

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, MAY 15, 2023
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN STREET
CLARKESVILLE, GA 30523

The Habersham County Board of Commissioners held their regularly scheduled meeting on Monday, May 15, 2023 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located at 295 Llewellyn St, Clarkesville, GA 30523.

Present was Chairman Ty Akins, Vice Chairman Bruce Harkness, Commissioner Bruce Palmer, Commissioner Dustin Mealor, Commissioner Jimmy Tench, County Manager Alicia Vaughn, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and public.

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

Commissioner Akins lead the invocation.

Commissioner Mealor lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Palmer to remove all appointments to the ethics panel from the agenda. Motion was seconded by Commissioner Mealor and carried unanimously (5-0).

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to adopt the agenda with the approved amendments.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: IT Department
- b. Recognition: Habersham County Recreation Department's North GA Twisters
- c. Recognition: Habersham County Recreation Department's Track and Field
- d. Recognition: Habersham County's Receipt of ACCG County Award of Excellence for Community Paramedicine Program
- e. Recognition: Tallulah Gorge State Park's 30 Year Anniversary
- f. Recognition: Commissioners Harkness and Akins Receipt of ACCG County Commissioner Certification
- g. Recognition: Commissioner Palmer's Receipt of Economic & Community Development and Intergovernmental Relations Specialty Track Certification
- h. County Office and Landfill Closures for Monday, May 29th for Observance of Memorial Day
- i. Condolences Extended to Family of Wendell Wooley

PUBLIC HEARINGS:

- a. First Reading of CLDO Amendment to Section 68-201 “Definitions” & Section 68-1725 “Development/Project Access Improvements”

Planning Director Mike Beecham addressed the commissioners. The Planning Commission reviewed the proposed amendments at their May meeting and are recommending approval. These amendments define a “Minor subdivision” as one consisting of four lots or less and goes on to require anything other than a minor subdivision (five lots or more) to be served by an internal subdivision road.

No action was needed by the Commission at this time as a second reading is required before voting.

PUBLIC COMMENTS:

- a. David Mickler- Voiced concerns regarding the new policies and fee structure at the aquatic center unfairly targeting the elderly and disabled, stating that these groups use the pool more than other services that provided by the Recreation Department that remain free of charge such as athletic fields and indoor/outdoor courts. He states that young people have free access to those services in addition to free admission to the pool with a paying adult, which shifts the burden of the costs to the elderly and disabled.
- b. ~~Doug McDonald- Status of County Government~~ Mr. McDonald was not present to speak.
- c. Richard Rumble- Voiced his opposition to the 911 tower placement in the Orchard. Mr. Rumble is concerned about the negative health impacts that radio waves from the tower may have on his 11-month-old child. Mr. Rumble feels that the tower could be placed elsewhere and that the only reason that the county wants to put the tower in the Orchard is because of the cost savings and convenience of already owning a portion of property there that was deeded to the county by Virgil Lovell.
- d. David Perry- Voiced his opposition to 911 Tower Placement in the Orchard. Mr. Perry informed the Commission that he feels that people don’t think that the residents of the Orchard matter because they are wealthy. He is concerned over the negative impact of the proposed tower on health and property values. He disagrees with a letter that the county sent to the property owners association which said the covenants for the proposed cite were null and void because it was already being used for public use as a location for a water tank when it was sold to the county. He says that it was not for public benefit as the water tank was inadequately built, leaked, and didn’t help with the water pressure. He feels that the tower should be located at the nearby fire station.
- e. Jim Smith- Voiced his support of the proposed 911 tower placement in the Orchard. Mr. Smith states that he worked in emergency services for many years and that he understands that the opposition to this tower is based on fear. He went on to say that he has known the fear of calling dispatch as a first responder and not being able to get an exact address of an emergency or going to the wrong address because communication had failed between himself and dispatch. He sympathizes with the fear in emergency situations when you can’t communicate with deputies or contact dispatch to have aid rendered. He informed the Commission that he doesn’t know a lot about towers, but he knows that they must be strategically placed in order to work and provide adequate coverage.
- f. Elena Saville: Voiced her concerns with a perceived conflict between new business items (b) and (g). She feels that it is not appropriate that the review board being proposed to replace the current ethics panel in the amended ethics code can consist of a superior court judge given that the superior court judge is getting a supplement at tonight’s meeting. Commissioner Akins informed Ms. Saville that the three resolutions regarding supplements being proposed in item (g) are not for the judges, but for their law clerks. Two of these clerks have already been getting the supplement for years but a

resolution approving the supplement had never been completed. The third resolution is to give a new law clerk the same supplement the other two have been receiving.

- b. Maggie Dyer: Voiced her support of the amendments being proposed to CLDO Section 68-201 "Definitions" & Section 68-1725 "Development/Project Access Improvements". She is asking the Commission to not grandfather any preliminary plats that haven't already been approved and to have a second reading and vote on the amendments as soon as possible. Commissioner Harkness consulted County Attorney Hunt who stated that any applications that are received by the county are entitled to be governed by the law as it existed at the time they applied. If an application is withdrawn then any new application would fall under any new law that exists at the time of reapplication.

- g. Chase Thomas: Voiced his support of the amendments being proposed to CLDO Section 68-201 "Definitions" & Section 68-1725 "Development/Project Access Improvements". He stated he feels that having 17 driveways added to a ½ mile stretch of road poses the risk of injury or death, and informed the Commission that they should be more concerned potential lawsuits from resulting injuries from this than being sued by a developer. He thanked Commissioner Mealor and Commissioner Harkness for discussing the issue with him.

CONSENT AGENDA:

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

- a. Consider/Approve Minutes for April 17, 2023 Work Session
- b. Consider/Approve Minutes for April 17, 2023 Executive Session
- c. Consider/Approve Minutes for April 17, 2023 Regular Meeting
- d. Consider/Approve Lease Agreement for Airport Hangar B-4
- e. Consider/Approve FY 22 Safe Streets and Roads for All Action Plan Grant Award Agreement
- f. Consider/Approve Ratifying Renewal of Copier/Printer Lease with Duplicating Products
- g. Consider/Approve Addendum #2 to Legacy Link FY 22-23 Contract for Nutrition Services at Senior Center
- h. Consider/Approve FY 23-24 Local Share Commitment for Legacy Link Nutritional Services

REPORTS:

- a. Manager's Report: County Manager Alicia Vaughn
- b. Habersham County Chamber of Commerce: President Ellie Van Dornum
- c. Quarterly Financial Report: Finance Director Tim Sims

APPOINTMENTS:

GEORGIA MOUNTAIN REGIONAL COMMISSION 1-year term

1. Ken Schubring (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness to reappoint Ken Schubring as the private sector representative on the Georgia Mountain Regional Commission. Motion carried 4-1 with Commissioner Tench dissenting. This vote by the Commission is regarding the Commissions preference for appointment to this position. Final appointment of the position is dependent on consensus with the cities.

REGION 2 EMS ADVISORY COMMITTEE- 3-year term

1. Jeff Adams (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously 5-0 to reappointment of Jeff Adams to the Region 2 EMS Advisory Committee.

2. Barry Church (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously 5-0 to reappoint Barry Church to the Region 2 EMS Advisory Committee.

ETHICS PANEL 2-year term

All appointments to the Ethics Panel were removed from the agenda during adoption of the agenda.

JOINT DEVELOPMENT AUTHORITY 4-year term

1. Kelly Woodall (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Meador and voted unanimously (5-0) to reappoint Kelly Woodall to the Joint Development Authority.

FAMILY AND CHILDREN'S SERVICES BOARD 5-year term

1. Wanda Dunn (Term Expiration) 06/30/2023- Ty Akins' Appointment

Motion by Commissioner Akins, seconded by Commissioner Harkness and voted unanimously 5-0 to reappoint Wanda Dunn to the Family and Children's Services Board.

HOSPITAL AUTHORITY 3-year term

1. Richard Gay (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer to nominate a slate including Richard Gay, Sue Crane and Leigh Hunnicutt. Motion was seconded by Commissioner Meador and voted unanimously (5-0) to approve.

2. Dr. Thomas Hatchett (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Harkness to nominate a slate including John Hendrix, Ken Johnson and Sam White. Motion was seconded by Commissioner Palmer and voted unanimously (5-0) to approve.

3. Ken Johnson (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Mealor, seconded by Commissioner Harkness, and voted unanimously (5-0) to approve tabling this appointment to provide an opportunity to see who remains unselected from the two previously proposed slates for the Hospital Authority.

LIBRARY BOARD 2-year term

1. Wanda Dunn (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-0) to reappoint Wanda Dunn to the Library Board.

2. Jennifer Garrett (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-) to reappoint Jennifer Garrett to the Library Board.

3. Patrick Ledford (Term Expiration) 06/30/2023- At Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to approve appointment of Matt Osborne to the Library Board.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- a. First Reading of Proposed Addition to Habersham County Code of Ordinances: Chapter 70 Entitled "Timber Harvesting"

Planning Director Mike Beecham stated house bill 897 (HB 897), which was passed in 2020 legislative session, requires the GA forestry system to develop a statewide notification system for timber harvesting. Anyone who harvests timber must register with this statewide system and the information is automatically sent to the county where the harvesting operations will occur. In addition, HB 897 increased the fines for people who fail to register from \$500 to \$1500 and allows the local government to charge more in bonds if the harvester damages the roads, with the first bond being allowed up to \$5,000 the next bond after damage occurs being allowed up to \$7500 and the bond for an additional instance of damage being allowed up to \$10,000. The county can't go above \$10,000 for the bond. As part of this bill, it is required to adopt a timber harvest ordinance. The model ordinance that is being presented was written by ACCG and is fully compliant with HB 897. Two readings will be required with a vote after the second reading at the June Commission meeting.

This was the first of two required readings of the proposed ordinance. No action was taken by the Commissioners.

- b. Second Reading of Proposed Amendment to Habersham County Code of Ordinances Chapter 2 ("Administration"), Article III ("Officers and Employees"), Division 2 ("Code of Ethics")

Chairman Akins asked Attorney Hunt if this item could be voted on tonight? Mr. Hunt informed him that he has made the revisions that were discussed during the work session from his laptop and has emailed the final version to the County Clerk. Commissioner Harkness asked about reviewing the amended code prior to voting and Attorney Hunt informed him that it was edited based on the changes that were discussed during the work session, and if upon later review by the Commissioners there are any inconsistencies from the

discussion, they had it can be corrected. This was the second of the two required readings for the proposed amendments to the existing ordinance. Action was taken on the subsequent agenda item. Chairman Akins asked the Commission if any discussion was needed, and none was requested by the other members. Commissioner Harkness asked if the motion needed to have the caveat that if any errors are found or changes are needed that they be made at the next meeting? Attorney Hunt informed him that is not necessary, they can just contact him if any discrepancies are regarding the changes that were discussed in the work session.

- c. Consider/Approve Proposed Amendment to Habersham County Code of Ordinances Chapter 2 (“Administration”), Article III (“Officers and Employees”), Division 2 (“Code of Ethics”)

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

- d. Consider/Approve Plan of Financing/Refinancing for Piedmont College Project (Series 2013)

Development Authority Attorney Jannie Sanders addressed the Commission stating that the Development Authority is requesting that the Commission approve the financing/refinancing of Piedmont Colleges 2013 bond that comes due this year with another separate bond that comes due next year so they all have a maturity of 2024. This will allow Piedmont College to receive a more favorable interest rate on their loans as they are tax exempt. Mr. Sanders stated that a TEFRA hearing was held and no one from the public appeared to give input.

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

- e. Consider/Approve Annexation of Airport Business Park Pad 10 into City of Baldwin

Planning Director Mike Beecham addressed the Commission, informing them that most Pad 10 already lays within the city limits of Baldwin. This would annex an additional 3.87 acres of Pad 10. Mr. Beecham stated that around 3-4 years ago the county did a land swap with Windstream and the land that was received was in the unincorporated county. Now that Pad 10 is being sold the entirety of the property needs to be under one jurisdiction. He informed the Commission that they only have 30 days to object to the annexation, however they can take a vote of “no objection” and it would waive the 30 days. The planning review and closing for Pad 10 is scheduled around the end of June so it would be favorable to vote for “no objection” to move forward. County Manager Vaughn reminded the Commission that this is not a vote on approving the annexation, it is a vote to waive the right to object to the annexation and therefore the 30 day waiting period.

Motion by Palmer, seconded by Mealor and voted unanimously (5-0) to waive the objection.

- f. Consider/Approve Lease Agreement with Larry Mize for Laurel Radio Tower Site

Radio System Administrator Tom Priddy informed the Commission that this lease agreement is for 10 years at \$1200/month with a 3% increase each year for inflation and that the landowner will receive 40% of the income from any colocation. This is the sixth site that was considered for the location of the tower. Commissioner Harkness asked if this lease agreement automatically renews or if there is an end date? Mr. Priddy informed him that this is for a 10 year term and that they would have to negotiate renewal with the landowner at the end of the 10 years.

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

- g. Consider/Approve Pay Supplement for Superior Court Judge’s Law Clerks

Finance Director Tim Sims Addressed the Commission, informing them that the state has mandated the addition of a third superior court judge, and that the state pays for a law clerk for each of the judges. With the third judge, there is now a third law clerk. The two current law clerks receive county supplements of \$6,000 to their state pay. There is no written agreement from when these supplements were first given. The three resolutions being brought before the Commission tonight are to make the supplements the first two law clerks have been receiving official and to give the third law clerk the same supplement the other two are receiving.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-0) to approve the resolution authorizing a pay supplement for the law clerk for the Superior Court Judge William Oliver.

Motion by Palmer, seconded by Meador and voted unanimously (5-0) to approve the resolution authorizing a pay supplement for the law clerk for Chief Superior Court Judge Russell Smith.

Motion by Palmer, seconded by Harkness and voted unanimously to approve the resolution authorizing a pay supplement for the law clerk for Superior Court Judge Chan Caudell.

- h. Consider/Approve MOA with Northeast Georgia Medical Center Habersham for EMS Pharmaceuticals

Emergency Services Director Jeff Adams addressed the Commission. This Memorandum of Understanding with Northeast Georgia Medical Center will allow NGMC to supply pharmaceuticals to Habersham Emergency Services. There is already an arrangement with Habersham Medical Center, but this new MOU is needed due to the transition of the hospital to NGMC's ownership. He has compared the cost of receiving supplies from NGMC with two other vendors and NCGM remains the cheaper supplier.

Motion by Meador, seconded by Palmer and voted unanimously to approve.

- i. Consider/Approve MOA with Faithful Guardian Training Center for HCES to Provide Clinical Opportunities

Emergency Services Director Jeff Adams addressed the Commission. Faithful Guardian Training Center is a private school that provides advanced EMT education. They are wanting to use Habersham County Emergency Services as their advanced clinical site. Faithful Guardian Training Center will provide medical malpractice insurance for their students.

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

- j. Consider/Approve Donation of Large Diameter Fire Hose to Jackson Correctional Institute

Emergency Services Director Jeff Adams addressed the Commission. The hose in question does not meet the Habersham County Emergency Services standards. He has made inquiries and there are no municipalities in Habersham County that wish to receive it as a donation. He fills that Habersham County Emergency Services has all the hose that they need and this donation will not put them in a bind. Commissioner Palmer brought up his concerns that hose is very expensive and what happens if we bust a hose and need backup? Mr. Adams stated they have kept some additional hose for this purpose.

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

ADDITIONAL COMMENTS

Commissioner Palmer stated that he understands the concerns about having a radio tower constructed in a residential area, however there are limited sites in which a tower can be placed and still allow for adequate coverage. Just because there is a property with nothing around it doesn't mean that it will work with the radio system. He reminded everyone that there are several other residential areas with radio towers, including the neighborhood Commissioner Mealor resides in. He has heard some residents of the orchard say that they don't need the system, but last year there was over 130 calls made to 911. This year there have already been 156 calls. Regarding property values being negatively affected by the towers, he feels that it would also be difficult to sell a piece of property in which the buyer was made aware that there was not adequate emergency communication coverage. The Commission staff have put a lot of effort into the radio system and reviewing tower locations. The fire station that Mr. Perry stated the tower should be located at does not have enough property for the guidewires that would be needed.

Commissioner Harkness wanted to thank everyone for attending the meeting. He assured the citizens that the Commission takes their duties seriously and encouraged anyone from Harvest Christian Church Rd with concerns to reach out to him after the meeting. He wanted to let everyone know that his reasoning for not wanting to rush the second reading and vote of the CLDO change regarding subdivision roads is that he wants to make sure that ample notification is given to the public.

Commissioner Tench made an inquiry about the truck for the coroner. Mrs. Vaughn stated that it has been ordered and they are just waiting for it to come in.

Commissioner Akins wanted to assure everyone that he has never heard anyone on the Commission or County staff say that the residents of the Orchard Subdivision don't matter because it is just a bunch of rich people who live up there. He knows quite a few people that live in the Orchard and the Commission has not taken the decision to place a radio tower there lightly.

Commissioner Mealor- Had no additional comment.

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

Motion by Mealor, seconded by Commissioner Harkness to enter into executive session for the purposes of discussing personnel, pursuant to O.C.G.A § 50-14-3(b)(2); litigation, pursuant to O.C.G.A §50-14-2; property acquisition & disposal, pursuant to O.C.G.A §50-14-3 (b)(1).

ROLL CALL VOTE:

Palmer- aye
Harkness-aye
Akins- aye
Mealor- aye
Tench- aye

Motioned to enter executive session carries. The Commission entered executive session at 8:09 p.m.

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously (5-0) to return from executive session at 9:43 p.m.

County Attorney Donnie Hunt reported that all matters discussed in executive 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 Akins, seconded by Commissioner Meador and voted unanimously (5-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

ADJOURN: 9:44 p.m.

Motion by Commissioner Meador, seconded by Commissioner Palmer and voted unanimously to adjourn at 9:44 p.m.

Respectfully submitted,

By: _____


Commission Chairman Ty Akins

Attest: _____


County Clerk Brandalin Carnes

