

**HABERSHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING MINUTES  
6:00 P.M., MONDAY, NOVEMBER 20, 2023  
HABERSHAM COUNTY COURTHOUSE  
JURY ASSEMBLY ROOM  
295 LLEWELLYN STREET  
CLARKESVILLE, GA 30523**

The Habersham County Board of Commissioner held a regularly scheduled meeting on Monday, November 20, 2023 at 6:00 p.m. in 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 Manager Alicia Vaughn, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and the public.

Commissioner Tench lead the invocation.

Commissioner Meador lead the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Motion by Commissioner Tench, seconded by Commissioner Meador and voted unanimously to move item “g. Consider/Approve Engineer Services for Safe Streets for All Grant” to new business as item “f.”

**PRESENTATIONS/ANNOUNCEMENTS:**

- a. Employee Spotlight:
  - 1. Savannah Sanchez and Josh Hall
  - 2. Matthew Boggs
- b. County Offices Closed November 23<sup>rd</sup> and 24<sup>th</sup> for Thanksgiving Holiday
- c. County Landfill Closed November 23<sup>rd</sup> for Thanksgiving Holiday

**PUBLIC HEARINGS:** None

**PUBLIC COMMENTS:**

- a. Eugenia Almand: Alternative Use for Old Courthouse- Eugenia Almand requested that the Commission consider postponing the demolition of the old courthouse until they can present a proposal for its use as a public or private museum. Commissioner Akins informed them that the demolition has been postponed several times before by both the current Commission and previous Commissions to allow the opportunity for interested parties to step forward. No one has been willing to put forth the investment needed to keep it. Eugenia asked if the decision to demolish the courthouse was final, to which Commissioner Akin informed them that a request for proposals for the demolition has been put out and the county is in the process of receiving proposals back.
- b. Cassie Head: Request for Preventative Maintenance and Facilities Staff for Aquatic Center- Ms. Head stated that she was speaking as a representative of the competitive swimming community. She thanked the county for making the repairs necessary to get the lap pool reopened. She is asking that the Recreation Department publish a preventative maintenance schedule for the pool and for the staff to be appropriately trained for maintaining the pool. She feels that the water quality of the pool has been an issue since 2022 with many users experiencing dermatology or sinus issues. She feels that the aquatic center should have two or three certified pool operators on staff, stating that the training is only a few hundred dollars apiece. She is also formally requesting that the county apply to host the state championship swim meet next July. Currently, their competitive swimmers are having to drive several hours away to Moultrie, GA to compete. The application process is tedious and selective, but

the swim team parents have volunteered to take care of the application. She feels that this would bring money to the county through entry fees and money spent at hotels and motels.

#### CONSENT AGENDA:

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

- a. Consider/Approve Minutes for October 16, 2023 Work Session
- b. Consider/Approve Minutes for October 16, 2023 Regular Meeting
- c. Consider/Approve Ratifying Purchase of 2022 Ford F-250 for Animal Control
- d. Consider/Approve IT Purchases Request for FY24 Computer Upgrades (CIP)
- e. Consider/Approve Ratifying Renewal of Fuel Agreement for Airport with World Fuel
- f. Consider/Approve Ratifying Renewal of Phillips 66 Branding Agreement with World Fuel
- ~~g. Consider/Approve Engineer Services for Safe Streets for All Grant.~~ This item was removed during the adoption of the agenda and placed under "New Business" as item "F".
- h. Consider/Approve Award of RFP 2024-06 for Exterior Waterproofing and Painting of Ruby C. Fulbright Aquatic Center to Intercontinental Commercial Services, Inc.
- i. Consider/Approve Acceptance of Purchase and Sale Agreement for Property at 1387 Washington Street, Clarkesville (069A 108) and Authorizing Chairman to Sign Agreement and All Documents for Closing Sale
- j. Consider/Approve Master Lease Agreement with State Properties Commission for 1045 Hollywood Hwy, Clarkesville for DHS-DFCS Office
- k. Consider/Approve Alcohol License Renewal/Application for:
  1. Express Mart #6, Located at 4900 Talmadge Dr, Clarkesville- Malt Beverage and Wine Package Sales
  2. Demorest Business LLC, Located at 2368 Hwy 115, Demorest- Malt Beverage and Wine Package Sales
  3. Chicago's Pizza Inc, Located at 879 Historic Hwy 441N, Demorest- Malt Beverage and Wine Consumption on Premises
  4. Shore's Country Store, Located at 4113 Pea Ridge Rd, Cornelia- Malt Beverage and Wine Package Sales
  5. Clarkesville Chevron, Located at 1384 Tom Born RD, Clarkesville- Malt Beverage and Wine Package Sales
  6. Raina Rakin Enterprises LLC, Located at 305 Panther Brook Ln- Malt Beverage and Wine Package Sales
  7. Glenn Ella Springs Inn, Located at 1789 Bear Gap Rd, Clarkesville- Wine and Beer Consumption on Premises

8. Duncan Bridge Market, Located at 4221 Level Grove Rd, Cornelia- Malt Beverage and Wine Package Sales
9. Circle K Stores Inc, Located at 5000 Talmadge Dr, Clarkesville- Malt Beverage and Wine Package Sales
10. One Stop, Located at 2027 Camp Creek Rd, Mt. Airy- Malt Beverage and Wine Package Sales
11. Haye's Country Corner Store, Located at 3226 Hwy 17, Clarkesville- Malt Beverage and Wine Package Sales
12. A to Z Grocery, Located at 1723 Crane Mill Rd, Alto, GA- Malt Beverage Package Sales
13. Nacoochee Valley Grill LLC , Located at 6725 Hwy 17, Clarkesville, GA 30523- Malt Beverage, Wine and Distilled Spirits Consumption on Premises
14. Cool Springs Exxon, Located at 2059 Cool Springs Rd, Clarkesville, GA- Malt Beverage and Wine Package Sales
15. Riverbend Convenience, Located at 1941 Hwy 105, Demorest, GA- Malt Beverage and Wine Package Sales

#### **REPORTS:**

- a. Manager's Report: Alicia Vaughn, County Manager
- b. Departmental Report: Brooke Whitmire, Parks and Recreation Director
- c. Grant Updates: Lauren Long, Grant Coordinator

#### **APPOINTMENTS: NONE**

#### **UNFINISHED BUSINESS: NONE**

#### **NEW BUSINESS:**

- a. First 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 publicly read the amendment.

Commissioner Harkness questioned if the \$40/day storage fee was in line with what is being done in other counties? Major Leslie Hendrix confirmed that he referred to the ordinances for surrounding counties in determining this fee. Commissioner Harkness sought clarification regarding the after-hours fee and Major Hendrix informed him that this is a fee that is charged by the towing company should the vehicle owners choose to pick their vehicle up from impound after normal business hours. Commissioner Harkness feels that this terminology should be clarified in the ordinance. Commissioner Harkness stated that he has received a lot of complaints from people who have went to pick up their towed vehicle only to find that the vehicles had been vandalized or parts stolen. He feels that if towing companies can't properly secure the vehicles, then they don't need to be operating a towing business in Habersham County. Commissioner Palmer asked if there could be a provision in the amendment that the impound lots must have security cameras, even if those cameras are only on a 24 or 48-hour loop? Major Hendrix stated that he would check into this. No action was taken on this item as this was the first of two required readings for the amendment. The second/final reading and vote on the amendment is scheduled for the December 18, 2023 Board of Commissioners Meeting.

- b. Consider/Approve Execution of Construction Contracts for Airport Runway Overlay Project and Local Match.

Lead Edge Airport Consultant Phil Eberly addressed the Commission. Runway overlay projects are required to occur approximately once every 20 years. The item on the agenda tonight is to approve execution of the contract with GDOT, approve execution of the construction contracts with Pittman Construction Company and Lead Edge Design Group, and approve the total local match for the construction of the project. FAA and GDOT's share of the construction project is approximately \$3,173,729. The local share is approximately \$185,266. The result of this project will be a smoother runway with cross draining. This project is temperature sensitive due to paving, so the likely start date will be in March 2024. Commissioner Harkness asked if the local share for this project was in the budget and Mrs. Vaughn confirmed that it has been in the budget for quite some time. Mr. Eberly went on to say that the local share is actually under what was budgeted.

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

- c. Consider/Approve Acceptance of Three (3) Roads in Hearth Stone Subdivision into County Road Maintenance System

Public Works Director Jerry Baggett addressed the Commission. In April 2020, Habersham County received a request from property owners residing in the Hearth Stone Subdivision to accept their roads into the county road maintenance system. The three roads that were requested for acceptance are Hearth Stone Dr (.14 mi), Black Hawk Ln (.24 mi) and Applewood Ct. (.42 mi). These three roads total .80 miles in length and are in overall good condition with minor longitudinal/traverse cracking. The roadways appear to be built to current construction standards with plated 60' right of ways. The cross drain under Applewood Ct has been damaged during construction but this damage appears to be cosmetic and not functional. The property owners have signed quit claim deeds for the transfer of ownership and given the county right of way. Commissioner Harkness wanted to know when the roads were last paved, to which Mr. Baggett informed him that it was likely around 2006 when they were first constructed. Commissioner Palmer voiced concern over the fact that the county already has over 400 miles of paved road and 100 miles of unpaved road that the county does not have the money to adequately maintain already. He brought up that the 'I'-SPLOST failed both times that it was put to referendum, stating that at some point, the Commission is going to have to ask how they are going to keep taking in more roads when they can't fix the ones they have already? Commissioner Akins asked Mr. Baggett how many miles of roads are paved each year, to which Mr. Baggett replied that it is less than 10 miles a year. Mr. Baggett informed the Commission that the costs of resurfacing roads have went up significantly over the past few years. In 2020 LMIG resurfacing was \$115,000/mile. In 2021 it increased to \$175,000/mile. Last year it was \$206,000/mile.

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

- d. Consider/Approve the Surplus of 3116 Demorest- Mt Airy Hwy Property (109 003)

Commissioner Akins informed the rest of the Commission that the property in question was a land lot located below Demorest Elementary School that the county had purchased from the Board of Education. The original intent of this purchase was for the location of a new fire/EMS headquarters and E911. The Commission has since decided that the property is not feasible for this use. The Board of Education has offered to purchase the property back for the same price that the county had originally paid for it. Commissioner Meador asked why there are two separate items on the agenda for this property, to which Mrs. Vaughn informed him that it was necessary for the Commission to first vote to surplus the property and then vote for the actual purchase and sale agreement.

Motion by Commissioner Harkness, seconded by Commissioner Palmer and voted unanimously (5-0) to approve the surplus of 3116 Demorest Mt. Airy Hwy.

- e. Consider/Approve Purchase and Sale Agreement for Sale of 3116 Demorest-Mt. Airy Property (109 003) to Habersham County Board of Education.

Motion by Commissioner Mealor, seconded by Commissioner Harkness and voted unanimously (5-0) to approve the Purchase and Sale agreement for 3116 Demorest Mt. Airy Hwy.

- f. Consider/Approve Engineer Services for Safe Streets for All Grant

Chief Financial Officer Tim Sims addressed the Commission, stating that the Safe Streets for all Grant is part of the bipartisan infrastructure law that was passed by the federal government in which they gave \$5 billion in appropriated funds over the next five years for safe streets for all programs. There are several rounds of this money being issued, with the first round of awards being for those who wish to create an action plan. An action plan is needed prior to applying for the money needed to help with the actual projects. Counties that already have a safety action plan have already applied for and been awarded money for projects contained in those plans. Habersham County does not have an action plan already in place, so it is necessary to hire a traffic safety consultant to conduct a traffic study of all the county roads, identify the most dangerous and make recommendations for safety improvements to reduce traffic accidents and fatalities. This action plan would then be used to apply for funds from the second phase of the safe streets for all grant when it opens back up in February 2024. Habersham County was awarded \$200,000 in grant funding for the purpose of hiring a consultant to create a safety action plan. The county match for this grant is \$37,700, however this local match can be "in-kind" taking into consideration work that is done internally. The Commission has already previously approved acceptance of the grant. The item they are voting on tonight is the award of RFP-2024-04 for the engineering services needed to create the action plan to Kimly-Horn of Atlanta, GA. Kimly-Horn scored the highest out of the four proposals received. Commissioner Akins asked if the Commission would be able to review the safety action plan once it is finished? Mr. Sims informed him that the results would be brought back to the Commission. He also assured the Commission that the consultant would be expected to gather community input as well. Commissioner Akin asked if state roads would be included in this study? Mr. Sims informed him that it would only encompass county roads as the county has no decision-making capabilities over state roads. Commissioner Harkness inquired about the length of the contract with the consultant and Mr. Sims informed him that it was just for the duration of the project. Commissioner Tench inquired as to whether all of this would include roads as well as streets? Mr. Sims confirmed that it would be for both.

Motion by Commissioner Palmer, seconded by Commissioner Harkness to approve acceptance of RFP 2024-04 Safe Streets for All (SS4A) Traffic Safety Action Plan to Kimly-Horn of Atlanta, GA in the amount of \$188,500. Commissioner Mealor inquired as to whether the motion needed to be amended to include approval of the counties 20% local match of \$37,700? Attorney Hunt felt that this would be advisable. Commissioner Palmer amended the motion to add approval of the 20% grant match of \$37,700. Commissioner Harkness seconded the amendment to the motion. Motion carries 4-1 with Commissioner Tench dissenting.

## **ADDITIONAL COMMENTS**

Commissioner Palmer wanted to recognize Lynn Smith and her staff at E-911 for their efforts in planning and holding the annual FunFest. He stated that they always do an amazing job organizing this community event and it has grown every year. Commissioner Palmer also wanted to thank Commissioner Tench for handing out candy with him at the FunFest.

Commissioner Harkness thanked everyone for coming out to the meeting and participating. He feels that involved citizens are the ones that make changes in local government. He wanted to wish everyone and their families a blessed thanksgiving.

Commissioner Mealor wished everyone a safe holiday with their family and loved ones.

Commissioner Tench expressed his concerns that the information that he read during his comments at the end of the October 16, 2023 Commission meeting were not included as part of the minutes. Ms. Carnes

informed him that a full copy of the actual bill that was read by Commissioner Tench (LC 18 1348 HB 1166 2002) will be attached to the minutes as an official part of the minutes.

#### EXECUTIVE SESSION:

Motion by Commissioner Mealor and seconded by Commissioner Palmer to enter executive session for the purpose of discussing Personnel, pursuant to O.C.G.A § 50-14-3(b)(2); Litigation, pursuant to O.C.G.A §50-14-2; and Property Acquisition and Disposal, pursuant to O.C.G.A §50-14-3 (b)(1) at 7:54 p.m.

#### ROLL CALL VOTE:

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

Motion was carried unanimously (5-0) to entered to executive session at 7:54 p.m.

Motion by Commissioner Palmer, seconded by Commissioner Harkness, and voted unanimously (5-0) to come out of closed session at 8:52 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 Palmer, and voted unanimously (5-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendation.

#### ADJOURN

Motion by Commissioner Mealor, seconded by Commissioner Palmer and voted unanimously (5-0) to adjourn at 8:53 p.m.

Respectfully submitted,

By: \_\_\_\_\_

Commission Chairman Ty Akins

Attest: \_\_\_\_\_

County Clerk Brandalin Carnes