

HABERSHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
6:00 P.M., MONDAY, OCTOBER 17, 2022
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, October 17, 2022 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located at 295 Llewellyn Street, Clarkesville, Georgia 30523.

Present: Chairman Bruce Palmer; Vice Chairman Bruce Harkness; Commissioner Dustin Meador; Commissioner Jimmy Tench; Commissioner Ty Akins; County Attorney Donnie Hunt; County Manager Alicia Vaughn; County Clerk Brandalin Carnes; County Department Directors; Individuals from the Media and Public.

Chairman Palmer called the meeting to order at 6:08 p.m.

Commissioner Harkness led the Invocation.

Commissioner Tench led the Pledge of Allegiance.

ADOPTION OF AGENDA

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

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.

- a. CU-22-04: Brandon Lovell Seeking Conditional Use for Enclosed Boat and Recreational Vehicles Mini Storage at 402 Wheeler Rd in the Low Intensity (LI) District.

Mike Beecham informed the Commission that Brandon Lovell is seeking a conditional use to allow the property located at 402 Wheeler Rd (Parcel# 041-038) to be used for an enclosed boat and recreational vehicle mini storage. The storage area will be a mix of both covered and open spaces as well as a mini storage building. The facility will be surrounded by a fence and an electronic gate. The Planning Commission is recommending approval with the conditions of requiring dark sky model lighting, hours of operation being limited from 6am-8pm, a landscape buffer of evergreen trees and a storm water study.

Brandon Lovell, the applicant, spoke in favor of the conditional use but was against many of the restrictions being imposed. He believes that planting trees all the way around the property is excessive as much of the property is already not visible. He stated that lighting is necessary for safety purposes so users of the property can see. He also believes the hours of operation that are being suggested are too restrictive.

Kevin Gabriells spoke in favor of granting the conditional use. He stated that there is a service station that is right next door that has brighter lights than what Mr. Lovell's business will have. He went on to state that the property is zoned so that Brandon could technically put chicken houses on it and the proposed use of Boat and RV Storage has a much smaller impact. He went on to state that he doesn't understand the point of a Planning Commission if everything ends up having to be individually discussed and decided by the Board of Commissioners in the end.

Vernon Mintz spoke in opposition of granting conditional use. Mr. Mintz lives on Wheeler Road and believes that having large vehicles pulling in and out of Mr. Lovell's property is a danger as they would have to swing into

the opposite lane to do so. He also believes that a 30 foot buffer and mature trees would be required in order to block the view of the property as the storage units are on top of a hill. He believes the currently proposed fence only restricts access to the property but does nothing about the view.

Else Fortneberry spoke in opposition of granting conditional use. Ms. Fortneberry lives on a neighboring property and does not believe that Mr. Lovell's proposed use of his property for RV and Boat storage is in line with the current residential and agricultural use of the community and that the people living in the community would not currently benefit from the proposed business. She stated the only one who would benefit that currently lives there is Mr. Lovell, who should have known what the allowable use of the property was prior to purchasing it. She stated comparing the use of Mr. Lovell's property to that of the nearby gas station is not the same, as the gas station is built on Hwy 115. She stated that she understands that his property could be used for chicken houses, and that she would prefer that usage over the RV and Boat storage.

Donnie Hunt reminded the Commissioners that the Planning Commission is an advisory board only and that the final decision on approval, denial or modifications is left up to the Board of Commissioners.

Motion by Commissioner Palmer, seconded by Commissioner Akins and voted unanimously to approve the conditional use with the following modifications: A vegetative buffer on any property borders that can be seen by a residential structure within 100 feet or from Wheeler Rd, hours of operation are limited to 6 a.m. to 10 p.m., and "dark sky" approved lighting must be used.

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. Donna Barnett: Junk Yard Nuisances:~~ Mrs. Barnett was not present to speak.
- b. Doug McDonald: Inflation, the Economy, and Other Related Issues- Mr. McDonald voiced his concerns that violations have occurred in relation to the use of county time, equipment, and funds to supporting a political cause. Specifically, he feels that Commissioner Palmer has been advocating for the passage of T-SPLOST through the many Town Hall Meetings and Facebook Livestream Q & A Sessions he has been hosting over the past several months.
- c. Carl Blackburn: Mr. Blackburn voiced his concerns regarding discussion of the creation of a Public Facilities Authority given what he considers to be a poor history that the county has had with previous authorities. He references the examples of the Hospital Authority, which he states has saddled the county with over 35 million dollars in debt that they have failed to make payment on, the Development Authority which went broke and resulted in the county taking over payments for the Miller Logistics building, and the Airport Authority that was disbanded by the county. He believes that the creation of another authority will just lead to more debt on more projects when he feels that the citizens should be left up to decide through vote what projects they wish to fund.

CONSENT AGENDA:

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

- a. Minutes for September 19, 2022 Commission Meeting
- b. Minutes for September 19, 2022 Executive Session

- c. Consider/Approve FY24 GDOT 5311 Transit Grant Application
- d. Consider/Approve Aviation Fuel Contract Renewal with World Fuel
- e. Consider/Approve Service Agreement for 911 Site Generator Maintenance with J&T Service Center

REPORTS:

- a. Manager's Report: Alicia Vaughn
- b. Quarterly Finance Report: Tim Sims

Finance Director Tim Sims informed the Commission that Grant Writer Lauren Long has found some grants for fire house construction and remodeling that will become available in the spring when it is released by the government for next year. He stated that the county is currently 25% through the fiscal year and therefore expenditures should be less than or equal to 25% and revenue should be greater than or equal to 25%. Currently, expenditures are at 21% and revenue is at 13%. He stated that the revenue would have been 15%, however the state was late at getting back an insurance premium rebate that would normally have been received by then. The revenue will catch up once the remainder of property taxes are collected in November and revenue is expected to be at around 75% at that point. As of August 30th, which is 19 months of collection, over 12.65 million dollars have been collected from SPLOST 7. The auditors are almost finished and will be working on getting a report and presentation together for the January Commission meeting.

APPOINTMENTS:

DEVELOPMENT AUTHORITY- 6-year term

C. Allen Whitener (Term Expiration) 2/17/2022- Commissioner Tench's Appointment

A motion was made by Commissioner Tench and seconded by Commissioner Harkness to reappoint Mr. Whitener to the Development Authority. The motion failed 2-3 with Commissioners Tench and Harkness voting in favor and Commissioners Akins, Meador and Palmer voting against the motion.

DBHDD REGION 1 ADVISORY COUNCIL- 3-year term

Brenda Hardy (Resignation) 11/30/2024- At Large Appointment

There were no applications up for the consideration of the Commissioners on this appointment.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- a. Consider/Approve Private-Public Partnership Build Agreement with Windstream for Utilization of GA State Fiscal Recovery Fund (SFRF) Grant to Expand Broadband Within the County.

Motion by Commissioner Meador, seconded by Commissioner Harkness and voted 4-1 to approve with Commissioner Tench dissenting.

- b. First Reading of Comprehensive Land Development Resolution (CLDR) Amendment to Section 68-201 Regarding the Definition of "Fence"

No action taken at this time as this is the first reading and two readings of the amendment are required prior to a vote. Action will be taken upon second reading at next Commission meeting on November 21, 2022.

- c. Consider/Approve Disposal of Surplus Vehicles and Equipment Through GovDeals.com

Motion by Commissioner Mealor, seconded by Commissioner Harkness and voted unanimously to approve.

- d. Consider/Approve Sportsmanship and Spectator “Zero Tolerance” Policy for Parks and Recreation

Motion by Commissioner Mealor, seconded by Commissioner Akins and voted 4-1 to approve with Commissioner Tench dissenting.

- e. Consider/Approve Purchase of New Frazier 2023 F-450 Type I Ambulance with AFG Grant Funds

Motion by Commissioner Harkness, seconded by Commissioner Mealor and voted unanimously to approve.

- f. Consider/Approve MOU with GA EMS Academy Consortium for Student Clinical Opportunities

Motion by Commissioner Akins, seconded by Commissioner Harkness and voted unanimously to approve.

- g. Consider/Approve Affiliation Agreement between South University and HCES

Motion by Commissioner Harkness, seconded by Commissioner Akins and voted unanimously to approve.

- h. Consider/Approve Airport CIP for Fiscal Years 2024 through 2028

Motion by Commissioner Harkness, seconded by Commissioner Akins and voted unanimously to approve.

- i. Consider/Approve Habersham County Airport Event and Activity Policy

Motion by Commissioner Akins, seconded by Commissioner Harkness and voted 4-1 to approve with Commissioner Tench dissenting.

ADDITIONAL COMMENTS

Commissioner Akins wanted to clear up misinformation regarding the Development Authority. He stated that while it is true that the Development Authority had to go into debt service to pay for the Miller Logistics building, the debt was paid in full with funds leftover after the sale of the building. In reference to the Mr. Blackburn’s comments about having the voters decide on the county projects that are funded, he stated that the capital projects that were in the SPLOST list in fact were presented to the citizens of Habersham County and that the citizens were the ones who approved them.

Commissioner Harkness informed everyone that growth is coming to Habersham County and the current infrastructure is not setup to handle it. He stated the bulk of property tax burden is on residential property owners because we don’t have the capability to support incoming businesses with water and sewer. He also wanted to stress that the landfill is quickly running out of capacity and expressed that the Commission needs to tackle the water, sewer, and landfill issues immediately.

Commissioner Mealor had no additional comments.

Commissioner Tench had no additional comments.

Commissioner Palmer wanted to thank everyone for coming and participating in the meeting and encouraged everyone to get out and vote in the election.

EXECUTIVE SESSION: Personnel, pursuant to O.C.G.A. §50-14-3(b)(2); Litigation, pursuant to O.C.G.A. § 50-14-2 and Property Acquisition, pursuant to O.C.G.A. 50-14-3§ (b)(1).

Motion by Commissioner Mealor, seconded by Commissioner Harkness to enter executive session for the purpose of discussing Personnel, pursuant to O.C.G.A. §50-14-3(b)(2); Litigation, pursuant to O.C.G.A. § 50-14-2 and Property Acquisition, pursuant to O.C.G.A. 50-14-3§ (b)(1).

ROLL CALL VOTE:

Commissioner Akins- Aye
Commissioner Harkness-Aye
Commissioner Palmer-Aye
Commissioner Mealor-Aye
Commissioner Tench- Aye

Motion carried 5-0 and the Commission entered executive session at 7:56 PM.

Present were Commissioner Palmer, Commissioner Mealor, Commissioner Akins, Commissioner Tench, Commissioner Harkness, Count Manager Alicia Vaughn, County Attorney Donnie Hunt, Attorney Hunt's Associate Brittany Taylor, and County Clerk Brandalin Carnes.

Motion by Commissioner Mealor, seconded by Commissioner Akins and voted unanimously to leave executive session at 8:42 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 Palmer, seconded by Commissioner Mealor and voted unanimously to adopt the representation authorizing such affidavit as per County Attorney Donnie Hunt's recommendation.

Motion made by Commissioner Mealor, seconded by Commissioner Akins and voted unanimously to amend the agenda to add item j. "Paid Compensation for the Habersham County Tax Commissioner" and item k. "Paid Compensation for the Habersham County Magistrate Judge".

j. Paid Compensation for the Habersham County Tax Commissioner

This compensation would be in the form of a supplement paid to Habersham County Tax Commissioner June Warren-Black in the amount of \$6,000 per year effective November 1, 2022. Commissioner Harkness asked if she would also be getting the \$5,000 cost of living increase? County Manager Alicia Vaughn stated yes. She informed the Commission that this is pay supplement is only in effect during Mrs. Warren-Black's tenure and would not automatically transfer over should her position be filled by another person. Commissioner Mealor asked how many terms Mrs. Warren-Black has served as Tax Commissioner, to which Mrs. Vaughn informed him that she has served 4 terms and never received a supplement. She also informed the Commission that Mrs. Warren-Black's Office has what is considered to be an extremely high collection rate. Motion by Commissioner Mealor, seconded by Commissioner Akins and voted unanimously to approve.

k. Paid Compensation for the Habersham County Magistrate Judge

This compensation would be in the form a supplement paid to Habersham County Assistant Magistrate Judge Amy Thomas in the amount of \$10,000 annually effective November 1, 2022. Currently, Mrs. Thomas receives \$63,991 of salary, to which a \$5,000 state mandated cost of living increase will be added in January. The suggested supplement to this would be an addition of \$10,000. This supplement is the only part of Mrs. Thomas' pay that the county has control over, the rest is mandated by the state. Motion by Commissioner Harkness, seconded by Commissioner Mealor and voted unanimously to approve.

ADJOURN: 8:53 p.m.

Motion by Commissioner Harkness, seconded by Commissioner Akins and voted unanimously to adjourn the meeting at 8:53 PM

Respectfully submitted,

By: _____

Commission Chairman Bruce Palmer

Attest: _____

County Clerk Brandalin Carnes