

HEARD COUNTY BOARD OF COMMISSIONERS MEETING
March 19, 2024 - 6:30 P.M.

The Heard County Board of Commissioners held a regular Commissioners Meeting on March 19, 2024, at 6:30 p.m. in the Commission Chamber of the Heard County Administration Building. In attendance at the meeting were Chairman Lee Boone, District 2 Commissioner James Perry, District 3 Commissioner Iris Harris, District 4 Commissioner Larry Hammond, and District 5 Commissioner David Walls. District 1 Commissioner Larry Hooks was unable to attend. County Attorney Michael Hill was also present at the meeting.

Agenda Item # 2 - Welcome, Invocation, and Pledge to the American Flag

Chairman Lee Boone called the meeting to order, welcomed everyone present, and gave the invocation.

Agenda Item # 3 – Public Hearings

The Chairman went over the rules for the public hearing and asked that each person speak directly into the microphone.

a) Application for Stag Valley Farms – Owner, Luke Mersberger, addressed the Board.

He recently purchased the property and is in the process of changing the name to Four Bridges. Mr. Mersberger stated that the previous owner never had a clear plan for what he wanted to do with the property, he originally put a wedding venue on the property then added some green houses, and later added tiny homes. Mr. Mersberger stated that he is in the process of fertilizing the land to improve the soil and he does have a plan for the property. He would like to turn the property into a working venue for families and add more structures to the property. He has forecasted that the venue would bring roughly fourteen to fifteen thousand (\$14-15,000) dollars of revenue into the county and create jobs for the local residents. Stephanie Coston, Mr. Mersberger's aunt, spoke to

say that the previous owner annihilated the land, and they are working hard to get the property back to its original appearance. She stated, "I have a great deal of experience with event planning, that is what I do." She stated they are looking for a general contractor to get the current buildings on the property to where they need to be. Her vision is for the venue to be a place for family events, reunions, family parties, a place for families to come and enjoy. Commissioner Perry asked what they were told regarding the tiny homes when they initially purchased the property. Mr. Mersberger stated that he was made aware that they were against Heard County ordinance. They are roughly eight hundred (800) square feet and Heard County ordinance says they must be one thousand (1,000) square feet. He stated that he would be willing to add additional square footage to the tiny homes to bring them up to code. He would like to have them available to rent to bridal parties. Ms. Coston stated that they did not want to use the tiny homes as dwellings; she asked if they could be used as lodging with a two-night maximum stay. Commissioner Perry stated that the biggest issue with the property is the tiny homes. Mr. Mersberger said they had been told that a prior employee of Building and Zoning had, in error, orally approved the homes. Michael Hill stated that the approval never came before a Board and never got official approval. He stated that the way law is written, you cannot be misdirected about a matter of law, you are presumed to know the law and it cannot be used as an excuse. Ms. Coston invited the Board to come out to visit the property to see how beautiful the tiny homes are. She stated that she understands the law is the law and they are willing to comply however the Board needs them to. Commissioner Perry stated that Building and Zoning recommended a fifty (50) foot natural vegetative buffer, he asked if that was for the road frontage on

Roosterville Road also. Mr. Mersberger replied that he did believe that it was, and he had no issues with doing it. The Chairman read the recommendation from Building and Zoning stating that they recommend a natural vegetative buffer of fifty (50) feet be maintained around the boundary of the property. Ms. Coston stated they were currently working on increasing the vegetation around the property. Attorney Hill stated the best potential definition for an overnight stay would be under the ordinance for motels. Motels are only allowed on general commercial property, there are no special uses allowed in any other category. He went on to say that the tiny homes could potentially meet the criteria of the motel. The ordinance reads that it's a building or group of buildings that contain guest rooms offered to the general public for compensation, having separate entrances for each room or suite of rooms in which automobile parking is provided for each room or suite of rooms. The special use permit is only asking for use as a wedding venue, it is not requesting anything else. Commissioner Perry thought the land was still zoned agriculture. Mr. Mersberger asked if they could apply to have the small portion of land that the tiny homes were on to be zoned general commercial. Attorney Hill responded that there was nothing to say they could not have the property resurveyed and request for a portion to be rezoned. This would start the process over; they would need to submit another application and go before the Planning and Zoning Board again. There would be no guarantee that it would be approved. Commissioner Perry asked if the tiny homes were on a septic system to which Wesley Kilgore, who has maintained the property for the past four years, stated that there are two septic tanks per two houses. Mr. Kilgore stated that the previous owner never had any direction for the property, he just kind of did as he pleased and ran the property in the ground. Mr.

Kilgore believes that Mr. Mersberger has a plan to improve the property. He stated that they were not originally permitted but they did eventually go through the proper steps to have them permitted. There were no public comments on the application. On a motion (Perry) and second (Harris), the Board voted unanimously to close the public hearing.

- b) **Application for Casey Pierce** – The Chairman stated that the applicant, Casey Pierce, sent a request via email to postpone the hearing. On a motion (Perry) and second (Walls), the Board voted unanimously to continue the public hearing for the next regularly scheduled Commissioners meeting on April 16, 2024, at 6:30 p.m..

Agenda Item # 4 – Approval of Minutes

The minutes from the February 20, 2024, Work Session meeting and regular Commissioner’s meeting were presented to the Board for approval. On a motion (Hammond) and second (Walls), the Board voted unanimously to approve the February 20, 2024, Work Session meeting minutes and regular Commissioner’s meeting minutes as written.

Agenda Item # 5 – Amend Agenda

There were no amendments.

Agenda Item # 6 – New Business

a. Decision - Application from Casey Pierce

The item has been continued.

b. Decision - Application for Stag Valley Farms

Commissioner Perry asked Attorney Hill for some guidance on whether to send the applicant back to Building and Zoning or postpone the hearing until they could visit the property to look at the tiny homes and research the application further. Attorney Hill stated that they could delay or defer their motion, the consideration is limited to

the information that was produced at the public hearing as part of the packet that was presented to the Board as part of the hearing. A personal site visit that would bring in new information would be outside of that public hearing and should not be considered as part of the decision. The Chairman wanted to clarify for the record that the tiny homes were not recommended for overnight stay. Attorney Hill stated that currently the way they are zoned, it does not allow for an overnight stay. On a motion (Perry) and a second (Harris), the Board unanimously voted to approve the application with the following conditions: applicant must adhere to all of the Planning Commission's recommendations (see Planning Commission minutes) and the tiny homes are not to be used for overnight stays. .

Agenda Item # 7 – Old Business

None.

Agenda Item # 8 – Public Comments

Buddy Copeland, Hammett Circle, Hogansville, GA – Addressed the Board regarding the need for additional bathrooms at the Recreation Department.

Debra Jo Steele, Joe Stephens Road, Franklin, GA – Addressed the Board regarding solar farm ordinances.

Mark Callahan, Pearidge Road, Franklin, GA – Addressed the Board regarding solar farm ordinances.

Item # 9 – Executive Session

Chairman Boone asked for an Executive Session to discuss litigation. On a motion (Hammond) and second (Walls), the Board voted unanimously to enter into executive session to discuss possible litigation at 7:34 pm. On a motion (Hammond) and second (Perry), the Board voted

unanimously to return to open session at 8:31 pm. During the Executive Session litigation was discussed.

Item # 10 – Adjourn

There being no further business, on a motion (Harris) and second (Hammond), the Board voted unanimously to adjourn the meeting.

Adjourned 8:32 p.m.

Katrina Billingsley

County Clerk

Date 04/16/24

Lee Boone

Chairman

