exhibit 15) Resolution 24-285

Senior Services

A. Resolution authorizing Henry County Senior Services to apply for a Private Home Care license from the Department of Community Health (DCH). This is a requirement for County agencies that receive Older Americans Act grant funds and will enhance the quality of life for Henry County senior residents who require in-home services. (Presenter: Jonathon Penn, Cluster Lead)(Exhibit 16) Resolution 24-286

SPLOST

A. Resolution authorizing the acquisition of 14,480.78 square feet of right of way, 2,311.87 square feet of permanent easement, more or less, in Land Lot 135 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project -Parcel 2) (Presenter: Serena Nowell, County Attorney)(Exhibit 17) Resolution 24-287

B. Resolution authorizing the acquisition of 229.85 square feet of permanent easements, more or less, in Land Lot 136 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 3) (Presenter: Serena Nowell, County Attorney) (Exhibit 18) Resolution 24-288

C. Resolution authorizing the acquisition of 2,090.67 square feet of right of way, 1,582.67 square feet of temporary easements, more or less, in Land Lot 136 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 4) (Presenter: Serena Nowell, County Attorney) (Exhibit 19) Resolution 24-289

D. Resolution authorizing the acquisition of 1,001.88 square feet of right of way, more or less, in Land Lot 135 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 118) (Presenter: Serena Nowell, County Attorney) (Exhibit 20) Resolution 24-290

E. Resolution authorizing the acquisition of 37,925.34 square feet of right of way, 4,141.13 square feet of permanent easements, more or less, in Land Lot 135 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 5) (Presenter: Serena Nowell, County Attorney) (Exhibit 21) Resolution 24-291

F. Resolution authorizing the acquisition of 21,767.98 square feet of right of way, 17,693.29 square feet of permanent easements, more or less, in Land Lot 152 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 40) (Presenter: Serena Nowell, County Attorney) (Exhibit 22) Resolution 24-292

G. Resolution authorizing the acquisition of 3,954.67 square feet of right of way, 2,575.52 of permanent easements, more or less, in Land Lot 152 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 47) (Presenter: Serena Nowell, County Attorney) (Exhibit 23) Resolution 24-293

H. Resolution authorizing the acquisition of 7,178.22 square feet of right of way, 14,309.37 of permanent easements, more or less, in Land Lot 152 of the 7th District, Henry County, Georgia, by negotiated contract or condemnation. (State Route 81 Widening Project - Parcel 50) (Presenter: Serena Nowell, County Attorney) (Exhibit 24) Resolution 24-294

Stormwater

A. Resolution of the Board of Commissioners approving the Henry County Water Authority utility relocation estimated cost for Greenview Subdivision Improvements in the amount of $ $23,381.46 using Stormwater Enterprise Funds. District 4. (Presenter: Roque Romero, Cluster Lead)(Exhibit 25) Resolution 24-295

B. Resolution of the Board of Commissioners to purchase one (1) Yancey Caterpillar Skid Steer in the amount of $131,427.00, utilizing Stormwater Enterprise Funds. (Presenter: Roque Romero, Cluster Lead)(Exhibit 26) Resolution 24-24-296

Transportation Planning

A. Resolution rescinding Resolution 24-226 and approving updated contract with Modern Mobility Partners, LLC to prepare the Henry County Comprehensive Safety Action Plan for $245,000, to be paid with a $196,000 Safe Streets and Roads for All (SS4A) Planning and Demonstration Grant, with a $49,000 local match. This update clarifies that the local match will be equally split among Henry County and its four municipalities: ($49,000 divided by 5 = $9,800each) Presenter: Sam Baker, Director) (Exhibit 27) Resolution 24-297

B. Resolution rescinding Resolution 24-227 regarding a contract with Sonamore, Inc. for the purchase and installation of onboard units for the Henry County Fire Department emergency response vehicles. This contract is being rescinded due to the company outsourcing to a third-party vendor who did not meet the "Made in U.S.A." grant requirements. (Presenter: Sam Baker, Director) (Exhibit 28) Resolution 24-298

(This ends the consent agenda)

Commissioner Neat Robinson made the motion to approve; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

REGULAR AGENDA

County Attorney

A. An Ordinance Amendment, re: Elections Board (Presenter: Serena Nowell, County Attorney) (Exhibit 29) Ordinance 24-10

County Attorney Serena Nowell presented proposed amendments to the ordinance governing the Board of Elections. The amendments include the following:

- **Paragraph 14**: The designated meeting location will be changed from the Courthouse to the Board of Election’s office (1550 South Zack Hinton Parkway, McDonough, Georgia).
- **Paragraph 15**: The Board of Elections will have the authority to appoint an Elections Supervisor, subject to approval by the Board of Commissioners (BOC). Additionally, the Elections Supervisor will now be classified as a county employee.

Chair Harrell requested clarification of the amendment.

County Attorney Nowell explained the change will now allow the Board of Commissioners to have a part in appointing the Elections Supervisor.

Commissioner Johnny Wilson asked for clarification about the Superior Court Judge's part.

County Attorney Nowell clarified that the Superior Court Judge will no longer oversee the appointment, termination, or selection of an interim replacement for the Elections Supervisor.

Commissioner Kevin J. Lewis asked if the Supervisor would have to be a resident in the county?

County Attorney Nowell stated that applicants will no longer need to be residents, allowing for a broader pool of candidates, and the position will follow the same hiring process as other county employees.

Commissioner Kevin J. Lewis asked about the impartiality of the position.

Chair Harrell asked if there are any other counties that follow this approach.

County Manager Cheri Hobson-Matthews explained that the position is already considered a county employee, with the only difference being that the appointment is currently made by the Chief Superior Court Judge. She noted that this model is based on Fayette County.

County Attorney Nowell stated that, although the model for onboarding the Elections Supervisor and the benefits they receive suggest they are county employees, the statute does not actually support this designation. She noted a disconnect between the current law and the reality of the situation.

Chair Harrell stated considering the problems with the elections over the last several years, it has not been in the best interest of the county to have the Superior Court Judge appointment the position and the county has no recourse as to whether the position does their job or not. The BOC will have final say over the election's supervisor position.

County Manager Cheri Hobson-Matthews stated they will provide the Board of Elections with some insight in this process. The County Manager asked County Attorney Nowell if the Board of Elections are a part of the hiring process.

County Attorney Nowell stated that the Board of Elections will make a recommendation and then the Board of Commissioners will have the final approval over the elections supervisor.

Commissioner Kevin J. Lewis made the motion to approve; **Commissioner Michael Price** seconded.

Chair Harrell asked any further discussion.

Vice Chair Johnny Wilson stated that moving the position from the Judge to the County Manager's Office is a significant shift. He asked if, once the motion is made and the resolution is approved, there would be no way to return the supervisor to the Board of Elections.

It was clarified that the Board of elections will make the recommendation.

Vice Chair Johnny Wilson expressed that he was unclear about how other counties operate, particularly in terms of having the position under the Board of Elections versus the County Manager's Office. He stated he could not vote on the item tonight.

Attorney Nowell responded that, just as the board is considering amending the existing ordinance, any future amendments could also be brought before the board for a vote. She emphasized that this is not a one-time decision.

Commissioner Neat Robinson reiterated that the Board of Elections will make the recommendation and the Board of Commissioners will vote to approve.

Serena Nowell agreed, clarifying that the change could be reversed or modified in the future if needed.

County Manager asked that Commissioner Price abstain from voting since he is currently on the ballot for the position of commissioner.

Commissioner Neat Robinson made the second to approve. The motion carried 4-1-1 with **Vice Chair Johnny Wilson** opposed and **Commissioner Michael Price** abstaining.

B. Resolution authorizing use of county-owned property for the construction of tiny homes at "A Friend's House" (McDonough, GA). (Presenters: Serena Nowell, County Attorney; and Aubrey Kekiwi, A Friend's House Executive Board Chair) (Exhibit 30) Resolution 24-299

County Attorney Serena Nowell presented the resolution to allow for the construction of tiny homes on county-owned property.

Aubrey Kekiwi, Chair of A Friend's House Board, explained that the nonprofit has been serving abused and neglected foster children since 1998. Currently, there are 24 youth at their campus. The tiny homes will serve as a transitional living community, starting with one tiny home as a trial. The funds needed to construct the trial home have already been raised. The nonprofit will be responsible for constructing, funding, and maintaining the homes. They are requesting permission to build on the land they currently occupy**.**

Commissioner Kevin J. Lewis asked if the youth will have to sign an agreement to be part of the program.

Aubrey Kekiwi confirmed they will as well as adhere to a long-term plan with goals.

Chair Harrell stated that A Friend's House is doing amazing with the children in foster care. She acknowledged that there is a homeless problem in the county.

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

Department of Transportation

A. Resolution of the Board of Commissioners to approve the list of roadways for use of speed detection devices. (Presenter: David Simmons, Deputy Director)(Exhibit 31) Resolution 24-300

David Simmons presented the list of roadways for use of speed detection devices. If approved, the Georgia Department of Safety will review and issue a permit to allow law enforcement to use detection services on the roads requested. The list of roads was displayed with speed limits.

Commissioner Dee Anglyn made the motion to approve; **Vice Chair Johnny Wilson** seconded. The motion carried 6-0-0.

B. **Public Hearing:** Resolution of the Board of Commissioners to rename a portion of Peeksville Road as Roy Kuhn Drive. (Presenter: David Simmons) (Exhibit 32) Resolution 24-301

David Simmons presented the resolution to rename a remnant portion of Peeksville Road. Staff recommended the change. There are three properties on the portion of the road.

Public Hearing
(In Favor)

Jennifer Kuhn McAfee, daughter of Roy Kuhn, shared that her father was born on the land and lived there for 82 years before passing away in 2022. She expressed that it would be an incredible honor for the family if a portion of the road were renamed in honor of Roy Kuhn.

(In Opposition)
No speakers

Vice Chair Johnny Wilson made the motion to approve; **Commissioner Dee Anglyn** seconded. The motion carried 6-0-0.

County Manager Cheri Hobson-Matthews announced that David Simmons has decided to retire. This November. 19, 2024, meeting will be his last meeting.

Annexation

(Moved to Regular Agenda from Consent)

A. AX-24-03 (Not a Public Hearing)
The City of Stockbridge has received a request for annexation of properties located east of the intersection of Highway 42 North and Campground Road consisting of 48.597 +/- acres in Land Lots 34, 35, and 62 of the 7th District. District 4 (Presenter: Kenta Lanham, Planner III)(Exhibit 1) Resolution 24-302

Kenta Lanham Planner III presented the annexation request from the City of Stockbridge. The request involves the creation of a 243-unit planned development, comprising 101 single-family homes and 142 townhomes. According to the Planning and Zoning staff, the proposed annexation would not significantly alter the surrounding land use or the future land use designation for the properties, provided the density remains at or below eight dwelling units per acre.

Commissioner Kevin J. Lewis asked who submitted the site plan and who the developer for the project is.

Mr. Lanham responded that the engineer for the site plan is PEC Plus, and the applicant is Meritage Homes.

Commissioner Kevin Lewis then inquired if this applicant had previously applied to the county.

Mr. Lanham stated that the applicant had not previously applied to the county. He explained that the applicant has a few developments across Highway 42 along Campground Road, but these developments are within the city limits.

Commissioner Michael Price asked why the applicant submitted their application to the county instead of directly to the City of Stockbridge.

Mr. Lanham stated that he was not provided a reason for this in the application, as it was not disclosed.

Commissioner Dee Anglyn expressed concerns, stating that it appears the developer may be trying to bypass the county's building requirements. He noted that he was the one who requested this item be moved from the consent agenda to the regular agenda for further discussion. Commissioner Anglyn further shared his concerns about the process, mentioning that city annexations followed by subsequent de-annexations, which then require the county to take back the properties, create challenges. He stated that he was opposed to this item.

Chair Harrell asked what would happen if the Board of Commissioner denied the request. Mr. Lanham stated the request would go back to Stockbridge for litigation.

County Manager Cheri Hobson-Matthews said she and staff are working with the state delegation to clear up the ambiguity in the annexation laws. She said there is not a lot of room for the county to object to the annexations.

Commissioner Dee Anglyn made the motion to deny; **Vice Chair Johnny Wilson** seconded. **Commissioner Dee Anglyn** rescinded the motion to open up for discussion.

Commissioner Dee Anglyn objected to the annexation for fire safety and infrastructure impacts; **Vice Chair Johnny Wilson** seconded. The motion carried 6-0-0.

Planning & Zoning

(**Moved to Regular Agenda from Consent)**

A. Resolution approving bid award (RFP #25-18) to Cooper Carry Inc., for consulting services in the amount of $320,000 for the Atlanta Motor Speedway & Airport Area Development Master Plan. (Presenter: Toussiant Kirk, Director of Planning and Zoning) (Exhibit 14) Resolution 24-303

Toussiant Kirk, Director of Planning and Zoning presented the AMS & Airport Area development master plan recommendation to award the bid to Cooper Carry Inc.

Vice Chair Johnny Wilson asked if anyone has spoken with AMS.

County Manager Cheri Hobson-Matthews said she has been in contact with Brandon Hutchinson at AMS.

Commissioner Kevin J. Lewis made the motion to approve; **Commissioner Dee Anglyn** seconded. The. Motion carried 5-1-0 with **Vice Chair Johnny Wilson** in opposition.

SPLOST/Impact Fees

A. Resolution of the Board of Commissioners approving Change Order Proposal #1 from Cooper & Company for Construction of the N. Mt. Carmel Park Entrance Improvements in the amount of $634,003.00 using District 5 Impact Fees. (Presenter: Lynn Planchon, Capital Projects Director) (Exhibit 33) Resolution 24-304

Lynn Planchon, Capital Projects Director presented the resolution for improvement to the entrance N. Mt. Carmel Park entrance using District 5 impact fees.

Commissioner Kevin J. Lewis thanked staff for the improvements and safety.

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

A. Resolution awarding the bid for construction of a temporary signal for Oak Grove Road @ Jodeco Road to Reedwick, LLC in the amount of $132,079.00. Funds are available in District 4 Transportation Impact Fee Account. (Roque Romero, Public Works/Cluster Lead)(Exhibit 34) Resolution 24-305

Roque Romero, Cluster Lead, presented the resolution to award Reedwick LLC the contract for installing a temporary signal at the intersection of Oak Grove Road and Jodeco Road.

Commissioner Michael Price thanked staff.

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

B. Resolution awarding the bid for construction of a temporary signal for East Lake Road @ Airline Road to Reedwick, LLC in the amount of $110,695.00, utilizing SPLOST V Funding. District 3. (Roque Romero, Public Works/Cluster Lead)(Exhibit 35) Resolution 24-306

Roque Romero, Cluster Lead presented the resolution to award Reedwick LLC for a temporary signal at East Lake Road at Airline Road.

Commissioner Dee Anglyn made the motion to approve; **Commissioner Neat Robinson** seconded. The motion carried 6-0-0.

<u>Planning & Zoning</u>

A. **AP-24-03 (Not a Public Hearing)**
Pamela Strickland of Ellenwood, GA requests an appeal to the approval of a conditional use for property located at 2063 Panola Road in Land Lots 197 and 188 of the 7th District. The property consists of 5.760 +/- acres, and the request is for the appeal of a Zoning Advisory Board decision regarding the approval of a group home. District 2 (Presenter: Kenta Lanham, Planner III) (Exhibit 36) Resolution 24-307

County Attorney Serena Nowell addressed the appeal regarding a request for a conditional use permit for a group home at 2063 Panola Road. While the Zoning Advisory Board (ZAB) initially approved the request, the county attorney recommended that their decision be reversed following further review of the supporting documents. The first issue identified was with the ownership of the property. It was revealed that the property is owned by two LLCs, contrary to the applicant's claim of ownership. The second issue pertained to the notification of the adjacent property owner, which was found to be defective. Due to these discrepancies, the county attorney concluded that ZAB should not have approved the request. Attorney Nowell stated her, and Attorney Andy Welch spoke earlier, and they both concur that is the right decision in this particular appeal.

Attorney Andy Welch represented Pamela Strickland. He stated that he concurs with all the statements that were made by the County Attorney.

Commissioner Neat Robinson made a motion to sustain and reverse the decision of the Zoning Advisory Board; **Commissioner Kevin J. Lewis** seconded. The motion carried 6-0-0.

B. **AP-24-02 (Not a Public Hearing)**
DRB Group, LLC of Atlanta, GA requests an appeal to the denial of a conditional use for property located at the northeast corner of the intersection of Old Kelleytown Road and Kibbee Road in Land Lots 57, 58, and 71 of the 11th District The property consists of 165.91 +/- acres, and the request is for the appeal of a Zoning Advisory Board decision regarding the denial of a conservation subdivision. District 3 (Presenter: Kenta Lanham, Planner III)(Exhibit 37) Resolution 24-308

Tayla Solomon, Planner III, presented the request. The subject property is currently zoned RA (Residential-Agricultural), as shown on the Henry County Official Zoning Map adopted on November 19, 2013, by the Henry County Board of Commissioners. The applicant requested a conditional use permit (CU-22-08) to develop a conservation subdivision. Conservation subdivisions are permitted with an approved conditional use in any single-family residential zoning district and may be developed with the same number of lots allowed under a conventional subdivision design. Additionally, the applicant submitted a concurrent rezoning request (RZ-22-22) to rezone the property from RA (Residential-Agricultural) to R-2 (Single-Family Residence) (Sewer).At the July 11, 2024, Zoning Advisory Board (ZAB) meeting, Planning and Zoning staff recommended approval of the conditional use request with conditions, as the proposed development met all necessary criteria for such a recommendation. However, the ZAB voted to deny the request. On July 24, 2024, DRB Group, LLC, the aggrieved applicant, submitted an appeal to the Planning and Zoning Department. Planning and Zoning staff continues to recommend approval of the conditional use request for a conservation subdivision, subject to the following condition: The development shall be substantially consistent with the conceptual conservation plan dated June 25, 2024, as presented at the Zoning Advisory Board meeting. Any substantial deviations or adjustments to the conceptual site plan must be approved by the Henry County Planning and Zoning Department.

Commissioner Dee Anglyn said appeals are helpful allowing additional conversations to continue with the community.

Commissioner Dee Anglyn made the motion to accept staff's recommendation; **Commissioner Kevin J. Lewis** seconded. The motion carried 6-0-0.

Steve Moore, Moore Bass Consulting, representing the applicant, stated they are happy and thankful to proceed to the next step.

C. **RZ-22-22 (Public Hearing)**
DRB Group, LLC of Fayetteville, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single Family Residence) (Sewer) for property located at the northeast corner of the intersection of Old Kelleytown Road and Kibbee Road in Land Lots 57, 58, and 71 of the 11th District. The property consists of 165.91 +/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kenta Lanham, Planner III)(Exhibit 38) Resolution 24-309

Planner III Kenta Lanham presented a request to rezone 165.91 ± acres from RA (Residential-Agricultural) to R-2 (Single-Family Residence) (Sewer) for the development of a single-family residential conservation subdivision.
The Future Land Use Map designates the property as Low-Density Suburban, which supports a maximum density of 2.0 dwelling units per acre (net). The yield plan for the proposed development includes 219 lots designed as a conventional R-2 (Sewer) subdivision with a net density of 1.55 dwelling units per acre.
As a conservation subdivision, the applicant is proposing a reduced unit count of 206 lots, fewer than the

yield plan would allow. The proposed conservation subdivision requires the preservation of 40% of the gross site area and permits smaller lot sizes, with a minimum of 10,890 square feet. The conservation plan indicates three proposed lot sizes: 32 lots at 22,000 square feet adjacent to Kibbee Road, 55 lots at 18,000 square feet, and 119 lots with a minimum size of 12,000 square feet. This design aligns with the goals of a conservation subdivision by preserving significant portions of the site while offering a mix of lot sizes. Staff recommends approval of the applicant's request. Mr. Lanham also noted that condition number 13 was added after the initial publishing of the original packet.

Public Hearing

(In Favor)

Steve Moore, Moore Bass Consulting, representing DRB on the rezoning request. He noted the plan has dropped to 206 lots and to drop the entrance at Old Kellytown Road. 43% of the property is greenspace with buffering around the perimeter of the property with three amenity areas.

Cari Smith, works for the DRB Group LLC., she explained DRB purchased Knight Homes and gave an overview of the company's changes, updates to designs and the company's portfolio.

Landowner stated that, if the development proceeds, DRB has been very willing to work with her. She stated that her land is the most affected by this development and added that her property borders the 75-foot buffer.

(In Opposition)

Amanda Flora, lives on 5.5 acres Kibbee Road, she printed out the map of her location. Nobody in the area has a 5-acre lot in the area. She stated she has appreciated the growth up to a point. Currently, she's unable to enjoy the amenities in the community because of traffic. She is also concerned about the impact on the elementary school.

A resident of Kelleytown Road stated that he lives down the road from the proposed development. He presented information from the Better Business Bureau, noting that DRB has an "F" rating. He also submitted a petition with 520 signatures in opposition to the development. The resident highlighted that a transportation study was required in 2022 and raised concerns about traffic impacts. Currently, there are 50 homes in the area with approximately 100 cars, and the proposed development would add 206 homes, resulting in an estimated 400 additional cars traveling in the area. He also noted safety concerns regarding a nearby tower, stating that it must have enough clearance to fall without impacting any properties. He added that the proposed development would include nine properties near the tower.

Deron Moore, a resident of Watkins Glen, stated that no representatives from DRB have communicated with the residents. He expressed concerns about how the development would affect everything in the area, noting the impact of other ongoing developments nearby. Mr. Moore emphasized that the project would have a tremendous impact on both current and future residents in the community.

Connie Snow reminded the board of a special-called meeting with the Water Authority, during which it was stated that the authority is at capacity. She emphasized that new sewer lines, as well as an expansion of existing lines, are needed to meet the demand created by new developments in the area. Snow also pointed out that neither the Water Authority nor the School Board had been consulted before multiple developments were approved.

Public Hearing Closed.

Chair Harrell stated the county is not out of water. She said the county is in good shape as far as water and sewer -- which is why developments have to get approval from HCWA and letter from schools. She asked if a transportation study been done or in process?

Steve Moore stated the study had been done in advance. The conclusion stated that all intersections operate at an acceptable level both AM and PM peak hours and will continue to operate at acceptable levels.

Chair Harrell asked about the cell tower on the property.

Kenta Lanham said the tower has a height of 185 feet, according to code for new towers, has a distance requirement for nearby - 110% of the cell tower. That is a condition No. 8 of staff's recommended conditions. No dwelling unit will be within 110% height of the tower.

Commissioner Dee Anglyn asked Cari Smith about the F rating on BBB.

Cari Smith stated the page was started and administered by an ex- Knight Homes employee. Per the BBB, if the complaints go unanswered an F rating is automatic. Another page, DRB Homes LLC, has an A- rating. They are in the process of getting the other page removed.

Commissioner Dee Anglyn asked how many town hall meetings were held.

Steve Moore stated that there were a total of three meetings with the DRB team—two in person and one virtual. Additionally, several private meetings were held with landowners.

Commissioner Dee Anglyn noted that the sewer line installed for the Publix grocery store will support the subdivision. He thanked the Kelleytown residents for their involvement and mentioned that Cari from DRB had met with individuals in their homes to address concerns. Commissioner Anglyn pointed out that the residents did not want Knight Homes' products in the area, and in response, DRB brought their Northside products and hired a new architect to provide alternative renderings. He emphasized his desire for more diverse homes and larger lots. The developer made several adjustments, including reducing the number of lots to 206, increasing the buffers at the request of nearby residents, reserving 43% of the area as greenspace, adding trails, and installing a fence. The rental rate was reduced to 5%, and the entrances were relocated. His bigger concern, however, was a list of other developers who are waiting for the appeal to be resolved before moving forward with their own projects.

Kenta Lanham codified that walking trails shall be included in the site plan as part of the conditions.

Commissioner Dee Anglyn made a motion to approve; **Commissioner Kevin J. Lewis** seconded. The motion carried 5-1-0 with **Vice Chair Johnny Wilson** in opposition.

County Manager Comments

County Manager Cheri Hobson-Matthews - No Comments

PUBLIC COMMENT
No one signed up for public comment.

Approval of Minutes

A. October 24, 2024 Called BOC Joint Meeting with HCWA & HCDA

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

*__Chair Harrell__ made a motion to direct staff to create an ordinance regarding the development of data centers. **Commissioner Kevin J. Lewis seconded.** The motion carried 6-0-0.

*__Chair Harrell__ made a motion to direct staff to bring forth a resolution regarding the acceptance of applications of review regarding comprehensive plan amendments. Chair Harrell is requesting that there is limit of the acceptance of the comp plan amendments applications to one time a year. **Commissioner Kevin J. Lewis seconded**. The motion carried 6-0-0.

Upcoming Meetings and Events

A. The following regularly scheduled BOC Meetings have been canceled: December 3, 2024 and December 17, 2024.

B. The next meeting is Jan. 7, 2025 at 9 a.m.

ADJOURNMENT

Meeting adjourned at 9:08 p.m.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk