

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, MAY 20, 2019
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

A meeting of the Habersham County Board of Commissioners was held on Monday, May 20, 2019 at 6:00 p.m. in the Jury Assembly Room at the Habersham County Courthouse in Clarkesville, Georgia.

Present: Chairman Stacy Hall; Vice-Chair Natalie Crawford; Commissioners Ed Nichols, Dustin Meador and Jimmy Tench; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; Administrative Assistant/Deputy Clerk Melissa Shank Gragg; Various Habersham County Department Directors; Individuals from the Media and Public

Chairman Hall called the meeting to order at 6:00 p.m.

Commissioner Nichols led the Invocation.

Commissioner Crawford led the Pledge of Allegiance.

Chairman Hall took a moment for a personal statement/point of order for the record before moving on to adoption of the agenda. He stated that during the May 14, 2019 Joint Called Meeting, the Commission entered into Executive Session with the Habersham County Hospital Authority to discuss Property Acquisition and Disposal pursuant to O.C.G.A. § 50-14-3(b)(1)(B). After the vote to come out of Executive Session, he failed to open the doors and invite anyone into the meeting that had been waiting. Chairman Hall apologized for this error and stated that after the vote to come out of Executive Session, there was a vote on an affidavit for the Executive Session, and an immediate vote to adjourn. There was no further discussion, and no other items were voted on, which is reflected in the minutes of that meeting. Chairman Hall further stated there would have been no opportunity for public comment even if the doors had been opened.

ADOPTION OF AGENDA

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to adopt the agenda with the removal of item a. under unfinished business. The County Attorney provided a memorandum on his review of the matter and had stated that the County Manager had specific authorization to approve the erection of the statue, that County policy was followed, and therefore, the matter is closed. *

**The recording for the May 20, 2019 Commission Meeting began working during Commissioner Crawford's motion under "Adoption of Agenda". The recording system was not working properly due to technical difficulties centered around memory card storage being full.*

PRESENTATIONS/ANNOUNCEMENTS:

- a. All County Offices will be closed Monday May 27, 2019 in observance of Memorial Day
- b. Special Recognition of Individuals and Organizations who cared for Alyssa Delgado
- c. Special Recognition of the Habersham Central High School Mock Trial Team

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- d. Congratulations to Lynn Smith for being awarded Emergency Management Association of Georgia Director of the Year for 2019
- e. Habersham County has been awarded a Certificate for Excellence in Financial Reporting from the Government Finance Officers Association for our Comprehensive Annual Financial Report (CAFR)
- f. Congratulations to Commissioner Natalie Crawford for Successfully Completing the Requirements for the Leadership Development Track in ACCG's Lifelong Learning Academy

The Chairman called on Commissioner Crawford for a point of personal privilege. Commissioner Crawford took a moment to recognize the care that Habersham County Medical Center provides to our community, including a recent award for stroke care. In addition, she took a moment to recognize that our community has quality public safety personnel and healthcare professionals.

PUBLIC COMMENTS:

During this time, members of the public are invited to address the Commission on any Agenda item other than those listed as Public Hearing. If you signed up to speak at the meeting tonight, you will have three minutes. If your name is listed on the Agenda, you will have five minutes.

1. Jean Christol: Acrobatic Flights at Habersham County Airport

Ms. Christol had signed up in advance to speak at the meeting but was not in attendance at the meeting.

2. Doug McDonald: Joint Meeting between the Habersham County Commission and Hospital Authority May 14, 2019

Mr. McDonald of Cornelia, GA, addressed the Board stating that, since the Chairman had admitted to violating the Open Meetings/Open Records law, he asked that the Chairman resign his position as County Commissioner, and that the Chairman acknowledge to the Governor of Georgia, Attorney General of Georgia, and District Attorney of Habersham County that he violated the criminal laws of Georgia Sunshine Law and Georgia Open Meetings Law. Mr. McDonald further asked that the Chairman voluntarily pay the \$1,000 fine for the criminal violation and up to an additional \$1,000 for admission of the violation of the law at the May 14, 2019 Commission meeting. Mr. McDonald stated he attended that meeting, was asked to leave, and waited for an hour and forty-five minutes for the public to be summoned into the meeting for the purpose of closing out the called meeting. He stated that that was not done, and it was called to the Chairman and Attorney's attention at that time, and the Chairman apologized, however, an apology was not sufficient for breaking the law.

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Mr. McDonald stated that it was his understanding that the minutes of that meeting were to be approved at this meeting, and that an executive session for this meeting may also involve the same subject matter as the executive session of the called meeting between the Hospital and Commission. He asked that Chairman Hall not go to that meeting and let someone else attend that meeting as the Chairperson, and that nothing discussed at the joint meeting be discussed again because doing so again would be a violation of the law by the Commission or any Chairman of the Commission.

Mr. McDonald asked for any comment. There was none.

3. Doug McDonald: Willingham Avenue

Mr. McDonald of Cornelia, GA, addressed the Board again stating that he had provided the Commission with a letter prior to the meeting stating his concern with what he mentioned at the last meeting. He was still concerned that the offer/proposal made by Mr. Sutton and Mr. Derick Canupp was wrong. He said he would not address the Chairman as such but would ask Mr. Hall to cause this matter to be investigated further by the Commission. He stated that in his letter you can see he is sincerely convinced, as much as anyone reasonably can be. He went and aroused the public about what was going on and took pictures from the right of way on the highway, which caused an uproar in the community and Baldwin. He said he had heard that there had been reports to the Sheriff that he was taking pictures of what was going on, and he lawfully did that. He stated it is clear that the County has allowed, unknowingly, or unwittingly done things, based on an employee suggesting things that may not be true. He asked if the things were found to not be true after an investigation, the employee who broke the law be asked to repay the county for about \$2,000 to \$3,000.

Mr. McDonald read an excerpt that stated, "no county official or employee shall request or permit the unauthorized use of county vehicles, equipment, materials, or property, for personal convenience or profit". Mr. McDonald asked that the GBI investigate the matter because it is a crime to use public equipment on private property. He stated that Ms. Harper is a county official, on multiple committees, and that Derick Canupp is the head of the Public Works Department. He stated two county officials cannot work together to get something done for private conveniences of one of them, and that it's a violation of the code of ethics.

Mr. McDonald stated that the Hospital issue is a violation of the law, and the Willingham issue is a violation of the law, which are two issues tonight.

4. Doug McDonald: Airport

Mr. McDonald of Cornelia, GA, addressed the Board stating that to state that the issue was already done was wrong when it comes to county government. He stated that the lawyer, who is on the county's payroll, gave an opinion that is wrong. In the opinion, the lawyer adopted the words of Mr. Sutton and Mr. Sutton said in his report

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that it was informally done. He said to say it was informally done means it was not formally done and was not done correctly and according to rules and regulations. He stated if the Commission lets this go, that is a third violation of their duty. He stated he had been shunned like a person with leprosy since he came to the April 15th meeting, that he can't go in to meet with the Commissioners without them lowering their head or shaking his hand unless he asks them to. Mr. McDonald said he didn't want for that to happen, and that at the last meeting he told the Commission that he has warm feelings for the Massey family and that he is sorry Billy has to go through this. But, he asked the Commission to ask themselves if the statue was placed there with written approval by the County, and that they can't answer that question any other way but no it was not. He said that the County can take the lawyer and Mr. Sutton's opinion that it was informally done or not, but he submits what good are rules and regulations if they are not followed, and that this is serious. He left with the words "when law is not followed, tyranny results". He said he hopes that County record will not show that the Board overlooked these three issues.

5. Joel Massey: Airport

Mr. Massey, of Flowery Branch, GA and former Habersham Countian, addressed the Board. Mr. Massey explained that he was the sole donor of the statue in question at the Habersham County Airport. He stated he was here to make a few statements publicly about the artwork that was placed at the Airport. He stated that last month, one individual was in strong opposition of the statue for a reason he does not know. He said he had whittled down his original comments because he wanted to take the higher road and not have any more issues about it. Months ago, he met with the County Manager, a County Commissioner, and a member of the Airport Commission about the donation. He said he followed protocol, and that in good faith and wanting to give back to his home county he wanted to give a piece of artwork to the County. He stated that the total project was funded fully by himself and his family, and that he specifically told the County Manager did not want tax payer dollars going towards the project. He commissioned the statue, had it shipped to Habersham County, and received invoices from the County on all building expenses. The invoice was paid in a timely manner. He stated that the statue was never intended to replace, rename, or affix any airfield or structure at the Habersham County Airport, it was merely a gift to the County, not a private piece of property placed on public land. It was simply placed there for public enjoyment.

Mr. Massey stated that the one person in opposition made a comment that he was friends with the family. Mr. Massey stated that where he comes from, friends don't treat friends like this, and he would hate to see how he treats his enemies. He stated he grew up in a Christian home and was taught to love God, be honest, and caring. He said he had accomplished that with this endeavor. Mr. Massey wanted to leave the Commission with a few words to live by, to do unto others as you would have them do unto you.

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PUBLIC HEARINGS: NONE

<p>By permitting opponents or speakers to present public comment to the county, the county does not acquiesce or waive its ability to challenge to the legal standing of the speaker(s) in the event of litigation.</p>
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CONSENT AGENDA:

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to adopt the consent agenda as follows:

- a. Consider/Approve the Minutes of the Commission Meeting held on Monday April 15, 2019
- b. Consider/Approve the Minutes of the Executive Session held on Monday April 15, 2019
- c. Consider/Approve Addendum #3 to the FY2019 Contract with the Legacy Link, Inc.
- d. Consider/Approve Resolution 2019-05 Creating a Census 2020 Complete Count Committee
- e. Consider/Approve FY2020 Tentative Allocation Letter with the Georgia Department of Transportation
- f. Consider/Approve Michael Baker Work Authorization No. 27 Supplemental Agreement
- g. Consider/Approve Supplemental Agreement No. 3 with GDOT for Phase 2 Taxiway Project
- h. Consider/Approve Supplemental Agreement No. 1 with GDOT for Phase 3 Taxiway Project
- i. Consider/Approve Purchase of 1999 Metalfab International Pumper Tanker in the Amount of \$125,000 from SPLOST VI Funds
- j. Consider/Approve Contracting for Parking Lot Rehabilitation of Fire Stations 9, 13, and 14 with All About Asphalt, Inc.
- k. Consider/Approve Authorizing the County Manager to order two signs for placement at the Health Department, Veterans Services, and Senior Center in the amount of \$5,790 from the Commission's Contingency Fund

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- l.** Consider/Approve Creation of a Public Relations Advisory Board
- m.** Consider/Approve Resolution 2019-06 Amending the Habersham County Board of Commissioners Boards, Commissions, Authorities, and Committees Policy
- n.** Consider/Approve Reallocation of CIP Funds for Camera Installation at the Courthouse, Recreation Department, and Administration Building
- o.** Consider/Approve Board of Tax Assessors Affidavit 2018-13
- p.** Consider/Approve Facility Usage Agreement between Habersham County and the Evan Oglesby Foundation Summer Camp
- q.** Consider/Approve World Fuel Services Supply Agreement and Phillips 66 Branding Agreement
- r.** Consider/Approve Disposal of Obsolete Vehicles and Equipment through a Consignment Agreement with Absolute Auction
- s.** Consider/Approve the Minutes of the Called Meeting held on Tuesday May 14, 2019
- t.** Consider/Approve the Minutes of the Executive Session held on Tuesday May 14, 2019

REPORTS:

- a.** Fiscal Status: Heidi Hook
- b.** Manager's Report: Phil Sutton
- c.** Development Authority Report: Dr. Gail Thaxton provided a report to the Commission on the recent activities of the Development Authority.

APPOINTMENTS:

ETHICS PANEL

- 1. Ernest Burns and Kathryn Ralston: Commissioner Mealor
**Note: Tabled at the April 15, 2019 Commission Meeting until the May 20, 2019 Commission Meeting*

Motion by Commissioner Mealor, seconded by Commissioner Crawford, and voted unanimously to appoint Patrick Ledford to fill the seat of Ernest Burns on the Ethics Panel, and to table his other appointment until the June 17, 2019 Commission meeting.
- 2. Mike Duncan and Jack Foster: Commissioner Nichols
**Note: Tabled at the April 15, 2019 Commission Meeting until the May 20, 2019 Commission Meeting*

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Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to appoint Jack Foster and Darrin Johnston to the Ethics Panel.

3. Phil DeMore and Holly Borrow: Commissioner Crawford
**Note: Tabled at the April 15, 2019 Commission Meeting until the May 20, 2019 Commission Meeting*

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to table these appointments until the June 17, 2019 Commission meeting.

UNFINISHED BUSINESS:

- a. Consider/Approve Ratification of Placement of the Billy C. Massey Statue on Habersham County Airport Property
**Note: Tabled at the April 15, 2019 Commission Meeting until the May 20, 2019 Commission Meeting*

NOTE: This item was removed during Adoption of Agenda and was not considered or discussed.

NEW BUSINESS:

- a. Consider/Approve Fee Schedule Increases for Habersham County Emergency Services

Emergency Services Director Chad Black addressed the Board, stating that the billing company compares billing rates with counties that have similar numbers of ambulances or trips to determine whether any adjustments need to be made. This is the second year that the department has requested fee increases, however, prior to that it had been four or five years since adjustments were made.

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to approve Fee Schedule Increases for Habersham County Emergency Services.

- b. Consider/Approve Rockford Farm Subdivision Roads into the County Road System for Maintenance

Public Works Director Derick Canupp addressed the Board stating that this was a request from residents of Rockford Farm Subdivision for the county to begin maintaining their roads. He stated that the Planning Commission approved the plat in 2007, and that there is 40 feet of platted right of way. He further stated that the roads are in good condition.

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to accept Rockford Farm Subdivision Roads into the County Road System for Maintenance contingent upon successful right of way acquisition.

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- c. Consider/Approve Award of Bid for Construction of Landfill Cell No. 5 to T&K Construction, LLC

Public Works Director Derick Canupp addressed the Board stating that five bids were received during requests for proposals, and the lowest came in at around \$4.3 million. After substituting alternate bid line items, the low bid came in at \$3,757,758. T&K Construction was the lowest bidder in either case. He stated that with the construction of cell 5, the Landfill will be able to operate an additional 25 years. The project will be funded between SPLOST and Landfill Funds.

Commissioner Hall asked Mr. Canupp to confirm that the reason this is needed is due to an increase in construction waste, limiting room available in the current cells of the landfill, and that construction of cell 5 must be complete by October 2020. Mr. Canupp confirmed that was true.

Commissioner Ed Nichols asked how long it would take for construction to begin once approved. Mr. Canupp responded that he hopes it will be as soon as possible, around early-mid July, and that they will begin the process immediately upon approval.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve the Award of Bid for Construction of Landfill Cell No. 5 to T&K Construction, LLC and authorize Chairman Hall to sign all related documents.

- d. Consider/Approve Annexation Request from the City of Clarkesville

Planning and Development Director Mike Beecham addressed the Board, stating that this was a request from the City of Clarkesville to annex 5837 Highway 197, the new Dollar General in Clarkesville. The requested annexation does not create any unincorporated islands and is contiguous with the City of Clarkesville. Staff forwards this annexation with a recommendation of approval.

Motion by Commissioner Nichols, seconded by Commissioner Mealor, and voted unanimously to approve the Annexation Request from the City of Clarkesville.

- e. Consider/Approve Revisions to the Employee Health Insurance Plans

County Manager Phil Sutton and Human Resources Director Vinitha Robinson addressed the Board, stating that everything had been decided on during budget presentations as presented in the agenda item, with the exception of enforcing employee only contributions, which the Commission had decided they did not want to pursue during this budget. The changes included telemedicine, CVS Caremark, and a change to Clear Health.

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Motion by Commissioner Crawford, seconded by Commissioner Tench, and voted unanimously to approve revisions to the Employee Health Insurance Plans.

ADDITIONAL COMMENTS:

There were no additional comments.

EXECUTIVE SESSION: Property Acquisition and Disposal O.C.G.A. § 50-14-3(b)(1)(B),
Litigation

Motion by Chairman Hall, seconded by Commissioner Mealor, and voted unanimously to enter into executive session to discuss Litigation and Property Acquisition/Disposal after a five-minute recess. (7:05 p.m.)

ROLL CALL VOTE

Commissioner Mealor-yea
Commissioner Tench-yea
Chairman Hall-yea
Commissioner Crawford-yea
Commissioner Nichols-yea

Present: Chairman Stacy Hall; Commissioners Dustin Mealor, Jimmy Tench, Ed Nichols, and Natalie Crawford; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; Tyler Williams

Note: Tyler Williams left for the latter portion of Executive Session in which Litigation was discussed.

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to come out of closed session. (8:00 p.m.)

County Attorney Donnie Hunt reported that all matters discussed in Closed Session were limited to those matters allowed by the laws of the State of Georgia and asked for a motion authorizing the Chairman to make such a representation under oath on the affidavit.

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

Motion by Commissioner Crawford, seconded by Commissioner Nichols to authorize Chairman Hall to sign a letter of intent, to include a preliminary term sheet labeled "Exhibit A" between the Hospital Authority of Habersham County, Northeast Georgia Health System, and Habersham County.

Chairman Hall asked County Clerk Lindsay Underwood to conduct a roll call vote on the motion and second.

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ROLL CALL VOTE

Commissioner Mealor-yea

Commissioner Tench asked for clarification on what was being voted on. County Clerk Lindsay Underwood specified that it was a vote on the LOI for the Hospital.

Commissioner Tench-yea
Chairman Hall-yea
Commissioner Crawford-yea
Commissioner Nichols-yea

MOTION PASSES UNANIMOUSLY

ADJOURN: 8:02 p.m.

Motion by Commissioner Crawford, seconded by Commissioner Mealor, and voted unanimously to adjourn.

Respectfully submitted,

By: _____
Chairman Stacy Hall

Attest: _____
County Clerk Lindsay Underwood

Posted by: County Clerk Lindsay Underwood, May 22, 2019