

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
6:00 P.M., MONDAY, OCTOBER 16, 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, October 16, 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 were 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 6:00 p.m.

Commissioner Harkness lead the invocation.

Commissioner Palmer lead the pledge.

ADOPTION OF AGENDA

Motion by Commissioner Mealor, seconded by Commissioner Harkness to amend the agenda to remove executive session. Commissioners Palmer, Harkness, Akins and Mealor voted to amend the agenda per Commissioner Mealor's motion, however Commission Tench asked about removing item "g. Consider/Approve Lease Agreement for 4336 Toccoa Hwy, Clarkesville, GA" from the consent agenda. Attorney Hunt stated that technically the agenda has already been adopted by a vote of the four other Commissioners, however he would differ to the Chairman as to whether he would like to allow for an amendment to be made to the previous motion. Chairman Akins stated that he would allow this.

Motion by Commissioner Mealor, seconded by Commissioner Harkness and voted unanimously (5-0) to amend the previous motion made by Commissioner Mealor to include the removal of item "g. Consider/Approve Lease Agreement for 4336 Toccoa Hwy, Clarkesville, GA" from the consent agenda and place it under new business as item "b".

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Belinda Konarski
- b. Proclamation of November 16th through 23rd As Farm City Week
- c. County Offices and Landfill Closed Friday, November 10th for Veterans Day

PUBLIC HEARINGS:

By permitting opponents or speakers to present public comment to the county, the county does not acquiesce or waive its ability to challenge to the legal standing of the speaker(s) in the event of litigation.

- a. CU-23-05: Conditional Use Application by Robert Kimbrell for Use of 2520 Cannon Bridge Rd (Map 043 Parcel 055) for Parking/Storage of Semi-Trailers.

Planning Director Mike Beecham addressed the Commission, informing them that this request was heard by the Planning Commission at their October 3rd Meeting. Mr. Kimbrell has several semi-trailers parked on his property. Aerial imaging over the years shows that the semi-trailers did not exist on the property as of 1992,

which is when the Conditional Land Use Resolution was adopted. This means the property is not legally grandfathered for this use. He found images that showed that there were a few located on the property in 1995, so the property first started being used for parking these semi-trailers sometime between 1992-1995. They issued a citation to Mr. Kimbrell and this went through Magistrate Court. Magistrate Court gave Mr. Kimbrell the option of applying for a conditional use or paying a fine, and he chose to apply for the conditional use. The parcel owned by the Kimbrell's at which the semi-trailers are parked is 13.97 acres. The complaint that staff received was regarding the unsightliness of the property. Mr. Kimbrell has stated that he uses these trailers for personal storage and that they are road worthy even though they are not registered. The property is zoned LI for light intensity use and surrounding property use is residential and agricultural. Fairview Elementary is located near the property.

The Planning Commission recommends approval of the conditional use application with the following conditions:

- 1) A six foot (6') minimum height privacy fence shall be installed on the front property line outside the GDOT right-of-way which must be installed within six (6) months.
- 2) The trailers must be at least 100 feet from the centerline (50' setback) of Cannon Bridge Rd.
- 3) There shall be a maximum of nine (9) trailers stored at any one time at this location.

Mr. Beecham had received a voicemail earlier in the day in which it was brought into question how many trailers are currently located on the property. He went back out to the property and says that he could only find twelve (12) trailers. The Planning Commission had asked Mr. Kimbrell how many of the trailers he would need on his property, and that is how they ended up coming up with the maximum number of nine (9).

Attorney Hunt gave Mr. Robert Kimbrell an opportunity to speak on behalf of his application. Mr. Kimbrell stated a lot of the trailers are used to store his late father's possessions. The rest contain his own personal items such as his tools as well as furnishings from his mother's house. He has no issues with the conditions that would be required for his continued use of the property for parking semi-trailers.

Attorney Hunt asked if anyone else wished to speak in favor of Mr. Kimbrell's application. Ms. Jenny Blalock of 2687 Cannon Bridge Rd spoke, stating that she lives across the road from Mr. Kimbrell and that these trailers have been on the property for years. Her own children have items belonging to their ancestors stored in some of these trailers, and she is asking that Mr. Kimbrell be allowed to continue to have them on his property.

Attorney Hunt asked if anyone wished to speak in opposition of Mr. Kimbrell's application. There was none who wished to do so.

Motion by Commissioner Palmer, seconded by Commissioner Mealor, and voted unanimously (5-0) to approve conditional use application CU-23-05 with conditions as recommended by the Planning Commission.

PUBLIC COMMENTS: None

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.

CONSENT AGENDA:

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

- a. Consider/Approve Minutes for September 18, 2023 Work Session

- b. Consider/Approve Minutes for September 18, 2023 Regular Meeting
- c. Consider/Approve Ratifying Purchase of One (1) 2021 Ford F150 Regular Cap Pickup for Code Enforcement
- d. Consider/Approve Tax Assessor's Office Bi-Tek Data Conversion for WinGAP Software
- e. Consider/Approve Ratifying MOU with Sheriff's Office and G.A.S.R.O.E. for CJCC Grant for Gang Violence Training
- f. Consider/Approve Frazier Ambulance Remount
- ~~g. Consider/Approve Lease Agreement for 4336 Toccoa Hwy, Clarkesville, GA Removed from the consent agenda and placed under new business as item "b" during the adoption of the agenda.~~
- h. Consider/Approve Airport CIP FY 2025-2029

REPORTS:

- a. Manager's Report: County Manager Alicia Vaughn
- b. Development Authority Report: Charlie Fiveash

Development Authority Director Charlie Fiveash addressed the Commission. He apologized for being unable to attend and give his report at the last Commission meeting, informing the Commission he had a death in his family. He informed the Commissioners that the Development Authority is now self-sustaining. They have \$1.3 million in the bank and the Board of Commissioners no longer has to fund them. They have rebranded the one asset the Development Authority owns, the business park at the airport. It has a new name, new signage, new landscaping. Mr. Fiveash stated that the first phase of the business park, consisting of 10 site, is now completely sold out. They still have work to do as some of the sites that were sold must still be built out. Steel Cell is 120 days from completing their new building. The Development Authority is now looking at moving into phase 2. The Development Authority had the foresight to purchase an adjacent 42 acres that use to be the sight of two chicken houses. It is relatively flat and will be a great site for phase 2. On the Administrative side of things, the Development Authority is working on updating their bylaws and covenants. Mr. Fiveash informed the Commission that the Development Authority played an instrumental role in moving things forward with the demolition of the old courthouse, which will be a great benefit for the City of Clarkesville and the community as a whole.

- c. SPLOST Report: Tim Sims

APPOINTMENTS: NONE

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- a. Consider/Approve Resolution Supporting Reform of Mental Health Services

Commissioner Mealor read the resolution aloud. He informed everyone that the topic of mental health reform is personal for him, as he himself lost a friend who suffered from bi-polar disorder to suicide during the covid Pandemic. He stated that this reform is badly needed not only by the state but across the nation.

Motion by Commissioner Harkness, seconded by Commissioner Mealor and voted unanimously (5-0) to approve execution of the resolution and the provision of copies to the Habersham County delegation to the Georgia Senate and Georgia House of Representatives.

b. Consider/Approve Lease Agreement for 4336 Toccoa Hwy, Clarkesville, GA

Commissioner Akins spoke, stating that this proposed lease agreement was for a house located in front of the aquatic center that the county purchased that is in a state of disrepair. The Commission had directed County Manager Vaughn to lease the property until they could determine later what they wished to do with it. They had originally looked into leasing the house to the Soque Watershed Association, but the SWA had ultimately went with another property. Another business had looked at it but decided it was not in good enough shape to lease. Commissioner Harknes asked if the property had been advertised as being for rent? Ms. Vaughn stated that it had not, as they wouldn't have needed to advertise to rent to the Soque Watershed Association as they are a 501(c)3 organization. Had they planned on leasing the property to any commercial entities than they would have had to advertise. Commissioner Akin stated that during the process of trying to find a tenant, and having had several potential renters fall through, Recreation Department Director Brooke Whitmire expressed an interest in renting the property. Ms. Whitmire agreed to make improvements and repairs to the property in addition to paying rent. Ms. Vaughn stated that there is no issue with being able to rent to Ms. Whitmire as an employee, as it is an acceptable practice to provide employee housing. Services at the Recreation Department have been greatly expanded and there are many after-hours events, so she feels it would be beneficial to have Ms. Whitmire living next door to the aquatic center. Commissioner Akin asked Commissioner Tench if he had any concerns regarding the lease? Commissioner Tench expressed concerns regarding public perception of renting this property to Ms. Whitmire, especially from citizens who are impoverished and relying on welfare. Mrs. Vaughn stated that she can attest from personal experience that it is difficult to find housing in Habersham County right now and that Brooke is currently having to commute from Banks County. She feels that it is completely reasonable for the county to offer her housing. Commissioner Palmer asked if there was provisions for the county to be able to terminate the lease should they choose to do something with the property? Mrs. Vaughn stated that this is listed under paragraph 2 of the lease. Commissioner Harkness asked if there was reasoning behind having a 2-year lease as opposed to a 1 year lease? Mrs. Vaughn stated that they felt like it would be at least two years before the county was able to have the funding to be able to do anything with the property, however the county does have the ability to terminate the lease prior to the 2 years. Commissioner Harkness voiced concerns with renting to an employee, inquiring as to what would happen should Ms. Whitmire resigned or was terminated? Ms. Vaughn stated that they would just need to give her notice of their intent to terminate the lease.

Motion by Commissioner Palmer, seconded by Akins to approve the lease agreement for 4336 Toccoa Hwy, Clarkesville, GA. Motion fails (2-3) with Commissioner Tench, Commissioner Harkness and Commissioner Meador dissenting.

ADDITIONAL COMMENTS

Commissioner Tench stated that he and Alicia had a good discussion a few weeks ago about LOST. He had done some research and called Atlanta and they sent him back a resolution signed into law by the governor on 5/16/2002. Commissioner Tench proceeded to read a copy of the resolution, which will be included as an attachment to the minutes.

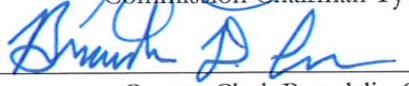
Commissioner Palmer wanted to invite everyone to bring their children to Fun Fest this Thursday, October 19th. He also wanted to inform everyone that "Pancakes with Santa" will be held on December 16th again in the Aquatic Center rooms A & B. He recalled that at last year's event, there was a family made up of five generations who were all included in a picture with Santa Clause. Commissioner Palmer wanted to invite the rest of the Commission to the annual dinner for GMRC on December 1st.

Commissioner Harkness wanted to thank everyone for coming and showing their support.

~~**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).~~
Removed during the adoption of the agenda.

ADJOURN

Motion by Commissioner Harkness, seconded by Commissioner Mealor and voted unanimously (5-0) to approve adjourning the meeting at 7:19 p.m.

Respectfully submitted,
By: 
Commission Chairman Ty Akins
Attest: 
County Clerk Brandalin Carnes

House Bill 1166

By: Representative Bridges of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from certain Habersham County ad valorem taxes for
2 county purposes in an amount equal to the amount by which the current year assessed value
3 of a homestead exceeds the base year assessed value of such homestead; to provide for
4 definitions; to specify the terms and conditions of the exemption and the procedures relating
5 thereto; to provide for applicability; to provide for a referendum, effective dates, and
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 (a) As used in this Act, the term:

10 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
11 purposes levied by, for, or on behalf of Habersham County, including but not limited to
12 any ad valorem taxes for special district purposes and to pay interest on and to retire
13 county bond indebtedness.

14 (2) "Base year" means the taxable year immediately preceding the taxable year in which
15 the exemption under this Act is first granted to the most recent owner of such homestead.

16 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
17 the O.C.G.A., with the additional qualification that it shall include only the primary
18 residence and not more than five contiguous acres of land immediately surrounding such
19 residence.

20 (b) Each resident of Habersham County is granted an exemption on that person's homestead
21 from all Habersham County ad valorem taxes for county purposes in an amount equal to the
22 amount by which the current year assessed value of that homestead exceeds the base year
23 assessed value of the homestead. This exemption shall not apply to taxes assessed on
24 improvements to the homestead or additional land that is added to the homestead after
25 January 1 of the base year. If any real property is removed from the homestead, the base year
26 assessed value shall be adjusted to reflect such removal and the exemption shall be



1 recalculated accordingly. The value of that property in excess of such exempted amount
2 shall remain subject to taxation.

3 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
4 section unless the person or person's agent files an application with the tax commissioner of
5 Habersham County giving such information relative to receiving such exemption as will
6 enable the tax commissioner to make a determination as to whether such owner is entitled
7 to such exemption.

8 (d) The tax commissioner of Habersham County shall provide application forms for the
9 exemption granted by subsection (b) of this section which shall require such information as
10 may be necessary to determine the initial and continuing eligibility of the owner for the
11 exemption.

12 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
13 the O.C.G.A. The exemption shall be automatically renewed from year to year so long as
14 the owner occupies the residence as a homestead. After a person has filed the proper
15 application as provided in subsection (c) of this section, it shall not be necessary to make
16 application thereafter for any year and the exemption shall continue to be allowed to such
17 person. It shall be the duty of any person granted the homestead exemption under subsection
18 (b) of this section to notify the tax commissioner of the county or the designee thereof in the
19 event that person for any reason becomes ineligible for that exemption.

20 (f) The exemption granted by this Act shall not apply to or affect state ad valorem taxes,
21 county or independent school district ad valorem taxes for educational purposes, or
22 municipal ad valorem taxes for municipal purposes. The homestead exemption granted by
23 subsection (b) of this section shall be in addition to and not in lieu of any other homestead
24 exemption applicable to county ad valorem taxes for county purposes.

25 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
26 beginning on or after January 1, 2003.

27 SECTION 2.

28 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
29 superintendent of Habersham County shall call and conduct an election as provided in this
30 section for the purpose of submitting this Act to the electors of Habersham County for
31 approval or rejection. The election superintendent shall conduct that election on the Tuesday
32 after the first Monday in November, 2002, and shall issue the call and conduct that election
33 as provided by general law. The superintendent shall cause the date and purpose of the
34 election to be published once a week for two weeks immediately preceding the date thereof
35 in the official organ of Habersham County. The ballot shall have written or printed thereon
36 the words:



1 "() YES Shall the Act be approved which provides a homestead exemption
2 from certain Habersham County ad valorem taxes for county
3 () NO purposes in an amount equal to the amount by which the current year
4 assessed value of a homestead exceeds the base year assessed value
5 of such homestead?"

6 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
7 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
8 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
9 force and effect on January 1, 2003. If the Act is not so approved or if the election is not
10 conducted as provided in this section, Section 1 of this Act shall not become effective and
11 this Act shall be automatically repealed on the first day of January immediately following
12 that election date. The expense of such election shall be borne by Habersham County. It
13 shall be the election superintendent's duty to certify the result thereof to the Secretary of
14 State.

15 SECTION 3.

16 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
17 its approval by the Governor or upon its becoming law without such approval.

18 SECTION 4.

19 All laws and parts of laws in conflict with this Act are repealed.

