

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
6:00 P.M., MONDAY, FEBRUARY 20, 2023
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 20, 2023 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located in Clarkesville, GA.

Present was Commission Chairman Ty Akins, Commissioner Bruce Harkness, Commissioner Bruce Palmer, Commissioner Dustin Mealar, Commissioner Jimmy Tench, County Attorney Donnie Hunt, County Manager Alicia Vaughn, County Clerk Brandalin Carnes, County Department Directors, Individuals from the Media and Public.

Chairman Akins called the meeting to order at 6:05 p.m.

Commissioner Harkness lead the invocation.

Commissioner Mealar lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Mealar, seconded by Commissioner Harkness and voted unanimously to approve the agenda with the change of moving new business items “i” and “j” ahead of new business item “a”.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Condolences Extended to the Family of Jimmy Seabolt
- b. Special Recognition:
 - o Habersham County E-911 Dispatchers Jaron Loggins & Kim Fauscett
 - o Baldwin Police Officers Leta Bowden and Dakota Foster
- c. Proclamation Recognizing Habersham County Historical Society’s 50th Year Golden Jubilee Celebration

PUBLIC HEARINGS: NONE

PUBLIC COMMENTS:

- a. Maggie Dyer: Opposition to the “Estates at Harvest Church” subdivision due to safety concerns with traffic on Harvest Church Rd.
- b. Julia Braswell: Concerns regarding salary and benefits in County Manager’s contract.
- c. Keith Canup: Opposition to the “Estates at Harvest Church” subdivision and request for Moratorium on new subdivisions and multi family dwellings.
- d. Phyllis Trotter: Opposition to the “Estates at Harvest Church” subdivision due to safety concerns with traffic on Harvest Church Rd.

- e. Peggy Berry: Support of county acquisition and operation of “Total Fitness Center”
- f. John Anglen: Support of county acquisition and operation of “Total Fitness Center”
- g. Chase Thomas: Opposition to the “Estates at Harvest Church” subdivision and concerns regarding rapid the burden of rapid influx of population.
- h. Alice Venteer: Support of “Estates at Harvest Churc” subdivision
- i. Sandra White: Opposition to county acquisition and operation of “Total Fitness Center”. She feels that the Senior Center can offer the same if not better services through their existing fitness program.
- j. Joey Brown: Opposition to county acquisition and operation of “Total Fitness Center”. He feels that the focus and county funds are better spent on other pressing needs.
- k. Carol Perkins: Support of county acquisition and operation of “Total Fitness Center”.
- l. Jarrod Cox: Opposition to the “Estates at Harvest Church” subdivision due to safety concerns with traffic on Harvest Church Rd.
- m. Joy Stephens: Support of county acquisition and operation of “Total Fitness Center”
- n. Ann Jones: Support of county acquisition and operation of “Total Fitness Center”

CONSENT AGENDA:

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

- a. Consider/Approve Minutes for January 23, 2023 Regular Meeting
- b. Consider/Approve Minutes for January 23, 2023 Executive Session
- c. Consider/Approve Minutes for January 27, 2023 Planning Retreat
- d. Consider/Approve Purchase of One (1) 2023 Dodge Ram 1500 Crew Cab 4x4 Pickup Truck for Coroner’s Office
- e. Consider/Approve Purchase of One (1) 2023 Dodge Ram 1500 Crew Cab 4x4 Pickup Truck for Facilities Management
- f. Consider/Approve Contract with HHNT General Consulting for Pea Ridge Landfill
- g. Consider/Approve Contract with BLE for Water Quality Reporting for Pea Ridge Landfill
- h. Consider/Approve Contract with BLE for Water Quality Reporting for SR-13 Landfill
- i. Consider/Approve Contract with Covered+Clad Commercial Finishes for Purchase and Installation of New Flooring at the Clarkesville Library

- j. Consider/Approve Contract with Covered+Clad Commercial Finishes for Purchase and Installation of New Flooring at Senior Center
- k. Consider/Approve Contract with Covered+Clad Commercial Finishes for Purchase and Installation of New Flooring at Elections and Registration's Future South Precinct Location
- l. Consider/Approve Contract with Traylor Business Services for Business Personal Property Audit
- m. Consider/Approve Addendum #1 for FY22-23 Contract with Legacy Link for Additional Nutrition Service Funding
- n. Consider/Approve Adoption of Compliance Documents Required by Annual Contract Agreement with Legacy Link
- o. Consider/Approve Mid-Year Budget Adjustment

REPORTS:

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

APPOINTMENTS:

BOARD OF HEALTH- 6-year term

- 1. Heather Burke Cody (Term Expiration) 12/31/2022- At Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to appoint Nora Almazan to the Board of Health.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- a. Consider/Approve Acceptance of Fitness Center Equipment from Habersham Medical Center's "Total Fitness Wellness Center"

Parks and Recreation Department Director Brooke Whitmire addressed the Commission. To create efficiency and ensure critical hospital operations go uninterrupted during the transition of Habersham Medical Center's ownership, North Georgia Health Systems has determined it necessary to close the Total Fitness Center Program as of February 22, 2023. Habersham Medical Centers Hospital Authority has offered to make an in-kind donation of the fitness equipment to the Habersham County Recreation Department in the hopes that the county will take over operation of the fitness center to provide continuity of service to the users. There has been overwhelming support by users of this facility for absorption of the fitness center by the county.

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to approve.

- b. Consider/Approve Creation of Special Events Coordinator Position for Rec Department

Parks and Recreation Department Director Brooke Whitmire addressed the Commission. Having accepted the Hospital Authority's donation of fitness equipment, and with the county owning the building in which the fitness center is located, the only additional expense that would be needed to continue operation of the fitness center would be those associated with the creation of a position to oversee its daily operations. The fitness center itself is only open 30 hours a week, so this individual can serve a dual purpose in assisting with community programs and events.

Commissioner Mealor inquired as to whether or not the membership fees for the use of the center would be covered by individuals' medical insurance? Ms. Whitmire informed him that they were looking into the possibility of becoming a Silver Sneakers provider.

Commissioner Harkness was concerned regarding the starting salary of the position, stating that it comes out to over \$25/hr. Ms. Whitmire informed him that the salary that is listed on the executive summary is the midpoint of the salary range for that position, which is what she uses for budgeting. Commissioner Harkness stated that while he is for keeping the fitness center open, he can't be in support of a starting salary that high. Commissioner Palmer informed Commissioner Harkness that this position would bring events into the county which would provide an economic benefit to local stores and businesses. Mrs. Vaughn addressed Commissioner Harkness' concerns, stating that salary range that was presented came from the pay study and that while Ms. Whitmire had used the midrange on the executive summary that she is confident that the position will be hired at the lower end of the salary range.

Commissioner Akins asked if this item was tabled, would Habersham Medical Center would be willing to keep the fitness center open for another month? Mrs. Vaughn informed him that she thinks that they would be willing to keep it open until mid-March.

Disagreement was had among the Commission regarding a conflict in statements made by Habersham Medical Center CEO Tyler Williams regarding their willingness to keep the fitness center open.

Commissioner Mealor requested that the Commission be provided the projected revenue and expenses for the fitness center to aid in their decision making.

Motion by Commissioner Akins, seconded by Commissioner Mealor and voted 4-1 to table this item until the next Commission meeting. Motion carried 4-1 with Commissioner Palmer dissenting.

c. Consider/Approve Purchase of Security Fencing for the Detention Center

Sheriff Joey Terrell addressed the Commission. The jail is two stories tall with a chain link fence lining the second story. Over time, the inmates have made holes in the wire of this fence and managed to disassemble pieces to make shanks. They are in need of a special type of fencing manufactured by Piedmont Fencing that is made specifically for detention centers. Piedmont Fencing is a sole source provider of this fencing. Sheriff Terrell states that they already have funds available in their budget that can be used for this purchase, they are just seeking the approval to do so.

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

d. Consider/Approve Purchase of R8100 Communications System Analyzer for Radio System Preventative Maintenance

E-911/EMA Director Lynn Smith addressed the Commission. This equipment can be used on both the current radio system as well as the new system once it is brought online. Purchasing this equipment will allow Radio Systems Administrator Tom Priddy to do work that the county is currently contracting out to Motorola. The money from having cancelled the contract with Motorola is already available in the budget for using towards the purchase of this equipment.

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to approve.

- e. Consider/Approve Land Lease Agreement with Irvin Family Investments, L.L.L.P for Tallulah Falls Tower Site

E-911/EMA Director Lynn Smith addressed the Commission. This radio tower site is vital for coverage in the area of the gorge. When the current radio tower was constructed, it was under the impression that the property was owned by the town of Tallulah Falls. Tallulah Falls was under the impression that the site had been deeded to them by the Irwin family. Upon further research, it was found that nothing had ever been posted in the deed books showing that this transfer had occurred. The Irwin family has agreed to lease the property to the county for \$1,000 per year and a one-time fee of \$5,000 for the survey they incurred on the property. The county maintains a road up to the tower site as well as the fenced in area of the tower. The tower has warning sirens on it in the event of a tornado. It is vital that the county retain the use of this property in any way possible.

Commissioner Meador voiced his concern regarding the fact that the lease can be terminated with just 6 months' notice. Ms. Smith informed him that there are no other locations in which the tower could be moved and that they attempted to purchase the property from the Irwin family but they were unwilling to sell it.

Motion by Commissioner Meador, seconded by Commissioner Harkness and voted unanimously (5-0) to approve.

- f. Consider/Approve Award of ROFA and Terminal Expansion Bids

Airport Manager Will Regan addressed the Commission. The Runway Object Free Area (ROFA) is a safety project that predates Mr. Regan having assumed his role as Airport Manager, having been kicked down the road for several years. The state has agreed to pay a 75% share of the project, leaving a 25% local share. Commissioner Akins requested a breakdown of the costs. The entire bid came in at \$2,581,000. The local share is approximately \$645,000. A tentative allocation from the state had been received at the beginning of the budget year, so \$425,000 had already been set aside in the budget for the local share of the project. The additive bid of the Terminal Expansion which is an additional safety project. The area in which to park large aircraft is very small and there is only one way in and one way out for taxing. The way out is blocked by a 15 ft tall berm that restricts visibility around the hill. This expansion adds for a second entrance that allows for one way flow of traffic to create a safer taxiway environment.

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

- g. Consider/Approve Signed Hangar Lease Agreements

Airport Manager Will Regan addressed the Commission. The lease agreement for the airport has been updated and all tenants have been asked to sign the new lease. The tenants themselves have not changed, just the document. A blank copy of the new lease agreement was provided to the Commission along with a list of names for tenants who have returned a signed copy. This is not a complete list, as not all tenants have returned an executed copy of the new lease agreement yet. Mr. Regan will be working with County Attorney Ralph Taylor to send out certified letters to those he has not heard back from. Additional leases will be brought before the Commission once they are received.

Motion by Commissioner Meador, seconded by Commissioner Harkness and voted unanimously (5-0) to approve.

h. Consider/Approve Ratification of Purchase Offer for 4336 Toccoa Hwy (Parcel #105 002)

County Attorney Donnie Hunt reminded the Commission that they decided during executive session last month to make a counteroffer on this property. The offer was accepted, and the contract has been redrafted. Now that this has occurred, the purchase must be voted on in public session. This property is located in front of the Aquatic Center and its use for the construction of a new building for gymnastics and cheerleading has been discussed. Of additional strategic value is that it is adjacent to the parking lot of the Aquatic Center so there wouldn't be a need to build additional parking. The county is paying over \$40,000 annually for the rental of the current gymnastics' facility.

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously (5-0) to approve.

i. Consider/Approve Two (2) Appointments to the Comprehensive Plan Advisory Committee

Planning Director Mike Beecham addressed the Commission. Every 10 years the Comprehensive Plan has to be completely rewritten. Each local government appoints members to the Comprehensive Plan Advisory Committee. Mr. Beecham would like to volunteer to represent the county on this Committee. Planning Commission member and local surveyor Bill Gresham has also expressed his interest in volunteering to serve on the Committee as well.

Commissioner Mealor voiced that he feels that the Comprehensive Plan has not been valued in the past. He has heard several people tonight express their concerns for uncontrolled growth, an example of which can be seen in Forsyth County. Commissioner Mealor stated that it is his understanding that if a parcel is zoned for a particular purpose, that unless that purpose it is outside of the comprehensive plan there is little that can be done about it. County Attorney Donnie Hunt provided some insight, stating that the Comprehensive plan provides a level of protection for the county. Commissioner Mealor brought up that this plan lasts for 10 years and that discussions need to be had with similar counties to find out steps they had wish they had taken in their comprehensive plans so we can prepare for our own.

Commissioner Palmer mentioned that the Comprehensive Plan is also important in being competitive in applying for grants.

Commissioner Akins reminded the public that if the Commission was to spontaneously change the zoning laws to be outside of what is already in the Comprehensive Plan, it could open the county up to lawsuits. He stated that they are going to appoint two extremely qualified individuals to aid with development of the Comprehensive Plan and that there is going to be a time for public input and he encourages everyone to participate and make their voices heard when the time comes.

Motion by Commissioner Palmer to appoint Mike Beecham and Bill Gresham, seconded by Commissioner Mealor and voted 4-1 with Commissioner Tench dissenting.

j. Consider/Approve Contract with CVIOG to Conduct Needs Assessment and Strategic Planning for Parks and Rec Department

Parks and Recreation Director Brooke Whitmire addressed the Commission. This strategic planning would allow the Parks and Rec Department to come up with a master plan/comprehensive plan. This is essential for being competitive in applying for grants as it is often a requirement to show that a plan is in place for how potential funds would be used. The money to that would be used to pay for this strategic planning would be moved from the Rec Departments CIP budget for next year to the budget for this year.

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

ADDITIONAL COMMENTS

Commissioner Palmer wanted to thank everyone for coming out and voicing their opinions. He wanted to assure everyone that the Commission listens to their concerns, however sometimes there are situations in which the Board of Commissioners can't legally intervene.

Commissioner Harkness and Commissioner Akins both thanked everyone for coming to the meeting.

Commissioner Mealor had no additional comments.

Commissioner Tench had no additional comments.

EXECUTIVE SESSION: 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 into executive session at 8:18 p.m. for the purpose of discussing 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 Palmer- Yea
Commissioner Harkness-Yea
Commissioner Akins- Yea
Commissioner Mealor-Yea
Commissioner Tench- Yea

MOTION PASSES

Reconvened in Executive Session at 8:20 p.m.

Present: Chairman Ty Akins, Commissioners Bruce Palmer, Bruce Harkness, Ty Akins, Dustin Mealor and Jimmy Tench; County Attorney Donnie Hunt, County Manager Alicia Vaughn, County Clerk Brandalin Carnes

Motion by Commissioner Mealor, seconded by Commissioner Harkness and voted unanimously (5-0) to leave executive session at 9:08 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.

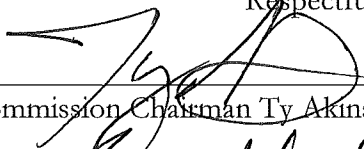
Motion by Commissioner Mealor, second by Commissioner Harkness and voted unanimously to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

ADJOURN: 9:09 p.m.

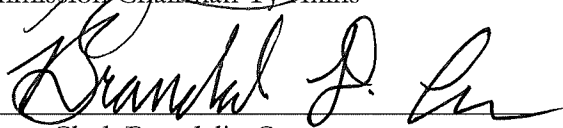
Motion by Commissioner Mealor, seconded by Commissioner Palmer and voted unanimously to adjourn at 9:09 p.m.

Respectfully submitted,

By:


Commission Chairman Ty Akins

Attest:


County Clerk Brandalin Carnes