

HEARD COUNTY BOARD OF COMMISSIONERS MEETING
May 21, 2024 - 6:30 P.M.

The Heard County Board of Commissioners held a regular Commissioners Meeting on May 21, 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

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

- a) **Application #1 for Ralph Caldwell** – The Chairman opened the public hearing. The Chairman stated the applicant was requesting to rezone 1.12 acres of land located at 4944 Hollingsworth Ferry Road from Rural Development to Single Family Residential to divide the land. The applicant, Ralph Caldwell residing at 600 Thompson Street, Roopville, Georgia, addressed the Board. Mr. Caldwell explained that the property currently contains two houses, formerly utilized as rental properties. He expressed his intention to discontinue renting the houses and instead divide the property to sell each home individually. To meet residential requirements mandating a one-acre lot minimum, Mr. Caldwell has submitted a second application to rezone a separate 2.69-acre tract. There were no comments in favor or against the application. On a motion (Walls) and

second (Hammond), (Harris) voted to close the public hearing, Commissioner Perry abstained.

b) **Application #2 for Ralph Caldwell** – The Chairman opened the public hearing. The Chairman stated the applicant was requesting to rezone 2.69 acres of land located on Webb Road from Rural Development to Single Family residential to divide the land. Mr. Caldwell elaborated on the request, explaining that the intention is to rezone the 2.69-acre tract from rural development to single-family residential, with the purpose of merging it with each house listed in the first application. This merger would ensure that each house meets the required one-acre minimum. By merging the 2.69-acre tract, three separate tracts would be created, each exceeding an acre in size. Mr. Caldwell plans to sell both tracts containing the houses and retain a smaller 1.8-acre tract. Importantly, Mr. Caldwell emphasized that the fate of his second application is contingent upon the approval of the first application. He requested that if the first application is not approved, he would like to withdraw the second application. There were no comments in favor or against the application. On a motion (Harris) and second (Hammond), (Walls) voted to close the public hearing, Commissioner Perry abstained.

c) **Application for Leopold Fritz Joh** – The Chairman opened the public hearing. The Chairman stated the applicant was requesting to rezone 3.5 acres located at 33 Salem Road from Historical to Rural Development. The Chairman read into the records an email request sent by the applicant, Leopold Fritz Joh. As Executor of the estate, Mr. Leopold Fritz Joh requested that William C. Heard be allowed to be heard on behalf of the removal of the Historical designation of the Lonnie Bell Estate. William Heard is a legal representative of Salem Church and a beneficiary of the Lonnie Bell Estate. The

Chairman granted the request to allow Mr. Heard to speak on behalf of the applicant. Mr. Heard, of 275 South River Road, addressed the Board. He explained that the property is 3.5 acres located at the corner of Salem Road and Hwy 100. He went on to say that Salem Church is interested in purchasing the property. MS. Paige Harrod addressed the Board on behalf of the Historical Society to say that the Historical Society was in favor of the removal of the Historical Overlay. There were no comments for or against the application. Attorney Hill read the ordinance into the record. On a motion (Perry) and second (Harris), the Board voted unanimously to close the public hearing.

Agenda Item # 4 – Approval of Minutes

The minutes from the April 16, 2024, Work Session meeting and regular Commissioner's meeting were presented to the Board for approval. On a motion (Hammond) and second (Harris), the Board voted unanimously to approve the April 16, 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 #1 from Ralph Caldwell to rezone 1.12 acres of land located at 4944 Hollingsworth Ferry Road from Rural Development to Single Family Residential**

Commissioner Harris made a motion to approve the application contingent upon the addition of 0.88 acres from the adjacent property then subdividing it, so each tract contains one acre each. The motion failed for lack of a second, therefore, the application was not granted for lack of a motion.

After amending the agenda and returning to application #1, Commissioner Harris made a motion to approve the application contingent upon the addition of 0.88 acres from the adjacent property then subdividing it, so each tract contains one acre each. Commissioner Harris voted to approve the application, Commissioner Hammond and Walls voted to Deny the application, Commissioner Perry abstained.

Decision – Application #2 from Ralph Caldwell to rezone 2.69 acres of land located on Webb Road from Rural Development to Single Family residential -
The application was withdrawn.

b. Decision - Application from Leopold Fritz Joh

On a motion (Harris) and a second (Perry), the Board unanimously voted to approve the application.

c. Discussion/Decision on Changes to Solar Ordinance (Draft Copy)

On a motion (Walls) and a second (Perry), the Board unanimously voted to move forward with declaring a Public hearing for the text amendment to the solar ordinance at the next regular Commission Meeting.

d. Adopt Resolution on Solar Farm Moratorium

There was no resolution and no further discussion.

e. Adopt Memorandum to Building & Zoning

On a motion (Hammond) and a second (Harris), the Board unanimously voted to adopt the memorandum as written to Building and Zoning on trash permit fee increases and regulations.

Agenda Item # 7 – Old Business

On a motion (Harris) and a second (Hammond), Commissioner Walls, Harris, and Hammond voted to amend the Agenda to return to item a. under New Business with Commissioner Perry abstaining.

Agenda Item # 8 – Public Comments

The following individuals spoke to the Board regarding various issues:

- Buddy Copeland, Hammett Circle, Hogansville, GA
- Bill Heard, South River Road, Franklin, GA
- Ralph Caldwell, Thomas Street, Roopville, GA
- Colton Caldwell, Bowdon, GA
- Lindsey Latre, Lake Mary, FL

After Public Comments, Attorney Hill recommended to amend the agenda and return to the decision on application #1 from Ralph Caldwell.

Item # 9 – Executive Session

Chairman Boone asked for an Executive Session to discuss possible litigation. On a motion, (Hammond) and second (Perry), the Board voted unanimously to enter Executive Session at 7:34 p.m. On a motion, (Hammond) and second (Walls), the Board voted unanimously to return to Open Session at 8:01 p.m. During the Executive Session the Board discussed possible litigation.

Item # 10 – Adjourn

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

Adjourned 8:02 p.m.

Katrina Billingsley

County Clerk

Lee Boone

Chairman

Date 06/18/2024

