

HABERSHAM COUNTY BOARD OF COMMISSIONERS MEETING
6:00 P.M., MONDAY, FEBRUARY 17, 2025
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, February 17, 2025 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 Jimmy Tench, Vice Chairman Bruce Harkness, Commissioner Ty Akins, Commissioner Dustin Meador, Commissioner Kelly Woodall, Interim County Manager Tim Sims, County Attorney Donnie Hunt, County Clerk Brandalin Carnes, staff, members of the media and the public.

Chairman Tench 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

Commissioner Harkness wished to know if consent agenda item “j. Consider/Approve Agreement with Julie Fraser for Display of Historic Aviation Memorabilia for Public Viewing at Habersham County Airport” involved any expense on the part of the County? Interim County Manager Tim Sims informed him that there was no cost to the County. Mr. Harold Symes daughter has loaned her father’s memorabilia and the cabinetry that holds it to the County for display at the Airport. This agreement is to ensure the memorabilia is and cabinetry are return to the family in the event the County wishes to remove the display at some point in the future.

Commissioner Harkness wished to know what revenue would be received by the County for consent agenda item “i. Consider/Approve Renewal of Contracted Instructor Agreement with Joshua Yu for Karate Classes”. County Clerk Brandalin Carnes and Interim County Manager Tim Sims informed the Commission that the County collects all of the registration fees for the classes, retains 30% of the fees and pays the instructor 70% of the fees. Commissioner Harkness asked about the ages range of the children allowed to participate in the classes and Parks and Recreation Director Brooke Whitmire informed him that it is open to children ages 7 to 14.

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

PRESENTATIONS/ANNOUNCEMENTS:

- a. Employee Spotlight: Deputy Justin McClain
- b. Habersham Electric Membership Corporation Presentation: Tommy Thurmond, Vice President of Member and Community Relations
- c. Rushton’s FY 2024 Audit Report: Chris Hollifield & Justin Burrus
- d. Recognition of Finance Departments Receipt of Distinguished Budget Document Award

PUBLIC HEARINGS:

- a. 2nd Reading and Vote on Amendment to Chapter 30 ("Fire Prevention and Protection") of the Habersham County Code of Ordinances to Provide for a New Article III ("Fire Alarms")

Emergency Services Director Jeff Adams addressed the Commission. This is the second of two required readings of the proposed amendment to Chapter 30 ("Fire Prevention and Protection") of the Habersham County Code of Ordinances to Provide for a New Article III ("Fire Alarms").

Commissioner Tench stated that he didn't see mention of the amount that is charged for excessive false alarm responses, asking about how many personnel end up having to respond to the scene. Mr. Adams informed him that these fees are to be defined by the Commission, and that they could set the fee structure how they see fit. Mr. Adams had provided examples of the fee structures used by other Counties in the meeting packet for the Commission to reference. Mr. Adams suggested that the Commission allow a grace period of three responses to false alarms, and then afterwards each instance would receive a fine of \$250. Commissioner Akins clarified to Mr. Adams that he believed that Commissioner Tench is wanting to know what the cost is to the County when resources and personnel are directed to the false alarms? Mr. Adams informed him in the least it would be \$100 as it involves the expenses of 1 fire truck and 2 personnel. While Mr. Adams understands that this may happen occasionally, in the instance of Apple Mountain Resort where they had to send personnel and equipment out 60 times for false alarms, it becomes very costly and ties up emergency services resources from being able to respond to actual emergencies. Commissioner Woodall wanted to clarify to everyone that the purpose of this ordinance is to get property owners to address the issues with their alarm systems. Commissioner Harkness asked how many times emergency services has had false alarm responses to Apple Mount Resort this year? Mr. Adams informed him that the property owner has been working with the alarm company, and that though the issue has somewhat improved, they have responded more than five times already this year to false alarms as well. Commissioner Harkness asked if the property owner has been put on notice? Mr. Adams stated that this has not occurred yet, as one of the topics of discussion last month was what kind of grace period the Commission wishes to give people? Discussion was had amongst the Commission regarding the fee structure and grace period for any fines. It was decided that after the initial 30-day notice or the first three violations, whichever occurs first, additional alarm responses to a protected premises in any consecutive 12-month period are deemed to be excessive and the number and shall be subject to fines as follows:

- Occurrence 1-5 - \$250 fine per occurrence
- Occurrence 6-10- \$500 fine per occurrence
- Occurrence 11+ - \$1,000 fine per occurrence

Commissioner Harkness requested that Emergency Services have copies of the ordinance available to give to the property owners when they first respond to these false alarms to make them aware of the ordinance. Commissioner Harkness asked who would be keeping track of these responses and Mr. Adams informed him that his Department would be monitoring them.

Motion by Commissioner Akins, seconded by Commissioner Woodall, and voted unanimously (5-0) to approve the amendment as presented to Chapter 30 ("Fire Prevention and Protection") of the Habersham County Code of Ordinances to Provide for a New Article III ("Fire Alarms") with the included change of after the initial 30 day notice or the first three violations, whichever occurs first, additional alarm responses to a protected premises in any consecutive 12-month period will result in a \$250 per occurrence fine for occurrences 1-5, a \$5000 per occurrence fine for occurrences 6-10, and a \$1,000 per occurrence 11+.

PUBLIC COMMENTS:

~~a. Alice Venter: Animal Control Services~~ Ms. Venter was able to be present for public comment.

- b. Mr. Bruce Palmer addressed the Commission. While he realizes that many of the Commissioners are busy and have other commitments, he wants to challenge them to take a more active role in economic development. He feels that the inland port coming to neighboring Hall County will provide a huge opportunity to promote industrial and commercial growth in Habersham County, however if the Commission sits around and waits on it the opportunity will pass them by. He encouraged them to attend the luncheons that are held by the Georgia Economic Developers Association, informing them that it is a great opportunity to network with other elected officials, local builders and economic developers to bring their attention to Habersham County. He feels that attracting industrial and commercial development requires more than just the effort of the Development Authority and Partnership Habersham.

CONSENT AGENDA:

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

- a. Consider/Approve December 03, 2024 Executive Session Meeting Minutes
- b. Consider/Approve December 16, 2024 Executive Session Meeting Minutes
- c. Consider/Approve January 27, 2025 Regular Meeting Minutes
- d. Consider/Approve Intergovernmental Agreement with City of Baldwin for Use of Their Training Facility for Fire Services
- e. Consider/Approve Memorandum of Agreement with North Georgia Technical College for Habersham County Emergency Services to Provide Clinical Opportunities for Students
- f. Consider/Approve Memorandum of Agreement with North Georgia Nursing Academy for Habersham County Emergency Services to Provide Clinical Opportunities for Students
- g. Consider/Approve FY24-25 Contract Addendum #1 with Legacy Link for Senior Center Nutrition, Wellness and Transportation Programs
- h. Consider/Approve FY 2025 Grant Agreement for DHS Coordinated Transportation Services
- i. Consider/Approve Renewal of Contracted Instructor Agreement with Joshua Yu for Karate Classes
- j. Consider/Approve Agreement with Julie Fraser for Display of Historic Aviation Memorabilia for Public Viewing at Habersham County Airport
- k. Consider/Approve Ratifying Memorandum of Agreement with PACGA for FY 2025 Victims of Crime Act (VOCA) Assistance Grant Program Funding for the Mountain Judicial Circuit District Attorney's Office and Designation of Signing Authority

REPORTS:

- a. County Manager's Report: Tim Sims, Interim County Manager
- b. Departmental Report: Bill Harden, Airport Manager

APPOINTMENTS:

DANGEROUS DOG COMMITTEE

2-Year Term Ending 06/30/2026

1. Jackie Hamby (Humane Society Representative) At-Large Appointment.

Motion by Commissioner Tench, seconded by Commissioner Meador, and voted unanimously (5-0) to appoint Habersham Humane Society President Claudia Jessup as the Humane Society's representative to the Dangerous Dog Committee.

AIRPORT COMMISSION

3-Year Terms To Expire 02/01/2028

1. Andy Anderson (Term Expiration 02/01/2025) Commissioner Harkness' Appointment

Motion by Commissioner Harkness, seconded by Commissioner Akins, and voted unanimously (5-0) to reappoint Andy Anderson to the Airport Commission for another 3-year term expiring 02/01/2028.

2. D. Higgins (Term Expiration 02/01/2025) Commissioner Woodall's Appointment

Motion by Commissioner Woodall, seconded by Commissioner Harkness, and voted unanimously (5-0) to reappoint D. Higgins to the Airport Commission for another 3-year term expiring 02/01/2028.

OLD BUSINESS:

- a. Consider/Approve Proposal for Fire Consolidation Study

Emergency Services Director Jeff Adams addressed the Commission. This item had been discussed previously at the January 27th Board of Commissioners meeting but was tabled. Mr. Adams asked the Commission if they have any questions that he could answer to aid in their decision. Commissioner Meador stated that back when he first joined the Commission, they had approached Demorest about consolidating their fire department and he felt like this fell through due to a lack of communication on the part of the county. Commissioner Harkness informed Commissioner Meador that he was on the Demorest City Council at that time, and that part of the issue was that the Demorest citizens were not agreeable to being told they would have to adopt a special tax district for this purpose. Commissioner Harkness stated that he knows of five municipalities that are interested in joining the study. Commissioner Akins clarified that these cities are interested in the ISO evaluation. Mr. Adams informed the Commission that the municipalities would not be getting an ISO evaluation, that the scope of the contract as it pertains to the municipalities is to evaluate the impact of their consolidation into the county fire services only.

Commissioner Tench stated that Habersham County just spent \$1.3 million on a new ladder truck. He doesn't feel that he can justify Habersham County paying the \$55,000 for the study by themselves and he won't vote for it. Mr. Adams informed Commissioner Tench that he had talked to Interim County Manager Sims and that this money would come from the county's contingency fund. Mr. Sims informed

Commissioner Tench that the consultant has said that they can divide the payments up into monthly increments and that the contract can be cancelled at anytime with 30 days' notice.

Commissioner Harkness asked if information would be made available to the County as it is gathered over the course of the study or if they would have to wait until the end of the study? Mr. Adams informed him that he believes the information would be made available along the duration of the study, and that they have been asked by a municipality to be first in line for the study due to issues that they are having which have caused an urgent need.

Commissioner Akins informed everyone that if a city consolidates that they would indeed have to look at a special taxing district. Commissioner Harkness stated that he didn't realize this was necessary. Mr. Sims informed him that if all of the cities decided to consolidate that it wouldn't be necessary, because it would be a countywide service similar to how EMS operates. However, if they are only consolidating some cities then they would have to have two separate taxing districts, one for cities that are continuing to provide their own fire services and one for unincorporated county and the cities that merge and are thus going to be having fire services provided to them by the county.

Motion by Commissioner Harkness, seconded by Commissioner Woodall, to approve the contract with Southeastern Fire Consulting Company, LLC to conduct the feasibility study and evaluation of the Fire Service Delivery and Fire Protection Classifications of unincorporated Habersham County and the municipalities which have agreed by resolution to participate. Motion carries 3-2 to approve with Commissioner Tench and Commissioner Akin dissenting.

NEW BUSINESS:

- a. Consider/Approve Resolution Adopting A Goal to Work Towards Zero Traffic-Related Deaths and Serious Injuries in Habersham County by 2040

Public Works Director Jerry Baggett addressed the Commission. This item had been discussed during the work session, where Commissioner Woodall had voiced concerns regarding the wording of the resolution. He felt that establishing a goal of a 50% reduction in traffic related deaths and serious injuries by the year 2023 does not take into account population growth which naturally leads to an increase of accidents by itself. He also felt that it should be specified that this goal is being established for County owned and maintained roads, as the County has no control over the state roads. Mr. Baggett informed the Commission that he would work with County Attorney Hunt to make the requested changes to the resolution to be brought back before the Commission at the March 17th meeting.

Motion by Commissioner Woodall, seconded by Commissioner Mealor, and voted unanimously (5-0) to table this item until the March 17, 2025 Board of Commissioner meeting to allow for the requested amendments to be made to the resolution.

- b. Consider/Approve Updates to the Parks and Recreation Department Scholarship Policy

Parks and Recreation Director Brooke Whitmire addressed the Commission. The Parks and Recreation Advisory Board has been reviewing a lot of the policies and forms that haven't been updated in a while. They noticed that the income requirements in the current policy for the parks and recreation department scholarship did not tie back to any state or federal income guidelines. They have updated the policy to have a matrix that references the federal poverty guidelines. This is a living document that will be updated annually to reflect changes as the federal poverty guidelines change. Ms. Whitmire wanted the Commission to know that the entirety of the scholarship funds are composed of donations from community members and businesses expressly for this purpose. No tax funds from the general budget are used. Ms. Whitmire went on to inform them that in 2024 this scholarship fund assisted with \$2,275 worth of participation fees for youth

sports participation. Commissioner Harkness asked if anyone ever receives a full scholarship? Ms. Whitmire informed him that, while the scholarship only funds up to 75% of the costs, they do have other community contacts that are able to help with the additional portion of the fees that are not covered by the scholarship. Two of these community groups that provide a lot of support are the Easton Foundation and Aspiring Sporting Chance. Commissioner Akins stated that at some point he would like to have the opportunity for the County to recognize these groups that provide this assistance to the youth sports programs.

Motion by Commissioner Mealor, seconded by Commissioner Akins, and voted unanimously (5-0) to approve the updated Scholarship Policy for Habersham County Parks and Recreation.

c. Consider/Approve Asset Purchase Agreement for Gymnastics Program

Recreation Advisory Board representative Peggy Fortson addressed the Commission. She reminded the Commission that at their December 16, 2024 meeting they approved the negotiation of an asset purchase of all gymnastics equipment and the sublease of the gymnastics facility. A committee was formed to oversee the negotiations that consisted of Ms. Fortson as the Recreation Advisory Board representative, Interim County Manager Tim Sims, Parks and Recreation Director Brooke Whitmire, and Gymnastics Supervisor Lenay Gerrin. Before this committee even had an opportunity to meet, Winter Storm Cora's winds caused damage to the facilities roof which lead to water damage in the equipment. They met to discuss how best to proceed before meeting with Ms. Neva Daniels. The resulting negotiated terms are as follows:

- 1) The buyer will purchase the remaining viable gymnastics equipment that was left undamaged from the storm for \$50,000.
- 2) The buyer will invest an initial \$30,000 in immediate repairs and renovations.
- 3) The county will be receiving approximately \$70,000 from insurance reimbursements for the damaged equipment.
- 4) They buyer agrees to take over the operations of the gymnastics program, keeping the fee structure/pricing the same for at least one calendar year and guaranteeing participation for all who have pre-paid fees for gymnastics competitions.
- 5) The buyer will be taking over the remaining lease held by the county (through subleasing) through June of 2026.
- 6) Habersham County will allow the buyer to be present during the disposal of the damaged equipment so she can salvage whatever she is able.
- 7) Habersham County will allow the buyer access to the facility prior to closing once the asset purchase agreement has been executed so that she can begin the cleaning and restoration needed to move into the facility.
- 8) Habersham County agrees to pay Reign Elite \$500/month effective February 1, 2025 for the use of Reign's facilities by the Habersham County Gymnastics team while their own facility remains untenable.

Attorney Hunt stated that two separate votes are actually needed for this agenda item, one for the asset purchase agreement and one for the sublease agreement. He wanted to let the Commission know that Ms. Daniels will also be signing a personal guaranty agreement for the sublease.

Motion by Akins, seconded by Commissioner Harkness, to approve the sale agreement for the remaining viable gymnastics equipment for \$50,000 and limit the \$500/month payment to Reign for the use of their facilities to a term ending June 30, 2025. Motion carries 4-1 with Commissioner Tench dissenting.

Motion by Commissioner Woodall, seconded by Commissioner Akins, to approve the sublease to Reign effective immediately subject to all stipulations and her signing a personal guaranty agreement. Motion carries 4-1 with Commissioner Tench dissenting.

ADDITIONAL COMMENTS

Commissioner Woodall had no additional comments.

Commissioner Meador had no additional comments.

Commissioner Tench had no additional comments.

Commissioner Harkness thanked everyone for attending and thanked the employees for all they do for Habersham County and its citizens.

Commissioner Akins wanted to make the Commission aware that the conditional use for a German Shepherd breeding facility that they approved back on July 15th last year has already ended up becoming an issue. The individual who had asked for this conditional use had given them a great proposal, but they had not done anything that they said they were going to do. Commissioner Harkness stated that it was his understanding that if she didn't meet the conditions that the Commissioners had set, they would revoke her conditional use. Commissioner Akins informed him that unfortunately, this individual was supposed to have built a kennel, however they did not even make it to the twelve-month mark and had more dogs than what they had allowed which led to multiple nuisance complaints. Mr. Sims informed the Commission that the revocation of this conditional use is going to be coming before them at the March Commission meeting. Attorney Hunt informed Commissioner Harkness that the Department of Agriculture revoked this individual's state license, so they are effectively shut down at this time. Mr. Sims stated that it was the state's inspection that caught this. Commissioner Akins informed everyone that the conditions the dogs were kept in were deplorable and they were living in filth, and now they county is having to pay to board them. Mr. Sims informed the Commission that Animal Control Director Madi Nix is attempting to get remediation for the fees that are being incurred.

EXECUTIVE SESSION: Litigation, pursuant to O.C.G.A. §50-14-2; 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 into executive session for the purpose of discussing Litigation, pursuant to O.C.G.A. § 50-14-2; 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 Akins- aye
Commissioner Woodall- aye
Commissioner Harkness- aye
Commissioner Meador- aye
Commissioner Tench-aye

Motion carries unanimously (5-0) to enter executive session at 7:48 p.m.

Motion by Commissioner Woodall, seconded by Commissioner Harkness, and voted unanimously (5-0) to leave executive session at 9:03 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 Tench, seconded by Commissioner Mealor, and voted unanimously (5-0) to adopt the representation authorizing such affidavit as per the Attorney's recommendations

ITEMS FROM EXECUTIVE SESSION:

- a. Consider/Approve Accepting County Attorney Donald (Donnie) T. Hunt's Resignation

Commissioner Tench read aloud a letter from County Attorney Donald (Donnie) T. Hunt informing the Commission of both he and his firm to resign effective June 30, 2025. Mr. Hunt is submitting his resignation in advance to allow for sufficient time to issue, evaluate and interview responses and respondents to a Request for Proposal (RFP). He and his firm will continue to work for and represent Habersham County on an hourly basis only and at their current rate without a monthly retainer through June 30, 2025 to allow for a smooth transition to a new County Attorney, and they intend to try to have all pending litigation and financing projects completed prior to June 30th. Should the County need their assistance after that point they can and will accommodate the request. Mr. Hunt stated that it has been an honor to serve the citizens of Habersham County by representing the Habersham County government since he, Ralph Taylor, and the staff and attorneys at Hunt & Taylor Law Groups were appointed back in 2012. He thanked the Commission for teaming with them for more than a decade.

Motion by Commissioner Mealor, seconded by Commissioner Tench and voted unanimously (5-0) to accept Attorney Hunt's resignation.

Commissioner Akins thanked Attorney Hunt, informing him that it has been a pleasure working with him and that he appreciates him staying on the extra few months to help the County out. He hopes Attorney Hunt enjoys his time with his grandkids. Attorney Hunt joked that his wife already has already made plans for him.

Commissioner Harkness stated that he wanted to echo Commissioner Akins sentiments. He realizes as a fellow Attorney that people often have varying opinions (good and bad) about lawyers, but that Attorney Hunt has done a great job and worked hard for the citizens. He expressed his appreciation for this.

Commissioner Mealor stated that as a Baldwin Council member, Attorney Hunt frustrated him at times, but as a County Commissioner he appreciates not only everything he has done to serve the County. Anytime they have had any questions he was quick to assist them. Attorney Hunt stated that when he first interviewed for the position, one of the first things that then Commissioner Lee Mulkey had asked was if Attorney Hunt felt that he could give opinions in a meeting? The attorney at that time had never been willing to give an opinion during the meeting, leaving the Commission waiting until the next month before they could take action on an item with legal issues. He has strived to always try to give an opinion in the meeting if possible when it is needed.

- b. Consider/Approve Agreement for Purchase and Sale of Real Property for the Former Habersham County Courthouse and Administrative Building located at 555 Monroe Street, Clarkesville, Ga 30523

Motion by Commissioner Akins, seconded by Commissioner Mealor, to approve accepting the contract with the City of Clarkesville for the sale of the Old Courthouse. Motion carries (4-1) with Commissioner Tench dissenting.

- c. Consider/Approve Award of RFP 2024-10 for the Abatement, Building Demolition, Haulage of Waste to Proper Landfill(s) and Site Stabilization of the Old Courthouse Building

Motion by Commissioner Mealor, seconded by Commissioner Woodall, to approve the award of RFP 2024-10 Abatement, Building Demolition, Haulage of Waste to Proper Landfill(s) and Site Stabilization of the Old Habersham County Courthouse Building to Southern Environmental Service of Atlanta, GA in the amount of \$190,000.00. Motion carries (4-1) with Commissioner Tench dissenting.

ADJOURN

Motion by Commissioner Akins, seconded by Commissioner Mealor, and voted unanimously (5-0) to adjourn the meeting at 9:10 p.m.

Respectfully Submitted,

By: _____
Jimmy Tench, Commission Chairman

Attest: _____
Brandalin Carnes, County Clerk