

**HEARD COUNTY BOARD OF COMMISSIONERS MEETING  
SEPTEMBER 22, 2015 – 6:30 P.M.**

The Heard County Board of Commissioners held a Commissioners Meeting on September 22, 2015 at 6:30 p.m. in the courtroom of the Heard County Courthouse.

In attendance at the meeting were Chairman Lee Boone, District 1 Commissioner Larry Hooks, District 2 Commissioner Keri Denney, District 3 Commissioner Gwen Caldwell, District 4 Commissioner Larry Hammond, District 5 Commissioner Joe Adams, and County Attorney Jerry Ann Conner. Chairman Boone called the meeting to order and welcomed everyone present. Commissioner Hooks gave the invocation.

**Agenda Item # 3 – Public Hearing – Special Use Application – Mr. Ricky Coker, 17083**

**U.S. Highway 27, Franklin** – Chairman Boone opened the public hearing and read the special use request from Mr. Ricky Coker, to run a Sunday church service in the basement of his home located at 17083 U.S. Highway 27, Franklin. He also stated that the Heard County Planning Commission has made a recommendation to approve this request with the following conditions from Fire Chief Steve Wirth;

1. The maximum occupant load would only be 15 people;
2. There needs to be smoke detectors installed;
3. There needs to be fire extinguishers installed;
4. They cannot use the garage as a kitchen.

After no public comments or comments from the Board, on motion (Hooks) and second (Denney), the Board unanimously voted to close the public hearing.

**Agenda Item # 4 – Approval of Minutes** – On motion (Adams) and second (Hammond), the Board unanimously approved the minutes from August 25, 2015 as presented.

**Agenda Item # 5 – Amend Agenda – None.**

**Agenda Item # 6 – New Business – a. Discuss Special Use Application –** On motion (Denney) and second (Caldwell), the Board unanimously approved the special use application for Mr. Ricky Coker with the conditions recommended by the planning commission.

**b. Approve Millage Rate for Fiscal Year 2015-2016 -** On motion (Caldwell) and second (Hooks), the Board voted unanimously to set the fiscal year 2015-2016 County millage rate at 6.94 mills. The Heard County Board of Education also presented a resolution for the Board to approve the BOE millage rate of 15.643 mills that was adopted at a BOE meeting prior to the Commissioners meeting. On motion (Denney) and second (Caldwell), the Board unanimously approved this resolution.

**c. Discuss Purchase of New Motor Grader – Darold Wiggins, Public Works Director**  
Darold Wiggins, Public Works Director presented a price quote on 2016 Caterpillar 12M3 Motor grader from Yancey Cat. He explained that he is asking the Board to lock in this price now for a delivery date of February, 2016. The price of \$140,000.00 includes the trade-in value of \$90,000.00 for the current motor grader which is 13 years old. If the trade-in remains in the same condition in February, 2016 as it is now, the trade-in value will remain the same. After some discussion, on motion (Denney) and second (Adams), the Board unanimously agreed to purchase a new motor grader for \$140,000.00 and trade-in the current motor grader to be paid for with SPLOST funds.

**Agenda Item # 7 – a. Discuss Shooting Range –** Chairman Boone gave an update on the range inspection of Advantage Tactical that was discussed at the August, 2015 meeting. He explained that he spoke with the range director at the Georgia Public Safety Training Center (GPSTC) in Forsyth, Georgia about inspecting the Advantage Tactical range. The

range director explained that he cannot perform this type of inspection on a private range without first having the approval of the GPSTC's legal department. As of today, the legal department has not responded therefore, there has been no inspection of the Advantage Tactical range yet. Chairman Boone stated he does intend to still have the range inspected, by a third party, even if GPSTC cannot perform the inspection. He stated that he and Commissioner Hammond did recently visit the range site. He also stated that Mr. Peterson did agree to no weapons at the range at the August meeting. He stated that there were recent shots heard coming from the general area of the range, but after inspection by Heard County Deputy Will Hannah, the shots were coming from a neighboring property of the range, not the range itself. He also stated that he had drafted some special condition recommendations he would like to present to the Heard County Planning Commission regarding Advantage Tactical and some text amendments he would like to present to the Heard County Planning Commission regarding the commercial shooting range ordinance. Before Chairman Boone presented these recommendations, Advantage Tactical attorney, Mr. Virgil Brown spoke to the Board. Mr. Brown explained that Advantage Tactical is very willing to work with the community and make the range as safe as possible. Chairman Boone reminded Mr. Brown that Advantage Tactical is now in violation of the current ordinance by not presenting proof of liability insurance as stated in the current ordinance. Mr. Brown stated that they are working on that now. County Attorney, Jerry Ann Conner suggested limiting the types of guns that are being shot at the range for now. Mr. Brown said that they do agree to no fully automatic weapons being shot at the range and that there has been a recent change to the topography of the range which may help with stray bullets possibly leaving the property. Chairman Boone stated that he and the

Board were not accusing Advantage Tactical of shooting Mr. Talmadge Phillips roof, but he wanted to remind Mr. Brown that safety is the main issue at hand with this range.

Chairman Boone asked Sgt. Dan Boswell to speak regarding the shooting of Mr. Phillips roof. Sgt. Dan Boswell of the Heard County Sheriff's Office stated that in his opinion, Mr. Phillip's roof was shot with an automatic rifle and he was making plans to extract the bullet from Mr. Phillip's roof to determine what kind of bullet it was. Mr. Mike Roberts, Associate Superintendent of the Heard County Board of Education stated the school board has concerns regarding the safety of the students at the Heard County Middle School. He also expressed his concerns that there is no range master at the range during any type of shooting. At this time, Chairman Boone read the recommendations to present to the Planning Commission for the special conditions for Advantage Tactical and the recommendations to present to the Planning Commission for the text amendments to the commercial shooting range ordinance. Ms. Conner explained that these changes would be zoning changes that must come to the Planning Commission before any changes are made.

At this time Mr. Jim Peterson of Advantage Tactical presented an insurance policy in the name of The AR Bunker (a company who recently leased the Advantage Tactical property). Chairman Boone stated that Mr. Peterson needs to present an insurance policy for Advantage Tactical not The AR Bunker.

Chairman Boone asked Heard County Deputy, Mr. Daulton Pate to speak regarding a call he was on at Mr. Talmadge Phillip's house. Deputy Pate stated that he and another deputy were standing on Mr. Phillips back porch when he heard bullets "whistling through the trees". He stated he did not know if the bullets came from the range or not.

Mr. Talmadge Phillips expressed his concern that the bullet that hit his roof could have hit him or one of his family members. He also stated that “no one would be digging a bullet out of my house without showing me their credentials” since Sgt. Boswell is not a ballistic expert. Chairman Boone stated that both attorneys would be getting together to discuss what further action to take regarding Advantage Tactical.

**Agenda Item # 8 – Public Comments** – None.

**Agenda Item # 9 – Executive Session** – Chairman Boone requested the Board go into Executive Session to discuss possible land acquisition and possible litigation. On motion (Denney) and second (Caldwell), the Board unanimously voted to enter into Executive Session.

On motion (Denney) and second (Adams), the Board unanimously voted to return to Open Session. Chairman Boone stated that in Executive Session the Board discussed possible land acquisition under FIFA of Hammett Circle, Flax Road and Whitlock Drive. He stated the County could purchase these properties for the unpaid taxes not to exceed \$1,200.00. On motion (Hooks) and second (Denney), the Board voted 3 to 2 against purchasing this property. Commissioner Hooks and Denney voted for the motion. Commissioner Caldwell, Hammond and Adams voted against the motion.

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

Adjourned at 9:10 p.m.

  
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County Clerk

  
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Chairman

Date 10/27/15