

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, AUGUST 21, 2023
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN STREET
CLARKESVILLE, GA 30523

The Habersham County Board of Commissioners held a regularly scheduled meeting on Monday, August 21, 2023 at 6:00 p.m. in 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 the public.

Commissioner Akins called the meeting to order at 6:02 p.m.

Commissioner Harkness lead the invocation.

Commissioner Palmer lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion made by Commissioner Tench to amend the agenda to move item j. "Consider/Approve Contracted Instructor Agreement with Christine Tekippe for Aqua Aerobics" and item m. "Consider/Approve Agreement with ASH for Silver & Fit and Active & Fit Programs at Senior Center" from the consent agenda to become items d. and e. respectively under new business. Commissioner Palmer wished to add to this motion that an additional item that was not previously on the agenda be added to new business as item f. "Consider/Approve Appeal of the 2022 Sales Ratio". This motion was seconded by Commissioner Harkness and voted unanimously (5-0) to approve.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Bruce Coates & Cody Cook (Fleet Maintenance)

PUBLIC HEARINGS:

- a. CU 23-04 Conditional Use Application by Donnie Wade to Allow for Towing Service/Holding Lot on Property Located at 164 Bryson Dr (Parcel #022 150 & Parcel#022 153)

Planning Director Mike Beecham addressed the Commission. The Planning Commission held a hearing on this conditional use application at their July meeting. Mr. Wade is requesting conditional use for a commercial towing/storage yard at 164 Bryson Rd (Parcel #022 150 and 022 153) in the LI, Low Intensity District. The applicant owns 4.93 acres between both parcels. Mr. Wade also owns a commercial storage lot within the City of Clarkesville. He intends for the property at 164 Bryson Rd to be used as an overflow lot for his business. He has already been using this property to store some vehicles due to thefts that have occurred at his commercial storage lot. Mr. Wade does business with the County, as his towing business is on the County's rotation list for removing abandoned vehicles within County rights-of-way and from drug seizures. Legally, these vehicles must be kept for varying times before a clear title can be given for disposal. Given these long-hold times, the applicant has stated he needs the additional storage room of his property at 164 Bryson Rd.

The Planning Commission is forwarding this application the Board of Commissioners with a recommendation of approval with the following conditions:

- No vehicles shall be brought to the site outside the hours of 8 a.m. to 6 p.m.

- A maximum of ten (10) vehicles shall be stored on the site.
- The vehicles shall be installed northeast of the chicken house.
- A six-foot (6') wood privacy fence shall be installed around the storage site as depicted on attached drawing.
- The site shall be for storage only. There shall be no dismantling allowed.
- The cars may be stored for a maximum of eighteen (18) months on the property.

Commissioner Harkness asked if any members of the public had expressed concerns at the Planning Commission meeting regarding this conditional use application? Mr. Beecham stated several neighbors did show up, some of which are present at this Commission meeting tonight. They expressed concerns regarding unsightliness, safety, environmental impact, lighting, and noise. Commissioner Harkness asked if the property was already being used for the proposed purpose? Mr. Beecham stated that, while he does not have proof of this, the neighbors have all said that many of the cars have been there for several years and the vegetation growth around vehicles present on the property seem to suggest this as well.

Commissioner Akins turned the meeting over to County Attorney Donnie Hunt to conduct the public comment portion of the hearing.

Attorney Hunt asked if the applicant, Mr. Donnie Wade, was present to speak on behalf of his application? Mr. Wade was not present at the meeting. Attorney Hunt offered the opportunity for those present who were in favor of Mr. Wade's conditional use application to speak. There was no one present who wished to speak in favor of the application.

Attorney Hunt offered the opportunity for those present who were opposed to Mr. Wade's conditional use application an opportunity to speak.

Mr. Mark Bonelli spoke in opposition to the application, stating that two of his property lines are cluttered by Mr. Wade's junk cars. Mr. Bonelli stated that these junk cars were there when he moved to his property eight years ago before Mr. Wade ever inherited the property. Although you can't see them as bad in the summer, they are very visible in the winter and Mr. Wade's property continues to fill up with them.

Rita Bryson spoke in opposition to the application. She informed the Commission that Mr. Wade has already been using the property as a junkyard for many years. She feels that it is not a holding lot so much as a junkyard, seeing as how some cars have been on the property for at least nine years. She expressed her concerns regarding the current junk cars on the property being visible from her carport, the environmental effect of water runoff from Mr. Wade's property onto her property, and noise issues that are already occurring from Mr. Wade bringing in cars at night. Ms. Bryson understands that one of the conditions if the application is approved is that vehicles are not stored on the property for more than 18 months. She feels that if the application is approved that this condition not only applies to new vehicles coming onto the property but also to the vehicles that are currently on the property. She feels that the vehicles that have been there already for nine years be removed immediately. Ms. Bryson stated that she has counted 35 junk cars on Mr. Wade's property from the arial photos. Commissioner Harkness inquired about the process the county normally goes through in enforcing the junk vehicle ordinance? Mr. Beecham stated that normally a warning is issued giving the owner a set amount of time to remove the junk vehicles from the property. This situation involves business activities and his office felt that the bigger question that needed to be addressed is if the Commission approves of this property being used for commercial towing/storage yard activities. If the Commission approves the conditional use as recommended by the Planning Board than the Planning Office will enforce the removal of all vehicles over the allowable limit of 10 and start the 18-month time limit on the vehicles remaining on the property. The excess vehicles would be expected to be removed within 30 days. Commissioner Harkness asked what will be done if the Board of Commissioners does not approve the

conditional use? Mr. Beecham said that his office will reach out to the property owner and give them 30 days to remove all the vehicles. If he refuses to do so, he will be issued a citation.

Clarence Bryson stated that he had brought this issue up when Sam Irvin was the code enforcement officer for the county, and he feels as though he was brushed off because Mr. Wade provides services to the county. This is a residential neighborhood, and while he can understand agricultural uses for Mr. Wade's property, he doesn't feel a junkyard is appropriate. He also does not feel that the Planning Commission's recommendation of a six-foot fence would solve the problem, as even if the fence was eight feet tall the vehicles would still be visible from both his and Mr. Bonelli's properties. He says that Mr. Wade is already hauling cars onto the property at all hours of the night and the noise can be heard throughout the entire community. Mr. Bryson says that he came to the Planning Office to ask about what can be done about these activities, and he was told to fill out a complaint form. He feels that Code Enforcement should be proactively surveilling the county for violations and enforcing the code instead of waiting for citizens to have to make a formal complaint. He feels that Mr. Wade should keep these vehicles at his business in Clarkesville rather than devalue the properties in a residential neighborhood.

Mike Chitwood had concerns about the environmental effects of the aging vehicles on Mr. Wade's property, suggesting that someone check to see if they are leaking any fluids.

Motion by Commissioner Meador, seconded by Commissioner Akins and voted unanimously (5-0) to deny the conditional use application.

Mr. Beecham stated that he would inform Mr. Wade that he has 30 days to remove all junk vehicles from the property.

PUBLIC COMMENTS:

- ~~a. Bobby Minish: Property Taxes~~ Mr. Minish was not present for public comment.

CONSENT AGENDA:

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-0) to approve the following consent agenda as amended during the adoption of the agenda.

- a. Consider/Approve Minutes for July 17, 2023 Work Session
- b. Consider/Approve Minutes for July 17, 2023 Regular Meeting
- c. Consider/Approve Minutes for July 17, 2023 Executive Session
- d. Consider/Approve Minutes for July 19, 2023 Millage Rate Hearing
- e. Consider/Approve Minutes for July 26, 2023 Millage Rate Hearing (11:30 a.m.)
- f. Consider/Approve Minutes for July 26, 2023 Millage Rate Hearing (6:00 p.m.)
- g. Consider/Approve Contract with Axon for Animal Control Officer Safety Equipment and Support
- h. Consider/Approve Ratifying Master Service Agreement with W&A Engineering
- i. Consider/Approve Salvage of 2003 E-One Fire Truck (#13904)

- ~~j. Consider/Approve Contracted Instructor Agreement with Christine Telippe for Aqua Aerobics~~
- k. Consider/Approve Resolution Authorizing Application for FY 2025 Transit Grant
- l. Consider/Approve FY 2023-2024 Contract with Legacy Link for Senior Center Nutritional Services
- ~~m. Consider/Approve Agreement with ASH for Silver & Fit and Active & Fit Programs at Senior Center~~
- n. Consider/Approve Purchase of 299 Compact Track Loader for Landfill
- o. Consider/Approve Purchase of 926M Wheel Loader for Landfill
- p. Consider/Approve Lease to Purchase of D6 Track Dozer for Landfill

REPORTS:

- a. Manager's Report: County Manager Alicia Vaughn
- b. Airport Commission Report: Will Regan

APPOINTMENTS:

PLANNING COMMISSION 3-year term

- 1. David Purcell (Resignation)-Term Ending 12/31/2024- Commissioner Akins' Appointment

Motion by Commissioner Akins, seconded by Commissioner Harkness and voted unanimously (5-0) to appoint Greg Hill to the Planning Commission.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- a. Consider/Approve Lease-Purchase of Two (2) E-One Spartan Pumpers

Emergency Services Director Jeff Adams addressed the Commission. At the Commissioner's retreat this past January, he had informed the Commission of the condition of Emergency Services fleet of front-line apparatus. The average age of the fleet is 17 years. The National Fire Protection Association (NFPA) recommends apparatuses that are greater than 15 years, if properly maintained and serviceable, should be placed in reserve status. With this in mind, as well as the ever-increasing maintenance expense for the older trucks, they are recommending the this lease-purchase agreement to add two (2) E-One Spartan Pumpers to the fleet. One would be delivered this October and the other would be delivered next May. Mr. Adams and Finance Director Tim Sims have reviewed many different leasing plans and found the one being proposed to have the best interest rate at 4.60%. They had budgeted \$275,000 per year for five years for this lease purchase agreement. The first payment would be made from SPLOST funds, with subsequent payments being made from CIP funds.

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

- b. Consider/Approve Award of Project 2024-01 for Fairground Parking Lot Repairs to EverLine Coatings and Services

Public Works Director Jerry Baggett addressed the Commission. The resurfacing of the fairground parking lot area has been discussed for several years, however based on current prices from the recent LMIG of \$206,000 per mile, it would be around \$943,000 to resurface all the square footage that this project encompasses. Instead, they have put out a bid for a project scope that includes crack sealing, seal coating, striping and symbols. This work would be done for the lower parking lots at the soccer fields, main fairgrounds parking lot, animal shelter/soccer fields parking lots and the drives associated with these lots. This does not include any signage or stops for vehicles. Everline Coatings and Services came in as the lowest bidder at \$79,365.40. He is recommending awarding the bid to Everline. Commissioner Akins asked if this project would be funded from last fiscal year's CIP funds? Finance Director Tim Sims confirmed that these funds were being carried over from last year. Mr. Baggett clarified that this process requires the temperature to be at least 50 degrees for 24 hours so the seal coating will stick. The project was intended to be completed last year but they were not able to do so before winter hit. Commissioner Meador inquired as to whether or not there would be a conflict with Everline's projected start date for work of August 28, 2023 given that the fair will be setting up a little over a week later? Mr. Baggett stated that there shouldn't be an issue with completing the soccer field area in time as it is scheduled for next week. He realizes it would be beneficial to have this project done in time for the fair, but also that the fair activities could damage the coating. He informed the Commission that this is a multi-coat process and that he would ask them to hold off on completing the section where the fair sets up until after the fair is over. He assured them that the soccer field area that is used as parking for the fair should be done before the fair starts.

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

- c. Consider/Approve IGA with City of Clarkesville and Habersham County Development Authority for Temporary Financing of Demolition of Old Courthouse

Mrs. Vaughn addressed the Commission. This Intergovernmental Agreement is between the City of Clarkesville, the Habersham County Development Authority and Habersham County. The Development Authority and the City of Clarkesville would be loaning funds to the county for the demolition of the courthouse. The amount of funds loaned by the City of Clarkesville and the Development Authority to Habersham County would not exceed \$500,000 and would be split 50/50. The county would pay interest on the borrowed funds until they are paid back with money received from the sale of the property. Once the courthouse is demolished, an RFP would be put out for the vacant property to try to market it for new development on the site. The county would be responsible for overseeing the project, bidding out the project and completing the environmental study. Commissioner Tench voiced concerns about the Old Courthouse being considered by the Department of the Interior as being a National Historic Site. He does not feel that mold puts the Old Courthouse in bad enough condition to warrant demolishing considering the county's growing need for office and storage space. He cited as examples the recent remodel of the Road Department for offices and the need to lease space from Ingles for the new south precinct/election's office and the storage of voting machines. Chairman Akins asked Facilities Director Mike Bramlett for his thoughts on the conditions of the old courthouse. Mr. Bramlett stated that it would take a lot of work to make it suitable to be occupied again. Commissioner Palmer voiced concerns regarding the county potentially becoming ineligible for a matching grant to assist in paying for demolishing the old courthouse if bids are accepted before a certain point in the application process. He is not opposed to demolishing the old courthouse, but he thinks this should be delayed until the county's eligibility for the grant is determined. Mrs. Vaughn stated that the grant Commissioner Palmer is referring to is a Community Development Block Grant. The county has not applied for this grant yet as they are still in the process of submitting the needed information to see if Habersham would even qualify. Commissioner Akins stated that it was his understanding that they were going to see about using this grant for other purposes? Mrs. Vaughn confirmed that the county can still apply

for and use the grant for other purposes if the Commission goes forward with demolishing the courthouse and putting the property up for bid. An example would be to partner with Clarkesville to jointly apply for a grant for infrastructure for the site.

Motion by Commissioner Mealor, seconded by Commissioner Harkness, to approve the IGA for the temporary financing of the demolition of the old courthouse among Habersham County, City of Clarkesville, and Development Authority once the County Attorney has made sure there are no issues with it being on the National Historic Register. Motion carries 3-2 with Commissioner Palmer and Tench dissenting.

d. Consider/Approve Contracted Instructor Agreement with Christine Tekippe for Aqua Aerobics

Ms. Whitmire addressed the Commission, informing them that one of the first things she was tasked with upon being hired as the Parks and Recreation Director was to work with the County Attorney to develop a better framework for these agreements. There are already two other individuals who are providing instruction under the new agreements. Ms. Tekippe has provided Aqua Aerobics instruction for the Recreation Department for over 20 years. This agenda item is requesting that the Commission allow her to continue offering these classes as a contracted instructor under the provided agreement. Mrs. Vaughn added that under these new agreements the Parks and Recreation Department takes in all participant fees, which are tracked through the RecDesk software. The county then pays the contracted instructor based on program participation. This is as opposed to the old way of doing things which relied on the instructor collecting the fees and tracking program participation, which often resulted in the county not getting paid adequately.

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

e. Consider/Approve Agreement with ASH for Silver & Fit and Active & Fit Programs at Senior Center

Ms. Whitmire addressed the Commission, informing them that she was speaking on Senior Center Director Kathy Holcomb's behalf. Ms. Whitmire informed the Commission that while she can't answer questions specific to the senior center, she is able to most questions regarding the agreement itself and the programs covered under it as they are the same as those that she has with ASH for the Recreation Department. Commissioner Mealor stated that it appears that we get compensated per usage, there is no fee to the county, and that this is just a reimbursement program. Ms. Whitmire agreed, stating that the programs themselves are paid for by the individual participants private insurance. The Senior Center tracks individual participants checks in then reports it to ASH, who in turn gets the insurance companies to reimburse the county. Ms. Whitmire stated that it is her understanding that the Senior Center has provided these programs for awhile and that this is just a renewal for them.

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

f. Consider/Approve Appeal of 2022 Sales Ratio Study

Commissioner Akins reminded the Commission that this item was discussed during the work session. Mrs. Vaughn stated that this item is requesting their permission for her to file an appeal of Habersham County's 2022 Sales Ratio Study.

Motion by Commissioner Mealor, seconded by Commissioner Harkness and voted unanimously (5-0) to authorize County Manager Alicia Vaughn to appeal the 2022 Sales Ratio Study with the state of Georgia.

ADDITIONAL COMMENTS

Commissioner Palmer wanted to thank the employees and citizens who attend the Commission meetings. He also wanted to thank Brooke and the aquatic center staff for doing such an amazing job pulling off the recent Swim Safely Event. Commissioner Akins thanked Commissioner Palmer for his efforts in fundraising for the event.

Commissioner Harkness thanked everyone for their attendance and support at the meetings.

Commissioner Mealor expressed his pleasure at seeing that the Chattahoochee Mtn Fair was going to have a rodeo this year. He wanted to let everyone know that the Chattahoochee Mtn Fair will be held September 9th to September 16th with the rodeo itself taking place on the 15th and 16th. The total purse across all classes is \$18,300. Commissioner Akins mentioned that it was his understanding that this is the largest purse in Northeast Georgia outside of Athens.

Commissioner Tench voiced his concerns regarding the dangers of getting out of his driveway onto Hwy 365 in the morning to take his grandkids to school, saying that he may be the next person to be killed. He expressed his displeasure with the fact that he was not invited to or informed about the meeting that was held with GDOT recently regarding Hwy 365 and that he was therefore unable to give his opinions.

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 Harkness, seconded by Commissioner Mealor, to enter into executive section to discuss 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

Motion carries 5-0 to enter into executive session at 7:28 p.m.

Motion by Commissioner Mealor, seconded by Commissioner Palmer, and voted unanimously (5-0) to exit executive session at 8:15 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 Mealor, and voted unanimously (5-0)

ADJOURN

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously (5-0) to adjourn at 8:16 p.m.

Respectfully submitted,

By:

Commission Chairman Ty Akins

Attest:

County Clerk Brandalin Carnes