

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, MARCH 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, March 15, 2021 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse in Clarkesville, Georgia.

Present: Chairman Dustin Mealor; Vice-Chairman Tim Stamey; Commissioner Bruce Palmer; Commissioner Bruce Harkness; Commissioner Jimmy Tench; 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 6:00 p.m.

Commissioner Stamey led the Invocation.

Chairman Mealor 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.

PRESENTATIONS/ANNOUNCEMENTS:

- a. All County Offices, excluding the Landfill, will be closed on Friday April 2, 2021 in observance of Good Friday. The Landfill will be open on April 2, 2021.
- b. Members of the Habersham County Commission may attend departmental budget review meetings on the following dates at the following times:
 - Tuesday March 23, 2021 from 1:00 p.m. to 5:00 p.m.
 - Wednesday March 24, 2021 from 9:00 a.m. to 3:00 p.m.
 - Tuesday March 30, 2021 from 8:30 a.m. to 2:30 p.m.
 - Wednesday March 31, 2021 from 8:30 a.m. to 2:30 p.m.A quorum of the Commission may be present; no votes will be taken. Due to the County's response to COVID-19, the maximum number of people, other than staff, allowed in the meeting space at any given time will be approximately 12 people to allow for proper social distancing. The meetings will be live streamed on the County's website www.habershamga.com.
- c. Resolution Recognizing the Joseph Habersham Chapter of the Sons of the American Revolution

BOARD OF APPEALS:

- 1. Appeal from the Habersham County Planning Commission – Consideration of Motion to Rescind Previous Decision of Board of Appeals and Scheduling of New Hearing

Chairman Mealor asked for a motion to recess as the Board of Commissioners and enter into session as the Board of Appeals.

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Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to recess as the Board of Commissioners and enter into session as the Board of Appeals (6:09 p.m.).

County Attorney Donnie Hunt asked that the Board consider adjourning into Executive Session to discuss the legal ramifications of this decision with counsel.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to enter into executive session (6:10 p.m.)

ROLL CALL VOTE

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

MOTION PASSES

Present: Chairman Dustin Meador; Commissioners Tim Stamey, Bruce Harkness, Bruce Palmer, and Jimmy Tench; County Attorney Donnie Hunt; County Manager Phil Sutton; County Clerk Lindsay Underwood

Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to come out of closed session and reconvene as the Board of Appeals. (6:36 p.m.)

Motion by Commissioner Stamey, seconded by Commissioner Palmer, and voted unanimously to rescind the previous decision of the Board of Appeals made at the February 15th meeting regarding the Verizon Cell Tower Appeal, and schedule a new hearing.

Chairman Meador announced that by the Commission's Rules of Procedure, this will go on the next meeting agenda for April 19, 2021 for consideration unless the matter is resolved prior to that date, and that the decision was made because the County anticipates there to be suit filed in federal court on this matter.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, and voted unanimously to close the Appeals Board and reconvene in regular session (6:38 p.m.).

PUBLIC HEARINGS: NONE

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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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. Elena Saville, 287 Diamond Drive, Clarkesville: Motion from Planning (CLDO/County Ordinances)

CONSENT AGENDA:

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

- a. Consider/Approve the Minutes of the February 15, 2021 Work Session
- b. Consider/Approve the Minutes of the February 15, 2021 Commission Meeting
- c. Consider/Approve the Minutes of the February 15, 2021 Executive Session
- d. Consider/Approve Board of Tax Assessors Affidavit 2020-12
- e. Consider/Approve Board of Tax Assessors Affidavit 2020-13
- f. Consider/Approve Ratification of the Approval of Logo Use for Mountain Lake Publishing, Inc. d.b.a. Vacation Guide
- g. Consider/Approve Revisions to the Habersham County Board of Commissioners Rules of Procedure
- h. Consider/Approve Alcohol Sales Application for Batesville Junction Store located at 13440 Hwy 197N for Sales of Malted Beverages and Wine Package Sales at the Property
- i. Consider/Approve Permission for Emergency Services to Apply for SAFER Grant
- j. Consider/Approve Purchase of Truck for Environmental Health (\$28,138 Paid from Reduction in the Remaining FY21 Balance Owed for Health Department Expenses through June 2021)
- k. Consider/Approve Award of Bid for Firefighter Turnout Gear to NAFCO

REPORTS:

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

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c. Accountability Courts Report

Judge Smith, Judge Caudell, District Attorney George Christian, and Accountability Court Staff and Representatives gave a presentation regarding Accountability Courts.

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

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to appoint Brenda Hardy to the DBHDD Region 1 Advisory Council.

BOARD OF TAX ASSESSORS- 3-year term

*Note: Tabled at the February 15, 2021 Commission Meeting until the March 15, 2021 Commission Meeting.

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

Motion by Commissioner Tench, seconded by Commissioner Harkness, to appoint Joan Church to the Board of Tax Assessors.

Commissioner Harkness-yea

Commissioner Tench-yea

Chairman Meador-nay

Commissioner Stamey-nay

Commissioner Palmer-nay

MOTION FAILS 2-3

AIRPORT COMMISSION- 3-year term

1. Ken Schubring (Term Expiration)- Commissioner Tench's Appointment

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

2. Clarence Kenneth Black (Term Expiration)- Chairman Meador's Appointment

Motion by Chairman Meador, seconded by Commissioner Palmer, to appoint Christopher Limbach to the Airport Commission.

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

MOTION PASSES 3-2

3. Franklin Brown (Term Expiration)- Commissioner Stamey's Appointment

Motion by Commissioner Stamey, seconded by Commissioner Palmer, to appoint Lawrence Bridges to the Airport Commission.

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

MOTION PASSES 4-1

DEVELOPMENT AUTHORITY- 6-year term

1. Ty Akins (Term Expiration): At-Large Appointment

Motion by Commissioner Stamey, seconded by Chairman Mealor, to appoint Bryan Ferguson to the Development Authority.

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

MOTION PASSES 4-1

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- a. Consider/Approve National Association of Counties (NACo) Membership

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Phil Sutton, County Manager addressed the Board. This item was discussed during the Commission Work Session, ACCG has requested that the County consider rejoining NACo due to their efforts in securing COVID-19 funding for counties. The County was a member of NACo for many years but did not rejoin for the last several years. Mr. Sutton was asked if he recommended joining, he said that he did.

Motion by Commissioner Harkness, seconded by Commissioner Stamey, to re-enter membership with the National Association of Counties (NACo).

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

MOTION PASSES 4-1

- b. Consider/Approve Final Documents Related to SPLOST VII Bond Issuance in the Amount of \$10,900,000 to Expedite the Three Projects Approved in the SPLOST VII Referendum**

Phil Sutton, County Manager; Shaney Loken with Murray, Barnes and Finister; and Andrew Tritt with Stifel, addressed the Board. The Commission needs to approve the Bond Resolution as presented in order to proceed with the issuance of bonds to expedite three projects that were approved in the SPLOST VII bond referendum. The amount has changed from what was originally placed on the agenda. The interest rate that was approved was 0.53% and the County was given a Aa3 bond rating, which according to Mr. Tritt, is impressive for a county the size of Habersham since it's on the higher end of the ratings a county can receive.

Motion by Commissioner Harkness, seconded by Commissioner Palmer, and voted unanimously to approve the bond resolution as presented.

- c. Consider/Approve Automatic Aid Agreement with the City of Baldwin**

Chad Black, Emergency Services Director, addressed the Board. A couple of years ago, Baldwin had pulled out of the automatic aid agreement in place at the time. However, there is new leadership in the City and Baldwin has approved an automatic aid agreement for fire services. Mr. Black is hopeful that there will be an agreement reached soon for automatic aid for EMS with Baldwin. This agreement is mutually beneficial for both Baldwin and the County.

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to approve the Automatic Aid Agreement with the City of Baldwin.

ADDITIONAL COMMENTS: NONE

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EXECUTIVE SESSION: Personnel, Property Acquisition/Disposal, and Litigation

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to enter into executive session to discuss Personnel, Property Acquisition/Disposal, and Litigation (7:21 p.m.) (Reconvened in Executive Session at 7:30 p.m.)

ROLL CALL VOTE

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

MOTION PASSES

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

Motion by Commissioner Palmer, seconded by Commissioner Stamey, and voted unanimously to come out of closed session. (8:06 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 Stamey, seconded by Commissioner Palmer, and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

ADJOURN 8:07 p.m.

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

Respectfully submitted,

By: _____
Chairman Dustin Mealor

Attest: _____
County Clerk Lindsay Underwood