

**HEARD COUNTY BOARD OF COMMISSIONERS MEETING  
APRIL 14, 2009 – 6:30 P.M.**

The Heard County Board of Commissioners held a Commissioners Meeting on April 14, 2009 at 6:30 p.m. in the courtroom of the Heard County Courthouse. In attendance at the meeting were Commission Chair June Jackson, District 1 Commissioner Karen Isenhower, District 2 Commissioner Lee Boone, District 3 Commissioner Gwen Caldwell, District 4 Commissioner Frank Crook, District 5 Commissioner Sandi Allen, and County Attorney Jerry Ann Conner. Commission Chair Jackson called the meeting to order and welcomed everyone present. Chief Scott Blue gave the invocation.

**Agenda Item # 3 – Approval of Minutes** – On motion (Allen) and second (Isenhower), the Board unanimously approved the minutes from March 24, 2009 with corrections to page 2 and page 3.

**Agenda Item # 4 – Public Hearings – a. Application for a Subdivision – Mr. Page Goodson, Location Address – Charlie B. Johnston Road, Franklin** – Commission Chair Jackson opened the public hearing for Mr. Page Goodson and read Mr. Goodson’s request to subdivide property on Charlie B. Johnston Road into twelve lots with each lot having more than five acres and each lot containing 150 feet of road frontage. She also stated that the Planning Commission did recommend approving this request. Mr. Goodson stated his request and explained that each home site would be approximately six to eight acre lots with covenants recorded in the deed. There being no further comments or questions from the Board and no public comments, on motion (Boone) and second (Allen), the Board unanimously voted to close the public hearing.

**b. Application for Special Use for a Paint Ball Field, Mr. Doug Holdridge, Location Address – 5460 Roosterville Road, Franklin** – Commission Chair Jackson opened the public hearing for Mr. Doug Holdridge and read Mr. Holdridge’s request for a special use for a paint

ball field on 7.24 acres to be located at 5460 Roosterville Road, Franklin, Georgia. She stated that the Planning Commission did recommend approving this request. Mr. Holdridge stated his request to the Board and explained that if his request is approved, he will provide qualified supervision with all safety precautions on the field. Mr. Leighton Alston, resident at 1484 Gray Road, Roopville, read a statement against this request. He explained that he felt that “Heard County should not be spot zoning parcels of land where all surrounding parcels are zoned for a different use, in particular where the rezoning creates a use that is incompatible with surrounding land use”. He asked the Board to vote “No” to this request. Mr. Michael Maxwell, owner of the property, stated that Mr. Holdridge had his full support and he had no problem at all with the paintball field. He stated he felt that adjoining landowners did not have any problem with the request either. There being no further comments or further questions from the Board and no public comments, on motion (Isenhower) and second (Boone), the Board unanimously voted to close the public hearing.

**c. Application for Zoning Map Amendment – Mr. Doug Holdridge, Location Address – 5460 Roosterville Road, Franklin** - Commission Chair Jackson opened the public hearing for Mr. Doug Holdridge and read Mr. Holdridge’s request to amend the zoning on 1.5 acres of property owned by Michael and Melanie Maxwell, located at 5460 Roosterville Road. She stated that the Planning Commission did recommend approving this request with conditions as stated in the Planning Commission minutes dated April 2, 2009 (attached). Commissioner Boone asked Mr. Holdridge if this is the same building that was previously a beauty shop. Mr. Holdridge and Mr. Maxwell stated yes it is. Commissioner Boone stated that he did not realize that this property reverted back to residential when the former beauty shop ceased to exist. There

being no further comments or questions from the Board and no public comments, on motion (Allen) and second (Isenhower), the Board unanimously voted to close the public hearing.

**d. Abandonment of a Portion of Mt. Zion Road** - Commission Chair Jackson opened the public hearing for abandonment of a portion of Mt. Zion Road. She stated that Mrs. Kelly Mantle, Mr. Justin Mantle, and Mrs. Katie Kirk have requested that the County abandon the south side of Mt. Zion Road from Sissie Kirk Loop to the end of their property (see attached maps). She explained that this section of Mt. Zion Road is only passable at the present time due to the efforts of the Kirk family. The section just past their property is overgrown and no longer accessible by vehicle. Mr. Ron Mantle presented photos of this section of Mt. Zion Road. She also stated that the bridge on this road has been out for several years and there is no through traffic on this portion of the road. She explained that Forestar Realty does own property on this road but they have access from the other end of the road. The Kirk family is requesting that the County abandon this section so that this area may be considered private property. Mr. Kim Pike of 364 Cassel Road stated that he thought this abandonment had already been done in the late 80's by Commissioner Steve Lipford. Commission Chair Jackson stated that there is no record of this and County Attorney, Jerry Ann Conner stated that the County would need to proceed with this procedure in order for the records to be correct. There being no further comments or questions from the Board and no further public comments, on motion (Allen) and second (Crook), the Board unanimously voted to close the public hearing.

**e. Abandonment of a Portion of Frolona Road** - Commission Chair Jackson opened the public hearing for abandonment of a portion of Frolona Road. She explained that the County received a request from the Estate of Elizabeth Young Bailey regarding property on Frolona Road that belonged to Ms. Bailey's father John D. Young. She explained that a survey performed on the

property of Mr. Young has revealed that the northern property line's reference to Frolona Road actually was the old Frolona Road, previously dirt. In January of 1954, the State of Georgia obtained a 40 foot strip of property that is now the current Frolona Road right of way. The affect of moving the roadway approximately 96 feet north of the former dirt road has created a splinter tract, which has cut off much of the road frontage for John D. Young's Estate and has a potential impact on the Estate of Ms. Bailey. The Young family has used the former dirt Frolona Road as their driveway access since the road was moved north over 50 years ago. They are now requesting that Heard County approve and execute a quitclaim deed for any rights the County may have to the tract containing 0.60 acres and the old dirt road formally known as Frolona Road. There being no further comments or questions from the Board and no public comments, on motion (Isenhower) and second (Caldwell), the Board unanimously voted to close the public hearing.

**Agenda Item # 5 – Public Comments** – Ms. Rhiana McGuire, a resident at 615 Yates Lane asked the Board what is the status on paving Yates Lane. She explained that she spoke with the Carroll County Commission Chairman, Bill Chappell and he has stated that Carroll County would pave the road and bill Heard County for their portion.

Commissioner Caldwell stated that each resident would need to give right of way to Heard and Carroll counties in order for this road to be considered for paving.

Commissioner Caldwell stated that he would not agree for Heard County to condemn any property on this road just for paving purposes. Jerry Ann Conner, County Attorney explained that an intergovernmental agreement between the two counties would be necessary. Commission Chair Jackson stated the Board would need to discuss how much

money they are going to spend on paving projects in their budget work sessions in May before a decision can be made on any paving project.

Mr. Kim Pike, 364 Cassell Road, expressed his concerns about the arena panels on the side near the concession stand blocking spectator's views from the bleachers. He asked the Board to consider allowing the Cattlemen's Association to take down one side of the panels. He stated that they would be willing to put them back up.

Mr. Leighton Alston, 1484 Gray Road, presented the Board with a thank you letter complementing the Board of Commissioners and the County employees for the great job he feels they do in the County.

**Agenda Item # 6 – Amend Agenda** – Commission Chair Jackson asked for an amendment to Old Business to include “g” Discuss Arena and an amendment to New Business to include “h” Discuss rescheduling the April 28<sup>th</sup> Commissioners meeting. On motion (Allen) and second (Caldwell), the Board unanimously approved this request.

**Agenda Item # 7 – Old Business – a. Discuss Guaranteed Maximum Price for EMA Headquarters – Mr. Kevin Hamby, Clough Harbour & Associates** – Mr. Kevin Hamby presented the Board with the guaranteed maximum price for the EMA Headquarters of \$2,284,293.00 presented by New South Construction in an earlier work session. On motion (Boone) and second (Isenhower), the Board voted 3 to 2 to approve this price. Commissioner Isenhower, Commissioner Boone, and Commissioner Allen voted for the motion. Commissioner Caldwell and Commissioner Crook voted against the motion stating that they felt they did not receive the price in time to fully review it and they would like to wait on a decision until they reviewed it further. Mr. Hamby

stated that he would be glad to spend as much time as necessary to explain the pricing further.

**b. Report on Heard County Sports Complex – Mr. King Evans, Clough Harbour and Associates** – Mr. King Evans stated that the gym roof issues were being resolved by Headley Construction and that the teardrop lawn in front of the gym would be sodded or grassed. He stated that he would like to recommend that the Board approve the previous pay requests from Sports Turf and Headley Construction. He stated that there was money being held on Headley for the floor issues until they are resolved. He also stated that there was money being held on Sports Turf for the unresolved fencing issues. Mr. David Julien, Recreation Director stated that he was greatly concerned about the bubbles appearing in the gym floor and the fencing did need attention. Mr. Mitch Headley, of Headley Construction stated that he would like to apologize for the roof leaks and that he had hired another roofer to fix the roof problems. He also stated that he needed a letter from Clough Harbour stating that the gym floor was being rejected. After much discussion, the Board asked County Attorney, Jerry Ann Conner to look over the contract with Sports Turf and Headley for a liquidated damages clause. On motion (Caldwell) and second (Crook), the Board voted unanimously to hold the pay requests for Sports Turf and Headley Construction pending a review of the contracts and a report back from the County Attorney.

**c. Approve Pay Requests for Transportation Engineering Services** – Commission Chair Jackson presented a pay request from Clough Harbour for transportation engineering services in the amount of \$14,744.70. On motion (Boone) and second (Crook), the Board unanimously approved this pay request. Commission Chair Jackson

presented a pay request from Clough Harbour for the fire administration facility in the amount of \$51,680.00. On motion (Allen) and second (Isenhower), the Board unanimously approved this request.

**d. Discuss Tornado Sirens & Telephone Warning System – Chief Scott Blue** – Chief Scott

Blue presented two bids on tornado sirens. The bids were as follows:

Sirens-for-Cities, Inc.	-	\$38,652.24 – 2 sirens
Metropolitan Communications	-	\$36,000.00 – 2 sirens

On motion (Isenhower) and second (Boone), the Board unanimously approved the bid from Metropolitan Communications. Chief Blue also reported that the Code Red telephone warning system is now active in Heard County and residents can sign up for the free service by visiting the EMA website at [www.heardfire.com](http://www.heardfire.com).

**e. Discuss Repairs to Public Works Building** – Commission Chair Jackson presented the Board with a list of repairs that need to be done at the public works building on Old Field Road. She asked the Board for permission to bid this out. All agreed.

**f. Approve Arena Facility Use Guidelines** – Commission Chair Jackson presented a list of guidelines that the Arena committee drafted. After much discussion regarding profit and not for profit, County Attorney Jerry Ann Conner suggested that the guidelines would need to classify and clarify what events would be required to pay a percentage of their gross receipts and who is classified as commercial or non commercial. All agreed. County Attorney Conner will report back to the Board with corrections to the guidelines.

**g. Discuss Arena Request from Cattlemen’s Association** – Commissioner Isenhower made a motion to allow the Cattlemen’s Association to take down and put back up, one set of the arena panels on the concession stand side of the arena. Commissioner Allen seconded. Arena

Director, Sammy Noles stated that these panels are arena panels not cattle panels. He explained that there is no slack in these panels and they were very hard to install and are not designed to take down and put up. He reviewed the Arena schedule for the next six months with the Board. After much discussion, Commissioner Allen withdrew her second. Commissioner Isenhower's motion died on the floor with no second to the motion.

**Agenda Item # 8 – New Business – a. Decision on Public Hearing – Application for a Subdivision** - On motion (Isenhower) and second (Boone), the Board unanimously approved the Planning Commission's recommendation to approve Mr. Goodson's request to subdivide property on Charlie B. Johnston Road into twelve lots.

**b. Decision on Public Hearing – Application for Special Use** – On motion (Caldwell) and second (Crook), the Board unanimously approved the Planning Commission's recommendation to approve Mr. Holdridge's request for a special use for a paint ball field on Roosterville Road.

**c. Decision on Public Hearing – Application for Zoning Map Amendment** – On motion (Caldwell) and second (Isenhower), the Board unanimously approved the Planning Commission's recommendation to approve Mr. Holdridge's request to amend the zoning on 1.5 acres on Roosterville Road with the conditions the Planning Commission recommended.

**d. Decision on Public Hearing – Abandonment of a Portion of Mt. Zion Road** – On motion (Allen) and second (Isenhower), the Board unanimously approved this request.

**e. Decision on Public Hearing – Abandonment of a Portion of Frolona Road** – On motion (Caldwell) and second (Isenhower), the Board unanimously approved this request.

**f. Discuss Bids on Fencing for Arena** – Arena Director, Sammy Noles presented nine bids on fencing the arena. The bids were as follows:

West Georgia Custom Fence 2092 B Whitesville Road LaGrange, GA 30240	\$	19,985.00
C & C Fencing 2830 Gum Creek Airport Road Roopville, GA 30170	\$	23,003.00
Fincher Fence Inc. 995 Main Street Roanoke, AL 36274	\$	23,360.00
Liner Fence Co., Inc. P.O. Box 204 Tallapoosa, GA 30176	\$	26,513.85
Stith Co. Fencing 1040 Grant Street Atlanta, GA 30315		Bid not accepted No letter of credit
Lost Creek Fence 21441 Main Street Ranburne, AL 36273		Bid not accepted No letter of credit
Stephens Fence Co., Inc. 1746 Sandhill Hulett Road Carrollton, GA 30116		Bid not accepted No letter of credit
Griffin Fence Co. P.O. Box 113 Kalamazoo Drive, Griffin, GA 30224		Bid not accepted No letter of credit
Brewer Fence Inc. 329 Fir Road Franklin, GA 30217		Bid not accepted No letter of credit

Mr. Noles recommended accepting the low bid from West Georgia Custom Fence Company at the price of \$19,985.00. On motion (Boone) and second (Caldwell), the Board unanimously voted to accept this recommendation.

**g. Discuss Appointment to Board of Tax Assessors** – Commission Chair Jackson stated that Mrs. Mary Rivers, member of the Board of Tax Assessors, was unable to complete her training for the Board of Tax Assessors before her deadline of March '09 however, she is registered for school in June '09. She stated that the Board would need to re-appoint her or appoint someone else to this position on the Board of Tax Assessors. On motion (Crook) and second (Allen), the Board unanimously reappointed Mrs. Mary Rivers to this position.

**h. Discuss Rescheduling April 28, 2009 Commissioners Meeting** – Commission Chair Jackson asked the Board to approve rescheduling the Tuesday, April 28, 2009 meeting to Thursday, April 30, 2009. She explained that four of the six Commissioners would be in school in Savannah on Tuesday the 28<sup>th</sup>. On motion (Isenhower) and second (Allen), the Board unanimously approved this request.

**Agenda Item # 9 – Executive Session** – None.

There being no further business, on motion (Caldwell) and second (Allen), the Board unanimously voted to adjourn.