

**HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING**  
**6:00 P.M., MONDAY, FEBRUARY 15, 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, February 15, 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; Chairman Dustin Mealor; Commissioner Jimmy Tench; Vice-Chairman Tim Stamey; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; County Department Directors; Individuals from the Media and Public.

Chairman Mealor called the meeting to order at 6:02 p.m.

Commissioner Harkness led the Invocation.

Chairman Mealor led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Motion by Chairman Mealor, seconded by Commissioner Harkness, and voted unanimously to amend the agenda as follows:

Remove item d. Consider/Approve Habersham County Social Media Policy from the Consent Agenda and place it as item e. under New Business. Add item f. Consider/Approve Request from Probate Court to change a Part-Time Deputy Clerk Position to a Full-Time Deputy Clerk Position to New Business.

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

**PRESENTATIONS/ANNOUNCEMENTS:**

- a. Recognition of Retirees from Habersham County. Recognition of Heidi Hook for her service as former Finance Director for Habersham County.

**BOARD OF APPEALS:**

1. Appeal of the Planning Commission's Approval on January 5, 2021 of a 199' Wireless Telecommunications Tower located at 493 Antique Alley Drive

Chairman Mealor asked for a motion to recess as the Board of Commissioners and enter into session as the Board of Appeals to hear an appeal of a decision of the Planning Commission.

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to recess as the Board of Commissioners and enter into session as the Board of Appeals (6:11 p.m.).

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County Attorney Donnie Hunt announced that each side would receive 10 minutes total to speak and advised they would need to determine whether they divide the time up or appoint a spokesperson.

County Attorney Hunt asked for those in favor of the appeal to raise their hands, there were several individuals present to speak in favor of the appeal. Larry Shedd addressed the Board as the representative of those in favor of the appeal.

Chairman Mealor asked if there were questions from the Board. Much discussion ensued.

County Attorney Donnie Hunt asked for those against the appeal (for the construction of the cell tower).

Mark Alley (493 Antique Alley Drive, Clarkesville) addressed the Board in opposition of the appeal.

Shamaury Myrick (Verizon Wireless Agent/Representative) addressed the Board in opposition of the appeal.

Chairman Mealor asked if there were questions from the Board. Much discussion ensued.

County Attorney Donnie Hunt closed the public hearing and turned the meeting over to Chairman Mealor.

Chairman Mealor asked if there were questions/discussion from the Board. Much discussion ensued.

Motion by Chairman Mealor, seconded by Commissioner Harkness, to approve the Appeal of the Planning Commission's January 5<sup>th</sup>, 2021 decision regarding CU-20-07, setting aside the Planning Commission's decision (which will not allow the tower to be constructed).

**ROLL CALL VOTE**

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

**MOTION PASSES 4-1**

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to close the Appeals Board and reconvene in regular session (7:09 p.m.).

**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.**

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1. CU-21-01: William Visi is Seeking a Conditional Use to Establish an Event Venue and the Customary Accessory Buildings Associated with this use for the Purpose of Providing Various Services and Activities, such as Weddings and other Social Gatherings. The Tract is Located at 1261 Preacher Campbell Road and is Further Identified as Map 020 Parcel 030.

Mike Beecham, Planning and Development Director, addressed the Board. The applicant has 22.2 acres and proposes using the property to hold small weddings. There is an existing Farm Winery tasting room on the site, and the hope is that weddings will increase the tasting room business. The events will be held outdoors or within tents. There will be no new construction associated with the weddings. These will be small events with up to 50 guests. The property is located on Preacher Campbell Road and is currently served by a single lane driveway. Concerns have been expressed about the driveway not being large enough to accommodate entering and exiting traffic simultaneously. The applicant has stated he will abide by the County's noise ordinance, and that any outdoor lighting will be dark sky compatible, but no additional lighting is planned. The Planning Commission heard this item and recommended approval with conditions as follows:

- Events are to be restricted to outdoors or tents only.
- Events are to be held only on Saturdays.
- There will be a maximum of 50 guests.
- All events will end by 9 p.m.
- Any outdoor lighting used in conjunction with events will be dark sky compatible.
- The existing driveway must be improved to Habersham County commercial standards.
- No new construction shall be done in conjunction with the weddings.

Chairman Meador turned the meeting over to County Attorney Donnie Hunt to conduct the public hearing.

County Attorney Donnie Hunt announced that each side would receive 10 minutes total to speak and would need to determine whether they divide the time up or appoint a spokesperson.

County Attorney Hunt asked for those in favor of the conditional use application to raise their hands, there were a few individuals present to speak in favor of the conditional use application.

The following individuals spoke in favor of the conditional use application:

William Visi-1261 Preacher Campbell Road  
John Liden- 205 Honeysuckle Lane  
April James- 1019 Preacher Campbell Road  
Susan Visi- 1261 Preacher Campbell Road

Chairman Meador asked if there were questions/discussion from the Board. Much discussion ensued.

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County Attorney Hunt asked for those in opposition of the conditional use application to raise their hands, there were approximately 6 individuals present to speak in opposition of the conditional use application. They said they would split the time between 3-4 individuals.

The following individuals spoke in opposition of the conditional use application:

Greg Dobson-1260 Preacher Campbell Road  
Cherri Hendrix- 274 Stonebank Road  
Martine Olsen- 1644 Echota Road

Chairman Mealor asked if there were questions/discussion from the Board. Discussion ensued.

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

Chairman Mealor asked if there were questions/discussion from the Board. Much discussion ensued.

Motion by Commissioner Stamey, seconded by Commissioner Harkness, and to not approve/to deny CU-21-01 for the tract located at 1261 Preacher Campbell Road.

**ROLL CALL VOTE**

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

**MOTION PASSES 5-0**

The meeting adjourned for a brief recess at 7:54 p.m. and reconvened at 8:01 p.m.

**PUBLIC COMMENTS: NONE**

**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.**

**CONSENT AGENDA:**

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

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- a. Consider/Approve the Minutes of the January 11, 2021 Commission Meeting
- b. Consider/Approve January 26, 2021 Retreat Report provided by the Carl Vinson Institute of Government (CVIOG)
- c. Consider/Approve Affidavit 2020-11
- d. Consider/Approve Engaging Carl Vinson Institute to Perform a Classification and Compensation Study for Habersham County and Authorize County Manager Phil Sutton to Sign Related Documents
- e. Consider/Approve Alcohol License Application for Riverbend Convenience located at 1941 Hwy 105 for Sales of Malted Beverages and Wine Package Sales at the Property
- f. Consider/Approve Alcohol Sales Renewal for Old Batesville General Store Restaurant located at 11801 Hwy 197 N for Sales of Malted Beverages and Wine for Consumption on Premises at the Property
- g. Consider/Approve Habersham County Emergency Services Applying for the Opportunity for Purchase of 10 LUCUS CPR Devices through the Assistance to Firefighters Grant

**REPORTS:**

- a. Fiscal Status: Tim Sims
- b. Manager's Report: Phil Sutton

**APPOINTMENTS:**

**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

This item remained on the table.

**RECREATION BOARD**

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

Motion by Chairman Mealor, seconded by Commissioner Stamey, and voted unanimously to appoint Alan Irvin to the Recreation Board.

**BOARD OF TAX ASSESSORS**

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

Commissioner Tench nominated Chief Appraiser Joan Church to serve on the Board of Tax Assessors and provided a copy of something to County Attorney Donnie Hunt that said she could serve. Commissioner Tench also claimed that the Board of Commissioners cannot remove individuals from the Board of Tax Assessors without cause without holding a hearing with Superior Court, and if they do, they will face wrongful termination lawsuits. There was no second for Commissioner Tench's nomination. Discussion was held on the fact that members are replaced on the Board of Tax Assessors at the end of their terms, and that members serve at-will. Commissioner Stamey asked for County Attorney Donnie Hunt to investigate the legality of the Chief Appraiser serving on the Board of Assessors, as well as the legality of removing members of the Board of Tax Assessors, and report back. Commissioner Harkness said that Mrs. Church had not applied to serve on the Board of Tax Assessors. Per policy, she will have to submit an application to be considered for appointment.

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

**UNFINISHED BUSINESS:**

- a. Second Reading and Vote: Amendments to Alcohol Excise Tax Ordinance and Resolution Amending the Habersham County Fee Schedule**

Mike Beecham, Planning and Development Director, addressed the Board. Revisions were made to the proposed amendments since the first reading due to some clarification needed by Finance on a calculation in the ordinance. These revisions will mandate how these accounts are required to report until the State takes over collection of Alcohol Excise Taxes for wholesalers. The language on the agenda also allows for the Fee Schedule to be amended in order to create a \$150 wholesale license fee for the Planning and Development Department.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to approve Amendments to the Alcohol Excise Tax Ordinance and Resolution Amending the Habersham County Fee Schedule.

**NEW BUSINESS:**

- a. Consider/Approve Award of Bid for Pardue Mill Road Bridge Repairs**

Derick Canupp, Sr. Public Works Director, addressed the Board. Pardue Mill Road has been shut down since October, bids for repairs have been received, there was a low base-bid that staff is recommending Commission approval of. The City of Demorest contacted Mr. Canupp today to let him know they want to participate in the additive bid that was included in the bid, the additive bid expense will be fully funded by the city.

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Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to approve Award of Bid for Pardue Mill Road Bridge Repairs.

- b. Consider/Approve COLA Increase for County Employees, Pay Increase for CDL Drivers in the Public Works Department, and Related Budget Adjustment**

County Manager Phil Sutton addressed the Board, both increases were discussed during the budget process last year but were put on hold due to concerns surrounding COVID. They were brought up again during the Commission's Annual Retreat and were discussed during the Work Session. The Commission expressed that the intent behind these increases is to increase employee morale, and to retain and attract qualified employees.

Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to approve the COLA Increase for County Employees, Pay Increase for CDL Drivers in the Public Works Department, and Related Budget Adjustment.

- c. Consider/Approve Habersham County Board of Commissioners Mission Statement**

Carolyn McDuffie, Public Information Officer, addressed the Board. The Board of Commissioners discussed the Mission Statement at-length during their Retreat and came up with a draft statement. Staff since worked to refine the statement, and now the two options are being presented for consideration.

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to approve the staff version of the mission statement.

- d. Consider/Approve Revocation of the Previously approved 6-unit T-Hangar Project and Approve Construction of a 9 or 10-Unit T-Hangar at Habersham County Airport and Authorize County Manager Phil Sutton to Sign Necessary Documents to Secure a 15-20 Year Loan to be Paid-Off with Hangar Rental Proceeds**

County Manager Phil Sutton and Airport Commission Chairman Franklin Brown addressed the Board. This item requests the Commission revoke the previously approved 6-unit T-hangar project and approve construction of a 9 or 10-unit T-hangar for the Airport. There is a waitlist of pilots wanting hangars, and continual growth in interest in hangars at the Airport. The Airport Commission approved this item at their last meeting, but it requires Commission approval before proceeding.

Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to Approve the Revocation of the Previously Approved T-hangar Project and Approve Construction of a 9 or 10-Unit T-Hangar at Habersham County Airport and Authorize County Manager Phil Sutton to Sign Necessary Documents to Secure a 15-20 Year Loan to be Paid-Off with Hangar Rental Proceeds.

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- e. Consider/Approve Habersham County Social Media Policy (Moved During Adoption of Agenda)

Carolyn McDuffie, Public Information Officer, addressed the Board. This item was discussed at-length during the Commission's Annual Retreat and during the Work Session prior to the meeting.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to amend the Social Media Policy by striking item i. and moving the other items up.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to adopt the Social Media Policy as amended.

- f. Consider/Approve Request from Probate Court to change a Part-Time Deputy Clerk Position to a Full-Time Deputy Clerk Position (Added During Adoption of Agenda)

County Manager Phil Sutton addressed the Board. This request from the Probate Court came in during the afternoon today. Due to some turnover issues in the department, and the increasing number of permits and licenses being processed through the office, Probate Judge Pam Wooley believes that converting a part-time position to full-time will assist with their work load and asks that the Commission consider changing the position.

Motion by Commissioner Harkness, seconded by Commissioner Tench, and voted unanimously to approve the request from Probate Court to change a Part-Time Deputy Clerk Position to a Full-Time Deputy Clerk Position.

**ADDITIONAL COMMENTS:**

Commissioner Harkness had no additional comments

Commissioner Tench had no additional comments

Chairman Mealor had no additional comments.

Commissioner Stamey had no additional comments.

Commissioner Palmer congratulated Commissioner Stamey on recently completing all courses for becoming a Certified County Commissioner.

**EXECUTIVE SESSION: Property Acquisition/Disposal and Litigation**

Motion by Commissioner Stamey, seconded by Commissioner Harkness, and voted unanimously to enter into executive session to discuss Property Acquisition/Disposal and Litigation (8:47 p.m.)

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**ROLL CALL VOTE**

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

**MOTION PASSES 5-0**

Present: Chairman Dustin Mealor; Commissioners Tim Stamey, Bruce Harkness, Bruce Palmer, and Jimmy Tench; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood; Public Works Director Derick Canupp (for Property Acquisition/Disposal discussion only)

Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to come out of closed session. (9:23 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 Harkness, seconded by Commissioner Stamey, and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously to approve authorizing the County Manager to negotiate and close on avigation easements near Habersham County Airport.

**ADJOURN 9:25 p.m.**

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

Respectfully submitted,

By: \_\_\_\_\_  
Chairman Dustin Mealor

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