

**HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING  
6:00 P.M., MONDAY, JUNE 17, 2019  
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA**

A meeting of the Habersham County Board of Commissioners was held on Monday, June 17, 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 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 announced he was going to wait a few minutes for Commissioner Crawford to arrive.

Chairman Hall called the meeting to order at 6:03 p.m.

Chairman Hall led the Invocation.

Chairman Hall led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to adopt the agenda as presented.

Chairman Hall announced that Commissioner Mealor was unable to attend the meeting due to a work function.

**PRESENTATIONS/ANNOUNCEMENTS:**

- a. All County Offices will be closed Thursday July 4, 2019 in observance of Independence Day
- b. The Habersham County Board of Commissioners is holding Called Meetings/Public Hearings on the FY2020 Budget and 2019 Millage Rate on the following dates at the following times:
  - Wednesday June 19, 2019 at 4:00 p.m.-First Reading of the Proposed FY2020 Budget and 2019 Millage Rate Increase
  - Wednesday June 19, 2019 at 6:00 p.m.-Second Reading of the Proposed 2019 Millage Rate Increase
  - Wednesday June 26, 2019 at 6:00 p.m.- Second Reading and Vote on the Proposed FY2020 Budget, Third Reading and Vote on the Proposed 2019 Millage Rate IncreaseEach of these Called Meetings will be held in the Commission Conference Room of the New Administration Building located at 130 Jacob's Way in Clarkesville

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**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. Doug McDonald: P.O. Box 396 Cornelia, GA: Miscellaneous-Minutes of the May 20<sup>th</sup> Commission Meeting and Recording of the May 20<sup>th</sup> Commission Meeting not being complete.
2. Bob Guthrie: 585 Paradise Park Road, Cornelia, GA: Election-Litigation and Question Regarding Commissioner Tench's Appointment for the Hospital Authority.

Chairman Hall asked County Attorney Donnie Hunt for clarification on whether the May 20<sup>th</sup> minutes should be modified to reflect that the recording device was not working properly. Attorney Hunt stated he had not seen the minutes and asked County Clerk Lindsay Underwood to provide some remarks on what the minutes reflect. She stated the minutes do not state whether the recording device was working or not. Attorney Hunt asked the County Clerk to step up to the microphone to answer some questions. Attorney Hunt asked whether the Clerk uses the recording to assist her in drafting the minutes, she confirmed she does. He asked if, at some point, she was able to use the recording from that meeting. She confirmed she was able to. Attorney Hunt asked whether she had some recording from that meeting, she replied that she believed, though she could not state exactly what point it started, that it began after the apology and at some time during public comment.

Attorney Hunt stated he understood the concern with the recording device, and it was the best way to make sure everything is taken down, but there are two people taking notes of what happens, and there is no mandatory requirement that the meeting be recorded, but we should note at what point the recording was out.

Chairman Hall asked whether the minutes needed to be amended before voting on it to reflect when the recording began and table adoption of the minutes. County Attorney Hunt asked whether approval of the minutes was on the consent agenda, it was. Attorney Hunt stated the consent agenda needed to be amended to remove approval of the minutes.

Discussion ensued on how to properly remove and approve the minutes, and how to note that the recording was not working properly in the minutes.

Commissioner Tench asked for a point of order. He read from the minutes of the January 14, 2019 meeting Commissioner Crawford's motion for a point of personal privilege in light of Chairman Hall's resignation from the Hospital Authority. "In order to expedite a replacement for his position on the Hospital Authority as soon as possible, she moved that the Board of Commissioners suspend the rules to amend the agenda to insert the nomination of a slate of three persons to the Habersham County Hospital Authority to fill Commissioner Hall's vacant seat at this point in the meeting. She further moved to suspend the rules in the local policies that require the advertisement of the availability of the position

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for 30 days prior to the nomination of replacements, and to suspend the tradition of the appointment to allow this to be an at-large appointment.” Commissioner Tench said the CEO of Habersham County Hospital, Mrs. Boggs, stated the Authority has by laws that outline how to fill vacant positions, including Chairperson positions, which will be followed over the next month. He said he didn’t know where they came up with the suspension, but all he got was an agenda, a magazine, and a piece of junk mail for Victor Anderson. He stated he had no clue what was going on and read an email he submitted and received from County Attorney Hunt regarding this matter. Chairman Hall asked what the point of order was, Commissioner Tench asked where the agenda and all the other stuff was, that it’s under the Sunshine Laws that you will have an agenda packet. Chairman Hall responded that it was emailed to him the same time it was emailed to Commissioners Hall, Nichols and Crawford, and whether Commissioner Tench checks his email is his business. Commissioner Tench stated that Chairman Hall needed to get it straightened out now because this is not something to play with. Chairman Hall stated that it was straight, it was emailed out. Commissioner Tench stated it was not to him. Chairman Hall stated there was record of that and it would be shown to Commissioner Tench. Chairman Hall stated it is important for Commissioners to check their email and do their due diligence. Commissioner Tench stated it was the Chairman’s role to ask before a meeting whether the Commissioners have enough information. Chairman Hall replied that it is not the Chairman’s role to take care of other Commissioners and make sure they read their materials.

**PUBLIC HEARINGS:**

**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.**

**1. Consider/Approve Z-19-03**

Chairman Hall turned the meeting over to Attorney Hunt to conduct the public hearing.

Mike Beecham, Planning and Development Director, addressed the Board stating this was a request from Garnett Hulsey for a map amendment to change the land use district of a proposed 4.11-acre tract located at 200 Selah Lane from AG-Agriculture to LI-Low Intensity. The proposed amendment is currently part of a larger 42.86-acre tract currently in the AG district. The portion that the applicant is wanting to subdivide off is a 4.11-acre tract, and the AG district has a 10-acre lot minimum, therefore, staff could not approve the plat without a map amendment. There is a mix of agriculture and residential uses within the area, and there were no public comments at the Planning Commission meeting. The Planning Commission recommended approval with no conditions.

There were no questions from the Board of Mr. Beecham.

Attorney Hunt asked if the applicant was in attendance and wished to speak in favor of his application.

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Garnett Hulseley, the applicant, spoke in favor of Z-19-03.  
Attorney Hunt asked for additional comments in favor of the application.

There were none.

Attorney Hunt asked for comments in opposition of the application.

There were none.

Attorney Hunt turned the meeting over to Chairman Hall.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve Z-19-03.

**CONSENT AGENDA:**

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to remove item b. "Consider/Approve the Minutes of the Commission Meeting held on Monday May 20, 2019" from the consent agenda to new business item c.

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

- a. Consider/Approve the Minutes of the Commission Work Session held on Monday May 20, 2019
- b. Consider/Approve the Minutes of the Executive Session held on Monday May 20, 2019
- c. Consider/Approve Board of Tax Assessors Affidavit 2018-14
- d. Consider/Approve Contracting with Campbell Oil Company for Clear Diesel (On-Road) and Regular Gasoline for FY2020
- e. Consider/Approve BLE Proposal for Construction Quality Assurance (CQA) Services for Landfill Cell 5 Construction
- f. Consider/Approve Hodges, Harbin, Newberry & Tribble, Inc. (HHNT) Proposal for Construction Administration Services for Landfill Cell 5 Construction
- g. Consider/Approve Budget Adjustment 2019-07
- h. Consider/Approve Updates to Habersham County's Drug and Alcohol Testing Policy effective January 1, 2019

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**REPORTS:**

- a. Fiscal Status: Heidi Hook
- b. Manager's Report: Phil Sutton
- c. Planning Commission Report: Bill Gresham provided a report to the Commission on the recent activities of the Planning Commission.

**APPOINTMENTS:**

**ETHICS PANEL**

1. Kathryn Ralston: Commissioner Mealor  
*\*Note: Tabled at the May 20, 2019 Commission Meeting until the June 17, 2019 Commission Meeting*

In Commissioner Mealor's absence, there was a motion by Chairman Hall, seconded by Commissioner Crawford, and voted unanimously to table this appointment until the July 15, 2019 Commission meeting.

2. Phil DeMore and Holly Borrow: Commissioner Crawford  
*\*Note: Tabled at the May 20, 2019 Commission Meeting until the June 17, 2019 Commission Meeting*

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to reappoint Phil DeMore (pending receipt of a complete application) and appoint Dr. Stephanie Almagno to the Ethics Panel.

**HOSPITAL AUTHORITY**

1. Victor Anderson (Term Expiration): Commissioner Tench
2. Dolly Ritchie (Term Expiration): Commissioner Crawford
3. James Carboy (Term Expiration): At-Large

Commissioner Nichols was granted a point of personal privilege and stated he felt there were good people on the Authority, and it would be a mistake to replace them until a definitive agreement is reached with Northeast Georgia Health System. He made a motion to table all appointments to the Hospital Authority in an effort to provide stability with hospital leadership during the due diligence period with Northeast Georgia Health System. The motion read that appointments were tabled until a definitive agreement is executed between Habersham County, the Hospital Authority, and Northeast Georgia Health System, or until November 1, 2019, whichever comes first.

There was discussion specifying the date/meeting the appointments were being tabled until. Once decided, there was a motion by Commissioner Nichols, seconded by Commissioner Crawford to table all appointments to the Hospital Authority in an effort to provide stability with hospital leadership during the due diligence period with Northeast Georgia Health System. The motion read that appointments were tabled until a definitive agreement is

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executed between Habersham County, the Hospital Authority, and Northeast Georgia Health System, or until November 18, 2019, whichever comes first.

There was no further discussion.

County Attorney Hunt clarified that if a definitive agreement was reached prior to the October Commission meeting, the appointments would automatically appear on the October Commission meeting agenda.

Discussion ensued on whether an agreement could be reached by October.

Hearing no further discussion, Chairman Hall called the vote. The motion was passed unanimously.

**DEPARTMENT OF FAMILY AND CHILDREN SERVICES BOARD**

1. Rick Wood (Term Expiration): Chairman Hall

Motion by Chairman Hall, seconded by Commissioner Nichols, and voted unanimously to table this appointment until the July 15, 2019 Commission Meeting.

**LIBRARY BOARD**

1. David Cleghorn (Term Expiration): At-Large
2. Jennifer Garrett (Term Expiration): At-Large
3. Patrick Ledford (Term Expiration): At-Large

Motion by Commissioner Nichols, seconded by Commissioner Crawford, and voted unanimously to reappoint David Cleghorn, Jennifer Garrett, and Patrick Ledford to the Library Board.

**UNFINISHED BUSINESS: NONE**

**NEW BUSINESS:**

- a. Consider/Approve Temporarily Eliminating the Current Procedure of Requiring a 90-day Break in Service when Changing from Full-Time to Part-Time Employment for E911 Operators, Paramedic/EMTs, and Firefighters through the end of FY2020

Phil Sutton (County Manager), Vinitha Robinson (Human Resources Director), Chad Black (Emergency Services Director), and Lynn Smith (EMA/E911 Director) addressed the Board regarding the proposed changes in procedure.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve the exception to the procedure requiring a 90-day break in service when changing from full-time to part-time employment for E911 Operators, Paramedic/EMTs, and Firefighters through the end of FY2020.

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- b. Consider/Approve Habersham County Security Awareness Testing and Training Policy

Phil Sutton (County Manager) and Tracy Williamson (IT Director) addressed the Board regarding the Security Awareness Testing and Training Policy.

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to approve the Habersham County Security Awareness Testing and Training Policy.

- c. Consider/Approve the Minutes of the Commission Meeting held on Monday May 20, 2019 **(Moved Due to a Motion to Amend the Agenda Earlier in the Meeting)**

Motion by Chairman Hall, seconded by Commissioner Nichols, and voted unanimously to table approval of the May 20 regular meeting minutes until they are amended to include the time the meeting recording began due to technical difficulties.

**ADDITIONAL COMMENTS:**

There were no additional comments.

**EXECUTIVE SESSION:** Litigation Pursuant to O.C.G.A. 50-14-2(1)

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to enter into executive session to discuss Litigation after a five-minute recess. (6:57 p.m.)

**ROLL CALL VOTE**

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

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

Motion by Commissioner Crawford, seconded by Commissioner Nichols, and voted unanimously to come out of closed session. (7:11 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.

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

**ADJOURN: 7:12 p.m.**

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

Respectfully submitted,

By: \_\_\_\_\_  
Chairman Stacy Hall

Attest: \_\_\_\_\_  
County Clerk Lindsay Underwood

**Posted by:** County Clerk Lindsay Underwood, June 19, 2019