STATE OF GEORGIA
COUNTY OF HENRY

The Henry County Board of Commissioners held a Regular Public Meeting ***in-person*** on Tuesday, November 16, 2021, 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, District I Commissioner
Dee Clemmons, District II Commissioner
Greg Cannon, District III Commissioner
Vivian Thomas, District IV Commissioner
Bruce Holmes, District V Commissioner

Also in attendance: Cheri Hobson-Matthews, County Manager; Patrick Jaugstetter, County Attorney; Priya Patel, Associate Attorney; Stephanie Braun, County Clerk; Nathifa Cunningham, Deputy County Clerk

INVOCATION

Carlotta Harrell, Chair, called for a moment of silence for fallen officer, *Paramhans Desai, Henry County Police Department.*

MOMENT OF SILENCE

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, November 16, 2021 to order.

ANNOUNCEMENT from the Chair: The following Planning & Zoning items were advertised for this meeting, but have since been postponed:

- (Public Hearing) RZ-21-14 The Reservoir Group, LLC of Madison, GA requests a rezoning from C- 2 (General Commercial) to RS (Residential Suburban) for property located on Bridges Road west of Willow Lane in Land Lots 129, 130, 159, and 160 of the 7th District. The property consists of 102.00+/- acres, and the request is for a 3 Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the Risk Manager at 770-288-6418 promptly to allow the County to make reasonable accommodations for those persons. Single-family Residential and Townhomes development District III

- (Public Hearing) RZ-21-22 Builders Professional Group, LLC of Fayetteville, GA requests a rezoning from R-2 (Single-Family Residence) to R-3 (Single-Family Residence) for property located at 3539 Jonesboro Road in Land Lot 105 of the 6th District. The property consists of 30.118 +/- acres, and the request is for a Single-Family Residential subdivision District II

PROCLAMATION ***(Added)***

Stephanie Braun, Clerk, Henry County, read the following Proclamation into the record:

Proclamation
Honoring the Life and Legacy of Henry County Police Officer,
Paramhans Desai (*October 5, 1983-November 8, 2021*)

WHEREAS, Henry County Police Officer Paramhans Desai, Badge #7951, was born in Bilimora, India and moved with his family to the United States at a young age, becoming a United States citizen in Ohio, in 1977; and

WHEREAS, from an early age, he knew his calling was to serve and protect as a police officer and to help those in need; and

WHEREAS, in 2008 he married the love of his life, Ankita, and together they have two wonderful sons, Om Desai and Namah Desai. He was a devoted husband and father, and he loved his family, community, friends and his colleagues; and

WHEREAS, Paramhans moved to Georgia where he began his law enforcement career in 2004, having served in various Public Safety roles in Spalding County, Clayton County, the Georgia Public Defender's Council and with the DeKalb County Police Department before joining the Henry County Police Department; and

WHEREAS, during his nearly two decades in public service, he held a variety of leadership roles requiring responsibility, integrity and commitment, earning a well-deserved reputation for being an outstanding leader in his Division and an asset to Henry County law enforcement; and

WHEREAS, Officer Desai was not just an outstanding Public Safety official, but an intelligent, kind and compassionate human being who continues to serve others with the gift of life through organ donation, where his legacy will live on for several other families.

NOW THEREFORE, BE IT PROCLAIMED that the Henry County Board of Commissioners extends its sincerest condolences to the family of Officer Paramhans Desai and honor him for his commitment, dedication and sacrifice in serving the citizens of Henry County and he will forever be in our hearts of those he served.

This 16th day of November, 2021

Chair Harrell then called for the County Clerk to read the following Declaration into the record:

Order Rescinding Declaration of
State of Local Emergency

WHEREAS, on August 3, 2021, and pursuant to authority vested in the Chair of the Henry County Board of Commissioners by §3-4-434 of the Code of Henry County, Georgia, and in response to the resurgence of the Delta variant of the COVID-19 virus, I issued a Declaration of State of Local Emergency for Henry County (the "Declaration");

WHEREAS, on August 17, 2021, and pursuant to authority vested in the Chair of the Henry County Board of Commissioners by §3-4-434 of the Code of Henry County, Georgia, and in response to the resurgence of the Delta variant of the COVID-19 virus, I issued an Order Clarifying the Declaration of State of Local Emergency for Henry County (the "Clarification");

WHEREAS, on September 21, 2021, as a result of the continued resurgence and rapid spread of the Delta variant of the COVID-19 virus, and with advice from the Henry County Emergency Management Agency, I issued an extension of the Declaration to combat the continued spread of COVID-19 and to protect the health, safety and welfare of the community for an additional 60 days (through and until December 1, 2021) (Order attached hereto as Exhibit A);

WHEREAS, due to the current trend of reduced positive COVID-19 cases provided by local and state health officials, I am hereby rescinding the attached Declaration of State of Local Emergency as conditions remain stable; however, this is a fluid situation and we will continue to monitor these statistics and will act accordingly;

WHEREAS, the mask mandate will be lifted and wearing face coverings in County facilities will be optional for those who have been vaccinated. Under the requirements of the Centers for Disease Control (CDC), unvaccinated individuals are still required to wear face coverings while in County facilities, and temperature screenings will be a continued requirement for everyone. However, per Federal mandate, any person using public transportation, which includes Henry County Transit and Senior Services buses and vans, must wear a mask (note: Public Transportation mandate expires on January 18, 2022).

NOW THEREFORE, pursuant to the authority vested in me by local and state law, the Chair of the Henry County Board of Commissioners does hereby RESCIND the Declaration of State of Local Emergency effective November 17, 2021

ISSUED at 5:00 p.m. this 16th day of November, 2021

FINANCIAL UPDATE

David Smith, Director of Financial Services, approached to present the first quarter update to the Board of Commissioners (BOC).

Regarding the Henry County COVID-19 Response, the County was allotted $45 million in relief funding through the American Rescue Plan (ARP) and must be obligated by December 31, 2024, with all funds to be spent, all work to be performed and completed by December 31, 2026. It is the plan to bring various requests for how to spend this money at the next Board meeting.

Mr. Smith then presented the financial statistics for the first quarter, keeping in mind that through September, property taxes had not been collected; however, as of this morning 85% of the property taxes have been collected, with about 90% anticipated to be collected by month's end. With year-to-date revenues received and making up 11% of the total budgeted revenue for this year and with various lost revenues and year-to-date revenues being higher (due to increased licenses, permits and charges for services), the total year-to-date expenditures are currently below the expected pace but are higher than the previous year due to increased costs in Public Safety. The details of these revenues and expenses were then shown for the Board, along with graph representations of same and year-over-year comparisons.

Mr. Smith then presented SPLOST collections to date, totaling $67.1 million with expenditures of $11.5 million; graph representation of same was also presented. Regarding Impact Fees, Mr. Smith stated that 89% of the revenue received was for Parks & Recreation. An Impact Fee study which will include a transportation study and potential fee increase will be completed and presented to the BOC with recommendations at a future date.

Chair Harrell requested that this packet be emailed to the Commissioners.

Vivian Thomas, District IV Commissioner asked if this presentation of the financials includes COVID money which was received. **Mr. Smith** responded that it does not include that money and this is just General Fund balance. The District IV Commissioner asked for a presentation of the revenue received and spent regarding COVID funding and asked for the tracking information on that; Mr. Smith stated that he will do so and will have it for the November 30th meeting.

Bruce Holmes, District V Commissioner asked how the calculations for the increase in impact fees are to be done, on commercial property. **Mr. Smith** deferred to Mr. Kirk of Planning & Zoning. The District V Commissioner asked if this will be calculated on a percentage or if there will be a flat fee. **Toussaint Kirk, Planning & Zoning Director,** approached and explained that at present that fee is based off of square footage and that there is a consultant working on providing information for commercial and industrial buildings, to be completed by the end of the week.

Commissioner Thomas then asked about the unassigned dollars in the General Fund; **Mr. Smith** responded that the analysis of the Fund Balance has to be reviewed by the County Manager prior to presentation to the BOC on how to utilize that money. The District IV Commissioner asked when they would need to get their requests in; **Cheri Hobson-Matthews, County Manager,** approached and responded that they are in the middle of the midyear adjustments, with departments identifying any expenses beyond what was approved in the Budget. If there are requests, the time is now to turn them in and any that are beyond the current Budget must be submitted for adjustments. While the County is currently trending well, monitoring is being done to prevent any potential overspending.

There were no further questions. ***No action was taken.***

CONSENT AGENDA

Prior to entering the Consent Agenda, **Chair Harrell** called for two (2) specific items to be removed from said Agenda, as follows:

Parks & Recreation: Resolution of the Henry County Board of Commissioners declaring the train, farm silo, and old road scraper at 101 Lake Dow Road, McDonough, GA 30252 (Heritage Park) as surplus. *(Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 11) (Moved to Regular Agenda at the request of the Chair)*

Stormwater: (B) Resolution approving RFQ #21-93 for On-call engineering design services for the Stormwater Management Department to the following five consultants: American Engineers, Inc., Atlas Technical Consultants, LLC., Heath & Lineback Engineers, Inc., Pond & Company and Prime Engineering, Inc.*(Presenter: Alex Mohajer, Stormwater Director)(Exhibit 19)(moved to Regular Agenda at the request of the Chair)*

Ms. Hobson-Matthews presented the *(amended)* Consent Agenda as follows:

County Attorney

A. Resolution to authorize the acquisition of 173.87 square feet of right of way, 2,171.91 square feet of permanent easement, more or less, in Land Lot 130 of the 12th district, Henry County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 Rock Quarry Road Widening (Parcel 49) *(Presenter: Priya Patel, Jarrard & Davis)(Exhibit 1)*

B. Resolution to authorize the acquisition of 82,092.32 square feet of right of way, more or less, in Land Lot 13 of the 6th District, Henry County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19 Rock Quarry Road Widening (Parcel 13) *(Presenter: Priya Patel, Jarrard & Davis)(Exhibit 2)*

C. Resolution to authorize the acquisition of 4,517.11 square feet of right of way, 6,474.95 square feet of permanent easement, more or less, in Land Lots 4 and 29 of the 12th District, Henry County, Georgia, by negotiated contract or condemnation pursuant to provisions of O.C.G.A. Section 32-3-4 through Section 32-3-19. Rock Quarry Road Widening (Parcel 28) *(Presenter: Priya Patel, Jarrard & Davis)(Exhibit 3)*

Department of Transportation

A. Resolution awarding Bid #22-14 for pavement marking services to Mid-State Striping, Inc. in the estimated annual amount of services of $304,554 *(Presenter: David Simmons, CE III, DOT)(Exhibit 4)*

E-911

A. Resolution of the Henry County Board of Commissioners approving the renewal of the L3Harris radio system maintenance agreement for December 11, 2021 through December 10, 2022 at a cost of $75,486 to be paid from the Public Safety Communications Repairs and Maintenance account *(Presenter: Amanda Maddox, E-911 Assistant Director)(Exhibit 5)*

Fire Department

A. Resolution of the Board of Commissioners Authorizing Henry County to enter into a Mutual Aid Agreement with AmeriPro EMS, LLC *(Presenter: Chief Jonathan Burnette) (Exhibit 6)*

B. 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 7)*

Human Resources

A. Resolution for approval and adoption of the Henry County Government Personnel Policy *(Presenters: Harold Cooper, HR Director; Kristi Johnson, HR Generalist III; and Holly LaFontaine, Risk Manager)(Exhibit 8)*

Police Department

A. Resolution accepting a grant awarded to the Henry County Police Department by the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program in the amount of $26,174.00 for the "Digital Vehicle Electronic Technology" *(Presenter: Major R. McGlamery)(Exhibit 9)*

B. Resolution declaring Henry County Police Department Canine Butar as surplus property *(Presenter: Major R. McGlamery/HCPD)(Exhibit 10)*

Planning & Zoning

A. Resolution approving a request for the creation of a new Street Light District for Heritage Point (Phase I) Subdivision located on Dutchtown Road District II *(Presenter: Kamau As-Salaam, Planner III)(Exhibit 12)*

B. Resolution approving a request for the creation of a new Street Light District for The Gates @ Pates Creek Subdivision located on Jonesboro Road District II *(Presenter: Kamau As-Salaam, Planner III)(Exhibit 13)*

C. Resolution approving a request for the creation of a new Street Light District for The Reverie @ East Lake Subdivision located on East Lake Road District IV *(Presenter: Kamau As-Salaam, Planner III)(Exhibit 14)*

Sheriff's Office

A. Resolution of the Board of Commissioners approving the acceptance of an Accreditation Award grant to get Henry County Sheriff's Office, (HCSO) accredited in the amount of $74,175.00 from the COPS Office Community Policing Development *(Presenter: Chief of Staff Billi Akins, HCSO)(Exhibit 15)*

SPLOST

A. Resolution awarding the bid for construction of a temporary signal for Lester Mill Road @ Bill Gardner Parkway to Reedwick, LLC, in the amount of $69,327.00. *(Presenter: Roque Romero, SPLOST Transportation Director)(Exhibit 16)*

B. Resolution approving the purchase of 27 Fitness Stations from Ready Fitness for the Heritage Senior Center Fitness Room Addition in the amount of $85,255.08 through NCPA Contract #08-23 using SPLOST V Funds (SP5302). *(Presenter: Lynn Planchon, Capital Projects Director and Susan Harris, Purchasing Manager)(Exhibit 17)*

Stormwater

A. Resolution of the Henry County Board of Commissioners approving the bid award to The Dickerson Group, Inc. for the construction of Beaver Run Trace storm drainage replacement in the amount of $91,485. District III *(Presenter: Alex Mohajer, DOT Director)(Exhibit 18)*

Transit

A. FTA GDOT 5311 FY 23 Grant Application for Rural Public Transportation Operating and Capital Assistance. Henry County's total amount of operating allocation for this program is $1,371,946, of which $685,973 is the 50% federal portion, and the local match portion of 50% is also $685,973. The capital allocation for this program is $919,671.74, of which $735,737.34 is the 80% federal portion, $91,967.20 is the 10% state portion and the local match portion of 10% is also $91,967.20. *(Presenter: Taleim Salters, Transit Director)(Exhibit 20)*

****This ends the Consent Agenda****

Greg Cannon, District III Commissioner made a motion to approve the Consent Agenda; **Johnny Wilson, District I Commissioner** seconded the motion.

Commissioner Thomas referred to the Transit and asked about the allocation; **Ms. Hobson-Matthews** clarified that the County's portion would be $91,967.20, which is only 10% local match.

Commissioner Thomas referred to the Human Resources for the resolution regarding personnel policies and she would like to see that moved to the Regular Agenda. **Chair Harrell** asked why, since there were emails sent out on that matter with no responses received. The District IV Commissioner countered that this item should have action taken upon with voting by the BOC.

Motion, second and discussion completed motion to accept Consent Agenda *failed* by a vote of 3-3-0.

*(**Chair Harrell, Commissioners Wilson,** and **Cannon** voted in favor; **Commissioners Clemmons, Thomas** and **Holmes** voted in opposition)*

Ms. Hobson-Matthews advised the Chair that until a motion is given to proceed with the items under Consent Agenda, they cannot move into Regular Agenda.

Dee Clemmons, District II Commissioner made a motion to approve the Consent Agenda and to move the Human Resources item to Regular Agenda; **Commissioner Thomas** seconded the motion. Motion was carried by a vote of 4-2-0.

*(**Chair Harrell, Commissioners Clemmons, Thomas** and **Holmes** voted in favor; **Commissioners Wilson** and **Cannon** voted in opposition)*

REGULAR AGENDA

STORMWATER (*moved from Consent Agenda*)

B. Resolution approving RFQ #21-93 for on-call engineering design services for the Stormwater Management Department to the following five consultants: American Engineers, Inc., Atlas Technical Consultants, LLC., Heath & Lineback Engineers, Inc., Pond & Company and Prime Engineering, Inc.*(Presenter: Alex Mohajer, Stormwater Director)(Exhibit 19)*

Alex Mohajer, Stormwater Director, presented the item before the Board and added that the consultants were selected from a pool of twelve (12) consultants that applied for the Request for Quote.

Commissioner Holmes noted that there was one engineering firm that is local-owned and based, and it is not on this approved list; he wanted to know why that happened. **Mr. Mohajer** responded that the engineering list went through a selection committee reviewed through the RFP and came back with the short list of five (5). The local-owned firm was not selected. **Chair Harrell** asked for the scoring review sheet to be displayed for public viewing and Mr. Mohajer listed the top vendors, including the local-owned consultant in Stockbridge which had the lowest score:

1.	*American Engineers, Inc., Acworth, GA*	*420*
2.	*Atlas Technical Consultants, LLC, Atlanta, GA*	*427.5*
3.	*DRMP, Inc., Stockbridge, GA*	*373*
4.	*Falcon Design Consultants, LLC, Stockbridge, GA*	*346*
5.	*Goodwyn Mills Cawood, LLC, Atlanta, GA*	*391*
6.	*Heath & Lineback Engineers, Inc., Marietta, GA*	*463.5*
7.	*NV5 Engineers & Consultants, Inc., Roswell, GA*	*400*
8.	*Pond & Company, Peachtree Corners, GA*	*431.5*
9.	*Prime Engineering, Inc., Atlanta, GA*	*409.25*
10.	*Stantec Consulting Services, Atlanta, GA*	*374*
11.	*Thomas & Hutton Engineering Co., Buford, GA*	*399*
12.	*Wood Environment & Infrastructure Solutions, Inc. Kennesaw, GA*	*397.5*

Commissioner Holmes countered that the lowest scoring vendor has done business for many years in the County with no complaints, and yet they scored last on this list, after having beaten many of these competitors in the past years. He asked the Chair to allow the CEO from the lowest scoring firm to explain his score. **Chair Harrell** declared that to be not appropriate to the matter-at-hand and asked how the Commissioner was made aware that this company had not been approved, and what the policy is on putting out the RFQ, with vendors responses and then the committee submitting review scores. She further asked if this company has done work for the County in the past with no issue, why this company scored so low for this project. **Mr. Mohajer** responded that he has only been in this departmental capacity for nineteen (19) months and he has been in engineering for forty (40) years but has not done business with the firm in question. He remarked that there have been deficiencies noted with this particular firm which prompted him to score it so low and will not recommend this firm to perform work on behalf of Henry County because of things that he witnessed. Chair Harrell asked how many people were on this committee; Mr. Mohajer stated there were five (5) members who each presented their scores of each firm.

Commissioner Holmes suggested that all the firms listed be allowed to submit a bid in support of giving opportunities to local-owned businesses in Henry County; **Mr. Mohajer** responded that he has been in engineering and design for 40 years and he is familiar with many of the listed firms, but this particular firm, in his opinion, he does not recommend. The District V Commissioner then pointed out that this firm in question employs 60-70 resident of Henry County and he wants to support this local business. Mr. Mohajer countered that this deals with people's lives and good practices and in his opinion he cannot recommend this firm for this project.

Commissioner Holmes then asked if any complaints have been lodged against Falcon Designs; **Ms. Hobson-Matthews** responded that there have been no complaints received about Falcon Designs from the public. This was based on qualifications and there are instances and concerns of some particular subdivisions where the work was completed by Falcon, which is considered in the committee's review and scoring process.

Commissioner Wilson asked if the same scoring procedure utilized by SPLOST is used by Stormwater regarding consideration of awarding bids to vendors; **Mr. Mohajer** responded that he is not familiar with the SPLOST scoring system. The District I Commissioner asked if the same system should be used by SPLOST and Stormwater. **Ms. Hobson-Matthews** explained that in awarding the contract for On-call engineering design services, Falcon was not in the top 5 for SPLOST and then it was expanded to the top 7. The Commissioner asked again if the same scoring system is used; **Mr. Smith** stated that the same scoring system is used, but that the committee members performing the reviews for scoring are different individuals in SPLOST and Stormwater.

Commissioner Holmes remarked that it seems that the Stormwater director made his decision based on his own personal opinion, but that he said it was from his experience. When this firm was selected, they saved the County nearly half a million dollars with the work that they performed here and there have been no complaints from citizens or any of the Commissioners on the Board; he alluded that the top 5 were selected based on having previous relationships with each firm. **Ms. Hobson-Matthews** detailed that there is a panel which does the scoring. In looking at Falcon, she gave each individual score on the sheet and explained that each firm was evaluated by personnel from each of those departments. The District V Commissioner further alleged that these panels work in a certain fashion, at which time the Financial Services Director interjected and remarked that the Commissioner's inference is not appreciated. Ms. Hobson-Matthews suggested that staff is prepared to discuss each of these scores and has a list of subdivisions with issues identified and that the Commissioner will not hear complaints from citizens but rather from engineering staff. The Commissioner again suggested that this be opened up for everyone to bid. Ms. Hobson-Matthews clarified that Falcon will continue to have work through the County and will be made aware of bids put out for upcoming projects. If the Board does not go with staff recommendation, this bid will be closed out and then the project will be put out for bid. Typically, the top 5 submit bids and then the lowest bid usually gets the bid. This will slow things down but the County Manager is willing to respect the wishes of the Board.

Commissioner Clemmons further suggested to go with the District I Commissioner's suggestion and add Falcon to the list of the top 5 and then take the vote, to keep from having to start this all over again, making the list of six (6) top vendors. **Ms. Hobson-Matthews** cautioned that there are higher scoring firms that will not look favorably on this. **Mr. Smith** added that staff does not want to be seen showing favoritism to any vendor, local or not. Commissioner Clemmons stated that the County does not want to be seen as discriminating on selection either, because of the personal preference of an employee.

Chair Harrell gave several options - to go with staff recommendation; include all firms on the list; or start over with individual bidding from each firm.

Commissioner Holmes made a motion to include all vendors on this list for selection; **Commissioner Clemmons** seconded the motion.

Commissioner Wilson requested that the District V Commissioner to clearly state his motion.

Commissioner Holmes made a motion to include all the vendors on the list for selection, including Falcon Engineering Design, to bid on Stormwater projects in Henry County.

Commissioner Wilson asked how many problems this will cause. **Ms. Hobson-Matthews** responded that this will eliminate on-call engineering and staff will review each bid, whether it is 5 or 20, with no guarantee that the bid would be awarded to a local vendor, which will slow down the process. **Commissioner Clemmons** stated that this motion is not limited to 5 from this list it is now going to include all vendors on that particular list, numbering twelve (12) for this particular Stormwater project. **Ms. Hobson-Matthews** added that updates on when these projects are going to move forward is often received by staff and mostly from the Commissioners. If the motion is intended to award the RFQ to all twelve (12) firms listed, and not just the top 5 selected.

Chair Harrell recapped that Commissioner Holmes made a motion to award the RFQ to all twelve (12) listed firms and that Commissioner Clemmons seconded same motion. Motion was carried by a vote of 5-1-0.

*(**Chair Harrell, Commissioners Wilson, Clemmons, Thomas** and **Holmes** voted in favor; **Commissioner Cannon** voted in opposition)*

Chair Harrell asked that the County Attorney come forward to make his presentation, as he has a pressing appointment he must attend. *No objection.*

BOARD OF COMMISSIONERS

This Agenda item was moved at the request of the Chair and without objection from the Commissioners.

Resolution of the Henry County Board of Commissioners authorizing the General Assembly, on behalf of Henry County, Georgia, to redistrict and change the composition of the districts from which Board of Commissioner members are elected; to authorize the repeal of conflicting laws; to authorize the local legislative delegation and county agents to take such actions are necessary to change the charter; and for other purposes. (Presenter: Priya Patel, Jarrard & Davis)(Exhibit 31)

Patrick Jaugstetter, County Attorney presented out the process for redistricting within the County which is done after the decennial (every 10 years) census. He cited O.C.G.A. §28-1-14.1 which noted the requirements for local bills revising the Commissioners' County Districts, County Boards of Education, other governing authorities or creating districts for those offices. The aforementioned cite was set after the 2010 census. The final redistricting decision is determined by the General Assembly. The plan for redistricting is almost always a map and must be drawn by the staff of the Legislative and Congressional Reapportionment Office who works for the General Assembly, and they typically draw maps. The Commissioners' Redistricting Plan must either be drawn by this staff or approved by this staff. If the Plan is drawn by the Reapportionment Office then it must be sponsored by a local member of the General Assembly. If the Plan is drawn outside of the Reapportionment Office, a member of the local legislative delegation must sponsor that Plan and then it must be submitted for approval by the Reapportionment Office. Mr. Jaugstetter then stated that there are constitutional requirements that must be followed in drawing of this map/Plan. The map cannot be based on any race, gender, religion or any way to divide the people within the redistricting map.

Mr. Jaugstetter then went through what the Plan *should* do, such as avoiding the division of current voting precincts which could compromise voter anonymity, avoid leaving any geographic unassigned area and maintain continuous geographic features. These should make sense, having the lines divided up along rivers, roads, creeks, etc., and not in the middle of a residential or commercial property tract.

Mr. Jaugstetter then presented a modified version of general redistricting principles and how they should comply constitutionally. Redistricting principles in the traditional sense can prove to be challenging since the cities within Henry County are no longer "compact" as defined in the past, but rather are now sprawling and expanding.

Mr. Jaugstetter then presented that in 2010, the total population in Henry County was 203,922, with an ideal value population in each District having been 40,784. However, in 2010 the Districts were divided up as follows:

- District I 41,456
- District II 41,150
- District III 40,708
- District IV 40,364
- District V 41,244

This gave a deviation of 1.3%+/-.

According to the 2020 census, the total population of Henry County is 240,712 with an ideal value now set at 48,412. This value, however, will not be achieved based on the current map. Broken down by District, the current population was as follows:

- District I 47,572
- District II 53,666
- District III 52,270
- District IV 44,161
- District V 43,043

Mr. Jaugstetter noted that District I is close but District II and District III have too many people, while District IV and District V will gain some population to reach as close to the ideal value as possible. He then went on to explain how the "census blocks" will be shifted to achieve more equality throughout the Districts. He then explained the density shift through a map of the County with highlighted Districts for clarity.

Mr. Jaugstetter then stated that the Board can adopt the Resolution before the Board, requesting a member/legislative delegation to authorize the Reapportionment Office to design the map and to authorize either the County Manager or a representative by the Board to be in contact with the Reapportionment Office. This must be reached by the Board as a whole to want to adopt this Resolution. If not, the General Assembly will handle the process and remove the Board from being part of that redistricting process.

Commissioner Clemmons stated that the Resolution she saw gave the General Assembly authority and asked if that is different; **Mr. Jaugstetter** stated that the General Assembly draws it, but the Board approves it. The District II Commissioner wished to have the paragraph displayed. She believes that the Board should work with the Reapportionment Office as a collective unit and have a voice to represent the County. Mr. Jaugstetter displayed the relevant section for the Commissioner and for public viewing. The County Attorney thus read this section into the record:

> *Section 1. Redistricting of Henry County's Board of Commissioner's Districts* Henry County, Georgia, by and through its duly authorized Board of Commissioners, does hereby request as follows:
>
> a. that its legislative delegation request that the Legislative and Congressional Reapportionment Office of the General Assembly (the "Reapportionment Office") prepare a local redistricting plan for consideration and approval by the General Assembly;
>
> b. that the legislative delegation directs the Reapportionment Office to communicate with the County Manager in the creation of the redistricting plan, and, in furtherance thereof, the Board of Commissioners designates the County Manager as its liaison to the Reapportionment Office for such purposes;
>
> c. that its legislative delegation refrain from introducing or supporting any local redistricting plan for Henry County unless and until it has been approved by the Board of Commissioners of Henry County; and
>
> d. that, upon approval by the Board of Commissioners of a local redistricting plan, the legislative delegation introduce and support a revision to the County's charter to adopt and reflect such local redistricting plan and the new commission districts created thereby.

Commissioner Holmes remarked that the Board worked together to approve the new maps that were generated by the Board and the General Assembly and asked why this was not done. **Mr. Jaugstetter** responded that the Board hired a consultant last time, 10 years ago. He does not know of any consultants still in this form of business, but in the end the Reapportionment Office will either approve it or not. The District V Commissioner believes that there needs to be further discussion and presentation. Mr. Jaugstetter stated that if the Resolution is approved, the Reapportionment Office would draw a map to present to the Board and have the Board review it - that is the Board's participation. The Commissioner asked if they could talk to the office without this Resolution while the maps are being drawn. Mr. Jaugstetter responded that the office will not likely discuss this with the Board unless a member of the local legislative delegation tells the office to discuss this. He further stated that the Reapportionment Office will not discuss this otherwise.

Commissioner Thomas cited the last paragraph to authorize the local legislative delegations and county agents to make such actions necessary to change the charter and "for other purposes" (is that deleted or modified). **Mr. Jaugstetter** responded that the draft in front of the Board is not reflecting same; however, the Agenda has that phrasing and that is of his composition to give the Board enough room to decide within the matter. But the Resolution draft itself is relevantly stated in Section 1(d) (*recorded above*). He then pointed out to the title and if the Board desires, he will take "and for other purposes" out, but it is not contained anywhere else in the Resolution. Mr. Jaugstetter added that with this Resolution, the likelihood that someone from the Reapportionment Office will talk to the Board increases; otherwise, it must be approved by a local member of the legislative delegation to speak to the Reapportionment Office.

Commissioner Clemmons requested that "as approved by the Board of Commissioners" be added in the title and not in the declaratory paragraphs within same. She asked if this is time-sensitive and that this is important, since the changes will cause her District to lose over 13,000 voters in the redistricting and this should not be rushed through tonight.

Chair Harrell called for tabling this item for the sake of time at the present. She asked that documentation and presentation be sent to the Commissioners before the meeting on November 30, 2021. **Mr. Jaugstetter** explained that during this time of statewide redistricting, they will be busy with that and not get to this until January 2022; session lasts till March or April 2022. In January, however, there should be a decision by the Board on redistricting. **Commissioner Clemmons** does not believe that bringing this back on November 30th will not give the Commissioners ample time to thoroughly review. Mr. Jaugstetter cautioned that the sooner the Board can get involved, the better; but if they wait, the chances increase that a "runaway" map will be drawn.

Commissioner Holmes asked if the County Attorney or County Manager could contact the Reapportionment Office to do a presentation; **Mr. Jaugstetter** stated he could contact them and he has a presentation they prepared. The District V Commissioner stated he would rather speak to someone directly and the County Attorney stated that he will try. **Ms. Hobson-Matthews** added that she will make contact as well and see if someone will come to the meeting for presentation.

There were no further questions; this item was *tabled* without objection. ***No action was taken.***

PARKS & RECREATION *(moved from Consent Agenda)*

Resolution of the Henry County Board of Commissioners declaring the train, farm silo, and old road scraper at 101 Lake Dow Road, McDonough, GA 30252 (Heritage Park) as surplus. (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services)(Exhibit 11)

Prior to presentation, **Chair Harrell** asked the County Clerk if there were individuals signed up for Public Comment on this matter. **Stephanie Braun, Clerk, Henry County** noted there are and named them for the Chair. Seeing that no one else has signed up for Public Comments to speak on any other item, the Chair moved the **PUBLIC COMMENTS** portion of the Agenda to after the presentation from Mr. Penn.

Jonathan "J.P." Penn, Cluster Leader, Henry County Leisure & Public Services, presented the Resolution before the Board. These items would be put out to bid for anyone wishing to purchase them and would not mean that they would be destroyed. The purpose is to revitalize the park and to move those items. A concept plan for the park is being designed and staff recommends these items to be removed.

Chair Harrell asked about the risk factors. **Holly LaFontaine, Director, Henry County Risk Management** approached and noted that there are many safety issues surrounding these items out there and that injuries have been reported out there a few years ago, such as minor injuries from children crawling around the farm equipment (now removed). The Chair asked about the buildings and if they have any historical documentation that would be placed upon them. Ms. LaFontaine responded that she does not know the historical value of the train but it is a concern to keep it at that park since it is subjected to exploration and possible vandalism, which could cause unintentional injury.

Mr. Penn explained that the train is a replica of a wreck that occurred in 1900; this replica was brought in and placed around 2003 from Pennsylvania. He was unable to get any further history on the silo and the road scraper; the silo is unsightly and rusted as is the road scraper and sitting in the middle of the field at the entrance of the park.

Commissioner Holmes remarked that the city members would like to keep the train within McDonough and asked if the train could be donated; **Mr. Penn** stated that he believes that they have to be surplused since they were purchased with County funds. **Priya Patel, Associate Attorney,** responded that the item must be declared as surplus first prior to attempt at donation. When asked about the value of the train, Mr. Penn stated that there was an old article when the train was purchased with a rough value of $65,000 at that time but is unsure if that was the actual amount. The District V Commissioner suggested an Intergovernmental Agreement with the City of McDonough so they can place the train where they want. **Chair Harrell** asked if the train could be bought for $1 if placed for surplus. Mr. Penn responded it would depend on the bid because it would be opened up for anyone to bid upon it and it is not guaranteed that the City of McDonough would get it. **Ms. Hobson-Matthews** remarked that the Board could approve a motion to declare the train surplus and then another that would have county staff enter into an agreement between County and the City for the transfer of that property, but that the City is responsible for moving that train and bear the cost.

Commissioner Wilson asked how many injuries were reported since the train was there; **Ms. LaFontaine** responded that she does not know of any injuries reported from the train, but there is a fence around that train and that is about four (4') high on the platform and there have been instances of vandalism from people climbing that fence. **Mr. Penn** further responded that he has received an email in support of leaving the train and that their child likes to get on the train (in the email). The District I Commissioner estimated that there are probably more injuries on the ball fields than on the train, but that removing the train would try to prevent injuries even though there are more injuries on the ball fields and there are no plans to remove the ball fields. Ms. LaFontaine stated that Parks has a bigger plan for use of that property and removing the train is part of that, and that Risk Management recognizes that there is potential for injury or vandalism on that train. The Commissioner pressed that the name of the park is Heritage Park and items taken out will remove the "heritage" and the next thing to happen will be changing the name. Mr. Penn countered that there are items that are unsightly and unsafe but not all items will be removed. The Commissioner stated he does not support this at all.

Chair Harrell asked about the other two items. **Mr. Penn** stated he could not find much information on the silo or the road scraper. He was told that someone was getting them off of their farm and that they donated it to the County.

Chair Harrell called for Public Comments, allowing three (3) minutes to speak.

Gretchen Konas expressed concerns of the refurbishing and the priorities of the Board regarding this historical park and the preservation of same. She recalled the late Gary Barham, District III Commissioner who came out and listened to their concerns, agreeing that the disrepair issues would be addressed; those have not been done. She states that the history of Henry County and McDonough is becoming insignificant, with removal of historical items and historical homes not being repaired or refurbished, due to lack of money. If that is so, she asked where the money is to move them and what the plan is for these items.

Don Dunlap remarked that the events of June 23, 1900 deserve to be celebrated and not scraped as surplus. He gave details of the wreck that night and how there were rescues made by flagman, J.J. Quinlan. He has taken his students on field trips on the rail transit in Henry County and this train in Heritage Park has been part of that tour, adding that noted speakers have made presentations on these transit pasts, presents and futures. To remove the train is to take away the ability for citizens to connect with that history. If Parks & Recreation is not able to preserve that, he suggested a public-private partnership could be formed or a 501(c) (3) could be established to maintain these historical items.

Arolue Prater approached and stated that on November 12, 2021 Moving Henry Forward would take a vote during tonight's meeting on removing or declaring surplus the train, silo and road scraper. She pointed out the uses of those items and a brief history of their relevance within the County. She believes that their removal and demolition of other structures is disrespectful to the heritage of Henry County and that the repair/refurbishment of these items would be costly. She recalled that the late Commissioner Barham promised $500,000 as a Capital Project fund to preserve these items. She further proposed that this be tabled to research the possibility of funds available to make repairs or to allow the history of these structures to be continued.

Robert Kolpak approached and stated that there is money to build new parks but no money to help improve the existing parks. Impact fees would help the parks' repairs and the Board has a fiduciary responsibility to their constituents. He applauded the Finance Director in being fair in doing business and encouraging more competitive bidding. He suggested the Commissioners drive to Dreamwood Industrial and navigate through that traffic. He then pointed out that there is no reason for three (3) Commissioners to be absent from a meeting and there is a problem with attending, such as a car breaking down, he can be contacted to pick someone up and bring them to the scheduled meeting.

Commissioner Cannon spoke and noted this is an important matter. He has concerns about the structures and none of them are safe. It is unknown whether or not there is asbestos or lead paint on those structures. He motioned to table this item and revisit this at a later date. **Chair Harrell** agreed with the Commissioner and noted suggestions from Public Comments on a partnership; and to table this would give the Board an opportunity to review and formulate some type of plan, through Town Hall with additional public input, for the fate of this train and the other items within the park.

There were no further comments; this item was *tabled* without objection. ***No action was taken.***

Ms. Hobson-Matthews noted that the Board has to make motion, second and then vote on tabling the item.

Commissioner Cannon made a motion to *table* this item; **Chair Harrell** seconded the motion. The motion carried (6-0-0).

TRANSPORTATION PLANNING

Resolution requesting federal funds for transportation projects in response to a solicitation from the Atlanta Regional Commission. ARC is currently soliciting transportation projects from the local governments for submission. The projects submitted to ARC will be considered for funding by going through a competitive selection process based on the limited amount of funds available. (Presenter: Sam Baker, Transportation Planning Director)(Exhibit 21)

Sam Baker, Director of Transportation Planning approached and stated that there are limited federal funds available to the local governments through the Atlanta Regional Commission (ARC). Staff has a list of six (6) road projects and one (1) Transit project for these funds. He went through the list for the Board (attached to their exhibit books). The estimated costs are 80% federal funding with the 20% local match if the funds are granted. One of the projects has money set aside; the remainder will have General Fund requests attached if they are granted the federal 80% funding. Regarding the Henry County Transit Master Plan, there is one item to cost an estimated $6 million over 3 years, requiring at 20% local match over the 3 years.

Commissioner Thomas asked if some of the projects will qualify with the money from the infrastructure bill; **Mr. Baker** responded that it has just been signed into law and that it has earmarked money for road projects and Transit projects so he is optimistic that there will be federal funding in the coming years. The money available is currently so before this law was signed, however, so they will have to wait and see if additional funding can come in. The District IV Commissioner asked if some of the money (ARC) can be funding some of the other projects as well; the County Manager responded that it can be funded as well.

There being no further questions or comments from the Board, **Commissioner Thomas** made a motion to approve with stipulations; **Commissioner Cannon** seconded the motion. The motion carried (6-0-0).

(Resolution 21-352)

FINANCIAL SERVICES

Ordinance Amendment Sec. 2-2-33

An Ordinance of the Henry County Board of Commissioners Amending Sec. 2-2-33 (Purchases, Bids, Etc.-Generally) regarding Constitutional Officers (Presenter: David Smith, Financial Services Director) (Exhibit 22)

Mr. Smith approached and explained that the purpose is to allow for an exemption for constitutional officers and the policy not apply to certain acquisitions to certain constitutional officers. He gave further details on the exemptions requested within the Ordinance amendment and staff recommends approval of same.

There being no questions or comments from the Board, **Commissioner Cannon** made a motion to approve; **Commissioner Wilson** seconded the motion. The motion *failed* by a vote of 3-3-0.

*(**Chair Harrell, Commissioners Wilson** and **Cannon** voted in favor; **Commissioners Clemmons, Thomas** and **Holmes** voted in opposition)*

RFQ 21-92 Award

Resolution of the Board of Commissioners Awarding RFQ 21- 92 for a Comprehensive Disparity Study to Griffin & Strong, PC, in the amount of $300,000 (Presenter: David Smith, Financial Services Director) (Exhibit 23)

Mr. Smith presented this Resolution and posted the RFQ on the appropriate marketplace sites and the County sites. Three (3) vendors responded, committee reviewed and selected Griffin & Strong as the best vendor and staff recommends same for the study and funds are currently available in the Financial Services' budget.

Chair Harrell asked about the vendor; **Mr. Smith** responded that they are one of the largest disparity studies in the area but knows nothing about ownership. The best and final offer was $300,000 which is $5,000 more than the request the staff put out in 2019.

Commissioner Thomas asked if there is a timeline for completion; **Mr. Smith** responded it will take a year to a year and a half to complete a full study.

There being no further questions or comments from the Board, **Commissioner Thomas** made a motion to approve; **Commissioner Clemmons** seconded the motion. The motion carried (6-0-0).

(Resolution 21-353)

FLEET SERVICES

Resolution approving the purchase of nine (9) Ford F-150's from Allan Vigil Ford in Morrow, GA, in the amount of $248,545.00 through State Contract #99999-SPD-ES40199373-002. Nine replacement trucks: (4/Parks & Recreation; 4/Code Enforcement; and 1/DOT) using Capital Improvement Plan (COPS) funds, as approved by the Board in the CIP. (Presenter: Jody Swords, Director of Fleet Services) (Exhibit 24)

Jody Swords, Fleet Services Director presented the Resolution for the Board and explained that these will replace high-mileage vehicles that have reached end of life, including some old Crown Victoria cars and an old F-250 truck. There is a time delay on these quoted prices and Ford has guaranteed an increase of 10% or more if that time deadline is not met. **Mr. Smith** added that the prices are valid only through November 30, 2021.

There being no questions or comments from the Board, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion. The motion carried (6-0-0).

(Resolution 21-354)

PARKS & RECREATION

Resolution to approve an option for the lease or purchase of artificial holiday trees for parks using general funds (Presenter: Jonathon Penn, Cluster Lead - Leisure & Public Services) (Exhibit 25)

Mr. Penn approached to present this Resolution with three (3) options which was sent from one of the Commissioners to the County Manager. Staff got pricing for these trees to go to Village Park, Heritage Park and Nash Farm Park. The three options were as follows:

1. Three (3) year lease including installation, take down, transport and storage in the amount of 44,724.95 per tree, for a total of $134,174.85;
2. Purchase, not including installation, take down, transport or storage in the amount of $29,353.70 per tree, for a total of $88,061.10; or
3. Purchase, including one (1) year of installation, take down and transport in the amount of $35,153.70 per tree, for a total of $105,461.10

Mr. Penn stated that staff recommends option 1 for approval.

Chair Harrell asked if the trees were purchased, if there was anyplace they could be stored; **Mr. Penn** stated there was none.

Chair Harrell called for a separate motion on each option. No motions were made. ***No actions were taken.***

ANNEXATION ***(Information only)***

AX-21-08 City of McDonough has received a revised request for annexation of properties located at 343 Turner Church Road. District 3 (Presenter: Stacey Jordan-Rudeseal, P&Z Assistant Director) (Exhibit 26)

Toussaint Kirk, Planning & Zoning Director, approached in place of Mr. Jordan-Rudeseal. He explained that this was presented on September 21, 2021; after the annexation was presented, it was noted that one of the five (5) parcels was missing from the request and is now here, from RA (Residential-Agricultural) to RA2000 (City of McDonough Residential-Agricultural). No grounds for objection have been found and no vote is required. He displayed the graphic which highlighted the missing parcel.

There being no questions or comments from the Board, ***no action were taken.***

PLANNING & ZONING

(Public Hearing) RZ-21-13

The Reservoir Group, LLC of Madison, GA requests a rezoning from RA (Residential-Agricultural) to R-2S (Single-Family Residence) (Sewer) for property located at 565 Elliott Road in Land Lots 57 and 72 of the 7th District. The property consists of 42.312+/- acres, and the request is for a single-family residential subdivision. District 3 (Presenter: Kenta Lanham, Planner II) (Exhibit 27)

Kenta Lanham, Planner II, presented the request to the Board. The Future Land Use Map (FLUM) designated this area as Low-Density Residential and the proposed development is for a 50-lot conservation subdivision and would closely resemble Roland Place across the street. On July 8, 2021 the Zoning Advisory Board (ZAB) approved a Conditional Use request with 3 conditions. ZAB recommended approval with 11 conditions; staff has recommended updated conditions now totaling sixteen (16). He mentioned that the previously shown elevations were given to staff prior to the updating of the building materials language, so those elevations are not reflected in the new conditions for building materials.

Chair Harrell asked that the conditions be read into the record. **Mr. Lanham** did so, as follows:

1. *The development shall be limited to 50 lots. Compliance with zoning conditions and development standards may further limit the number of dwelling units.*
2. *The entrances shall be located such that the minimum intersection sight distance and the minimum spacing requirement are met per the road's posted speed limit and shall have a deceleration lane and acceleration taper designed and constructed to HCDOT standards.*
3. *Each subsequent permitted home in the development shall be compatible with pre-existing homes as determined by the Planning & Zoning Department. The Planning & Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined. No more than 20% of all homes shall have a minimum of 2,400 square feet of heated space, and no less than 80% of all homes shall have a minimum of 2,800 square feet of heated space.*
4. *A Traffic Impact Study (TIS) shall include the intersections of Elliott and Hwy. 20 East, and Elliott and East Lake Road. The improvements required by the TIS shall be the responsibility of the owner/developer. This may include a left turn lane(s)*
5. *All homes shall include a covered front porch or stoop.*
6. *An HOA shall be required.*

7. *Each home shall be built on-site.*
8. *Each home shall have a minimum 2-car garage. Garages shall be side-entry where feasible.*
9. *All homes shall consist of four sides brick or stone, with 20% accent material which may include Hardiplank.*
10. *All disturbed areas shall be sodded, except where landscaping is present or installed.*
11. *Interior streets shall have a minimum five (5') foot wide sidewalks, pedestrian lights, and street trees which meet the equivalent standards of the Highway Corridor Overlay District. Street lights shall not be required where pedestrian lights are installed.*
12. *All landscape buffers shall not be located on residential lots.*
13. *The subdivision shall be developed as an owner-occupied community. No more than three (3) (3%) percent of the homes may be rented or lease-purchased at any one time.*
14. *If developed as a conservation subdivision, the minimum lot size shall be 15,000 square feet. The average lot size shall be a minimum of 18,000 square feet. These requirements shall govern unless otherwise conditioned.*
15. *All Stormwater management facilities shall be on their own lot and secured by a 5' high fence.*
16. *An amenity package shall be provided to the residential portion of the development and shall include at a minimum three (3) or more of the following:*
    a. *Open air pavilion*
    b. *Community fire pit*
    c. *Dog park*
    d. *Pocket park*

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, including the applicant, to come and make comment, allowing a total of ten (10) minutes.

<u>In Favor</u>

Steve Moore, Moore Bass Consulting, 1350 Keys Ferry Court, McDonough GA approached representing the applicant in this rezoning request. He presented a plan which was modified to the added conditions for the Board. About 45% of the site is set aside for open space including a section for flood plain. He pointed out the amenities center with the open air pavilion and a trail system starting at that location going through with painted crosswalks to the end of the cul-de-sac. The starting price point is estimated at $475,000 and upward. On the Traffic Impact Study (Condition #4), he stated this extended the limits to either end of Elliott Road or any improvements to be put upon the developer. Mr. Moore noted that this was different from any other zoning request he has presented. He stated that if there are system improvements to be made, the developer should not have to bear that cost as that would be a County responsible.

Mr. Moore then referred to Condition #11, on the street trees and pedestrian lights. On the pedestrian lights, EMC does not have pedestrian lights and the only solution would be to ask for a Variance as this is not in a Highway Corridor Overlay District.

Mr. Moore then referred to Condition #9 and while the applicant agrees, he added that if a resident wants less than all brick and more craftsman-style with a water table, there was a condition previously approved that allowed for two (2) or more of brick, stone, stucco or fiberboard, and only vinyl on the soffit, eaves and fascia. He asked that the condition be modified to reflect same.

Chair Harrell had a question on Conditions #4 and #9 and stated she cannot support changing same.

As a point of order, **Ms. Hobson-Matthews** reminded that the Public Hearing must hear those in opposition to the request prior to further discussion.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes.

<u>In Opposition</u>

Charles Downey spoke in opposition of this request. He spoke on the traffic impact study having been completed prior to the request being presented before the Board and would like to see that return. He presented recent sales for properties near the subject property and their fair market values (FMV) and asked that the lots be a little larger than what is proposed. He further remarked that the sewer system should be more cost-effective since Henry County has a sewer line on the property. He asked that the lot sizes be further increased by about 2,200 square feet.

Robert Kolpak remarked that the 15,000 square foot lots make no sense as it does not provide space for family activities. He pointed out a couple of other subdivisions that had every tree cut down and does not know why this is allowed. He is not in favor of 15,000 square foot lots in an unincorporated area.

No further comments were made.

Commissioner Cannon asked regarding Condition #4 if the developer can be made responsible for any project-related improvements to be required and that it may include a left-turn lane at Elliott Road and the proposed intersection; **Mr. Lanham** stated it can be done. Regarding Condition #11, the District III Commissioner asked if this qualifies as a streetlight district; Mr. Lanham responded that it does. On Condition #9, the Commissioner asked if the homes in Roland Place are all sides brick; Mr. Lanham stated he does not know.

Commissioner Cannon continued that the late Commissioner Barham's concept concerning these developments. This group is making an effort to build a true conservation subdivision. He suggested that 60% of the homes be four sides brick and the other 40% a combination of the two or more as mentioned before (brick, stone, stucco, and fiberboard) and that the 40% have a water table.

With those changes above-stated, **Commissioner Cannon** made a motion to approve; **Commissioner Holmes** seconded the motion.

Commissioner Thomas asked if the District III Commissioner would consider adding a release percentage of the HOA to the community. **Commissioner Cannon** deferred to the applicant. **Mr. Moore** responded that he has known it to be 50%, but 70% is acceptable. The District III Commissioner added that to his motion.

Mr. Moore asked if the all-brick reverts back to the 20% accent; **Commissioner Cannon** agreed with same and that the development would not require pedestrian lighting and would be a streetlight district. **Ms. Hobson-Matthews** responded that the pedestrian lighting cannot be provided but the streetlight district will be in effect.

On the issue of building materials, **Ms. Hobson-Matthews** asked for clarification. **Commissioner Cannon** stated that 60% of the homes would be four sides brick with accent and 40% would be a combination of two or more (brick, stone, stucco, fiberboard) with each home having a water table. **Chair Harrell** asked if the 40% would also include Hardiplank. **Commissioner Cannon** responded that it would not.

Commissioner Thomas asked the District III Commissioner to consider eight (8') foot sidewalk instead of the stated 5'. **Commissioner Cannon** wanted to keep the same conditions as Roland Place. **Mr. Kirk** stated that the materials are front-sided brick and 3-sided Hardiplank. **Mr. Lanham** stated he did not recall the width of internal sidewalk on Roland Place. The Commissioner stated that if they are 8' for Roland Place, then this development needs to match. **Ms. Hobson-Matthews** asked what the Commissioner would accept as minimum, to which Commissioner Cannon responded that he would be satisfied with 5' minimum width sidewalk.

Commissioner Thomas asked if the retention pond not connected to any homeowner lot is a condition, to which **Mr. Lanham** referenced Condition #15.

Ms. Patel asked that the motion be modified to reflect further changes to the conditions.

Commissioner Cannon made a motion to approve based on all added and stated conditions; **Commissioner Holmes** seconded the motion. Motion was carried by a vote of 5-1-0.

*(**Chair Harrell, Commissioners Clemmons, Cannon, Thomas** and **Holmes** voted in favor; **Commissioner Wilson** voted in opposition)*

(Resolution 21-355)

(Public Hearing) RZ-21-12

Hearn Road Henry 24, LLC of Stockbridge, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residential) for property located at 6152 Hearn Road in Land Lot 193 of the 12th District. The property consists of 17.07+/- acres, and the request is for a single-family residential subdivision. District 5 (Presenter: Kamau As-Salaam, Planner III) (Exhibit 29)

Kamau As-Salaam, Planner III, presented the request for the Board. He noted that the properties must be at least 194.7' from the far area of the placed cell tower. Staff recommends approval with the following conditions:

1. *The houses will be built on-site; no modular homes will be allowed, with two (2)-car side-entry garages standard, where feasible.*
2. *All homes shall consist of four sides brick.*
3. *All homes shall be a minimum of 2,300 square feet.*
4. *All homes shall include a covered front porch or stoop.*
5. *An HOA shall be required.*
6. *All disturbed areas shall be sodded, except where landscaping is present or installed.*
7. *All Stormwater management facilities shall be on their own lot and secured by a 5' high fence. All driveways, access easements and emergency access easements must be paved and dirt-free.*
8. *No residential structure may be built 200' from the Wireless Communications Facility north of the subject property.*
9. *Entrances into the development shall feature 15-20' wide brick and/or stone illuminated signage on both sides of all entrances, meeting all code and permitting requirements.*

10. *Each permitted home in the development shall be compatible with existing homes as determined by the Planning & Zoning Department. The Planning & Zoning Department is authorized to require the heated square footage to be increased and/or the architectural style to be modified in instances where incompatibility is determined.*

Commissioner Holmes asked to modify Condition #1 to reflect 3-car garage where feasible and is satisfied with the remainder of the conditions.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in favor of this request, including the applicant, to come and make comment, allowing a total of ten (10) minutes.

<u>In Favor</u>

John Palmer, 235 Corporate Center, Stockbridge GA approached to present some details of the subject property, having no objections to the staff recommended conditions.

Chair Harrell opened the floor for the Public Hearing and called for anyone wishing to speak in opposition of this request to come and make comment, allowing a total of ten (10) minutes.

<u>In Opposition</u>

Jeff Davis, Ellenwood GA spoke in opposition of this request. He asked if the applicant is still building the same type house as considered the last time this case was heard. He asked that the style of the homes look in the same style as the existing homes and not in the proposed style; he feels that it would cut the property value of the existing homes. **Mr. As-Salaam** responded that the applicant is conditioned to build 4-sides brick and if approved, it will have to be brick. Mr. Davis clarified that the appearance of the home is of concern and that it was smaller when it was last presented. Mr. As-Salaam referred to Condition #10 (above-listed) detailing the compatibility of architectural style as approved by the Planning & Zoning Department. He then specified that this was heard at the Zoning Advisory Board meeting wherein this case was heard and approved. **Commissioner Holmes** pointed out that the conditions state the homes must be 2,300 square foot minimum heated space, 3-car garage, side-entry where feasible, and 4-sides brick. **Mr. Kirk** approached and assured the Commissioner that they will visit the site for compatibility and conditional compliance.

Commissioner Holmes was satisfied with the conditions as stated and added with the 3-car garage, side-entry, and moved to approve same; **Commissioner Cannon** seconded the motion. The motion carried (6-0-0).

(Resolution 21-356)

<u>HUMAN RESOURCES</u> *(moved from Consent Agenda)*

Resolution for approval and adoption of the Henry County Government Personnel Policy (Presenters: Harold Cooper, HR Director; Kristi Johnson, HR Generalist III; and Holly LaFontaine, Risk Manager) (Exhibit 8)

Harold Cooper, Human Resources Director, approached and stated that this item was initially presented to the Board on September 8, 2021. He thanked the board for giving him this opportunity to bring it back today and gave a chronology of what has transpired between June 8th to present:

- June 8, 2021: Human Resources submitted an email to all employees with a draft of the proposed personnel policy manual;
- June 10 and June 24, 2021: Hosted multiple town hall meetings where employees could come and express any concerns they may have with the manual;
- July 27, 29 and September 7, 2021: Met with multiple Board Members to see if there were any concerns regarding the policy manual
- September 27, 2021: Followed up with email communication to certain Board Members to see if there were any additional concerns so that they could ensure they had captured everything;
- October 14, 2021: Mr. Cooper sent a Memorandum to all Board Members highlighting the concerns that Commissioner Thomas raised, but he also kept the highlights illustrated per Commissioner Holmes' request because he wanted to keep the mark-ups in there so that we could review those mark-ups. Mr. Cooper also wrote Human Resources' responses to the requests in italics.

Mr. Cooper gives this synopsis to say that they have tried to be completely transparent through this process and wanted to be all-inclusive. They welcomed any and all input because at the end of the day they wanted the principles and the guidelines in this policy to govern this organization in the best way possible.

Commissioner Thomas expressed her frustration at not having internet during this meeting to access her notes on this subject and stated that the Chair might as well move forward in asking for a vote.

There being no additional questions or comments from the Board, **Commissioner Wilson** made a motion to approve; **Commissioner Cannon** seconded the motion.

Chair Harrell stated that we have already gone through this item once before and that even if you cannot access your computer right now that the exhibit has been out there which includes all the highlights and changes that have been made on the policy, and that any concerns could always be addressed by calling the Human Resources Department, adding that dragging this item out is shameful.

A motion and second made, the motion *failed* by a vote of 3-3-0.

*(**Chair Harrell, Commissioners Wilson** and **Cannon** voted in favor; **Commissioners Clemmons, Thomas** and **Holmes** voted in opposition).*

APPROVAL OF MINUTES

Commissioner Cannon made a motion to approve the Minutes of the meetings from *September 8, 2021 (Regular Meeting), September 21, 2021 (Regular Meeting) and September 22, 2021 (Virtual Called Workshop Meeting re: Transit Master Plan)*; **Commissioner Thomas** seconded the motion. The motion carried (6-0-0).

UPCOMING MEETINGS & EVENTS

A. Tuesday, November 30, 2021 at 9:00 a.m., Regular BOC Meeting (to be held as December's first meeting due to holiday schedule)
B. Tuesday, December 14, 2021 at 6:30 p.m., Regular BOC Meeting is **CANCELLED**

Commissioner Thomas remarked that her attendance on the November 30th meeting is questionable due to the holidays.

ADJOURNMENT

There being no further business at this time, **Chair Harrell** adjourned the meeting. ***Meeting adjourned at 8:29 p.m.***

Added Remarks from the County Manager

Ms. Hobson-Matthews asked for clarification on the rescinding of the Declaration of State of Emergency and that will not expire as far as public transportation and Transit is concerned until January 18, 2022; **Chair Harrell** concurred.

Carlotta Harrell, Chair

Stephanie Braun, County Clerk