

ROUGH DRAFT
HABERSHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
6:00 P.M., MONDAY, JUNE 19, 2023
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN STREET
CLARKESVILLE, GA 30523

The Habersham County Board of Commissioners held its regularly scheduled meeting on Monday, June 19th at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located at 295 Llewellyn St, Clarkesville, GA 30523.

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

Absent was Commissioner Dustin Mealor.

Chairman Akins called the meeting to order at 6:01 p.m.

Commissioner Harkness lead the invocation.

Commissioner Tench lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Harkness, seconded by Commissioner Akins, and voted unanimously (4-0) to adopt the agenda with the following changes:

- Removal of item (a) “Second Reading of CLDO Amendment to Section 68-201 “Definitions” & Section 68-1725 “Development/Project Access Improvements” from New Business.
- Table item (a) “Recognition: Kris Hall’s Receipt of MADD Georgia Golden Shield 2023 Officer of the Year Honor & Georgia Golden Shield 2023 Officer DUI Hero Honor” under Presentations/Announcements.

PRESENTATIONS/ANNOUNCEMENTS:

- ~~a. Recognition: Kris Hall’s Receipt of MADD Georgia Golden Shield 2023 Officer of the Year Honor & Georgia Golden Shield 2023 Officer DUI Hero Honor.~~ This item was tabled during the adoption of the agenda.
- b. Employee Spotlight: David Turpin’s Receipt of Georgia Inspector of the Year Award
- c. Announcement: Second Presentation and Adoption of FY 2024 Budget on June 26th at 6:00 p.m.
- d. Announcement: County Office and Landfill Closures for 4th Of July Holiday

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. ~~Second Reading of CLDO Amendment to Section 68-201 "Definitions" & Section 68-1725 "Development/Project Access Improvements"~~ This item was tabled during the adoption of the agenda.

b. CU-23-02: Conditional Use Application by Jeffrey Gunter for 13.71 Acre Property on Fairview School Road (Parcel#022 099) for Mulching and Gridding Operation

Planning Director Mike Beecham addressed the Commission. Mr. Gunter's primary business is grading. It is Mr. Gunter's desire to be able to bring debris from the properties he grades to his Fairview School Road property and periodically have an outside vendor come in to grind the materials for mulch. This mulch would be used by him for erosion control management on the properties he grades. The surrounding area is zoned as residential/agricultural. Both the staff recommended denial to the Planning Commission, and that should the Planning Commission see fit to approve the application they do so with the following conditions in place:

- Hours of operation be limited to 9am-5pm, Monday through Friday.
- The installation of an opaque structure or buffer of at least six feet tall.
- That the gridding area be moved further away from the county road and deeper into the property.

The Planning Commission held a hearing on June 6, 2023 and recommended denial of this conditional use.

Commissioner Akins inquired as to the main reason for the Planning Commission's denial? Mr. Beecham informed him that they did not feel it was appropriate for this residential/agricultural area. A large number of people spoke at the meeting regarding their concerns over traffic, noise, dust, safety etc.

Commissioner Harkness asked if the current zoning was agriculture? Mr. Beecham confirmed that it is zoned agricultural.

Commissioner Harkness asked if the decision by the Planning Commission to recommend denial of this conditional use was unanimous? Mr. Beecham confirmed that it was unanimous.

Commissioner Palmer asked for and received clarification regarding the location of the operations on the property. Commissioner Palmer asked if the grinding was only going to be for Mr. Gunter's grading business? Mr. Beecham stated that it is his understanding that any mulch that is produced would be used in conjunction with the grading business, not for retail sale.

Commissioner Tench asked for more information regarding the third party that would be coming to the property to do the grinding. Mr. Beecham stated that Mr. Gunter intends to collect the debris from the grading sites on the property in question and then periodically on no more than a monthly basis have a vendor come in and grind the debris for mulch that would be left on the property for Mr. Gunter to use.

Attorney Hunt offered the applicant the opportunity to come forward and speak on his own behalf for 10 minutes. Mr. Gunter addressed the Commission, stating that he does not expect the grinding activities in question to occur more than three to four times a year. He doesn't foresee an issue with the hours of operation, as the company that he would be bringing in to do the grinding only works from 8am-5pm anyways. He does not feel that the concerns traffic are warranted, as the road in question is not a small residential road and already has many semi-trucks, dual tandem trucks and large commercial equipment and vehicles coming up and down it every day. He feels that he is providing a beneficial service to the county, as grinding this debris keeps it out of the county landfill that is quickly filling up.

Attorney Hunt asked if there was anyone else who wished to speak in support of the conditional use application and there were no others who desired to do so.

Attorney Hunt offered all of those who are in opposition to the conditional use application a 10 minute opportunity to speak.

Mrs. Lisa Nicholson spoke in opposition in opposition to the conditional use application. She has family that lives in the area and she has safety concerns regarding the additional traffic on the roadway.

Kelly Shimick spoke in opposition to the conditional use application. Her property abuts the property in question where the grinding operation will take place. She has concerns regarding the dust and noise that will be produced from the grinding, stating that both she and her husband have emphysema. She also expressed safety concerns regarding additional traffic on the roadway as well as concerns regarding the decrease in her properties value.

Christy Thurmond spoke in opposition to the application. She understands that Mr. Gunter does not feel that grinding will occur more than three or four times a year, but if his business grows so to will the amount of debris being brought as well as the amount of noise from the increased frequency of grinding. She states that she is already having issues with carpenter ants from debris that is accumulating on Mr. Gunter's property.

Alan Thurmond spoke in opposition to the application. Ms. Christy Thurmond is his wife and wished to expound on the issue they are having with carpenter ants, an issue that he states has only recently occurred since the accumulation of debris on Mr. Gunter's property.

Attorney Donnie Hunt gave the applicant opportunity to respond.

In regard to the traffic concerns, Mr. Gunter stated that his trucks are only able to get up to 33 mph in the 2.5 miles span of distance it takes to get to the end of the road. The school zone on the other end does not stop the beer trucks that go through at 55 mph.As far as the complaints from Mr. and Mrs. Thurmond regarding ants and rodents, his mother-in-law lives the same distance away from the property and has not seen any kind of influx from either of these. Mr. Gunter stated that he is within his rights to a road into the property and subdivided it into 13 houses. He isn't trying to be a bad neighbor, but he is trying to provide for his family. There is a dumpster company across from his property that is parked in the road every single day.***

Commissioner Akins stated that while he agrees that this kind of business is beneficial to the county, there are other areas and corridors better suited for this kind of activity. The Board of Commissioners appoints the Planning Commission to act as advisors, and the fact that there was a unanimous denial by all of the Planning Commission members carries a lot of weight. He feels that there is a need for care when granting conditional uses as these don't always work out as intended.

Commissioner Palmer pointed out that there is a grinding operation in Mt. Airy that backs up to a subdivision, the only difference is that the property was zoned high intensity. He feels that this business would help the landfill tremendously. He feels that the conditional use should be granted with some conditions, stating that there is a reason why these applications come to the Board of Commissioners for a final decision.

Commissioner Akins asked isn't the materials that are coming into the landfill being ground already?
Commissioner Palmer stated that is the case for now.

Motion was made by Commissioner Palmer to approve conditional use application CU-23-02 with the conditions of no debris being ground other than those resulting from Mr. Gunter's grinding business, that there be an undisturbed barrier/buffer of 25 feet with existing trees, and that the hours of operation be limited to 9am-5pm Monday through Friday. There was no second to the motion. Motion dies.

Commissioner Harkness stated that he feels that there is a reason why they have appointed a Planning Commission to assist in making these decisions. He relies on the Planning Commission's recommendations, and takes consideration to the fact that they unanimously voted to deny this application.

Motion by Commissioner Akins, seconded by Commissioner Harkness, and voted 3-1 to deny conditional use application CU-23-02 with Commissioner Palmer dissenting.

- c. Z-23-01: Map Amendment Application by Omega Properties & Development Seeking Change of Land Use District for 16.64 Acre Tract at Intersection of Rockford Creek Rd & Hollywood Hills Rd (Parcel#128 061C) from LI, Low Intensity District to HI, High Intensity District for Development of RV/Boat Storage and Self-Storage Facility.

The County Clerk had this item listed incorrectly on the agenda. Omega Properties has a previously approved map amendment from 2021 with conditions from when a 16.64 acre tract located at the intersection of Rockford Creek Rd and Hollywood Hills Rd (Parcel#128 061C) was changed from LI, Low Intensity District to HI, High Intensity District. At the time that this change in district was approved, there were conditions imposed regarding the entrance/exit being installed on Hollywood Hills Rd, requiring a 25 ft undisturbed buffer along Rockford Creek Rd, and restricting the usage to RV/boat storage and self-storage. Omega Properties now wishes to have offices and a small warehouse on the property, which is not allowed under the current conditions of the previous map amendment. This new amendment is asking to remove the condition of limiting the permitted use to RV/boat storage and self-storage and instead allow any permitted HI use. The Planning Commission felt uncomfortable with allowing all HI uses on this property, and so are recommending that the condition regarding usage be amended to allow for RV/boat storage, self-storage and office/warehouse uses.

Attorney Hunt offered the applicant the opportunity to come forward and speak on his own behalf for 10 minutes. Mr. Jared Brooks came forward and showed the Commission photos of what he plans to do with the property. Commissioner Harkness asked how many offices would there be in addition to the warehouse? Mr. Brooks stated it would be 7-11 units if all of the spaces were built out.

Attorney Hunt offered anyone else who wished to speak in support of the application the opportunity to speak. There was no one else present who wished to speak in support of the application.

Attorney Hunt offered all of those who are in opposition to the map amendment application a 10 minute opportunity to speak. There were none present who wished to speak against the application.

Commissioner Akins asked if the property was currently zoned HI, to which Mr. Beecham replied yes.

Motion was made by Commissioner Harkness, seconded by Commissioner Tench, and voted unanimously (4-0) to approve the map amendment application with the revision to the conditions suggested by the Planning Commission.

- d. First Reading of the Proposed FY 2024 Budget

Finance Director Tim Sims addressed the Commission, informing them that the budget process this year had been difficult, as they had not received the preliminary digest numbers until last Thursday. This has led to Finance flying blind in regard to calculating the expected revenue. The Assessor's Office has had a hard time what with staffing issues and the marketplace in general. He would like to thank all the Commissioners for taking time out of their schedules to meet with both him and County Manager Vaughn individually for two hours each to go over the details of the budget and give their feedback. Mr. Sims shared a PowerPoint presentation reviewing details of the budget. This total of the proposed budget for FY 2024 across all funds is \$73,733,664, which is a 9.3% increase from the FY 2023 budget of \$67,437,964. Out of this, the proposed

general fund budget is \$37,185,665. Based on the preliminary tax digest numbers, it is expected that tax revenue generated will cover this budget without a millage rate increase, however it will depend on the final tax digest numbers. Commissioner Tench asked Mr. Sims if he knew what last year's tax digest was? Mr. Sims stated that he didn't have those numbers with him. Commissioner Akins inquired as to whether the FY 2023 budget ended with an overage or shortage? Mr. Sims informed him that FY 2023 is projected to close under budget. This is due in part to a lot of turnover and positions that went unfilled.

Attorney Hunt opened the floor for anyone wanting to comment either for or against the FY 2024 budget. There was no one present who wished to comment.

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. David Mickler spoke regarding his concerns for the new fees for the use of the Aquatic Center. He feels that either everyone should be charged full prices or that the use of the pool should be free to everyone. Commissioner Harkness voiced that he feels that the Commission needs to revisit allowing the free use of the pool by Habersham County residents and instead only charge a fee for the fitness center. County Manager Vaughn and Recreation Department Director Brooke Whitmire discussed the availability of scholarship program that assists individuals who can't afford to pay the fee for the use of the pool.
- b. Lynda Burnsed inquired about the status of the county taking over Hearthstone Subdivision's Rd. To her knowledge, everyone has signed quit claim deeds except for two property owners. One of these properties is essentially abandoned and the owner waits to pay taxes until the very last moment. The other refuses to pay his taxes because he claims he is "homestead". She wants to know if the Commission can go ahead and take over the road without these two property owners signing a quit claim deed? There are two other subdivisions in the area that have had their roads taken in by the county. The residents in her subdivision pay taxes as well and they want to be given the same services.
- c. Elena Saville first wanted to state that she does not appreciate the clerk rewording the topic of her discussion on the agenda. She wished to express her concerns over "the new mismanagement of the aquatic center". She states that she does not feel that scheduled closings of the pool for usage by private parties is fair to those who are now forced to pay a membership fee to use the pool. She feels that this is a breach of contract with members, who she feels are paying for the full usage of both pools.
- e. Chase Thomas expressed his disappointment regarding the Second Reading of CLDO Amendment to Section 68-201 "Definitions" & Section 68-1725 "Development/Project Access Improvements" being removed from the agenda. He feels that this is an amendment that could potentially save lives and it is regarding an issue that keeps getting pushed off when it needs to be addressed. The Board of Commissioners keep saying that they rely on the recommendations of the Planning Commission, well the Planning Commission has proposed this amendment and the Board of Commissioners should approve it. He states that he never got a direct response from the Commission to the emails he has sent out in previous weeks regarding his second issue. He feels that what happened during the last Planning Commission meeting did not follow Robert's Rules of Order and that there should be an ethics investigation. Commissioner Harkness consulted Attorney Hunt regarding his opinions, to which Attorney Hunt replied that he was not in attendance at the Planning Commission meeting, but Robert's Rules of Order state that the only person who can challenge the Chairman are the other

members of the Planning Commission. If none of the other members challenge the Chairman, than the Chair rules. Mrs. Vaughn stated that the county has an ethics policy, and that if someone feels that there is a violation of that policy they can submit a complaint following the procedure outlined in the policy.

CONSENT AGENDA:

Commissioner Palmer made a motion to approve the consent agenda as written.

Commissioner Harkness had a question regarding an item on the consent agenda, stating he sees where there are two different excavator purchases listed as item (n) and (p) on the agenda and he would like to know the difference between the two? Attorney Hunt informed him that the nature of the consent agenda is that it is not necessary to discuss items placed on it. When the agenda was adopted at the beginning of the meeting, it was agreed that the items on the consent agenda did not warrant discussion. If anyone desires discussion of an item on the consent agenda, it should be removed from the consent agenda during the adoption of the agenda and placed under new business for discussion. Commissioner Harkness stated that he only wanted to know the difference between the two excavators? Attorney Hunt stated that while it wouldn't be unethical by any means to request further information, it doesn't follow Robert's Rules of Order to engage in discussion of consent agenda items. He directed Road Department Director Jerry Baggett that he should only answer the question and not engage in any further discussion. Mr. Baggett informed the Commission that the Yanmar mini excavator was for the Road Department to use in replacing culverts while the larger Kubota excavator was being used for the landfill. Commissioner Akins mentioned it was worth noting that up until now, they had been paying on a lease for the Yanmar excavator, and that the dealer is going to apply the payment that have been made to the it's purchase.

Commissioner Harkness seconded the motion that was previously made by Commissioner Palmer to approve the consent agenda as presented. Motion carries unanimously (4-0).

- a. Consider/Approve Minutes for May 15, 2023 Work Session
- b. Consider/Approve Minutes for May 15, 2023 Regular Meeting
- c. Consider/Approve Minutes for May 15, 2023 Executive Session
- d. Consider/Approve Agreement with Healthy Contributions for Payment Servicing of Renew Active Program
- e. Consider/Approve Agreement with Optum Health for Provision of Renew Active Program
- f. Consider/Approve Agreement with American Specialty Health for Provision of Silver & Fit and Active Fit Programs
- g. Consider/Approve Recreation Department Facility Usage Agreement with Rapids Futbol Club
- h. Consider/Approve Agreement for Recreation Department Facility Usage Agreement with GA DDS for Motorcycle Safety Program
- i. Consider/Approve Ratifying Contract with Baker Audio-Visual for Courthouse AV Upgrades
- j. Consider/Approve Acceptance of Judicial Council of GA's ARPA Grant for Courthouse AV Equipment Upgrades
- k. Consider/Approve Letter of Engagement with Rushton & Co for June 30, 2023 Year End Audit

- l. Consider/Approve Creation of Boy Scouts Aviation Explorers Post at Airport
- m. Consider/Approve Airport Hangar F3 Lease Reassignment from Trivett to Kirschner
- n. Consider/Approve Purchase of One (1) 2022 Yanmar Mini Excavator Model Vi080-1A for Road Department
- o. Consider/Approve Purchase of Seventy (70) Glock Model 45 MOS Platforms and Optics
- p. Consider/Approve Purchase of One (1) Kubota Excavator and One (1) 40" Rotary Mower for Landfill

REPORTS:

- a. Manager's Report: County Manager Alicia Vaughn

APPOINTMENTS:

HOSPITAL AUTHORITY 3-year term

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

Commissioner Tench stated that it was his understanding that the Hospital Authority was dissolving as of the transfer of the hospital on June 30th. County Manager Vaughn informed him the Hospital Authority is still required to exist as long as the debt is outstanding as they are the issuing authority.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (4-0) to table the appointment until the next meeting.

PLANNING COMMISSION 3-year term

1. Bill Gresham (Resignation) 12/31/2024- Commissioner Harkness' Appointment

Motion by Commissioner Harkness, seconded by Commissioner Akins and voted unanimously (4-0) to nominate Jesse Ownesby to serve the remainder of Mr. Gresham's term on the Planning Commission.

UNFINISHED BUSINESS: NONE

- a. Second Reading and Consideration/Approval of Proposed Addition to Habersham County Code of Ordinances: Chapter 70 Entitled "Timber Harvesting"

Planning Director Mike Beecham informed the Commission that this is the second of two required reading of the proposed new ordinance. 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.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously 4-0 to approve.

NEW BUSINESS:

- a. Consider/Approve Purchase of Refurbished 2008 International 3,000 Gallon Fuel Truck from World Fuel for Airport

Airport Manager Will Regan addressed the Commission. World Fuel has been very generously loaning the county a refueler truck since last year at no cost. World Fuel has now located a 2008 International fuel truck for the county to either lease or purchase. The total cost to purchase the fuel truck is \$98,500. The total combined payments for leasing the fuel truck would be \$50,000 without the county having the benefit of owning it at the end of the 36 month lease. The old fuel truck was originally purchased for \$18,000 but was surplused for \$27,000. This revenue can be used toward the purchase of the fuel truck from World Fuel. World Fuel has invested \$30,000 into refurbishing the fuel truck so that it is basically new. They have been allowed to use this truck for the past month as a test drive and there are no issues. He is recommending purchase of the fuel truck.

Motion by Commissioner Harkness, seconded by Commissioner Palmer to approve the purchase of the refurbished 2008 International 3,000 gallon Fuel Truck from World Fuel Services. Motion carries unanimously (4-0).

- b. Consider/Approve Award of Project LMIG 2023-1 (137) to Allied Paving Contractors, Inc

Public Works Director Jerry Baggett addressed the Commission. The Local Maintenance and Improvement Grant (LMIG) is an annual grant that Habersham County receives every year from GDOT for roadway improvements. The county is receiving \$755,260 from GDOT with a 30% required local match of \$226,578. The scope of LMIG 2023-1 (137) was 9.96 miles of patching, leveling and resurfacing on 17 county roads. Eight of these roads are carryovers from last year's project list that had to be cut due to the cost overruns. This project was put out for bid and out of the five bids received, Allied Paving Contractors, Inc came in at the lowest bidder for a total base bid of \$2,096,049. The additional funds that are needed are coming out of SPLOST VII.

Commissioner Palmer voiced concerns regarding the award of this bid to Allied Paving Contractors, as he felt that the quality of work demonstrated by this company in the past was subpar. County Manager Vaughn informed him that because the county is governed by state contracting laws, that the only way to exclude a bidder would be to have a process that places them on an unqualified bidder list ahead of time. She went on to mention that performance bonds are required in case a vendor does not perform on the contract and they don't correct the issues. They also require that the vendor post payment bonds in the event that they don't pay their subcontractors. Finance Director Tim Sims stated that the county also holds retainage on the bid. Mr. Baggett stated that they have already informed Allied Paving that there would be possible core testing.

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (4-0) to approve.

- c. Consider/Approve Resolution 2023-06-001 Pay Supplement for Superior Court Judge Chan Caudell

Human Resources Director Ann Cain addressed the Commission. This resolution changes the supplement that Judge Chan Caudell would receive to \$16,740. Judge Caudell is currently receiving a \$10,740 supplement, so this would be a \$6,000 increase.

Motion by Palmer, seconded by Harkness and voted unanimously (4-0) to approve.

- d. Consider/Approve Resolution 2023-06-002 Pay Supplement for Superior Court Judge Russell Smith

Human Resources Director Ann Cain addressed the Commission. This resolution changes the supplement that Judge Russell Smith would receive to \$16,740. Judge Smith is currently receiving a \$10,740 supplement, so this would be a \$6,000 increase.

Motion by Harkness, seconded by Tench and voted unanimously (4-0) to approve.

- e. Consider/Approve Resolution 2023-06-003 Pay Supplement for Superior Court Judge William Oliver

Human Resources Director Ann Cain addressed the Commission. Judge William Oliver is a new Superior Court Judge and is currently receiving no supplement. This resolution gives him the same \$16,470 supplement as the other two superior court judges.

Motion by Harkness, seconded by Palmer and voted unanimously (4-0) to approve.

- f. Consider/Approve Resolution 2023-06-004 Raising Vital Records Income Retention Cap for Probate Court Judge Pam Wooley

Human Resources Director Ann Cain addressed the Commission. She stated that the Board of Commissioners is authorized to raise the annual income retention cap for probate judge. Judge Pam Wooley is currently capped at \$7,500. She wishes for the cap to be raised to \$20,000. This income is from money that Judge Wooley brings in from the handling of vital records. At this time, she brings in \$8,000 a month in revenue from these activities. Judges in many other counties keep the entirety of what they collect.

Motion by Commissioner Palmer, seconded by Commissioner Tench and voted unanimously (4-0) to approve.

- g. Consider/Approve Resolution 2023-06-005 Pay Supplement for Superior Court Clerk David Wall

Human Resources Director Ann Cain addressed the Commission. The Clerk of Court has taken on additional responsibilities as the appeal administrator for the Board of Equalization. In light of the additional duties and in order to keep his salary competitive with similar positions, it is requested that the county supplement his state mandated pay by \$4,630.80. The Board of Commissioners is authorized to give this supplement.

Motion by Commissioner Palmer, seconded by Commissioner Tench and voted unanimously (4-0) to approve.

- h. Consider/Approve Resolution 2023-06-006 Amending ACCG 457(b) Deferred Compensation Plan to Permit ROTH Contributions

Human Resources Director Ann Cain addressed the Commission. Currently, the 457(b) Deferred Compensation Plan does not allow for ROTH contributions. Some employees would prefer to make after tax contributions so they can make tax free withdrawals at retirement. Commissioner Harkness asked if all employees would be eligible, to which Ms. Cain stated that all employees on the payroll are eligible.

Motion by Harkness, seconded by Palmer and voted unanimously (4-0) to approve.

- i. Consider/Approve Resolution 2023-06-007 Restricting Use of Bear Gap Radio Tower

Commissioner Akins read the resolution. This resolution is to assuage concerns regarding the future use of the tower for cellular services. The resolution restricts the usage of the 911 radio tower proposed for placement on county owned property (Parcel# 140-080D) located between Cider Ridge and Bear Gap Road within the Orchard Subdivision to network purposes only. This resolution excludes the usage of the tower for commercial cellular service. This restriction will run with the land and be recorded in the deed records.

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (4-0) to approve.

- j. Consider/Approve Ratification of Agreement with Batson Family LP for Purchase and Sale of Parcel#109 009

Public Works Director Jerry Baggett was present to answer questions from the Commission. Commissioner Harkness asked if Jerry has had a chance to get this property surveyed? Mr. Baggett informed that he received the proposal today for the survey on the boundary that is needed to close on the property. County Manager Vaughn informed that they are still within the due diligence period. Commissioner Akins stated that it is worth mentioning that this is not approving the purchase of the property as they are still within the due diligence period. Attorney Hunt also reminded them that the price depends on the results of the survey.

Commissioner Tench asked why the county was paying for the survey? Attorney Hunt informed him that the one who is generally always the one who pays for the survey because it is to the advantage of the purchaser. The price will depend on the results of the survey as a road divides the property and one side is better than the other. One side will command a lesser price per acre than the other. Mr. Baggett stated that the Batsons have owned this property since before GDOT building Hwy 365 which split the property. At this time it is not known what the exact acreage of each of the resulting two pieces are.

Motion by Palmer, seconded by Harkness and voted 3-1 to approve with Commissioner Tench dissenting.

ADDITIONAL COMMENTS

Commissioner Akins wished to express condolences on behalf of himself and the Commission to the families of Richard Alfred and Brian Ramirez on their recent and tragic passing.

Commissioner Palmer informed everyone that the March town hall meeting that was cancelled is scheduled to be held on at 6:00 p.m. on June 28th in the Aquatic Center. This is a meeting regarding public safety and Sheriff Terrell, Adams, E-911/EMA Director Lynn Smith, Emergency Services Director Jeff Adam and Animal Control Director Madi Nix will all be there. The Public is invited to attend.

Commissioner Harkness thanked everyone for coming out. He stated that being a Commissioner is like any job, you can't make everyone happy. He assured Mr. Gunter that he feels that he is a fine gentleman and that he knows of him and his family, but they just have to do the best they can. He extended his appreciation to everyone for coming out to support their local government and showing interest in what is going on.

Commissioner Tench had no 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 Commissioner Palmer, seconded by Commissioner Harkness to enter into executive session for 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

Commissioner Palmer- aye
Commissioner Harkness-aye
Chairman Akins-aye
Commissioner Tench-aye

Motion Carries 4-0 to enter into executive session at 8:50 p.m.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (4-0) to come out of closed session at 9:40 pm.

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

ADJOURN

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (4-0) to adjourn at 9:41 p.m.

Respectfully submitted,

By: _____
Commission Chairman Ty Akins

Attest: _____
County Clerk Brandalin Carnes