

**HABERSHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL CALLED MEETING MINUTES
6:00 P.M., TUESDAY, DECEMBER 3, 2024
HABERSHAM COUNTY COURTHOUSE
JURY ASSEMBLY ROOM
295 LLEWELLYN ST, CLARKESVILLE, GA 30523**

The Habersham County Board of Commissioners held a special called meeting on Tuesday, December 3, 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 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.

Chairman Akins called the meeting to order at 6:01 p.m.

Commissioner Harkness lead the invocation.

Commissioner Akins lead the pledge of allegiance.

ADOPTION OF AGENDA

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

PRESENTATION

- a. City of Clarkesville Mayor Barrie Aycock: Letter of Support from City of Clarkesville for Demolition of Old Courthouse

City of Clarkesville Mayor Barrie Aycock read aloud a letter to the Commission signed by herself and Clarkesville City Council members Franklin Brown, Angela Kiker and Don Nix requesting that the Board of Commissioners proceed with a final vote on specific plans to demolish the old Habersham County Courthouse. This letter stated that the building has remained vacant and an ugly blight on Clarkesville's beautiful historic downtown for many years. While they understand that there have been numerous attempts by reputable companies to repurpose the building, it is apparent that this is not a viable option due to the current condition of the building and current construction costs.

NEW BUSINESS: None

OLD BUSINESS:

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

Chief Financial Officer Tim Sims addressed the Commission. At their November 18, 2024 meeting, the Commission had approved moving forward with up to \$1 million in sitework for the Animal Control Facility project. This reduced the amount that would need to be financed to \$6.85 million. The Board of Commissioners had directed Mr. Sims at their November 6, 2024 Special Called Meeting to consult with the County's Financial Advisors, Davenport & Associates, and bring them back an amortization schedule comparing 10-year, 15-year and 20-year payoff terms for financing the new Animal Control Facility via the issuance of a Certificate of Participation (COP). Additionally, Commissioner Palmer had personally requested that Mr. Sims also provide this same amortization

schedule comparison for the alternate option of reactivating the Industrial Development Authority (IDA) to secure bonds for financing capital projects. Mr. Sims presented these options to the Commission at a work session held on November 18, 2024. The consideration and vote on the funding options for this project was slated for the November 18, 2024 Board of Commissioners meeting, however it was removed during the adoption of that meetings agenda.

Mr. Sims stated that there seems to be a consensus among the Commission to pursue the option of a Certificate of Participation. The estimated annual payment for financing through a COP would be approximately \$890,000/year for a 10-year term, \$667,000/year for a 15-year term, and a \$557,000/year for a 20-year term. Once the Commission decides, they will need to vote to approve a letter of intent to finance that spells out the financing option and term they are choosing. Mr. Sims will then direct the Financial Advisors to bid out the financing to the different banks and ACCG so they can determine who has the best interest rate. He is respectfully asking the Commission to consider either the 15-year or 20-year term rather than a 10-year term so the payments will be lower. This would give the county some flexibility without precluding them from paying the loan off early should excess SPLOST funds be available to do so. At this time, collection trends indicate that that they could potentially receive 20% more in SPLOST revenue than what was originally projected, however there is still another 2.5 years to collect on this.

Commissioner Harkness asked if his understanding of the amortization comparison was correct in that the 15-year option COP would cost approximately \$1 million more in interest than the 10-year COP option and the 20-year COP option would cost approximately \$2 million more in interest than the 10-year COP option? Mr. Sims stated that this would be correct based on the estimated 5.15% interest rate given by the financial advisors, however he wanted to let them know that the 5.15% rate was very conservative and that they had been able to get financing for another entity in South Georgia a few weeks ago for a rate of a little over 4%. Commissioner Harkness stated that he felt that lower yearly payment was not worth the additional interest cost of a longer term. Commissioner Akins stated that he felt that the Commission had a desire to pay off the debt even quicker even than the 10-year term, if possible, by the end of the current SPLOST. Commissioner Harkness inquired as to the amount of SPLOST funds available for the Animal Control Facility Project? Mr. Sims informed him that there is about \$1 million left unencumbered after the \$350,000 in costs for the architectural design and construction management. He reminded the Commission that they had voted at the November 18, 2024, meeting to move forward with site work up to \$1 million, however the purchase order is not in for this yet. This \$1 million being used from SPLOST towards the sitework reduces the amount that needs to be financed. There is currently around \$13 million in SPLOST funds in the bank, however the remainder of these funds are earmarked for other projects as well as paying back an advance that was received for the radio system and fire station construction. Commissioner Harkness asked how long it normally takes to get a bank to commit to loaning the money once the Commission votes to start the process of securing financing? Mr. Sims informed him it is about a 30-to-60-day process. Commissioner Harkness stated that he would rather save the potentially \$1-\$2 million in interest by going with a 10-year term however he wanted to know if Mr. Sims could manage to fit the payments into the budget? Mr. Sims informed him that it is possible so long as the natural growth in property values continues and the economy continues to be strong. County Manager Vaughn informed the Commission that another option would be to go with a longer term, but for the Commission to budget payments for a 10-year term to pay the loan off early. This would allow for flexibility to make a lower payment if there was ever a need to do so. Commissioner Meador stated that his only issue with choosing a longer term is that they are assuming that future Commissions will remain committed to paying the loan off early. He supports a

10-year term, which will force this responsibility. Mrs. Vaughn informed the Commission that if they wish to pay the loans off early, they just need to let the financial advisors know that they want the loan to be callable, which will have just a slightly higher interest rate. Commissioner Palmer felt that the Commission should consider the alternative funding option of securing bonds through a reactivated Industrial Development Authority (IDA) if they are concerned about the interest costs, as it would have a lower interest rate. While he understands the Commission's hesitation, he wants them to understand that the Commission would still retain control over the IDA as the majority of the makeup would be members of the Commission. Commissioner Meador asked for clarification from County Attorney Hunt regarding the process involved with reactivating the IDA. Attorney Hunt informed the Commission that the makeup of the currently inactive IDA consists of several members of Chambers of Commerce and Civic Organizations that no longer exist. He feels that the IDA could be reactivated by appointing the sitting Chamber of Commerce president, the Chairman of the Board of Commissioners, and two additional Commissioners. As the IDA would primarily consist of Commissioners, who would make up the quorum, the Commission would retain control over the authority. Should the Commission choose to do so, they could go ahead and start the process of reactivating the IDA, but at some point, they would need to have a correction made to the member makeup by going through the state legislators. Commissioner Harkness stated that he was absolutely against starting another authority as the cost savings was not worth giving away the authority placed in the Commission by the taxpayers and voters. Commissioner Akins stated that he would be in support of saving money through reactivating the IDA, however he agrees with the other Commissioners about regarding not being in control of what future Commissions would do with such an authority. Also, reactivating the IDA is a process that would push the timeline back for the project quite a bit. Commissioner Tench stated that he doesn't want to go into debt at all for the Animal Shelter.

Motion by Commissioner Meador, seconded by Commissioner Palmer to proceed with the certificate of participation funding option with a 10-year amortization schedule and the option for the debt to be callable with no penalty other than the additional cost for prepayment to allow for a quicker payoff if possible. Motion carries 3-2 to approve with Commissioner Tench and Commissioner Palmer dissenting.

b. Consider/Approve Award of RFP 2025-06 For Privatization of Gymnastics

Chief Financial Officer Tim Sims addressed the Commission. This agenda item had been discussed previously at the November 18, 2024 work session and was slated for consideration and vote at the November 18, 2024 regular meeting. It was removed from the November 18, 2024 meeting during the adoption of the agenda. At the budget meetings that occurred this summer, the Commission had asked that a request for proposals (RFP) be issued for the privatization of Habersham County's gymnastics program. This RFP was issued on September 25th and closed on October 31st. Only one proposal had been received from this process. Under normal processes, if only one proposal is received then that proposal is null and void and Finance puts the RFP back out again, however this program is so specialized that they decided to waive the technicality to bring the proposal to the Commission and ask them how they wish to proceed. This lone proposal was submitted by Ms. Neva Daniels, owner of North Georgia Reign Gymnastics. Ms. Daniels is offering to take over the program as well as the County's lease of the current space being used for this program at the Old Clarkesville Mill. Ms. Daniels has offered to purchase the gymnastics equipment for \$25,000. She would have offered more; however, she estimates it will cost her another \$30,000 to \$35,000 to refurbish the equipment due to its condition and upgrade the facility. Mr. Sims informed the Commission that the current lease holder of the building has stated they would transfer the lease to Ms. Daniels, but if they do so they would go up on the rental rate they charge her. He informed the Commission that staff needs direction on

whether they wish to proceed with contract negotiations with Ms. Daniels, if they wish for the RFP to be reissued, or if they wish to keep gymnastics program. If the Commission wishes to proceed with the accepting Ms. Daniel's proposal, then staff would move forward with negotiating a contract with Ms. Daniels to bring back before the Commission for approval.

Commissioner Harkness inquired as to why the lease holder is wishing to increase the rent for Ms. Daniels? Mr. Sims informed him that the building has new owners who had wanted to raise the rental rate the County pays, however the County exercised its option to extend the terms of the lease agreement it already had with a lower rate. The County only has a lower rate because of this. Commissioner Harkness asked Mr. Sims about the possibility of the County subleasing the space the current gymnastics facility is located to Ms. Daniels to avoid her rent increasing and subsequently increasing the cost for the program participants? Mr. Sims informed him that this is an option should the Commission choose. Attorney Hunt stated that the only issue with this is that Habersham County would remain the responsible party, so it is important to make sure Ms. Daniels is insured and names Habersham County as an additional insured. It is also important to make sure that she has the financial capability to pay the lease.

Commissioner Palmer feels it is important to make sure that any children who are in the middle of a competition season can continue to participate in those competitions without incurring additional costs from what they have already paid. He also wants to make sure that the gymnastics program stays in Habersham County, which Ms. Daniels has assured is her intention. Commissioner Palmer expressed concerns regarding whether there would be employment for the employees who are currently working in the gymnastics program for the County with Ms. Daniels. Commissioner Harkness stated that he does not believe that the Commission has a capability of making a vendor hire county employees in a contract, which was confirmed by County Manager Vaughn. Ms. Vaughn stated that Ms. Daniels has offered to hire the county employees currently in the program, however it may be hard for her to match some of the county's benefits.

Commissioner Palmer expressed confusion regarding why the county still intends to keep the sideline cheer program that was under the gymnastics umbrella when it was the portion that was causing the loss in revenue. Commissioner Akin asked Mr. Sims for clarification on this. Mr. Sims stated that gymnastics is losing money, however it is a 57% return on program expenses which is decent as far as recreation programs go. His staff has seen areas where this return could be improved by practices such as not refunding fees for missed classes and sticking to the policy already in place regarding not teaching a class for less than 5 participants. He agreed that the sideline cheer program was a major drain, citing as an example that the cost for the specialty uniforms that the parents wanted were more than the registration fee itself for the program. Chairman Akins asked how much money the gymnastics program was losing and Mr. Sims informed him it was between \$100,000 to \$120,000 per year, however he reminded the Commission that it isn't generally expected that governmental park services break even, as the purpose of governments providing those programs is to help provide recreational opportunities to individuals that wouldn't be affordable in the private sector.

Chairman Akins expressed that the topic of the gymnastics program has been brought up for about 5 or 6 months now. He feels that the Parks and Recreation Department is really struggling in general, and that privatizing the gymnastics program is an opportunity to take the burden of the \$110,000/year loss off the taxpayers. He feels that they can address most peoples concerns in the details of the contract with Ms. Daniels, however if the Commission decides that they don't want to privatize they gymnastics program than they need to invest money into the facility and include things such as the parental viewing area mentioned by Ms. Daniels. He feels that there are a lot of services that county governments are good at, however this program was not one of them.

Commissioner Meador expressed that he wants to make sure any final contract with Ms. Daniels addresses parents' concerns about their children being able to attend the meets that are currently scheduled and that they have paid for. Commissioner Akins echoed this concern. Mr. Sims the Commission that Ms. Daniels has agreed that she could meet the demands of the current meet schedules. County Manager Vaughn reminded

the Commission that tonight's agenda item is only requesting approval for staff to negotiate a contract with Ms. Daniels to bring back to the Commission for final review and approval at a subsequent meeting. Should the Commission approve moving forward, she believes staff can have this done within the next 30 days pending working out the details of the sublease of the facility.

Commissioner Harkness voiced that he doesn't believe that government should compete with private business, and if there are businesses capable of providing a service, they should be the ones doing so as private business are more efficient. He cited as an example that a private business would not be having an employee hold a class with only one participant in it. While he believes in taking care of people, his kids had to pay to participate in gymnastics when they were growing up.

Commissioner Tench requested to recuse himself from voting on this agenda item as he has a relative that is in the gymnastics program. County Attorney Hunt inquired as to what degree this relation was? Commissioner Tench informed him it was his great granddaughter. County Attorney Hunt asked if she was a coach or a participant? Commissioner Tench informed him that she is a participant. County Attorney Hunt informed Commissioner Tench that this would not be considered a viable conflict for recusing himself from the vote.

Motion by Commissioner Meador, seconded by Commissioner Harkness to award RFP 2025-06 for the privatization of gymnastics and allow staff to begin negotiations of a final agreement with the vendor. Motion carries 3-2 to approve with Commissioner Tench and Commissioner Palmer dissenting.

ADDITIONAL COMMENTS

Commissioner Tench read aloud a Now Habersham news article dated April 23, 2015 and entitled "Habersham Invites New Business With New Zoning Restrictions". Commissioner Tench requested that this article be included in the minutes of the meeting. To prevent confusion between the news article and events that occurred during the meeting, this article has been included as a signed attachment and should be considered part of the official meeting minutes themselves.

In reference to the article read by Commissioner Tench, Commissioner Meador stated that he is hoping that the new CLDO revisions will bring meaningful changes to control the growth along Highway 365.

Commissioner Harkness thanked everyone for coming and wished them a great Christmas season.

Commissioner Palmer thanked everyone for coming to a special meeting. He assured everyone that the Commission tries not to hold special called meetings often, however sometimes things come up that can't wait till the next regularly scheduled meeting. He encouraged attendees to come to more Commission meetings and not just the ones that they have an active stake in, as local government has a direct effect on people's daily lives more so than the people in Washington D.C. He expressed his disappointment in the voter turnout for the primary being a record setting low while the and the turnout for the general election was a record setting high.

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 Harkness, 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 Akins- aye
Commissioner Mealor- aye
Commissioner Tench-aye

Motion carries unanimously (5-0) to enter executive session at 6:52 p.m.

Motion by Commissioner Palmer, seconded by Commissioner Harkness and voted unanimously (5-0) to leave executive session at 7:21 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 Akin, seconded by Commissioner Mealor, and voted unanimously (5-1) to adopt the representation authorizing such affidavit as per the Attorney's recommendations with Commissioner Tench dissenting.

ACTIONS FROM EXECUTIVE SESSION

a. Consider/Approve Interim County Manager

Motion by Commissioner Palmer, seconded by Commissioner Mealor, to name Tim Sims the Interim County Manager effective December 28, 2024. Motion carries 4-1 to approve with Commissioner Tench dissenting.

b. Consider/Approve Demolition of Old Courthouse

Motion by Commissioner Mealor, seconded by Commissioner Akins to award RFP 2024-10 for the abatement, building demolition, haulage of waste to proper landfill(s) and site stabilization of the old Habersham County Courthouse building to Southern Environmental Services of Atlanta, GA in the amount of \$190,000. Motion fails 2-3 with Commissioner Harkness, Commissioner Tench and Commissioner Palmer dissenting.

ADJOURN

Motion by Commissioner Mealor, seconded by Commissioner Harkness, and voted unanimously (5-0) to adjourn the meeting at 7:24 p.m.

Respectfully submitted,

By: _____
Commission Chairman Ty Akins

Attest: _____
County Clerk Brandalin Carnes

streamline the bureaucracy developers currently face on each project. "It is as friendly as possible for businesses that want to locate here but as protective as possible for the county's interests," Braswell says.

In addition to getting better looking developments along the main highway, the changes mean the government now has a specific area in which to focus future infrastructure like water and sewer. The plan also addresses traffic concerns by discouraging driveways that empty out on the main highway. Businesses would need to place entrances on existing back roads. "This would stream traffic to our main and safer intersections," Braswell explains, "while avoiding those intersections that have dangerous histories."

The rules do not change anything for current property owners within the corridor. The new rules kick in when the land is sold or when a development plan is proposed.



Hwy 365 development in Habersham County built without landscaping and design requirements

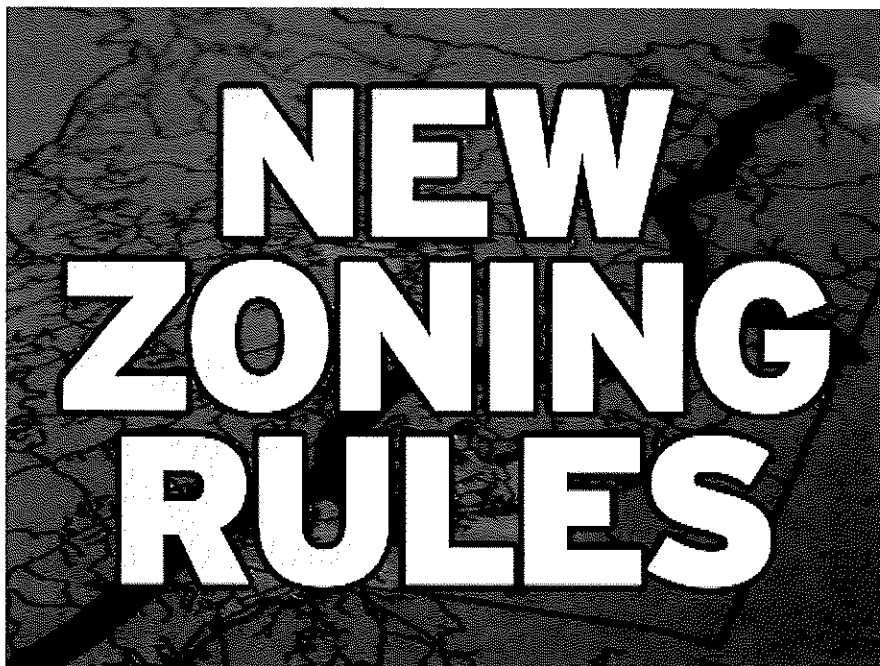


Hwy 365 development in Hall County built with design standards and landscaping buffer

Habersham invites new business with new zoning restrictions

N nowhabersham.com/habersham-invites-new-business-with-new-zoning-restrictions/

April 23, 2015



Habersham County Commissioners this week passed a set of new zoning rules for future businesses that want to develop the land alongside highways 365 and 441.

The new "Corridor Overlay District" stretches the length of the county along the four-lane from Hall County and follows GA 365 to Stephens County while continuing along US 441 to Rabun County. Land within 2600 feet of the road is included under the new rules.

County Planning Director Tom Braswell says the change in law will help Habersham County attract and manage new development along the road. "It says (to businesses) come here, we want you here. We will help you locate here. We will help you plan your development and work hand-in-hand with you to make sure you get in here quickly and as inexpensively as possible."

The new rules determine how new buildings will look, what types of materials can be used in construction and what types of landscaping will be used to screen development from the road. It also requires businesses to maintain the approved appearance of the property forever.

The Overlay District comes with a new review process for future development. All county departments – planning, public works, fire, environmental health, state EPD and fire marshal – will work together on a review panel for each proposal. Braswell says this will