

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES
6:00 P.M., MONDAY, DECEMBER 18, 2023
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN STREET
CLARKESVILLE, GA 30523**

The Habersham County Commissioner held a regularly scheduled meeting on Monday, December 18, 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 Meador, Commissioner Jimmy Tench, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and the public.

Absent was County Manager Alicia Vaughn.

Chairman Akins called the meeting to order at 6:00 p.m.

Commissioner Harkness lead the invocation.

Commissioner Meador lead the Pledge of Allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-0) to remove new business items "c." through "h." from the agenda.

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

PRESENTATIONS/ANNOUNCEMENTS:

a. Employee Spotlight:

1. Odell Hamilton, Public Works

b. County Offices Closed December 25th and 26th for Christmas Holiday

c. County Landfill Closed December 23rd and 25th for Christmas Holiday

PUBLIC HEARINGS: None

PUBLIC COMMENTS:

a. ~~David Mickler: Concerns Regarding Recreation Department Scholarship Program Application Process.~~ Mr. Mickler was not present for public comment.

- b. Clarence Bryson: Mr. Bryson had addressed the Commissioners during a public hearing that was held on August 21, 2023 on CU-23-04, an application made by Mr. Donnie Wade for the conditional use of his property at 164 Bryson Rd (Parcel #022 150 and Parcel#022 153) for use as a commercial towing/storage yard. This result of the hearing was the

Commissions denial of the conditional use and code enforcement giving Mr. Wade 30 days to notice for removal of all junk vehicles currently located on the property. Mr. Bryson wanted to thank the Commission for hearing his opposition to the application and complaints regarding the junk vehicles on the property. He stated that things are looking a lot better.

- c. Alice Venter: Baldwin council member Alice Venter expressed her thanks to the Board of Commissioners, stating that she realizes that being an elected official not an easy job. She informed them that she had reached out to County Manager Alicia Vaughn, Chief Financial Officer Tims Sims and Animal Control Director Madi Nix last year to discuss issues that the City of Baldwin has with their current Intergovernmental Agreement (IGA) for animal control services. She feels that Habersham County has the best animal control in the state of Georgia and that Madi Nix does an incredible job as Director. Banks County does not have Animal Control, and as a resident of the Banks County side of Baldwin she benefits from the services provided by Habersham County Animal Control, however she has a hard time explaining to the residents of the city of Habersham County portion of Baldwin why they must pay additional taxes over what they pay as Habersham County residents to receive the same animal control services as unincorporated county residents. She feels that some of the other cities are also getting charged more for Animal Control than what it costs to service their area. She would like for this to get resolved. Commissioner Akin stated that the Commission wishes to for any agreement to be fair and beneficial to all parties involved and that this is why they have chosen to remove consideration of the Intergovernmental Agreements for Animal Control Services with Alto, Baldwin, Clarkesville, Cornelia, Demorest and Mt. Airy from the agenda tonight.

CONSENT AGENDA:

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

- a. Consider/Approve Minutes for November 20, 2023 Regular Meeting
- b. Consider/Approve Minutes for November 20, 2023 Executive Session
- c. Consider/Approve Purchase of Panasonic Toughbook Computers for Sheriff's Office
- d. Consider/Approve Purchase of Mobile CAD Project for Law Enforcement and Fire Personnel
- e. Consider/Approve Easement Agreement with Georgia Power across 1000 Detention Dr, Clarkesville, GA (Parcel #069A 024)
- f. Consider/Approve FY24 Coordinated Transportation Grant Agreement
- g. Consider/Approve Alcohol Sales Renewal/Application for:
 - 1. Brooks Store located at 15838 Burton Dam Rd, Clarkesville- Malt Beverage and Wine Package Sales

2. Speed Way located at 4753 Hwy 115, Clarkesville- Malt Beverage and Wine Package Sales
3. Yonah Coffee & Café located at 691 Old Historic Hwy 441, Demorest- Malt Beverage, Wine and Distilled Sprints Consumption on Premises
4. Big Daddy Shell Business, LLC located at 3134 Historic Hwy 441, Turnerville- Malt Beverage and Wine Package Sales
5. Demorest Business LLC located at 2368 Hwy 115, Demorest- Malt Beverage and Wine Package Sales
6. BP Food Mart located at 310 Toccoa Hwy, Mt. Airy- Malt Beverage and Wine Package Sales
7. Batesville Junction Store located at 13440 Hwy 197N- Malt Beverage and Wine Package Sales

h. Consider/Approve Award of Contract for LMIG 2023 SAP Project

REPORTS:

- a. Manager's Report: Tim Sims, Chief Financial Officer
- b. ~~Board of Tax Assessors Report: Amy Sgro, Chairwoman~~ Ms. Sgro was not present for the meeting. Commissioner Akins requested on behalf of the Commission that this item be scheduled for the next Commission meeting to be held on January 16, 2024. County Clerk Brandalin Carnes reminded Commissioner Akins that the Planning Commission is also scheduled to give a report in January and asked if he is okay with having both reports in the same month or if she needs to reschedule the Planning Commission report? Commissioner Akins stated that he was fine with both groups presenting at the January meeting.

APPOINTMENTS:

RECREATION BOARD

5-Year Term Expiring 12/31/2028

1. Joe Elam (Term Expiration)- Commissioner Tench's Appointment

Motion by Commissioner Tench, seconded by Commissioner Mealor to reappoint Joe Elam to the Recreation Board. Motion carries unanimously (5-0).

2. Stan Wilbanks (Term Expiration-Not Seeking Reappointment)- At-Large Appointment

Motion by Commissioner Palmer, seconded by Commissioner Harkness to appoint Keith Deyton to the Recreation Board. Motion carries unanimously (5-0).

BOARD OF TAX ASSESSORS

3-Year Term Expiring 12/31/2026

1. Ann (Denise) Shuler York (Term Expiration)- Commissioner Tench's Appointment

Motion by Commissioner Tench, seconded by Commissioner Harkness to appoint Curtis Shedd to the Board of Tax Assessors. Motion carries unanimously (5-0).

BOARD OF HEALTH (Physician)

6-Year Term Expiring 12/31/2029

1. Dr. Stuart Sanders (Term Expiration)- At-Large Appointment

Motion by Commissioner Harkness, seconded by Commissioner Mealor to reappoint Dr. Stuart Sanders to the Board of Health. Motion carries unanimously (5-0).

CHESTATEE CHATTAHOOCHEE RC&D

1-Year Term Expiring 12/31/2024

Commissioner Tench wanted to make the rest of the Commission aware that Angela Haughton contacted him earlier with interest for this Board. Ms. Haughton had not had a chance to apply but he feels that she would be a good fit.

1. Bruce Palmer (Term Expiration)- At-Large Appointment

Motion by Commissioner Mealor, seconded by Commissioner Harkness to reappoint Commission Bruce Palmer to the Chestatee Chattahoochee RC&D. Motion carries unanimously (5-0).

2. John Hendrix (Term Expiration)-At-Large Appointment

Motion by Commissioner Mealor, seconded by Commissioner Tench to table this appointment until the January 16, 2024 Commission meeting. Motion carries unanimously (5-0).

UNFINISHED BUSINESS:

- a. Second Reading of Amendment to Chapter 62 (Traffic and Vehicles) of the Habersham County Code of Ordinance to Add New Article III (Tow Trucks and Wrecker Services)

Commissioner Akins conducted the second reading of the amendment to Chapter 62 (Traffic and Vehicles) of the Habersham County Code of Ordinance to Add New Article III (Tow Trucks and Wrecker Services).

Commissioner Harkness wanted everyone to be aware that there had been discussions at the first reading of this amendment that occurred at the November 20th meeting regarding requiring these towing and wrecker companies to have security camera monitoring. While he would love to see this happen, he realizes that there are a lot of these companies that don't have the Wi-Fi or electrical setup to be able to do this and that it may be overburdensome to require it. He asked Attorney Hunt if the requested changes from last month's meeting had been added and Attorney Hunt informed him that the requirement had not been added to the amendment.

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

NEW BUSINESS:

- a. Consider/Approve Closure of Construction and Demolition Cell at Landfill and Discontinuation of Acceptance of Construction and Demolition Debris

Commissioner Akins stated that this topic was discussed thoroughly over the past couple of months and tonight's vote would allow the Commission to proceed with the landfill discontinuing the acceptance of construction and demolition debris (C&D).

Commissioner Harkness stated that he felt like this was a combination motion asking for two separate actions, the first being the closure of the C&D cell and the second being no longer accepting construction debris. He wanted to know if this should be two separate motions, to which Attorney Hunt stated that making two separate motions would be appropriate. Commissioner Mealor stated that the plan was for the county to no longer take construction and demolition debris from the public so that they could leave space for the debris from the demolition of the courthouse. Both Commissioner Mealor and Commissioner Harkness inquired as to whether they should modify the motion to remove "closure of construction and demolition cell" and only be for the discontinued acceptance of construction and demolition material? Attorney Hunt stated that this would be appropriate for the actions they wish to take.

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously (5-0) to discontinue acceptance of construction and demolition debris effective February 29, 2024.

- b. Consider/Approve Resolution 2023-12-001 Setting 2024 Qualifying Fees for Election

County Clerk Brandalin Carnes addressed the Commission, informing them that OCGA 21-2-131(a) states that the governing authority shall fix and publish qualifying fees for each county office to be filled in the upcoming primary elections. This code also states the formula prescribed to set the fees, which are based on salary information from the preceding election year (2023), which Ms. Carnes requested from Human Resources. These fees for county offices to be filled in the upcoming primaries or elections are required to be set and published by February 1st of the year in which they are held. Commissioner Palmer inquired as to why the salaries used to compute the qualifying fees for each Commissioner are different, and therefore the qualifying fees are different? He asked if this has to do with term of service, serving as chairman, certification, etc? He doesn't feel that it would be appropriate to calculate a higher qualifying fee for one district over another based on these factors as they wouldn't apply to a new person coming in. Human Resources Director Ann Cain spoke to say that every year the Constitutional Officers Association of Georgia puts out a salary guide that is used to determine the base pay of the Commission and calculate any supplements or adjustments to that base pay. The amounts that were given to the Clerk to calculate the qualifying fees from is a bottom line that was determined using this guide.

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

- ~~c. Consider/Approve IGA with City of Alto for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.

- d. ~~Consider/Approve IGA with City of Baldwin for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.
- e. ~~Consider/Approve IGA with City of Clarkesville for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.
- f. ~~Consider/Approve IGA with City of Cornelia for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.
- g. ~~Consider/Approve IGA with City of Demorest for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.
- h. ~~Consider/Approve IGA with City of Mt. Airy for Animal Control Administration & Enforcement~~ Item removed during the adoption of the agenda.

ADDITIONAL COMMENTS

Commissioner Palmer wanted to wish everyone a Merry Christmas and a Happy New Year. He knows a lot of times people get caught up in the commercialization of Christmas and lose sight of the true meaning of the holiday. He hopes everyone gets a chance to spend time with their family and loved ones, as they never know when it could be the last chance they get.

Commissioner Harkness thanked the public for giving him the opportunity to serve them as Commissioner, stating that he looks forward to serving them next year. He reminded everyone that himself, Commissioner Palmer and Commissioner Akins are up for re-election next year. He is excited for the new software the Commission approved for the Tax Assessors Office, as he sincerely believes that if commercial and industrial property is adequately appraised than it would reduce the tax burden on the residential homeowners in the county. An example of this is a lot he knows of in the industrial park that recently sold for over \$200,000 when it was only on the county's books as being taxable for \$40,000. He is pledging to the citizens that he is going to be keeping a close watch on this and that, while the Commission does not have an authority over the Board of Assessors, they do have authority over the budget and can give them the funds necessary to provide the resources and staff needed to help with accurate assessments. He wished everyone a Merry Christmas and hopes that God bless everyone and their families.

Commissioner Akins echoes Commissioner Harkness excitement about the software upgrades for the Board of Assessors Office, stating that the entire Commission was supportive of giving the assessors additional funding in their budget for desperately needed resources.

Commissioner Mealor wanted to wish everyone a Merry Christmas. He reminded everyone that, in addition to their families, to remember to take time to visit their friends and tell them they love them. He had a friend who took his life a few years ago around the holidays. He wants everyone to be aware that seasonal depression is a real thing and that they need to make sure to check on their friends.

Commissioner Tench read an opinion article from the Northeast Georgian dated February 21, 2006 that described the U.S. Forest Services plans to sell isolated national forest lands- including a 151-acre tract in Habersham County- to help fund the Secure Rural Schools program for another five years. This article informs that the program is part of the Secure Rural School and Community Self

Determination Act of 2000, more commonly known as Payments to States, that addresses the decline in revenue from timber harvest on federal land in recent years, which had been historically shared with counties for schools and roads. The proposal at that time was to sell 4,500 acres of the Chattahoochee-Oconee National Forest as part of a nationwide initiative encompassing 35 states that included 310,000 acres proposed for sale in total. The article went on to say that in 2005, Georgia received almost \$1.3 million from the initiative for its 865,266 acres of forest land. It was the opinion of the editor that while the effort provides roads and school funding, it is important that the tracts proposed for sale not significantly impact the national forest's recreation opportunities and aesthetic value. The article ended by saying the newspaper would be monitoring this process closely and encouraged area residents to do the same, stating that once national forest land is sold for development, there's no returning it to its previous condition.

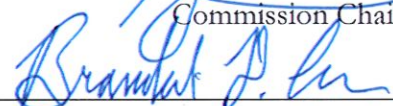
Commissioner Tench wished to make an additional comment. He stated that every time he thinks of Christmas this year that, he thinks of Hall County Sheriff Deputy Patrick Neil Holtzclaw whose wife and two children were killed in a wreck below his house in June of this year. He thinks about how this is Deputy Holtzclaw's first Christmas without his family and that it is a shame and disgrace. He wants everyone to think of Deputy Holtzclaw and pray for him.

ADJOURN

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously to adjourn at 6:47 p.m.

Respectfully submitted,

By:  _____
Commission Chairman Ty Akins

Attest:  _____
County Clerk Brandalin Carnes