

**HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, JANUARY 11, 2021
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN STREET
CLARKESVILLE, GA 30523**

A meeting of the Habersham County Board of Commissioners was held on Monday, January 11, 2021 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse in Clarkesville, Georgia.

Present: Commissioner Bruce Palmer; Commissioner Bruce Harkness; Commissioner Dustin Meador; Commissioner Jimmy Tench; Commissioner Tim Stamey; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; County Department Directors, Individuals from the Media and Public.

County Manager Phil Sutton called the meeting to order at 6:00 p.m.

Commissioner Palmer led the Invocation.

Commissioner Meador led the Pledge of Allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to adopt the agenda as presented.

ELECT CHAIR AND VICE CHAIR FOR 2021

County Manager Phil Sutton turned the meeting over to County Attorney Donnie Hunt to conduct the election for Chairman for 2021.

Attorney Hunt asked for nominations for Chairman for 2021.

Commissioner Stamey nominated Commissioner Meador to serve as Chairman for 2021.

Attorney Hunt asked if there were any other nominations. Hearing none, he asked for a motion to close nominations.

Motion by Commissioner Palmer to close nominations for Chairman. Attorney Hunt called the vote.

Commissioner Tench-aye
Commissioner Meador-aye
Commissioner Stamey-aye
Commissioner Palmer-aye
Commissioner Harkness-aye

MOTION PASSES 4-1

Commissioner Meador will serve as Chairman for 2021.

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Attorney Hunt turned the meeting over to Chairman Mealor.

Chairman Mealor asked for nominations for Vice Chair for 2021.

Commissioner Palmer nominated Commissioner Stamey to serve as Vice Chairman for 2021.

Chairman Mealor asked if there were any other nominations. Hearing none, he asked for a motion to close nominations.

Motion by Commissioner Harkness to close nominations for Vice Chairman. Chairman Mealor called the vote.

Commissioner Tench-nay
Commissioner Mealor-yea
Commissioner Stamey-yea
Commissioner Palmer-yea
Commissioner Harkness-yea

MOTION PASSES 4-1

Commissioner Stamey will serve as Vice Chairman for 2021.

APPOINT / REAPPOINT (Annual Appointments):

a. County Attorney

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to reappoint County Attorney Donnie Hunt.

b. County Clerk

Motion by Commissioner Stamey, seconded by Commissioner Harkness, and voted unanimously to reappoint County Clerk Lindsay Underwood.

PRESENTATIONS/ANNOUNCEMENTS:

- a.** All County Offices, excluding the Landfill, will be closed on Monday January 18, 2021 in observance of Martin Luther King Jr. Day.
- b.** The Habersham County Board of Commissioners has scheduled their Annual Retreat on Tuesday January 26, 2021 from 8:30 a.m. until 5:00 p.m. at Habersham Medical Center in the West Wing Classroom.

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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. First Reading: Amendments to Alcohol Excise Tax Ordinance and Fee Schedule
Chairman Mealor turned the meeting over to County Attorney Donnie Hunt to conduct the Public Hearing.

County Attorney Donnie Hunt explained that the Amendments to the Alcohol Excise Tax Ordinance are being presented due to the fact there had been some miscalculations in the way Alcohol Excise Tax had been collected from vendors that distribute alcohol for wholesale. The collection of the tax is further complicated since a portion of the taxes collected in the cities goes to the School Board. Due to recent changes in the Finance Department, it was discovered that the way the distribution is calculated needed to be looked at and more concise language needed to be put in place to help clarify some questions and make the process more consistent. Recently, the State Department of Revenue decided to take over administering Alcohol Excise Tax for wholesalers. However, they may not have regulations in place until possibly July 2021 at the earliest. A new form will be distributed to vendors to educate them on how to calculate their taxes. Additionally, the amendments require wholesale vendors to apply for a business license at a proposed fee of \$150. There will be a second reading of the amendments at the February 15, 2021 meeting.

County Attorney Donnie Hunt asked for comments in favor of the amendments. There were none.

County Attorney Donnie Hunt asked for comments in opposition of the amendments. There were none.

County Attorney Donnie Hunt turned the meeting over to Chairman Mealor.

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. Cheryl Kowalsky: Zoning Change on Chase Rd.
2. Damon Bush: Dangers of building town homes on Chase Rd.
3. Jon Lundy: Chase Rd. Development- Mr. Lundy was not present at the meeting to speak.
4. Karen Sellers-Lewallen: Chase Rd. Development- Dorothy Sellers was originally signed up to speak but was not present at the meeting, Karen Sellers-Lewallen spoke in her place.

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5. Doug McDonald: Mr. McDonald declined to speak.

Commissioner Harkness announced he has requested staff increase the size of the Public Notice signs for zoning changes so that people can see them better, and they are more conspicuous, so the public is more aware. Discussion ensued, it was determined that Mike Beecham, Planning and Development Director, will enlarge the signs.

CONSENT AGENDA:

Motion by Commissioner Harkness, seconded by Commissioner Palmer, and voted unanimously to adopt the Consent Agenda as follows:

- a. Consider/Approve the Minutes of the December 21, 2020 Commission Work Session
- b. Consider/Approve the Minutes of the December 21, 2020 Commission Meeting
- c. Consider/Approve the Minutes of the December 21, 2020 Executive Session
- d. Consider/Approve Addendum #1 for the FY2021 Contract with Legacy Link
- e. Consider/Approve Compliance Documents for the FY2021-22 Agreement with the Legacy Link
- f. Consider/Approve Corporate Resolutions for Bank Signatures for 2021 and Authorize the County Manager to Ensure the Correct Personnel is Listed Prior to Submittal to the Bank
- g. Consider/Approve Board of Tax Assessors Affidavit 2020-10
- h. Consider/Approve Renewal of Facility Usage Agreement with Aquatic Fitness Specialists
- i. Consider/Approve Renewal of Facility Usage Agreement with North Georgia School of Aikido, LLC
- j. Consider/Approve Alcohol License Renewal for Nacoochee Valley Grill, LLC for Sales of Malted Beverages, Wine, and Distilled Spirits for Consumption on Premises at the Property

REPORTS:

- a. Fiscal Status: Heidi Hook
- b. Manager's Report: Phil Sutton

APPOINTMENTS:

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DBHDD REGION 1 ADVISORY COUNCIL- To serve the remainder of a three-year term ending November 30, 2021

**Note: Tabled indefinitely at the September 21, 2020 Commission Meeting.*

1. Steve Lindley (Resignation): At-Large Appointment

CHESTATEE-CHATTAHOOCHEE RC&D- One-year term

1. Don Fraser (Resignation)- At-Large Appointment

**Note: Tabled indefinitely at the October 19, 2020 Commission Meeting.*

Motion by Commissioner Tench, seconded by Commissioner Stamey, and voted unanimously to appoint Commissioner Palmer to the Chestatee-Chattahoochee RC&D.

2. Andrea Harper (Term Expiration)- At-Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Palmer, and voted 4-1 to reappoint Andrea Harper to the Chestatee-Chattahoochee RC&D.

Commissioner Tench-nay
Commissioner Meador-yea
Commissioner Stamey-yea
Commissioner Palmer-yea
Commissioner Harkness-yea

MOTION PASSES 4-1

HOSPITAL AUTHORITY- To serve the remainder of a three-year term ending June 30, 2022

1. Victor Anderson (Resignation)- At-Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously to nominate the following slate of names for the Hospital Authority:

Lynn Echols
Leigh Hunnicutt
Sue Crane

BOARD OF HEALTH

1. Tim Stamey (Term Expiration): At-Large

**Note: This appointment will serve their elected term. Must be the Chairman of the BOC, or a County Commissioner designated to serve by the Chairman of the BOC.*

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Motion by Chairman Mealor, seconded by Commissioner Harkness, and voted unanimously to reappoint Commissioner Stamey to the Board of Health.

2. Tom McCoy (Term Expiration)- At-Large Appointment (Six-Year Term)

Motion by Commissioner Stamey, seconded by Commissioner Harkness, and voted unanimously to reappoint Tom McCoy to the Board of Health.

AVITA COMMUNITY PARTNERS

**Note: This appointment will serve their elected term. Must be an elected/appointed official.*

1. Tim Stamey (Term Expiration): At-Large Appointment

Motion by Commissioner Stamey, seconded by Commissioner Harkness, and voted unanimously to appoint Commissioner Palmer to the AVITA Community Partners Board.

RECREATION BOARD

1. Andrew Gailey (Term Expiration)- Commissioner Palmer's Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously to reappoint Andrew Gailey to the Recreation Board.

2. Michael Buelow (Term Expiration)- Commissioner Mealor's Appointment

Motion by Chairman Mealor, seconded by Commissioner Stamey, and voted unanimously to table this appointment until the February meeting.

BOARD OF TAX ASSESSORS

1. Phil Neeley (Term Expiration)- Commissioner Tench's Appointment

Motion by Commissioner Tench, seconded by Commissioner Harkness, and voted unanimously to table the appointment until the February meeting.

GEORGIA MOUNTAINS REGIONAL COMMISSION

1. Natalie Crawford (Term Expiration): At-Large

**Note: Must be the Chairman of the BOC, or a County Commissioner designated to serve by the Chairman of the BOC.*

Motion by Chairman Mealor, seconded by Commissioner Harkness, and voted unanimously to appoint Commissioner Palmer to the Georgia Mountains Regional Commission.

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UNFINISHED BUSINESS:

- a. Second Reading and Vote: Amendments to Habersham County's Comprehensive Land Development Ordinance

**Note: Tabled at the December 21, 2020 Meeting until the January 11, 2021 meeting.*

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to approve Amendments to Habersham County's Comprehensive Land Development Ordinance.

NEW BUSINESS: NONE

ADDITIONAL COMMENTS:

Commissioner Tench mentioned that holding the Winter Retreat may be an issue if things do not get better with COVID. He asked if there would be a way to call in. County Manager Phil Sutton stated that, if anyone wanted to call in, it could be arranged.

Commissioner Harkness asked if there were any precautions being taken in consideration of COVID. County Manager Phil Sutton explained that masks would be required at all times, that only 14 people are being allowed in the room at one time to allow for social distancing, and that teleconference options would be available if needed. He asked if staff needed to consider rescheduling the retreat due to the Commission's concerns, each of the Commissioners stated they didn't have a problem proceeding with the Retreat as planned.

Commissioner Harkness stated that he was thankful to be on the Commission, and he is thankful for the people who put him on the Commission. He added that the Commission is going to look at salaries for County employees, and options for increasing salaries for employees to show their appreciation.

Commissioner Palmer stated that it was a new year, and he is grateful for the people who put faith in him to be a Commissioner. He added that his door is always open, and his phone is always on if anyone needs him.

Commissioner Stamey asked for Sheriff Terrell to provide an overview of some of their recent activity on Chase Road. Sheriff Terrell stated that they have been working that road heavily and wrote 32 tickets last month. Georgia State Patrol is also working the road as they are available to help mitigate some of the speeding issues. He confirmed that the speed limit is 35, and that one of the wrecks that destroyed a subdivision sign that was mentioned during public comments was a DUI. The Sheriff's Department and the State Patrol will continue to patrol Chase Road as resources are available.

EXECUTIVE SESSION: NONE

ADJOURN: 7:08 p.m.

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Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to adjourn.

Respectfully submitted,

By: _____
Chairman Dustin Mealor

Attest: _____
County Clerk Lindsay Underwood