

**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 Meador, 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 Meador, 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 Meador 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 Mealor 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