

**HEARD COUNTY BOARD OF COMMISSIONERS MEETING  
MARCH 9, 2010 – 6:30 P.M.**

The Heard County Board of Commissioners held a Commissioners Meeting on March 9, 2010 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. Commissioner Allen gave the invocation.

**Agenda Item # 3 – Presentation to Mr. Clymis Richardson** – Commission Chair Jackson on behalf of the Board, presented a retirement plaque to Mr. Clymis Richardson, with the Heard County Road Department, for 18 years of service to Heard County. The entire board thanked Mr. Richardson for his loyal and dedicated service to Heard County.

**Agenda Item # 4 – Public Hearing – a. Application for Rezoning – Mr. Josh Parmer, 860 Eley Road** - Commission Chair Jackson opened the public hearing for Mr. Josh Parmer and read the rules and regulations for the public hearing. She also read Mr. Parmer’s request to rezone 31+ acres, located at 860 Eley Road, from rural development to agriculture for the purpose of expanding his commercial poultry farm. Commission Chair Jackson stated that Katrina Knowles, Zoning Administrator, would speak first regarding the Heard County Planning Commission’s recommendation to approve this request. Mrs. Knowles stated that after reviewing the standards for evaluating zoning requests, the Planning Commission recommended approval of this application. She stated that the Board agrees that approving this request will not have an overall negative affect on the health, public safety, or general welfare in the area, and is consistent with the

Comprehensive Lane Use Plan 3.1 – Agricultural/Rural Residential Areas; in which it states that the vision is to emphasize the rural lifestyle, protect family farms, and promote agricultural economies. It also goes on to state that the preservation of the overall rural character of the family-farming heritage are high priorities for the citizens of Heard County, and it encourages land conservation, farming and commercial agricultural and forestry uses. County Attorney, Jerry Ann Conner asked if Mr. Parmer’s request met the setbacks. Mrs. Knowles stated yes, he did meet the required setback of 200 feet from the property line. Commissioner Isenhower asked how many feet from a dwelling must the houses be? Mrs. Knowles stated 200 feet from the property line. Commissioner Caldwell asked did this request meet all setbacks. Mrs. Knowles, stated, yes, it does. Mr. Josh Parmer, the applicant, spoke regarding his request. He stated that he is asking for the rezoning from rural development to agriculture on 31+ acres of land at 860 Eley Road for the purpose of expanding his commercial farm that he currently owns and operates on Eley Road. He presented a map with the potential new chicken houses drawn on the map to show where they will be located and the setbacks. He explained that the potential new houses would be approximately 470 feet from the back property line, approximately 200 feet from the south property line, approximately 750 feet from the road, and approximately 500 feet from the north property line. He stated that currently his eight chicken houses, on twenty five acres, are zoned agriculture. He explained that to ever potentially expand his commercial poultry farm he had to request this zoning change. He stated the potential new houses will be well beyond the county’s 200 foot setback requirement. Commissioner Isenhower asked Mr. Parmer what is the distance to the closest dwelling from the proposed chicken houses. Mr. Parmer stated that Mr. Kevin

Hyatt, located at 1000 Eley Road is approximately 1100 feet, Bobby & Carol Hallmark are approximately 700 to 800 feet, Mr. Pat Pitzer, who owns Creekside Mobile Home Park, has two mobile homes on the back side of the park that would be approximately 500 feet from the back line of the potential chicken houses, and Mr. Michael Allen, who is located across the road, would be approximately 1100 to 1200 feet. Commissioner Isenhower stated that the University of Georgia recommends that poultry houses be approximately 500 feet from any dwelling. Mr. Parmer stated that Heard County does not have a setback requirement to the nearest dwelling, just a setback to the nearest property line, which is 200 feet and he does meet this requirement. The following adjoining landowners spoke regarding this request:

- Mr. Bobby Hallmark - Not opposed
- Mr. Doc Davis - Opposed
- Mr. Bryant Hyatt - Opposed
- Mr. Michael Allen - Opposed
- Mr. Kathy Smith - Opposed
- Mr. Patrick Pitzer - Opposed

The following citizens spoke regarding this request:

- Ms. Valerie Simmons - Opposed
- Mr. Daniel Lacoste - Opposed
- Mr. Emmett Harrod - Not opposed
- Mr. Denney Rogers - Not opposed
- Mrs. Martha Allen - Opposed
- Mr. Randy Chestnut - Not opposed

Mr. Ralph Caldwell - Not opposed

Mrs. Renee Pitzer - Opposed

Commissioner Boone read an excerpt from the comprehensive land use plan regarding the vision of the plan stating that the agricultural and rural residential area will emphasize the rural lifestyle, protect family farms, and promote agricultural economies. He also stated that Georgia is the number one poultry producing State in the country.

Commissioner Caldwell stated that he and his family have been in the poultry producing business for 59 years. Commissioner Isenhower stated that she has learned a lot from both opposing and non opposing sides of this issue. She also stated that she met with Mr. Parmer and several other Heard County poultry farmers and was very impressed with their operations. She stated she was not opposed to Mr. Parmer expanding his business but she felt that he should not impose additional poultry houses on the residents of that community. On motion (Boone) and second (Caldwell), the Board unanimously voted to close the public hearing.

**Agenda Item # 5 – Approval of Minutes** – On motion (Caldwell) and second (Allen), the Board approved the minutes from February 23, 2010 with corrections.

**Agenda Item # 6 – Public Comments** – Mr. Valente Emory, 127 Byrd Road, Franklin, Georgia expressed his concern regarding Commissioner Isenhower inquiring about his storage building in Corinth. He also expressed his concerns regarding Commissioner Isenhower.

Ms. Krystal Smith, resident of Creekside Mobile Home Park asked the Board to deny Mr. Parmer's request for rezoning. Mr. Tommy Taylor, resident of Creekside Mobile Home Park asked the Board to deny Mr. Parmer's request for rezoning. Ms. Michelle White,

512 Whitlock Drive, Hogansville, Georgia asked the Board to consider maintaining Whitlock Drive as a county road. Mr. Tim Massie, resident of Creekside Mobile Home Park asked the Board about paving Birch Road. Commission Chair Jackson advised Mr. Massie that Birch Road was going to be paved this year. Mr. Kevin Hyatt, 1000 Eley Road, invited the Board to come to the old elementary school gym on Saturday nights to hear some good music. Ms. Toni Hollingsworth, 361 Whitlock Drive; Ms. Jessica Clay, 187 Whitlock Drive; Ms. Lauren Key, 501 Whitlock Drive; and Mr. James Couch, 481 Whitlock Drive, asked the Board to consider accepting Whitlock Drive into the County's road system.

**Agenda Item # 7 – Amend Agenda** - Commission Chair Jackson asked for an amendment to Old Business to include “g” – Discuss Scoreboards at Sports Complex. On motion (Allen) and second (Isenhower), the Board unanimously approved this request.

**Agenda Item # 8 – Old Business – a. Update on Fire Administration Facility – Kevin Hamby** – Mr. Hamby reported that the construction contract was closed today on the new fire administration facility and came in approximately \$3,300.00 under budget. He also stated that A T & T may be completing the additional lines needed for the new building, by April or May.

**b. Discuss Barr Farm Road Abandonment** – County Attorney, Jerry Ann Conner stated that the attorney who drafted the right of way deeds on Barr Farm Road is trying to make contact with Forestar and has not heard back from them. She asked that this be pulled off the agenda until contact with Forestar has been made.

**c. Discuss Safety Proposal** – Commission Chair Jackson stated that after researching what the Association County Commissioners of Georgia already offer the County relating

to risk management, she would like to recommend that we stay with ACCG for these services and not accept United Safety Solution's risk management proposal. All agreed.

**d. Discuss Appointment to Community Action for Improvement (CAFI) Board -**

Commission Chair Jackson stated that there is a vacancy on the Community Action for Improvement Board (CAFI) that Heard County needs to fill. She asked the Board for any recommendations to fill this appointment. She stated she would be willing to fill this appointment if there are no other recommendations. On motion (Crook) and second (Allen), the Board unanimously appointed Commission Chair Jackson to serve on this committee.

**e. Discuss Yates Lane –** Commission Chair Jackson stated that she spoke with Mr.

Charles Pope, Public Works Director for Carroll County regarding Yates Lane. Mr. Pope indicated that Carroll County has secured all the right of ways they need on Yates Lane from Georgia Highway 100 to Myrl Road except for a small parcel on the right and other property owned by Mr. Barry Yates, in order to pave this road. She indicated to Mr. Pope that Mr. Yates is waiting on someone to contact him from Carroll County and is willing to give the right of way if contacted. Mr. Pope also stated that Carroll County is waiting on Heard County to proceed with this project. Commission Chair Jackson indicated that all the property owners have agreed to donate their right of ways to Heard County with the exception of one, Mr. Smith located at 262 Yates Lane. She stated that Mr. Smith expressed to Commissioner Caldwell that he is not willing to donate any right of way. Commissioner Caldwell stated that if Mr. Smith is willing to donate, then he would be in agreement to proceed with this road, but if not, he is not willing to buy or condemn any

right of way from Mr. Smith. Commission Chair Jackson stated she would contact Mr. Smith once again by letter asking him to donate the right of way.

**f. Discuss Whitlock Drive** – Commissioner Isenhower asked the Board to consider accepting Whitlock Drive, a private road, into the County road system. She stated that County Attorney, Jerry Ann Conner reported at the last meeting that Mr. Harvey Flax would be willing to donate this road. She stated that if he did then no right of way would need to be bought and therefore the County could accept this road into the system with no cost to the County for right of ways. Commissioner Allen stated that she had a private road in her district, Glenn Mill Farm Road that she would like accepted into the County road system, as well, but she was told last year that the residents of this road would need to be bring the road up to DOT standards before the County could accept it. She stated that if one private road is accepted, then all of them should be and the County could not afford to do that if the roads are not brought up to DOT standards first. Commissioner Caldwell agreed that any private road would need to be brought up to DOT standards first before they could be accepted into the County road system. After further discussion, Commissioner Isenhower made a motion to accept Whitlock Drive into the County road system. There was no second, therefore the motion died on the table for the lack of a second.

**g. Discuss Scoreboards at Sports Complex – David Julien and Kevin Hamby** – Recreation Director, David Julien congratulated the 7-8 year old boy's basketball team for winning the State Championship for their age group for the 2009-2010 basketball season. He recognized Mr. Shane Wright, one of the coaches present. Mr. Julien reported to the Board that baseball season starts in four weeks and that the scoreboards have not

been installed. He stated that Coca Cola Company donated the scoreboards valued at \$53,000.00. He stated that Coca Cola does not install the boards but they do recommend using one certain contractor, United Electrical, for the installation. United Electrical installs these scoreboards all over the United States for Coca Cola and will guarantee the boards if they are damaged during installation. The cost for installation is \$45,847.00.

Commission Chair Jackson stated that the Board chose to leave the scoreboards out of the original Sports Complex contract and contract with Coca Cola for the scoreboards. After some discussion, the Board recommended to Mr. Julien that he get other bids for installation of the scoreboards and bring those bids back to the Board before a decision is made. Mr. Julien also reported that he is waiting on the Department of Transportation to give him the location for the Sports Complex signs to be located on Hwy. 27 and Hwy. 100.

**Agenda Item # 9 – New Business – a. Decision on Public Hearing – Mr. Josh Parmer**

Commissioner Boone stated that he would like to thank everyone for coming to the public hearing. He stated that zoning issues are difficult issues. Someone always leaves unhappy. He stated that after reviewing the comprehensive land use plan, Mr. Parmer's application is consistent with the plan. On motion (Boone) and second (Caldwell), the Board voted 4 to 1 to accept the Planning Commission's recommendation and approve Mr. Parmer's request. Commissioner Boone, Commissioner Caldwell, Commissioner Crook and Commissioner Allen voted for the motion. Commissioner Isenhower voted against the motion stating that it was a difficult decision but after hearing from the citizens opposed to the zoning request, she must vote against the request.



**b. Update on Georgia 4-H Program – Dinah Rowe** – Mrs. Dinah Rowe, 4-H Extension Agent for Heard County gave an update on the Georgia 4-H program. She reported that the 4-H program was going to be included for another year in the State’s budget but she felt certain it would sustain budget cuts. She thanked the Board for their support of the Heard County 4-H Program.

**c. Proclamation for Georgia Census Week** – Commission Chair Jackson stated that the Association of County Commissioners of Georgia and the Census Bureau have asked that the County proclaim the week of March 8 through March 14 as Georgia Census Week in Heard County and to sign a proclamation stating so. On motion (Allen) and second (Crook), the Board unanimously approved this proclamation.

**Agenda Item # 10 – Executive Session** – None.

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