

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, NOVEMBER 18, 2024
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN ST, CLARKESVILLE, GA 30523

The Habersham County Board of Commissioners held a regularly scheduled meeting on Monday, November 18, 2024 at 6:00 p.m. in the Jury Assembly Room of the Habersham County Courthouse located at 295 Llewellyn St, Clarkesville, GA 30523.

Present was 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.

Absent was Chairman Ty Akins.

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

Commissioner Harkness lead the invocation.

Commissioner Palmer lead the pledge of allegiance.

ADOPTION OF AGENDA

Motion by Commissioner Mealor seconded by Commissioner Tench, and voted unanimously (4-0) to approve the agenda with the following amendment:

1. Remove item “a. Consider/Approve Funding Option for Animal Control Facility” from old business.
2. Remove item “d. Consider/Approve RFP for Privatization of Habersham County’s Gymnastics Program” from new business.

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Summer Anderson (E911)
- b. Proclamation of November 20-28th, 2024 as “Farm City Week”
- c. County Offices Closed for Thanksgiving Holiday on November 28th and 29th. County Landfill Closed on November 28th but Open November 29th.
- d. Presentation from AVITA Community Partners - Cindy Levi, Chief Executive Officer
- e. Request from Habersham County Development Authority for Transfer of Old Courthouse- Jimmy Butterworth, Habersham County Development Authority Chair

Mr. Jimmy Butterworth, Chairman of the Habersham County Development Authority, addressed the Commission. He read aloud an urging resolution from the Development Authority requesting that the Habersham County Board of Commissioners transfer the old courthouse located at 555 Monroe St in Clarkesville as soon as reasonably possible to the Development Authority so that they in turn could then proceed with the demolition of the building through the prescribed legal process and market it for economic development purposes. The Development Authority would then reimburse itself the cost of the demolition from the proceeds from the sale of the property and any net excess in proceeds could be split 50/50 between

the Development Authority and the Board of Commissioners. The demolition project would be managed by the Development Authority's Executive Director and appropriate county staff. There have been several parties in the past who have shown interest in repurposing this building, with the most recent having concluded after a 10-month study that the expense of doing so outweighed the potential profit they could generate from the mixed use development they had originally proposed.

Commissioner Tench read aloud an article from February 2009 entitled "Judicial Center Construction Project". This article posed the question, "What would become of the current courthouse?". This article stated that the plans for the old courthouse was that it would become the county administrative building would house the county's many departments that were located for many years outside of downtown Clarksville. It was stated in this same article that the old courthouse would not be destroyed or sold.

Commissioner Harkness asked Mr. Butterworth if the Development Authority had any estimates for what the cost would be to demolish the building? Mr. Butterworth informed him that they do have some estimates and that they could get these to the Commission. Commissioner Harkness asked if the City of Clarksville would be sharing in any of the expense of demolition? Mr. Butterworth stated that he those conversations had not taken place with the Clarksville City Council, however the Development Authority has the funds available to proceed without the City of Clarksville's assistance.

PUBLIC HEARINGS:

- a. 2nd Reading and Vote on Amendment to Habersham County Code of Ordinances Section 68-1729 ("Access Management and Connectivity") of Chapter 68 ("Comprehensive Land Use and Development")

County Attorney Hunt reminded the Commission that this item was previously introduced at the October 21st Board of Commissioners meeting. As this is a proposed amendment to the Code of Ordinances, it requires two readings and a hearing. As the 1st reading and hearing was already held at last months meeting, this item is now ready for a 2nd reading and vote.

Planning Director Mike Beecham addressed the Commission. The County has had issues with multiple residential lots being created on existing county roads to avoid having to meet the requirement of an internal subdivision road. The County is currently partnering with a consultant, CPL, to create a unified development code. This amendment is a short term fix that CPL has provided to assist in addressing issues while they are drafting the unified development code. The proposed amendment allows up to four subdivision lots to be developed on a county road. When five or more lots are proposed, an internal subdivision road will be required. The amendment also requires interparcel access between parcels with non-single family uses to prevent cars from having to use the county road to access neighboring properties. There is also regulation that requires driveway separation based on the speed limit, which will also limit the number of driveways on an existing road. Additionally, the amendment imposes regulations on gated communities to ensure the gates don't negatively impact the public road that serves them. Commissioner Harkness wanted everyone to know that this amendment is part of an effort by the Commission to manage the uncontrolled growth in the county.

Motion by Commissioner Meador, seconded by Commissioner Tench and voted unanimously (4-0) to approve the Comprehensive Land Development Ordinance amendment to section 68-1729 "Access Management and Connectivity" as recommended by the Planning Commission.

PUBLIC COMMENTS:

- a. Mack Palmer addressed the Commission. He informed them that during his career, he had never had a leader publicly throw him under the bus the way that he feels that County Manager Vaughn has been by the Commission both in meetings and on social media. He feels that the Commissioners owe an apology to both County Manager Vaughn and county employees and that they all need to take leadership training.
- b. Douglas W. McDonald Sr. addressed the Commission. He wanted to know if the Commission intended on taking any action regarding the old courthouse after executive session? He realizes that there are times when the Commission goes into executive session for an extended period of time and then comes back and votes on an item that was not included on the agenda. Commissioner Harkness informed him that there would be no decision made regarding the courthouse at tonight's meeting. With this being resolved, Mr. McDonald wished to suggest to the Commission that they should look into doing ground leases for T-hangars the way they are doing with box hangars, as it would cut the hangar waitlist in half. Commissioner Harkness asked Mr. McDonald to speak with Airport Manager Bill Harden to see if this could be discussed during a work session.
- c. Mr. Neil Reems addressed the Commission. Mr. Reems has two children who participate in gymnastics with North Georgia Reign who look forward to the nights they attend more than any other day of the week. Additionally, North Georgia Reign hosts "parents night out" type events where kids are able to stay with them to participate in activities while parents are able to enjoy an evening to themselves. He hopes that the Commission will consider allowing North Georgia Reign to take over the county gymnastics program.
- d. Ms. Lachelle Worley addressed the Commission with complaints regarding public usage of Ivy Mountain Connector. Commissioner Harkness asked Ms. Worley if Ivy Mountain Connector was in existence when Ms. Worley purchased her property and if the road was being used by the public at that time? Ms. Worley stated yes to both questions. Commissioner Harkness stated that he heard that there were at least a hundred cars going up and down Ivy Mountain Connector each day, and he asked Ms. Worley if this was true? She confirmed that this was true. Ms. Worley countered that she does not take issue with the public use of Ivy Mountain Connector so much as the county wanting to take over the road to pave and widen it. Commissioner Harkness informed her that the Commission does not intend to do this and only wishes to maintain the road as it is for public use.
- e. Ms. Kati Daniels addressed the Commission. She is the daughter of Nevah Daniels, the owner of North Georgia Reign. Kati runs the daily operations of her mother's business. She assured the Commission that if they accept her mother's bid, that it is Nevah's intentions to keep the gymnastics program in Habersham County. She informed them that North Georgia Reign's current gymnastics program in Cleveland is busting at the seams and they were already in need of a new location. Allowing North Georgia Reign to take over Habersham County's gymnastics program will allow all of their participants who already live in Habersham County to stay inside the county instead of traveling to their facility in White County. Kati informed the Commission that the business is already a member of the White County Chamber of Commerce and provide a lot of support to both the schools and community organizations in White County. They look forward to doing so in Habersham County as well. Kati understands that the agenda item regarding the award of the RFP for privatization of the gymnastics program has been removed from the agenda and asked the Commission if the parents of their athletes could attend the meeting at which this item would be brought up to speak on their behalf? Commissioner Harkness stated that he would love to have a special called meeting regarding this topic, however he is not sure of the date at this time due to the holidays.

CONSENT AGENDA:

Motion by Commissioner Meador, seconded by Commissioner Palmer and voted unanimously (4-0) to approve the consent agenda as presented.

- a. Consider/Approve September 16, 2024 Executive Session Meeting Minutes
- b. Consider/Approve October 21, 2024 Work Session Minutes
- c. Consider/Approve October 21, 2024 Regular Meeting Minutes
- d. Consider/Approve November 6, 2024 Special Called Meeting Minutes
- e. Consider/Approve Updated 2025 Environmental Health Fee Schedule
- f. Consider/Approve Naloxone (Narcan) Policy
- g. Consider/Approve Memorandum of Agreement to Allow for Georgia EMS Academy Consortium Students to Attend Clinical Opportunities with Habersham County Emergency Services
- h. Consider/Approve FY24-25 Contract with Legacy Link for the Senior Center's Nutrition, Wellness and Transportation Services
- i. Consider/Approve Transfer of Airport Hangar A-4 from Joe Noggle and Pat Noggle to Douglas W. McDonald Sr.
- j. Consider/Approve Agreement with Daikin Applied for Replacement of Condenser Coils for Judicial System HVAC Chiller
- k. Consider/Approve Intergovernmental Agreement with City of Cornelia for Access to Habersham County's FCC Authorized Frequencies
- l. Consider/Approve Alcohol Sales Renewal/Application for:
 1. S.N. Patel Inc (dba One Stop), located at 2027 Camp Creek Rd, Mt. Airy- Malt Beverage and Wine Package Sales
 2. Virannis Business Inc (dba BP Food Mart), located at 310 Toccoa Hwy, Mt. Airy- Malt Beverage and Wine Package Sales
 3. The Orchard Golf and Country Club LLC, located at 1057 Orchard Drive, Clarkesville-Malt Beverage, Wine and Distilled Spirits Consumption on Premises
 4. Restoration Partners Inc (dba Glenn Ella Springs Inn), located at 1789 Bear Gap Rd, Clarkesville- Wine and Beverage Consumption on Premises
 5. Adams Business LLC (dba Shore's Country Store), located at 4113 Pea Ridge Rd, Cornelia- Malt Beverage and Wine Package Sales
 6. Krish Business LLC (dba Haye's Country Corner Store), located at 3226 Hwy 17, Clarkesville- Malt Beverage and Wine Package Sales

7. Batesville Junction Store, located at 13440 Hwy 197N, Clarkesville- Malt Beverage and Wine Package Sales
8. 1384 Tom Born Rd Inc (dba Clarkesville Chevron), located at 1384 Tom Born Rd, Clarkesville-Malt Beverage and Wine Package Sales
9. Buniko Inc (dba Nachoochee Valley Grill/Dugout), located at 6725 Hwy 17, Clarkesville-Malt Beverage, Wine and Distilled Spirits Consumption on Premises
10. Raina Rakin Enterprises LLC, located at 305 Panther Brook Ln, Clarkesville- Malt Beverage and Wine Package Sales
11. MAA Adhyashakti LLC (dba Speed Way), located at 4753 Hwy 115, Clarkesville- Malt Beverage and Wine Package Sales

REPORTS:

- a. County Manager's Report: Alicia Vaughn, County Manager
- b. Grant Update: Morgan Evans, Grant Coordinator

APPOINTMENTS:

LIBRARY BOARD

Remainder of 3-Year Term Ending 06/30/2027

1. Matthew Osborne (Term Expires 06/30/2027) At-Large

Commissioner Meador spoke to inform the rest of the Commission that it is his understanding that there are no applicants at this time for this appointment vacancy. County Clerk Carnes informed everyone that, much to her confusion as she would think it is one of the least controversial and more enjoyable boards to be on, there is always an issue with getting applications for the Library Board. Ms. Carnes offered that she could reach out to the Library Board members to see if they have anyone they could encourage to apply and asked the Commissioners and anyone else in attendance to encourage interested individuals to apply as well. Commissioner Palmer inquired about an individual who the Commission had removed from the Library Board last year due to her having served the maximum number of allowable terms. He wanted to know if the two-term limit was per lifetime or just for consecutive terms, as maybe the Commission could reappoint her again with the break in service? Ms. Carnes informed Commissioner Palmer she would reach out to the Library Board to inquire about this.

Motion by Commissioner Palmer, seconded by Commissioner Meador and voted unanimously (4-0) to table this at-large appointment for the Library Board till the December 16th Board of Commissioners meeting.

OLD BUSINESS:

- ~~a. Consider/Approve Funding Option for Animal Control Facility~~

This item was removed during the adoption of the agenda.

NEW BUSINESS:

- a. Consider/Approve Five-Year Extension of Existing Hangar Lease Agreements for Airport Hangars A-3 (Roth), A-4 (McDonald), A-5 (Bristol), A-6 (Tatum & Wall), F-2 (Walker), F-4 (Sweat), F-5 (Curcio), F-6 (Sweat), G-1 (Curcio), G-2 (McMillan), G-5 (McDonald)

County Manager Alicia Vaughn addressed the Commission. She gave them a background for both new business item “a” and item “b”. Back in 2004, the Commission approved ground leases with eighteen (18) owners of hangars in buildings A, F and G. The owners of these hangars split the cost of construction of these hangars in exchange for a ground lease. The ground lease term was 20 years at \$1.00/year payment rate. The ownership of these hangars reverts to the County at the end of this year. So long as they were not in default of the lease, the agreements gave the owners an option to extend the term of the lease for a consecutive annual period not to exceed five years, but at market rate rent. Market rate rent at this time is \$300/month. These ground lease agreements allowed the owners to sublease the hangars with notice to the county and were also transferrable with Board of Commissioners approval. In preparation for the term end of the ground lease agreements, the Airport Commission sent out a letter as a courtesy to the ground lease owners asking them if they wish to request a five-year extension under the terms of the existing lease agreement or giving them the option to sign the new lease agreement format that was recently approved by the Board of Commissioners. The new lease agreement format is for renewable one-year terms and does not allow for the ability to sublease or transfer the hangars.

New business item “a.” is requesting approval of the five-year extension of the existing hangar lease agreements for the following individuals:

Hangar A-3	Jerry Roth
Hangar A-4	Doug McDonald
Hangar A-5	David Bristol
Hangar A-6	Chris Tatum and Andrew Wall
Hangar F-2	Kathleen Walker
Hangar F-4	Bobby Sweat
Hangar F-5	Michelle Curcio
Hangar F-6	Boby Sweat
Hangar G-1	Michelle Curcio
Hangar G-2	Jon McMillan
Hangar G-5	Doug McDonald

Motion by Commissioner Meador, seconded by Commissioner Tench and voted unanimously (4-0) to approve the five-year extension of the above listed existing hangar lease agreements.

- b. Consider/Approve New Hangar Lease Agreements for Airport Hangar A-1 (Kuehnert), A-2 (Griffith), F-1 (Kleinert), F-3 (Kirschner), G-3 (McKinnon), G-4 (Butterworth), and G-6 (Modisette)

County Manager Vaughn addressed the Commission regarding this agenda item simultaneously while discussing new business item “a.”.

New business item “b.” is requesting approval of new hangar lease agreements for the following individuals:

Hangar A-1	Stefan Kuehnert
Hangar A-2	Art Griffith
Hangar F-1	Keith Kleinert
Hangar F-3	Joel Kirschner
Hangar G-3	Dave McKinnon

Hangar G-4 Jim Butterworth
Hangar G-6 Jeremy Modisette

Motion by Commissioner Palmer, seconded by Mealor and voted unanimously (4-0) to approve the above listed new hangar lease agreements.

- c. Consider/Approve IGA between Habersham County, Banks County, Rabun County and Stephens County for the Payment of Expenses Associated with the Mountain Judicial Circuit

Chief Financial Officer Tim Sims addressed the Commission. He reminded the Commission that Banks County is joining the Mountain Judicial Circuit as of January 1, 2025. Currently, there is an IGA between Rabun, Habersham and Stephens County to split the expenses of this circuit. Now that they are bringing Banks County in, they it is necessary to have a new IGA that includes them into paying their share of expenses. The percentage allocations paid by each county are split by population and are recalculated every five years. Adding Banks County into the circuit will save Habersham County approximately \$93,000/year.

Motion by Commissioner Palmer, seconded by Commissioner Mealor and voted unanimously (4-0) to approve the Intergovernmental Agreement between Habersham County, Banks County, Rabun County and Stephens County for the cost of sharing of the circuit wide expenses as set forth in the IGA.

- d. ~~Consider/Approve RFP for Privatization of Habersham County's Gymnastics Program~~

This item was removed during the adoption of the agenda.

ADDITIONAL COMMENTS

County Attorney Hunt wanted to thank Ms. Maggie Rickman who was very instrumental in coordinating getting the information needed from the District Attorney and Superior Court Judges Office's for the preparations needed to bring Banks County into the Mtn. Judicial Circuit.

County Manager Vaughn wanted to thank Attorney Hunt and the Finance Team for everything they have done to assist with the process of bringing Banks County into the Mtn. Judicial Circuit, informing the Commission that there was a lot of moving parts to making this happen. She feels that all four counties are happy with this agreement, and it will save them all money. She wanted to let the Commission know that, as the administrative county for the circuit, the burden of administering the circuit expenses falls on the Habersham County finance team, who she feels does an amazing job.

Commissioner Palmer wanted to thank all of the citizens and staff that came to attend the meeting. He wished everyone in attendance a happy Thanksgiving.

Commissioner Harkness wanted to recognized Commissioner Mealor's son who was nominated for Governors Honors. He loves his county, it's citizens, and it's employees and he wants to thank everyone for making the community as great as it is. He thanked everyone for attending and wished them blessings for their Thanksgiving.

Commissioner Mealor wanted to wish everyone a wonderful Thanksgiving. He reminded everyone to take a moment during this season of buying to pause to think about the things they can be thankful for.

Commissioner Tench had no additional Comment.

EXECUTIVE SESSION: Personnel, pursuant to O.C.G.A § 50-14-3(b)(2); and Property Disposal, pursuant to O.C.G.A. 50-14-3§ (b)(1)

Motion by Commissioner Meador, seconded by Commissioner Palmer, to enter executive session for the purpose of Personnel, pursuant to O.C.G.A § 50-14-3(b)(2); and Property Disposal, pursuant to O.C.G.A. 50-14-3§ (b)(1).

ROLL CALL VOTE:

Commissioner Palmer- aye
Commissioner Harkness- aye
Commissioner Meador- aye
Commissioner Tench-aye

Motion carries unanimously (4-0) to enter executive session at 7:31 pm

Motion by Commissioner Meador, seconded by Commissioner Tench and voted unanimously (4-0) to leave executive session at 8:47 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 Harkness, seconded by Commissioner Meador and voted unanimously (4-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendations

ADJOURN

Motion by Commissioner Meador seconded, by Commissioner Palmer and voted unanimously (4-0) to adjourn the meeting at 8:48 p.m.

Respectfully submitted,

By: _____
Commission Chairman Ty Akins

Attest: _____
County Clerk Brandalin Carnes