

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING MINUTES
6:00 P.M., MONDAY, AUGUST 16, 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, August 16, 2021, at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse in Clarkesville, Georgia.

Present: Chairman Dustin Mealor; Commissioner Bruce Harkness; Commissioner Jimmy Tench; Commissioner Bruce Palmer; County Attorney Donnie Hunt; Interim County Manager Alicia Vaughn; Deputy Clerk Brandalin Carnes; County Department Directors; Individuals from the media and public.

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

Commissioner Harkness lead the invocation.

Commissioner Harkness lead the Pledge of Allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Harkness, seconded by Commissioner Palmer, and voted unanimously to adopt the agenda.

PRESENTATIONS/ANNOUNCEMENTS: None

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.

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.

- a. **Douglas McDonald:** Declined opportunity for five minutes of public comment.
- b. **E. Saville:** Has concerns regarding item (c) under new business "Consider/Approve Rescinding Resolution Making Superior Court Clerk the Clerk of Magistrate Court" and shared complaints to the Commission regarding Judge Gerald Johnson and Judge Amy Thomas.
- c. **Ray Reed:** Wished to discuss item (b) under new business "Consider/Approve Clarkesville Heights Drive for Maintenance by County Roads Department". Chairman Mealor requested to come back to Mr. Reed when the topic comes up for discussion during new business. Mr. Reed agreed to hold off to discuss the matter until that time.

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CONSENT AGENDA:

Motion made by Commissioner Harkness, seconded by Commissioner Palmer, and voted unanimously to approve the consent agenda.

- a.** Consider/Approve the Minutes of the July 19, 2021 Work Session Meeting
- b.** Consider/Approve the Minutes of the July 19, 2021 Regular Meeting
- c.** Consider/Approve the Minutes of the July 19, 2021 Executive Session
- d.** Consider/Approve Affidavit 2021-1
- e.** Consider/Approve Affidavit 2021-2
- f.** Consider/Approve Purchase of 2021 Ford Edge SUV for District Attorney.
- g.** Consider/Approve Purchase of 2022 Ford F250 Regular Cab Pickup for Fire Department
- h.** Consider/Approve Purchase of 2022 Ford F250 Regular Cab Pickup for Ambulance Services
- i.** Consider/Approve LMIG 2022 Grant Application
- j.** Consider/Approve Award of LMIG SAP (137) to Peek Pavement Markings, LLC
- k.** Consider/Approve Purchase of Panasonic Toughbook's & Accessories for Sheriff's Office
- l.** Consider/Approve Chief Sports, LLC Facility Usage Agreement Renewal
- m.** Consider/Approve Renewal of Hurricanes Swim Team Facility Usage Agreement
- n.** Consider/Approve Renewal of North GA Technical College Facility Usage Agreement
- o.** Consider/Approve Renewal of Piedmont College Facility Usage Agreement
- p.** Consider/Approve Renewal of Rapids Futbol Club Facility Usage Agreement
- q.** Consider/Approve Renewal of Rapids Swim Club Facility Usage Agreement
- r.** Consider/Approve Renewal of Habersham Medical Center "Total Fitness" Facility Usage Agreement

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REPORTS:

- a. Fiscal Status: Tim Sims, Finance Director
- b. Manager's Report: Alicia Vaughn, Interim County Manager
- c. Board of Tax Assessors: Jim Kieger, Chair for the Board of Tax Assessors, reminded the Commission that they had been operating for a large part of the year without a full board. They are now back to having a full board. He informed that the tax digest was completed and approved by the state Revenue Commission without any findings, which allowed the bills to be sent out without delay. He went on to state that the sales ratios met the Department of Revenue's standards. Mr. Kieger went on to inform that they have received new software from justappraised that has been a huge help and time saver, also the number of appeals was 1.5% which is a very good low.
- d. Recreation Department: Kurt Cooper, Parks and Recreation Director, stated that the Recreation Department has started tracking the specific facility uses of those who are checking in to the Aquatic Center. They had 218 participants come in over the course of an 18-day period that only includes Monday, Wednesday, and Friday. Mrs. Peggy Fortson informed the Commission that the fund-raising event they held on August 8th at the Aquatic Center raised \$11,210. Given that the pickleball players have shown their commitment, she asks the Commission to vote to approve the pickleball complex.

APPOINTMENTS:

HOSPITAL AUTHORITY- 3-year term

- 1. Teri Newsome- Term Expires 6/30/2021- District 5 Appointment
Tabled at June, 21, 2021 meeting until November 15, 2021 meeting
- 2. Kerry Loudermilk- Term Expires 6/30/2021- Commissioner Palmer's (District 1) Appointment
**Tabled at July 19, 2021 meeting until August 16, 2021 meeting **

Commissioner Palmer did not realize that one of his intended three candidates for appointment was not on the list of eligible applicants. A motion was made by Commissioner Palmer, seconded by Commissioner Mealor, and voted unanimously to table the District 1 Hospital Authority appointment nominations till the September 20th Commission meeting.

UNFINISHED BUSINESS:

- a. Consider/Approve Bidding Out Pickleball Complex Design & Construction

Recreation Director Kurt Cooper informed the directors that an opportunity was available to fund the construction of a pickleball court through American Rescue Plan (ARP) grant funds. With this

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alternative funding source in mind, he is requesting that the Commission proceed with bidding out the projects design and construction. He states that Peggy Fortson has already reached out to a company who designs tennis courts and that the initial estimates they have presented the Commission are extremely close to the quotes. Peggy Fortson went on to add that the fund-raising event that was held by the pickleball players on August 8th at the Aquatic Center raised over \$11,000. Discussion was had by the Commission, who was in agreeance that money raised by the Pickleball players should be either kept by them and used for their own purposes or donated rather than going towards paying for the court as the County could fund the construction using ARP funds.

Chairman Mealor made a motion to approve Parks & Recreation Director Kurt Cooper, with consultation from the pickleball players, to bid out the design and construction and apply for grant opportunities to fund a 6 court pickleball complex for Habersham County Parks and Recreation. This motion was seconded by Commissioner Palmer and voted unanimously to approve.

NEW BUSINESS:

a. Consider/Approve Application for ARP NTIA Broadband Grant Through Partnership with Windstream

Planning and Development Director Mike Beecham informed the Commission that Habersham County has partnered with Windstream Kinetic to apply for a National Telecommunications and Information Administration (NTIA) Grant that has been made available through the American Rescue Plan. Windstream approached the county regarding applying for this opportunity. The local broadband providers must partner with the local government and any money spent under the grant must be for “future proof” technology, which would mean installation of fiber optic cables. Habersham County has over 5,000 business and single-family homes that are underserved (download speed of less than 25 mbps and upload speed of less than 3 mbps). Windstream is asking for a grant of \$12,013,611 through the NTIA program to upgrade these underserved areas and will provide a match of \$2,679,034. The county would have no monetary obligation. The deadline for the application is tomorrow, August 17, 2021. HEMC is also applying for this same funding but are partnering with the Joint Development Authority.

Motion was made by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously to approve authorization of the county manager to sign the NTIA Broadband Infrastructure Program Grant application.

b. Consider/Approve Clarkesville Heights Dr. For Maintenance by County Road Department

Public Works Director Derick Canupp informed the Commission that last month he was approached by property owners of Clarkesville Heights Drive regarding the county taking over maintenance of their road. The subdivision was approved by the planning commission back in 2004. The roads condition and specifications meet the requirements. There are 16 lots in the subdivision for which conveyances would need to be obtained. If the Commission agrees to accept the road than it would be contingent on right of way acquisition.

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Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously to approve accepting Clarkesville Heights Drive for maintenance contingent on right of way acquisition.

c. Consider/Approve Rescinding Resolution Making Superior Court Clerk the Clerk of Magistrate Court.

Magistrate Court Judge Gerald Johnson states that he takes issue with the roles and responsibilities of the Clerk of Superior Court. He states that when he took office in 2014 that within three months the Clerk of Superior Court was appointed as Clerk of Magistrate Court, consolidating the functions. He states that over the past seven years that there has been a huge disconnect between the Clerk and the Magistrate Court. He has been shut out of his record management program twice in the past seven years, crippling his ability to operate. He also has no ability to manage his own clerks that work with him. He is asking the Commission to rescind the resolution making Superior Court Clerk David Wall the Clerk of Magistrate Court. He wants the ability to appoint his own Clerk for Magistrate Court.

Motion by Commissioner Harkness, seconded by Commissioner Tench and voted unanimously to approve rescinding the resolution allowing the Clerk of Magistrate Court to operate as the Clerk of Superior Court, to approve allowing the Magistrate Judge to appoint a Clerk of the Magistrate Court of his own choice, and to approve the County Attorney, County Manager, Finance Director, Judge Johnson and David Wall to work together to fund the budgeting of the process.

d. Consider/Approve Extended Covid Sick Leave Policy

Human Resource Director Vinitha Robinson asked the Commission to consider extending the Covid Sick Leave Policy that was established in March of 2020. This policy would provide up to 80 hours of sick leave to employees who were exposed to Covid and are having to quarantine. This would prevent the employees from having to use up their own sick leave and vacation leave when they are required to quarantine due to Covid. She is requesting that this be retroactive back to June 30th of 2021 when the policy ended.

Motion made by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously to approve extending the interim sick leave policy for COVID through January 1, 2022 providing up to 80 hours of sick leave (retroactive to June 30th, 2021) for Corona Virus.

e. Consider/Approve Reschedule of November Commission Meeting

County Clerk Brandalin Carnes informed the Commission that the November Commission meeting date of November 15th conflicts the last day of the County ReConnect Conference being held in Savannah that two Commissioners have expressed they wish to attend. Mrs. Carnes suggested that the Commission pick a different date to reschedule the November Commission meeting for so that it can be advertised well in advance of the date. Mrs. Carnes suggested that November 8th as that date is after the election and prior to the Thanksgiving Holiday season. The Commission had discussion regarding potential dates.

Motion made by Chairman Mealor, seconded by Commissioner Harkness and voted unanimously to table the decision regarding rescheduling the November Commission Meeting until the September Commission meeting.

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f. Consider/Approve Authorization of Finance Director to Apply for State ARP Grants

Finance Director Tim Sims informed the Commission that the state of Georgia has been awarded \$4.8 billion dollars to distribute amongst the counties in the state for various projects. The first tranche of these funds is \$2.4 billion. The counties just received notification on August 5th that they only have until August 31st to submit applications for these funds. The funds must be used for specific projects that address the negative economic impact of the Corona Virus such as public health response, public sector revenue loss replacement, broadband infrastructure and water and sewer infrastructure. The Finance Department is assisting the various departments in shot gunning as many applications as possible in hopes of getting as much approved as they can. The deadline of August 31st prevents him from bringing forth individual applications to the Commission for approval, and he is therefore requesting the Commission authorize him in his capacity as the Finance Director, with the approval of the Interim County Manager, to submit various grant applications for projects that are eligible for state ARP funding as well as authorizing the Chairman to execute any all related award application and documents with the restriction that any matching funds come from the local share of the ARP funds that the county has already received.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted to unanimously approve

ADDITIONAL COMMENTS

EXECUTIVE SESSION: Personnel, pursuant to O.C.G.A § 50-14-3(b)(2); Litigation, pursuant to O.C.G.A §50-14-2.

Motion made by Commissioner Mealor, seconded by Commissioner Harkness to enter into executive session for discussion of personnel, pursuant to O.C.G.A § 50-14-3(b)(2) and litigation, pursuant to O.C.G.A §50-14-2 (7:23 p.m.)

ROLL CALL VOTE:

Commissioner Harkness- yea
Commissioner Tench-yea
Commissioner Mealor-yea
Commissioner Palmer-yea

MOTION PASSES

Reconvened in executive session at 7:30 p.m.

Present: Chairman Dustin Mealor; Commissioners Bruce Harkness, Jimmy Tench & Bruce Palmer; County Attorney Donie Hunt; Interim County Manager Alicia Vaughn; County Clerk Brandalin Carnes.

Motion by Commissioner Harkness, seconded by Chairman Mealor and voted unanimously to come out of closed session at 8:54 p.m.

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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 Chairman Mealor seconded by Commissioner Tench and voted unanimously to adopt the representation authorizing such an affidavit per the Attorney's recommendation.

ADJOURN:

Motion by Commissioner Palmer seconded by Commissioner Harkness and voted unanimously to adjourn at 8:54 p.m.

Respectfully Submitted,

By: _____
Chairman Dustin Mealor

Attest: _____
County Clerk Brandalin Carnes