

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Transfer and Assignment of Hangar G-5 Lease

DATE: 01/04/2021

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

COMMISSION ACTION REQUESTED ON: January 20, 2021

PURPOSE: To seek approval from the Board of Commissioners for County Manager Alicia Vaughn to authorize the transfer of Hangar G-5's lease from Franklin L. Brown to Douglas W. McDonald, Sr. on behalf of the Board.

BACKGROUND / HISTORY: On November 16, 2016, the Habersham County Commission approved the transfer of hangar G-5 from Patrick McShane to Franklin L. Brown. The lease for hangar G-5 that was originally entered into by Patrick McShane on January 1, 2004 states in Article XI, section "a": "Lessee shall have the right with prior written consent of Lessor (County) to assign this lease, and any obligations and interest therein, provided each assignee assumes in writing all Lessee's obligations under this lease." Mr. Franklin L. Brown now wishes to transfer the lease along with his rights and responsibilities to hangar G-5 to Mr. Douglas W. McDonald, Sr. and both parties have signed and provided the Transfer and Assignment needed to do so. The approval of the Airport Commission and signature of the County Manager are necessary to execute this transfer. The Airport Commission approved this transfer at their January 10, 2022 meeting. Approval is being sought from the Board of Commissioners to allow for County Manager Alicia Vaughn to authorize this transfer on behalf of the Board.

FACTS AND ISSUES:

- 1) The lease for hangar G-5 was originally entered into by Patrick McShane on January 1, 2004.
 - 2) On November 16, 2015, Habersham County Board of Commissioners authorized and ratified the Airport Authorities approval of the transfer of hangar G-5 from Patrick McShane to Franklin L. Brown.
 - 3) The current request is that this lease be further transferred from Franklin L. Brown to Douglas W. McDonald, Sr. including all rights and responsibilities contained within the lease agreement originally executed to the benefit of Patrick McShane on January 1, 2004.
 - 4) The approval of the Airport Commission and signature of the County Manager are necessary to execute this Transfer and Assignment.
 - 5) The Airport Commission approved this transfer at their January 10, 2022 meeting.
 - 6) Approval is being sought from the Board of Commissioners to allow for County Manager Alicia Vaughn to authorize this transfer on behalf of the Commission.
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OPTIONS:

- 1) Approve recommendation
 - 2) Deny recommendation
 - 3) Commission defined alternative
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RECOMMENDED SAMPLE MOTION: "I move to approve County Manager Alicia Vaughn to authorize the transfer and assignment of hangar G-5's lease and its associated rights and responsibilities from Franklin L. Brown to Douglas W. McDonald, Sr. on behalf of the Board of Commissioners.

DEPARTMENT:

Prepared by: Brandalin D. Carnes

Director: _____

ADMINISTRATIVE

COMMENTS: _____

_____ **DATE:** _____

County Manager

Habersham County Airport Commission

Meeting Minutes

January 10, 2022 at 9:00 a.m.
Habersham Airport Terminal Building
1112 Airport Rd. Cornelia, GA 30531

The Habersham County Airport Commission held a public meeting on Monday, January 10, 2022, at 9:00 a.m. in the conference room in the Habersham County Airport Terminal Building, located at 1112 Airport Rd, Cornelia, GA 30531.

Members Present: Ken Schubring, Greg Caudell, D. Higgins & Lawrence Bridges, Chris Limbach

Members Absent: none

Others Present: County Staff, Members of the Public and Media.

Call to Order: Ken Schubring called the meeting to order at 9:00 a.m.

Invocation and Pledge: Brenda Reed gave the invocation and led the pledge of allegiance.

Adoption of Agenda: Motion by D. Higgins, seconded by Lawrence Bridges and voted unanimously to adopt the agenda.

Approval of Minutes (December 6, 2021, Regular Meeting): Motion by D. Higgins, seconded by Greg Caudell and voted unanimously to approve the minutes of the December 6, 2021 meeting.

Approval of Minutes (December 17, 2021, Work Session): Motion by Greg Caudell, seconded by Lawrence Bridges and voted unanimously to approve the minutes of the December 17, 2021 work session.

Financials: Habersham County Airport Financials dated December 31, 2021, were presented by Interim County Manager Alicia Vaughn. Year to date represented 50% of the fiscal year, therefore expenditures should be less than or equal to 50% and revenue should be at 50% minimum. The actual revenues that were collected were 61% of what was budgeted, and the actual expenses were 47% of what was budgeted. The bank account balance is \$249,815. Total revenues, less total expenses, is \$102,047.

Approval of Financials: Motion by Greg Caudell, seconded by D. Higgins and voted unanimously to approve the December 31, 2021 financials.

Reports:

Blue Sky Aviation: Fuel Sales and Issues: Brenda Reed, Blue Sky Aviation, reported that in the month of December 2021 they sold 5,677 gallons of Low Lead fuel and 2,810 gallons of Jet Fuel, for a total of 8,487 gallons of fuel sold. Inventory for both low lead and jet fuel is good. Michelle Curcio said that there are several lights on the runway and other areas that are out. Brenda said they would do a nighttime fly-in to check the lights because they are very difficult to see in the daytime, so sometimes they don't know the lights are out unless someone tells them. Ken asked Brenda if there have been any trucking issues or delays in receiving fuel and Brenda replied that there is about a week delay now. Fuel prices continue to rise, with low lead currently at \$4.95 and jet fuel at \$4.45 per gallon.

Airport Update: Phil Eberly with Lead Edge Design Group gave the Airport Update. He requested a vote to be taken to move forward with the ROFA and Runway Overlay projects. Once approved by the Board of Commissioners, applications for funding will be submitted to the FAA. We should have an answer on funding from the FAA by mid-2022. The board also needs to vote to recommend their support to Lead Edge to begin design and plan work on proposed box and t-hangars.

Motion by Greg Caudell, seconded by Chris Limbach and voted unanimously to approve recommendation to the Board of Commissioners to submit applications to the FAA for funding of ROFA and Runway Overlay projects.

Motion by Chris Limbach, seconded by Greg Caudell and voted unanimously to allow Lead Edge to prepare a proposal and cost estimates for design and construction of two t-hangars and one 3- or 4-under one roof box hangar.

Airport Business Park Update: none

Old Business: Consider/approve recommendation to amend current land leases to allow commercial business in existing hangars – There were questions regarding why this item is on the agenda because the board thinks this item has already been voted on. Michelle Curcio asked why voting on her single service application isn't on the agenda? Because at the previous meeting, she expressed interest in leasing a new box hangar to run her business out of instead of amending her current lease to allow her to run her business from her existing hangar. The deputy clerk will review previous meeting minutes to determine if this item was previously voted on. Consider/vote to approve Michelle Curcio's application will be added to the February agenda.

New Business:

Election of Officers for 2022 – Chairman, Vice-Chairman, Secretary

Chairman Ken Schubring turned the meeting over to county attorney Ralph Taylor to conduct the election of officers.

Mr. Taylor opened the floor for nominations for Chairman. D. Higgins nominated Ken Schubring to remain as Chairman. Lawrence Bridges seconded the nomination. With no further nominations, Mr. Taylor asked for a motion to close nominations. Motion by Greg Caudell, seconded by Chris Limbach and voted unanimously to close nominations. Mr. Taylor called for the election of Ken Schubring as Chairman, voted unanimously to elect Ken Schubring as the Airport Commission Chairman for 2022.

Mr. Taylor opened the floor for nominations for Vice-Chair. Ken Schubring nominated Lawrence Bridges. D. Higgins seconded the nomination. With no further nominations, Mr. Taylor asked for a motion to close nominations. Motion by D. Higgins, seconded by Chris Limbach and voted unanimously to close nominations. Mr. Taylor called for the election of Lawrence Bridges as Vice-Chair, voted unanimously to elect Lawrence Bridges as the Airport Commission Vice-Chair for 2022.

Mr. Taylor opened the floor for nominations for Secretary. D. Higgins nominated Greg Caudell to remain as Secretary. Chris Limbach seconded the nomination. With no further nominations, Mr. Taylor asked for a motion to close nominations. Motion by D. Higgins, seconded by Lawrence Bridges and voted unanimously to close nominations. Mr. Taylor called for the election of Greg Caudell as Secretary, voted unanimously to elect Greg Caudell as the Airport Commission Secretary for 2022.

Consider/Approve Transfer of Hangar G-5 from Franklin Brown to Doug McDonald -

Motion by Greg Caudell, seconded by Chris Limbach, and voted unanimously to approve transfer of hangar G-5 from Franklin Brown to Doug McDonald.

Consider/Approve Transfer of Hangar A-1 from Doug McDonald to Stefan Kuehnert -

Motion by Greg Caudell, seconded by Chris Limbach, and voted unanimously to approve transfer of hangar A-1 from Doug McDonald to Stefan Kuehnert.

Consider/Approve Contract for Herbicide Spraying – Motion by Greg Caudell, seconded by Chris Limbach and voted unanimously to approve the herbicide contract for the period of April 2022 through March 2023, based on an annual cost of \$9,826 for three years and the option to cancel service every year.

Public Comments (limited to 3 minutes)

Adjournment

The next meeting is Monday, February 7th, 2022, in the Commissioners Conference Room in the Habersham County Administration Building located at 130 Jacob's Way, Clarkesville, GA.

Motion by D. Higgins, seconded by Greg Caudell, and voted unanimously to adjourn the meeting at 10:13 a.m.

Ken Schubring, Chairman

Greg Caudell, Secretary



McDonald & Cody, LLC

ATTORNEYS AT LAW

North Office:

383 U.S. Highway 441 Business
P. O. Box 396
Cornelia, Georgia 30531
O: 706.778.7178
F: 706.776.6371
www.mcdonaldcody.com

North Office:

Douglas W. McDonald, Sr.
P. Gerald Cody, Jr., LLC

January 4, 2022

HAND-DELIVERED:

Alicia Vaughn, Interim County Manager
Brandi Carnes, Habersham County Clerk
Habersham County, Georgia

RE: Hangar G5, Habersham County Airport

Please find attached Transfer and Assignment documents from Franklin L. Brown to me. Hopefully, you will find everything in order. Please place this matter on the Agenda for the January 10, 2022 Habersham County Airport Commission regular monthly meeting, for approval. If you have any questions, please let me know. My cell number is 706-499-8929.

Best wishes,

Douglas W. McDonald, Sr.

DMCDSr:dd
Enclosure

STATE OF GEORGIA
COUNTY OF HABERSHAM

TRANSFER AND ASSIGNMENT OF HANGAR LEASE

This Transfer and Assignment of Hangar Lease is entered into between Franklin L. Brown, 142 Amilee Graves Circle, Clarkesville, GA 30523, Assignor, and Douglas W. McDonald, Sr., Assignee.

WHEREAS, on January 1, 2004, Habersham County, as Lessor and Patrick McShane entered into a certain Lease Agreement for Hangar G-5 ("Lease Agreement"); and

WHEREAS, a true and correct copy of said Lease Agreement is attached hereto as Exhibit "A"; and

WHEREAS, Patrick McShane transferred the Lease Agreement to Franklin L. Brown; and

WHEREAS, the Habersham County Board of Commissioners approved at the transfer at their Nov. 16, 2015 meeting; and

WHEREAS, Franklin L. Brown took possession of Hangar G-5 and became the Lessee as of MARCH 16 2015, to the current date; and

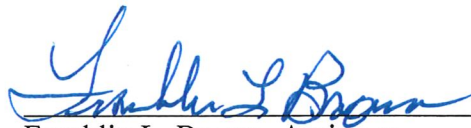
WHEREAS, Franklin L. Brown desires to transfer the Lease Agreement to Douglas W. McDonald, Sr., and Douglas W. McDonald, Sr., has agreed to accept the transfer and assignment of the Lease Agreement;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and adequacy of which are acknowledged by the parties, the parties hereto agree as follows:

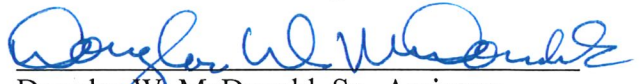
- 1) Assignor does hereby transfer and assign all of his rights and interest in and to the G-5 Lease Agreement to Douglas W. McDonald, Sr.

- 2) The effective date of this Transfer and Assignment shall be the date it is signed by the County Manager.
- 3) Assignee does hereby acknowledge that Assignee is familiar with the Habersham County Airport Rules and Regulations and that Assignee's use of said hangar is subject to said Rules and Regulations.
- 4) This Transfer and Assignment of Hangar Lease shall be interpreted under the laws of the State of Georgia.

This 23 day of Dec, 2021.



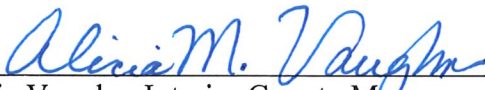
Franklin L. Brown, Assignor



Douglas W. McDonald, Sr., Assignee

EXECUTED AND APPROVED BY:
COUNTY MANAGER:

January 20th, 2022.



Alicia Vaughn, Interim County Manager
Habersham County, Georgia.

LEASE AGREEMENT

This lease is made and entered into this 1st day of January, 2004, at Clarkesville, Georgia by and between Habersham County, the "Lessor" and Patrick McShane, the Lessee.

ARTICLE 1. DEMISE, DESCRIPTION, USE TERM AND RENT

Lessor leases to Lessee, and Lessee leases from Lessor that certain property, hereinafter called the "leased property" situated in Habersham County and described as follows:

HANGAR 5G in HABERSHAM COUNTY AIRPORT

To be used only for the storage of aircraft and in accordance with uses normally incident thereto and for no other purpose for the term of twenty (20) years commencing on January 01, 2004, and ending on December 31, 2024, annual rental of \$1.00 payable as specified in Article 2. Further, Lessee shall not store any fuel, flammable materials, or any other hazardous materials within the hangar.

ARTICLE 2. RENT

Lessee shall pay Lessor through Habersham County Board of Commissioners, 555 Monroe Street, Unit 20, Clarkesville, Georgia 30523, the annual sum of one dollar (\$1.00) and other valuable considerations due and payable in advance on the 1st day of the lease agreement and every anniversary of same thereafter.

ARTICLE 3. LIABILITY/RISK COVERAGE

Lessor agrees to and shall, maintain during the entire term of this lease, coverage on the leased property through a risk management agreement, self-insurance, or any other type of liability coverage, deemed appropriate by the Lessor. This coverage shall be limited to the leased property and shall not include any contents within or on the leased property belonging to Lessee or any third party.

ARTICLE 4. UTILITIES

Lessee shall during the term hereof pay all charges for telephone, gas electricity, sewage and water used in or on the leased premises and for the removal of rubbish therefrom immediately on becoming due and shall hold Lessor harmless for any liability therefor.

ARTICLE 5. WASTE AND NUISANCE

Lessee shall not commit, or suffer to be committed any waste on the leased premises nor shall he maintain, commit, or permit the maintenance or commission of any nuisance on the leased premises or use the leased premises for any unlawful purpose.

ARTICLE 6.

REPAIRS

Lessee shall pay to Lessor an annual maintenance fee of sixty dollars (\$60.00). Fee shall be held in escrow during the term of the lease and used as needed by the Lessor to maintain the leased premises in condition fit for their intended use and to make necessary repairs.

ARTICLE 7.

PERMITTED USES

As to Lessee's personal aircraft, Lessee shall be allowed to perform all maintenance permitted by the FAA Rules and Regulations, as amended for non-certified personnel. Further, within the confines of the subject hangar and on the personal aircraft of Lessee, Lessee may contract for maintenance and repair of aircraft with FAA approved personnel and pursuant to FAA Rules and Regulations as amended. Maintenance and repair shall include but not be limited to annual inspection, general repairs, any repairs necessitated by the FAA personnel following inspection, or any AD requirements for the subject aircraft. The right of the Lessee to perform said maintenance and repairs in accordance with FAA Rules and Regulations as amended is a essential term of this lease. However, Lessee shall not allow within the confines of the hangar any maintenance or repair on any aircraft not owned or jointly owned by Lessee. This paragraph is not intended to allow a Lessee to establish a repair or maintenance shop within any hangar. Lessee shall hold County harmless for any repairs or maintenance performed on the subject aircraft and the County shall in on way be responsible for said work. By executing this agreement, Habersham County does not recognize the qualifications of any owner to conduct maintenance on his or her aircraft nor passes on the sufficiency of any mechanic or certified FAA personnel retained by owner for maintenance and repair

ARTICLE 8.

ALTERATIONS, IMPROVEMENTS AND FIXTURES

Lessee shall have the right to improve, add to or alter the leased premises and to install fixtures thereon, subject to the approval of the Airport Commission, provided however, that he shall not remove any such improvements, additions, alterations, or fixtures without the prior written consent of Lessor, and provided, further, that on expiration or sooner termination of this lease, all improvements, including fixtures and any addition, alteration, or repair to the premises placed on or made to the premises by Lessee during the term, shall revert to and become the absolute property of Lessor, free and clear of any claims against them by Lessee or any third person, and Lessee agrees to hold Lessor harmless from any claims that may be made against such improvements by any third persons. Any fixtures deemed necessary to be removed by the County shall be removed at the expense of Lessee.

ARTICLE 9.

INSPECTION BY LESSOR

Lessee shall permit Lessor, his agents and assigns, the Habersham County Airport Commission and its agents and assigns to enter into and upon the leased premises at all reasonable times for the purpose of inspecting the same or for the purpose of maintaining or making repairs to the premises.

ARTICLE 10.

OPTION TO EXTEND AND HOLD OVER

- a. Lessee is hereby granted and shall, if not in default under this Lease, have an option to extend the term of this Lease for a consecutive annual period not to exceed 5 years. The rent for the hangar shall be equal to the going market rate for hangars at the time of the renewal of each lease term. The market rate shall be established as the rate charged for a similar square footage hangars in similar sized airports in Georgia. The lease shall be renewed under the same terms and conditions herein with the exception of the lease period and rent which shall be payable monthly and in advance on the 1st day of the month.
- b. This option shall be exercised only by Lessee's delivering to Lessor in person or by United States registered or certified mail on or before December 31, 2024
Written notice of this election to extend the term of this lease as herein provided.
- c. In the event Lessee does not extend term of this lease as herein provided, and such holds over beyond the expiration of the term hereof, such holdings over shall be payable on the first day of each and every month thereafter until the tenancy is terminated in a manner provided by law.

ARTICLE 11.

ASSIGNMENT AND SUBLEASE

- a. Lessee shall have the right with the prior written consent of Lessor to assign this lease, and any interest therein, provided each assignee assumes in writing all Lessee's obligations under this lease.
- b. Lessee shall have the right without the prior written consent of Lessor to sublet the Leased premises or any part thereof and Lessee shall remain liable for each and every Obligation under this lease.

ARTICLE 12.

MISCELLANEOUS

- a. Lessee will be subject to rules and operating conditions as set up by the Habersham County Airport Commission. Any changes in rules and regulations by the Habersham County Airport Commission shall be presented for review by lessee at least 10 days prior to adoption by the Commission.
- b. If Lessor shall convey title to the demised property pursuant to a sale or exchange of property, the Lessor shall not be liable to Lessee or any immediate or remote assignees or successor of Lessee as to any act or omission from and after such conveyance.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee hereto execute this agreement as of the day and year first above written.

Signed and acknowledged
in the presence of:

Nancy Shore
Witness

William W. Ellison
Notary Public
(Seal)

My Commission Expires March 18, 2006

Signed and acknowledged
In the presence of:

Dixie Amith
Witness

Jelly A. Welborn
Notary Public
(SEAL)
My Commission Expires: Sept. 18, 2007

LESSOR
Habersham County (SEAL)

By Daryl D. Vane

Attest Grant Moss

Witness
LESSEE

Dixie Amith (SEAL)

Lessee Dixie Amith

Seal

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

- c. Consider/Approve proposed abandonment of a portion of Hubert Harris Road

Director of Public Works Derick Canupp addressed the Board regarding the proposed abandonment of a portion of Hubert Harris Road.

County Attorney Donald Hunt asked for comments in favor or opposition of the proposal.

No comments were made.

County Attorney Donald Hunt returned the meeting back to Chairman Harper.

Motion by Commission Crawford, seconded by Commissioner Anderson, and voted unanimously to approve the abandonment of a portion of Hubert Harris Road.

CONSENT AGENDA:

Motion by Commissioner Anderson, seconded by Commissioner Nichols, and voted unanimously to approve the Consent Agenda as amended.

ROLL CALL VOTE

Chairman Harper- yea
Commissioner James- yea
Commissioner Anderson- yea
Commissioner Nichols- yea
Commissioner Crawford- yea

- a. Consider/Approve The Minutes of the Commission Meeting on Monday, October 19, 2015
- b. Consider/Approve The Minutes of the Executive Session on Monday, October 19, 2015
- c. Consider/Approve FY2017 Transit Application and authorize Chairman to sign all future related documents
- d. Consider/Approve budget adjustment #1 for FY2015 - 2016
- e. Consider/Approve Habersham County Airport CIP for FY2017 through FY2021
- f. Consider/Approve authorization and ratification of the Airport Authority Hangar Lease transfers

HABERSHAM COUNTY BOARD OF COMMISSION

EXECUTIVE SUMMARY

SUBJECT: Authorization and Ratification of Airport Authority Hangar Lease Transfers

DATE: October 26, 2015

BUDGET INFORMATION:

ANNUAL-

CAPITAL-

☐ RECOMMENDATION

☐ POLICY DISCUSSION

☐ STATUS REPORT

☐ OTHER

COMMISSION ACTION REQUESTED ON: November 16, 2015

PURPOSE: This requests Commission Authorization and Ratification of the Airport Authority's decision to transfer three leases from the current lease holder to a new lease holder. Under the regulations governing the Airport Authority leases transferred between the current lease holder and the new lease holder must be approved by the Airport Authority.

BACKGROUND / HISTORY: In each of the hangar lease agreements, Article XI covers assignment of subleases, which requires that the lessor provide written consent to allow the lessee to transfer the lessee's obligations to another individual. Since Judge Struble's ruling in the Martin vs. Moore case, the County Commission is now obligated to review any contractual obligations undertaken by the Airport Authority. Therefore, this request has been approved by the Airport Authority Board and now comes to the Commission in order to ratify this requested lease transfer. Article XI Section A states that if the lessee transfers the assignment of the lease, it must be done in writing and the new lessee undertakes all of the former lessee's obligations. In order to accomplish this lease transfer, it must be approved by the Airport Authority, and subsequently by the County Commission based on this Superior Court ruling.

FACTS AND ISSUES:

- a. Mannan Thomason (lessee) wishes to transfer the lease dated January 2004 to Keith Kleinert effective December 1, 2015 for Hangar F-1. This lease transfer has been approved by the Airport Authority at their October 8, 2015 meeting.



- b. The Airport Authority has approved the transfer of the lease from Pat McShane to Franklin Brown for Hangar G-5.



- c. The Airport Authority has approved the transfer of the large Hangar H-2 from Keith Campbell to Jeff Mitchell.

- d. These lease transfers need to be ratified by the Habersham County Board of Commissioners.
-

OPTIONS:

- 1) To approve the requested lease transfers
- 2) To deny the requested lease transfers

RECOMMENDED SAMPLE MOTION: I move to approve the hangar lease transfers previously approved by the Habersham County Airport Authority.

DEPARTMENT:

Prepared by:

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

County Manager

DATE: _____

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

Community Planning and Development Director Mike Beecham addressed the Board regarding Conditional Use application CU-15-03.

County Attorney Donald Hunt asked for comments in favor of the application.

Spencer Carr spoke in favor of the application and on behalf of applicant Joseph Huiet.

County Attorney Donald Hunt asked for comments in opposition of the application.

Sylvia Prescott addressed the Board in opposition.

Julie Sims Frasier addressed the Board in opposition.

Diane Farrino addressed the Board in opposition.

Craig Elder addressed the Board in opposition.

Jackie Thompson addressed the Board in opposition

County Attorney closed the floor for comments regarding public hearing items a. and b.

Motion by Commissioner Nichols, seconded by Commissioner James, and voted unanimously to deny Map Amendment application Z-15-02.

Motion by Commissioner Nichols, second by Commissioner James, and voted to deny Conditional Use application CU-15-03.

Commissioner Anderson and Commissioner Crawford questioned whether the motion would change were specifics provided in the application that outlined the exact acreage to be used.

Motion by Commissioner Nichols, seconded by Chairman Harper, and voted to deny Conditional Use application CU-15-03.

VOTED

Chairman Harper- nay

Commissioner James- nay

Commissioner Anderson- yea

Commissioner Nichols- nay

Commissioner Crawford- yea

3-2

Application denied.

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

- c.** Consider/Approve proposed abandonment of a portion of Hubert Harris Road

Director of Public Works Derick Canupp addressed the Board regarding the proposed abandonment of a portion of Hubert Harris Road.

County Attorney Donald Hunt asked for comments in favor or opposition of the proposal.

No comments were made.

County Attorney Donald Hunt returned the meeting back to Chairman Harper.

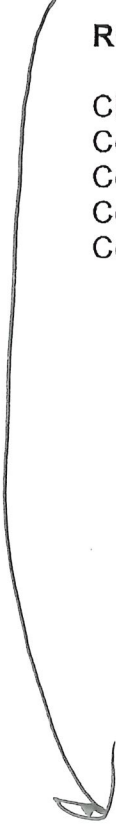
Motion by Commission Crawford, seconded by Commissioner Anderson, and voted unanimously to approve the abandonment of a portion of Hubert Harris Road.

CONSENT AGENDA:

 Motion by Commissioner Anderson, seconded by Commissioner Nichols, and voted unanimously to approve the Consent Agenda as amended.

ROLL CALL VOTE

Chairman Harper- yea
Commissioner James- yea
Commissioner Anderson- yea
Commissioner Nichols- yea
Commissioner Crawford- yea

- 
- a.** Consider/Approve The Minutes of the Commission Meeting on Monday, October 19, 2015
 - b.** Consider/Approve The Minutes of the Executive Session on Monday, October 19, 2015
 - c.** Consider/Approve FY2017 Transit Application and authorize Chairman to sign all future related documents
 - d.** Consider/Approve budget adjustment #1 for FY2015 - 2016
 - e.** Consider/Approve Habersham County Airport CIP for FY2017 through FY2021
 - f.** Consider/Approve authorization and ratification of the Airport Authority Hangar Lease transfers

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

- g.** Consider/Approve Insolvency list for 2015 for the Habersham County Tax Commissioner
- h.** Consider/Approve position request from the Public Defender's office for additional attorney
- i.** Consider/Approve affidavit of correction 2015 8
- j.** Consider/Approve affidavit of correction 2015 9
- k.** Consider/Approve purchase of new vehicle for Animal Care and Control
- l.** Consider/Approve Alcoholic Beverage License Renewal/Application for:
 - 1.** Speedway located at 4753 Highway 115- Renewal of Package Malt Beverage and Wine Sales
 - 2.** EZ Kwik Trip located at 2368 Highway 115- Renewal of Package Malt Beverage and Wine Sales
 - 3.** Harry's Pantry #3 located at 2059 Cool Springs Road- Renewal of Malt Beverage and Wine Package Sales
 - 4.** Mmart #3 located at 1384 Tom Born Road- Renewal of Package Beer and Wine Sales
 - 5.** A to Z Grocery located at 1723 Crane Mill Road- Renewal of Malt Beverage Package Sales
 - 6.** Express Mart #6 located at 4900 Talmadge Drive- Renewal of Package Beer and Wine Sales
 - 7.** Shore's County Store located at 4113 Pea Ridge Road- Application for Malt Beverage and Wine Package Sales
 - 8.** Hayes Corner Country Store, Inc. located at 3226 St HWY 17- Renewal of Malt Beverage and Wine Package Sales
 - 9.** The Orchard Golf and Country Club located at 1057 Orchard Drive- Renewal of Malt Beverage and Wine Consumption on Premises
 - 10.** Glen Ella Springs located at 1789 Bear Gap Road- Renewal of Malt Beverage and Wine Consumption on Site

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

- m. Consider/Approve update of the Habersham County Speed Zone Ordinance from the Department of Transportation **(added during the Adoption of the Agenda)**

REPORTS:

- a. Fiscal Status: Trey Wood
- b. Manager's Report: Phil Sutton

APPOINTMENTS:

HOSPITAL AUTHORITY

- 1. Donald Anderson: Chairman Harper

Note: Tabled indefinitely at the June 15, 2015 Commission Meeting

Motion by Chairman Harper, seconded by Commissioner Anderson, and voted unanimously to remove this item from the table.

Chairman Harper submitted the following three names as nominations to fill the open position on the Hospital Authority:

- a. Linda Henry
- b. Matt Hayes
- c. Doug Henry

Motion by Harper, seconded by Commissioner James, and voted unanimously to accept the nominations.

UNFINISHED BUSINESS:

- a. Consider/Approve amendments to the Habersham County Animal Control Ordinance (second reading)

Motion by Commissioner Crawford, seconded by Commissioner James, and voted unanimously to approve the amendments to the Habersham County Animal Control Ordinance.

- b. Consider/Approve Resolution requesting local legislation for the dissolution of the Habersham County Airport Authority

Note: Tabled indefinitely at the February 23, 2015 Commission Meeting

Motion by Commissioner Anderson, seconded by Commissioner Crawford, and voted unanimously to remove this item from the table.

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

Motion by Commissioner Anderson, seconded by Commissioner Nichols, and voted unanimously to approve the Resolution requesting local legislation for the dissolution of the Habersham County Airport Authority.

NEW BUSINESS:

- a. Consider/Approve Resolution to suspend the operations of the Habersham County Airport Authority

Motion by Commissioner Crawford, seconded by Commissioner James, and voted unanimously to approve the Resolution to suspend the operations of the Habersham County Airport Authority.

- b. Consider/Approve Resolution creating a Habersham County Airport Commission

Motion made by Commissioner Anderson, seconded by Commissioner Crawford, and voted to approve Resolution creating a Habersham County Airport Commission.

County Attorney Donald Hunt noted the Resolution needs to reflect a change in term length for Airport Commission members to three years from two years.

Commissioner Anderson amended his original motion.

Motion by Commissioner Anderson, seconded by Commissioner Crawford, and voted unanimously to approve the Resolution, as amended, creating a Habersham County Airport Commission

- c. First Reading of amendments to Section 6-55, 6-134, and 6-224 of Chapter 6, Alcoholic Beverages, of the Habersham County Code of Ordinances

Director of Community Planning and Development Mike Beecham addressed the Board outlining the amendments to the alcohol Ordinance.

- d. First reading of amendments to Chapter 2, sub section Finance, of the Habersham County Code of Ordinances

County Manager Phil Sutton and Finance Director Trey Wood addressed the Board to giving specifics for amendments to Chapter 2, sub section Finance, of the Habersham County Code of Ordinances.

- e. Consider/Approve purchase of a new CAD (computer aided dispatch) system for E-911

Director of E-911 Lynn Smith addressed the Board regarding the purchase of a new CAD system for E-911.

**HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA**

Motion by Commissioner Crawford, seconded by Commissioner James, and voted unanimously to approve the purchase of a new CAD (computer aided dispatch) system for E-911

f. Consider/Approve policy addressing feral cat trapping

Director of Animal Control Madison Hawkins addressed the Board regarding policies concerning feral cat trapping.

Motion by Commissioner James, seconded by Commissioner Anderson, and voted unanimously to approve the policy addressing feral cat trapping.

g. Consider/Approve Resolution requesting the introduction local legislation to amend the legislative act creating the Board of Elections and Registration

Motion by Chairman Harper, seconded by Commissioner Crawford, and voted unanimously to table this item until the December 14, 2015 Commission Meeting.

ADDITIONAL COMMENTS:

Commissioner James thanked those in attendance for their support and apologized for being sick. He also asked that everyone remember the importance of being alert and aware due to the recent tragedies in Paris, France.

Chairman Harper recognized 4H member Renee Smagur, who received a National Award in Education at the National Association of 4-H and Extension Agents during their national meeting in Portland, Oregon.

EXECUTIVE SESSION: 7:22 p.m.

Motion by Commissioner Crawford, seconded by Commissioner Anderson, and voted unanimously to enter into Executive Session to discuss property acquisition, litigation, and personnel after a ten minute recess.

ROLL CALL VOTE

Chairman Harper- yea
Commissioner James- yea
Commissioner Anderson- yea
Commissioner Nichols- yea
Commissioner Crawford- yea

Present: Chairman Andrea Harper; Commissioners Sonny James, Ed Nichols, Natalie Crawford; and Victor Anderson; County Manager Phil Sutton; County Clerk Crystal Ward; and County Attorney Donald Hunt

HABERSHAM COUNTY BOARD OF COMMISSIONERS' MEETING
6:00 P.M., MONDAY, NOVEMBER 16, 2015
HABERSHAM COUNTY COURTHOUSE, CLARKESVILLE, GEORGIA

Motion by Commissioner James, seconded by Commissioner Anderson, and voted unanimously to come out of closed session. (8:16 p.m.)

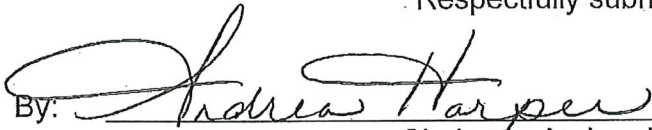
County Attorney Donnie Hunt reported that all matters discussed in Closed Session were limited to those matters allowed by the laws of the State of Georgia and asked for a motion authorizing the Chairman to make such a representation under oath on the affidavit.

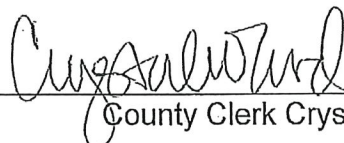
Motion by Commissioner Crawford, seconded by Commissioner James, and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

ADJOURN: 8:17 p.m.

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

Respectfully submitted,

By: 
Chairman Andrea Harper

Attest: 
County Clerk Crystal D. Ward

POSTED: County Clerk Crystal Ward, November 18, 2015

